

**MARLBORO TOWNSHIP PLANNING BOARD
RESOLUTION NO. PB 1203-20**

IN THE MATTER OF 156 BOUNDARY ROAD, LLC FOR (SRS ENTERPRISES, INC.) FOR PRELIMINARY & FINAL MAJOR SITE PLAN APPROVAL TO CONSTRUCT A TWO-STORY WAREHOUSE MANUFACTURING FACILITY	FINDINGS OF FACT AND CONCLUSIONS OF LAW Block 214, Lot 50 Marlboro Township, Monmouth County Zone: LI (Light Industrial) Application No. PB 1203-20 Approval Date: September 16, 2020
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BE IT RESOLVED, by the Marlboro Township Planning Board (“Board”) that the action taken on September 16, 2020, on the above referenced matter, is hereby memorialized by the adoption of this written resolution setting forth the Board’s Findings and Conclusions.

RELIEF SOUGHT AND JURISDICTION

1. Project Description

The subject 10 acre property is within an LI Zone District and contains 781 feet of frontage along the west side of Boundary Road approximately 1,523 feet north of the Vanderburg Road intersection. Currently, the property contains various concrete pads, including overgrown apparent tennis courts, within a fenced clearing and having perimeter wooded areas. A portion of Big Brook and tributary border the site along the northern and southerly property lines and the site is encumbered by wetlands and a 300 foot riparian buffer associated with same. The centerline of Boundary Road serves as the municipal boundary with Colts Neck Township.

The Applicant proposes to construct a 2-story 39,151 total square feet warehouse/manufacturing (7,148 s.f. manufacturing/19,445 s.f. warehouse) and office (12,558 s.f.) building within Phase 1 and a 1-story future building addition of 26,172 s.f. consisting of 6,543 s.f. of manufacturing space and 19,629 s.f. of warehouse area within Phase 2. Access is proposed by 2 full-movement drives along the Boundary Road site frontage with parking for 80 vehicles along the front and north sides of the building with 5 loading spaces also along the north side. The building is to be serviced by an onsite septic disposal system and municipal water via extension of approximately 2,300 feet along Vanderburg Road and Boundary Road while stormwater management is proposed by a surface area basin discharging to the rear of the property and an underground basin discharging to an existing drainage system along Boundary Road. Landscape and lighting improvements, a refuse enclosure, monument type site identification sign and a building mounted sign are also proposed. An area of right-of-way dedication to the Township along Boundary Road would reduce the property to 9.3 acres.

The Applicant indicates a Phase 3 component of the project to convert 6,595 s.f. of first floor building area building area to office space use and to provide an additional 20 parking spaces, apparently proposed to be banked for future use, south of the parking along the front of the

building.

2. Surrounding Uses

Property south and southwest of the subject site are zoned MZ containing the Marlboro Sports Complex while property north of the site are zoned A/LC containing residential parcels and Big Brook Park. Properties west of the site are zoned SCPR containing residential parcels with an open space area adjoining the subject site. Properties opposite Boundary Road are located within Colts Neck Township containing residential parcels and vacant/wooded parcels.

3. Zoning Compliance

The subject property is situated within an LI Zone District. The table below summarizes the Zone requirements and Bulk measures for the property:

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	3 acres	9.3 acres (after dedication)
Minimum Lot Frontage	300 ft.	792 ft.
Minimum Lot Width	300 ft.	777 ft. ±
Minimum Lot Depth	300 ft.	>300 ft.
Minimum Front Setback	80 ft.	95 ft. (Phase 1/Phase 2)
Minimum Side Setback	70 ft.	249 ft. (Phase 1)/ 70 ft. (Phase 2)
Minimum Rear Setback	80 ft.	250 ft.
Minimum Side Setback (Accessory)	50 ft.	N/A
Minimum Rear Setback (Accessory)	60 ft.	N/A
Maximum Building Height (Principal/Accessory)	50/30 ft.	40 ft. ±
Maximum Lot Coverage Buildings & Structures	35%	7.3% (Phase 1) 13.7% (Phase 2)
Maximum Percentage Impervious Lot Coverage	60%	19.4% + (Phase 1) 27.4% ± (Phase 3 banked parking)
Floor Area Ratio (F.A.R.)	0.35	0.10 (Phase 1) 0.16 (total)

Variances necessary for this application:

- a) **Section 220-35D(24)(e)** – The maximum grading for lawns within 5 ft. of a building shall be 10% and for lawns more than 5 ft. of a building 25% (4:1); 3:1 grade is proposed, along the roadway frontage and the northerly access drive.
- b) **Section 220-90E(1)** – Front yards may be used for parking provided that no such parking shall be closer than 80 ft. to the street line; parking is proposed with a 20 ft. setback from the dedicated right-of-way line.
- c) **Section 220-97B** – Parking spaces shall measure not less than 10 ft. by 20 ft.; 9 ft. by 20 ft. spaces are proposed along the front of the building.
- d) **Section 220-97E(4)** – All parking areas parking areas for 20 or more vehicles shall contain grassed or landscaped island areas of at least 6 ft. in width separating rows of parking spaces in accordance with the provisions of § 220-169H. Such island area shall be spread throughout the parking area in accordance with a site plan approved by the Planning Board and shall occupy a minimum of 10% of the area formed by the outer perimeter of the paved parking area. The island areas shall contain a minimum of one shade tree for each 10 parking spaces in the parking area and shall be landscaped in accordance with a landscaping plan approved by the Planning Board; no interior parking island areas are proposed.

The Applicant has requested the following design waivers with this application:

- e) **Section 337-23A(2)** – Landscaping shall include foundation plantings around the building; no foundation plantings are proposed along the south and west sides of the building.
- f) **Section 337-23A(4)** – One (1) shade tree or ornamental tree shall be planted for every five (5) parking spaces whereby 16 trees would be required; ten (10) trees are proposed within the parking areas.

THE APPLICANT

- 4. The Applicant is 156 Boundary Road, LLC (SRS Enterprises, Inc.), located at 14 Leonardville Road, Middletown, New Jersey, 07748. The location of the proposed development is 156 Boundary Road, Marlboro.
- 5. The Applicant has certified that all property taxes for the subject property and all escrow fees required under the applicable ordinance(s) for such an application have been paid. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.
- 6. The Applicant has submitted an affidavit of proof of service of Notice published in the Asbury Park Press. The proof of service comports with the notice before the board that this matter is of a character that the applicant has presented to the Board.

THE HEARING

7. Notice of this Virtual meeting was published and placed on the Township website, pursuant to the requirements of the Open Public Meetings Act (OPMA), and in accordance with the guidelines issued by the State of New Jersey Department of Community Affairs. Notice was also published and personally mailed to owners of property within 200 ft. of the lots associated with this application, pursuant to the requirements of the Municipal Land Use law. Both Notices contain very detailed instructions explaining the procedure for residents and any other interested parties to access and participate in the Virtual meeting. This includes how to cross-examine witnesses as well as present testimony and exhibits. The two Notices further provided detailed instructions which explained how all documents associated with the application, could be access on the Township website.
8. On September 16, 2020, a Virtual public hearing was held through the Webex application provided by Marlboro Township from the Marlboro Township Municipal building, located at 1979 Township Drive, Marlboro, New Jersey 07744-2299. The Webex application allowed all Board Members, professionals, Applicant and the public to participate by their computers through the Webex application. The public was also given the ability to register with the Township and participate through the Webex application.

DOCUMENTS/PLANS PRESENTED

9. The following documents were presented to the Board:
 - Preliminary and Final Major Site Plan (13 sheets) prepared by Redcom Design and Construction, LLC, dated November 19, 2019, last revised July 10, 2020.
 - Truck Turning Plan (1 sheet) prepared by Redcom Design and Construction, LLC, dated November 19, 2019, last revised July 10, 2020.
 - Architect Plans (4 sheets) prepared by Redcom Design and Construction, LLC, dated October 30, 2019, last revised July 20, 2020.
 - NJDEP Flood Hazard Verification Plan (1 sheet) prepared by Redcom Design and Construction, LLC, dated June 1, 2020, unrevised.
 - NJDEP Existing Conditions (1 sheet) prepared by Redcom Design and Construction, LLC, dated June 1, 2020, unrevised.
 - NJDEP Individual Permit & Wetland Area Plan (1 sheet) prepared by Redcom Design and Construction, LLC, dated June 1, 2020, unrevised.
 - Legal Notification – FHA Individual Permit and Verification Application NJAC 7:13 prepared by Eastern States Environmental Associates Inc., dated June 22, 2020.
 - Phase I Environmental Site Assessment Report, prepared by Atlantic Environmental Solutions, Inc., dated March 2019.

EXHIBITS

10. The following Exhibits were presented to the Board:

- A - 1 Planning Board Application, dated September 16, 2020.
- A - 2 Affidavit of Completeness, dated September 16, 2020.
- A - 3 Submission Documents, dated September 16, 2020.
- A - 4 Plat Requirements, dated September 16, 2020.
- A - 5 Consent of Owner to Application, dated September 16, 2020.
- A - 6 Planning Board Consent, dated September 16, 2020.
- A - 7 Variance application, dated September 16, 2020.
- A - 8 Disclosure Statement, dated September 16, 2020.
- A - 9 Tax Collectors Certification, dated September 16, 2020.
- A - 10 Indemnification And Hold Harmless Agreement, dated September 16, 2020.
- A - 11 Traffic & Safety Review, dated April 15, 2020
- A - 12 Fire Bureau Review, dated April 27, 2020.
- A-13 Monmouth County Planning Board review, dated March 23, 2020.
- A-14 Technical Engineering Review #1, dated April 9, 2020.
- A-15 Freehold Soil Conservation District Initial application Review, dated March 27, 2020.
- A-16 Engineering and Planning Review # 1, dated April 9, 2020.
- A-17 W-9.
- A-18 Preliminary & Final Major Site Plan (12 pages) & page S-1 dated, November 19, 2019.
- A-19 Preliminary & Final Major Site Plan, Cover Sheet (1 page).
- A-20 First Floor, and 2nd Floor Plan, dated October 30, 2019.

- A-21 Exterior Elevations, dated 12-3-19 Bowman Consulting.
- A-22 Layout & Dimension Plan, dated October 30, 2019.
- A-23 Boundary & Topographic Survey, dated July 16, 2019.
- A-24 Engineering & Planning Review #2, dated June 12, 2020.
- A-25 Letter from Eastern States Environmental Associates, dated September 16, 2020.
- A-26 NJDEP Existing Conditions, dated June 1, 2020.
- A-27 NJDEP Flood Hazard Verification Plan, dated June 1, 2020.
- A-28 NJDEP Individual Permit Wetlands Area Plans.
- A-29 Response to CME Report, dated July 22, 2020.
- A-30 Preliminary & Final Site Plan, dated November 19, 2019 (Pages 1 - 12).
- A-31 Preliminary & Final Site Plan, dated November 19, 2019 (Pages SK-6A-6B).
- A-32 Preliminary & Final Site Plan, dated November 19, 2019 (Pages SK-C&D, S-1-S-4).
- A-33 Engineering & Planning Review #3, dated July 23, 2020.
- A-34 Aerial Exhibit, dated November 19, 2019.
- A-35 SRS Render View A.
- A-36 SRS Render View B.
- A-37 SRS Render View C.
- A-38 Site Color Exhibit, dated November 19, 2019.
- A-39 Extension of Time, dated August 5, 2020.

TOWNSHIP REPORTS/MEMORANDUM

11. The following professional reports were presented to the Board:
- a) CME Reports by Laura J. Neumann, P.E. P.P., dated June 12, 2020, revised July 29, 2020.
 - b) Fire Official reports, by Chris Weltner, dated April 27, 2020.

- c) Traffic & Safety Review by the Marlboro Police Department, dated April 15, 2020.

TESTIMONY AND PUBLIC INPUT

12. At the hearing on September 16, 2020, the Applicant was represented by Sal Alfieri, Esq. Cleary|Giacobbe|Alfieri|Jacobs LLC, who presented three (3) witnesses: Greg Reddington, PE, Applicant's Site Engineer; James Higgins, PP and Allison Coffin, PP, Applicant's Planners; and Robert Senia, the Applicant & Owner of SRS Enterprises and 156 Boundary Road, LLC.
- a. Mr. Alfieri, Applicant's attorney, explained to the Board that they are seeking Preliminary and Final Major Site Plan approval to include construction of a two-story, 29,998 s.f. building for Manufacturing Warehouse use in Phase I and a future 33,133 s.f. building addition in Phase II; all located at 156 Boundary Road, Block 214, Lot 50 in the L-1 Zone.
 - b. Mr. Alfieri stated to the Board that he had spoken with Colts Neck Township with regard to some concerns and those issues have been addressed with regard to buffering and environmental issues.
 - c. Robert Senia, the Applicant and Owner of SRS Enterprises and 156 Boundary Road, LLC, testified to the Board that the company designs A/C units and has 35 employees at present. The hours of operation are 8:00 a.m. to 6:00 p.m., Monday through Friday. The company manufactures small pieces of equipment. There is no activity performed outside of the building. Traffic on the facility is mostly employees with the exception of a tractor trailer possibly once a week. No work on any vehicles or fueling station will be done on the premises. All metal shavings get recycled, and tanks used for welding are kept in locked cages.
 - d. Mr. Redington, Applicant's Site Engineer, testified to the Board that the site is a 10-acre lot and there is a 300 ft., as required, buffer for the brook. Phase I will include a two-story building. There will be 80 parking spaces, 4 loading docks with ample room for a truck to turn around safely. There is an above ground drainage system for the building and underground basin. Mr. Redington confirmed that they have addressed all concerns with Colts Neck Township and all items within the Engineer's report.
 - e. Allison Coffin, Applicant's Planner, testified that the site is presently vacant, heavily wooded and within a Mixed-Use area. The Use is permitted in the Zone. She testified that this has no detrimental impact on the community and the positive criteria, is that it is in-line with the Master Plan, and will advance objectives and goals of the Master Plan.
13. The following Township staff/professionals gave advice to the Board:
- a. Michael W. Herbert, Esq., Planning Board Attorney

b. Laura J. Neumann, PE, PP, Planning Board Engineer and Planner

14. Members of the public who spoke in regard to this application:

- None.

BOARD CONCLUSIONS

15. Board Findings with regard to Amended Minor Site Plan Approval:

- I. The Board found in favor of granting the application for Preliminary and Final Major Site Plan Approval along with necessary variances and requested waivers.
- II. The Board found that there is no negative impact upon the public's health, safety and welfare or upon the neighborhood's wellbeing or overall Township Master Plan.

CONDITIONS OF APPROVAL

16. The Board finds that in order to address concerns expressed in the course of the hearings, and to limit the relief to that which is reasonably necessary to satisfy the Applicant's legitimate requirements, the relief granted is subject to the following conditions:

- a. Applicant shall comply with all requirements and testimony placed upon the record at the hearing for Resolution of Approval.
- b. Applicant shall comply with all requirements of the CME Reports by Laura J. Neumann, PE PP, dated June 12, 2020 and July 29, 2020; as well as the Fire Official Report.

17. This application may be subject to the following agency approvals:

- a. Monmouth County Planning Board
- b. Freehold Soil Conservation District
- c. NJDEP – Letter of Interpretation (LOI)
- d. Marlboro Township Environmental Commission
- e. Marlboro Township Fire Department
- f. Marlboro Township Police Department

- g. Marlboro Township Water Department
- h. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

CONCLUSION

Based upon the foregoing, the Marlboro Township Planning Board, at its **September 16, 2020** meeting, voted to approve the application for Preliminary and Final Major Site Plan Approval along with necessary variances and requested waivers.

This Resolution of Memorialization was adopted **November 18, 2020** by a vote of the majority of the members present, who voted to approve the relief sought by the Applicant.

The date of decision shall be **September 16, 2020** except that the date of the adoption of this memorializing resolution is the date of decision for the purpose of (1) mailing a copy of the decision to the Applicant within ten (10) days of the date of this decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

ROLL CALL VOTE ON MOTION FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO CONSTRUCT A TWO-STORY WAREHOUSE MANUFACTURING FACILITY SEPTEMBER 16, 2020

Moved By: Dr. Michael Adler

Seconded By: Mr. Pargament

Those In Favor: Mr. Betoff, Mr. Gupta, Mr. Slotopolsky, Mr. Gagliano,
Ms. Franco, Chairman Mark Barenburg, Mr. Kessler,
Mr. Pargament, Dr. Michael Adler

Against It:

Those Absent: Councilwoman Mazzola, Mayor Hornik and Mr. Kansky

Present But
Ineligible to Vote:

**ROLL CALL VOTE ON MOTION TO APPROVE
RESOLUTION OF MEMORIALIZATION
NOVEMBER 18, 2020**

Moved By: Mr. Betoff

Seconded By: Mr. Pargament

Those in Favor: Mr. Betoff, Mr. Gupta, Mr. Slotopolsky, Mr. Gagliano,
Ms. Franco, Chairman Mark Barenburg, Mr. Kessler, and
Mr. Pargament,

Those Opposed:

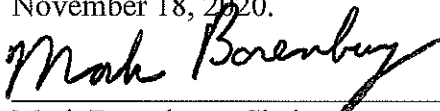
Those Absent: Dr. Adler, Councilwoman Mazzola

Present But

Ineligible to Vote: Mayor Hornik and Mr. Kansky

CERTIFICATION

I do hereby certify that the foregoing resolution was adopted by the Marlboro Township Planning Board at its regular meeting held on September 16, 2020. The Resolution memorializes the formal action taken by the board at this regular meeting held on November 18, 2020.



Mark Barenburg, Chairman
Marlboro Township Planning Board