

ORDINANCE #2024-004

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 ("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP OF MARLBORO DEFINING FLEX SPACE AND WAREHOUSES, CLARIFYING PROVISIONS FOR DECKS AND POOLS, ESTABLISHING CRITERIA FOR STANDBY GENERATORS, AIR CONDITIONING UNITS AND USE OF GARAGE SPACE

WHEREAS, in its annual review of the Master Plan, Planning and Zoning Board applications as well as zoning permits, license and permit fees, the Department of Community Development has made a number of recommendations for amendments and supplements to Chapter 220 of the Marlboro Township Code; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the Township Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings, and structures thereon.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 4 "Definitions and Word Usage" is hereby supplemented as follows:

§220-4 Definitions and Word Usage

E-COMMERCE

Also known as electronic commerce, e-commerce shall mean the buying and selling of goods and services through online consumer services on the internet.

FLEX USE

A building, or parts of a building, suitable for or capable of being changed to accommodate a variety of permitted uses including office, assembly, showroom, laboratory, light manufacturing, recreational and warehouse space and designed to be used on a short term or long term basis with no more than 20% of tenant space designated office and no more than 50% of the total tenant space designated non-warehouse/storage.

FULFILLMENT CENTER

A facility involved in the receipt of bulk products and the storage, separation, repurposing, breakup, assembly, and/or distribution of said products on an individual basis to individual end user consumers (not retail). This includes e-commerce activities.

WAREHOUSE

A facility involved in short- to long-term storage and distribution of bulk materials and products. Items are brought in and distributed in bulk with little to no material repackaging, repurposing or breakup. Warehousing shall not include fulfillment center(s), truck terminals, or fleet service facilities.

## FLEET SERVICE FACILITIES

A grouping of five (5) or more vehicles owned and managed by a single entity for use by public or private industries to maximize budget and efficiency within their industry.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 140 "Accessory buildings and structures" is hereby amended and supplemented as follows:

§220-140 Accessory buildings and structures.

There shall be included by reference in this section all language set forth in § 220-140A through G, inclusive, except that Subsection D will now present guidelines along with an appendix which outlines the maximum area allowed for an accessory structure by zoning designation. The following regulations shall apply to all accessory buildings and structures:

C. Distance between adjacent buildings or structures. The minimum distance between an accessory building or structure and any other building(s) on the same lot shall be 10 feet, except that no commercial poultry or brooder house shall be erected nearer than 400 feet to any dwelling on the same lot and no livestock shelter shall be erected nearer than 100 feet to any dwelling on the same lot or adjacent lot, and except that accessory buildings or structures other than poultry or brooder houses may be placed a minimum of 10 feet from underground structures, such as the water area of swimming pools, provided such accessory buildings or structures are a minimum of 10 feet from any aboveground principal or accessory building or structure, except under the following circumstances:

- (1) Portable hot tubs/spas shall be permitted less than 10 feet from any building or structure on the same lot.
- (2) Any deck providing direct access at the same elevation shall be permitted less than 10 feet from an above-ground or in-ground swimming pool.
- (3) Any deck providing direct access at the same elevation shall be permitted less than 10 feet from a dwelling.

D. Standby Generators. Standby generators are considered an accessory structure in all zone districts.

- (1) Standby generators shall be installed in accordance with the latest standards and requirements established within the Uniform Construction Code (UCC).

- (2) No generator shall be installed within a front yard area of any zone district. The generator may be no closer to the street than the existing principal structure on the property.
- (3) All standby generators shall be installed in accordance with the side and rear accessory setback requirements of the zone district the generator is to be located in. In no instance shall a standby generator be placed less than 10 feet from a side property line except as follows:
  - (a) Should the lot size of the property the generator is to be located on be 10,000 square feet or less, the standby generator may be placed no less than 5 feet from the side property line. The required rear accessory structure setback shall be satisfied. The standby generator shall be screened by plantings or fencing.
  - (b) Should the accessory structure setback for a side yard be the same as the required side setback for a principal structure in any residential district and the dwelling has been constructed at the required setback, the generator may be placed no less than 5 feet from the side property line. The generator shall meet required rear accessory structure setback standards. The standby generator shall be screened by plantings or fencing.
- (4) Standby generators shall be exempt from the provisions of "Chapter 241 Noise" only when operating during a power outage or during required testing intervals.

E. Air Conditioner Condenser Units.

- (1) On all residential properties within residential districts and residential properties within commercial districts, air conditioner condensers are not subject to accessory structure setbacks. Zoning permits are not required for the installation or placement of air condition condenser units however all necessary permits shall be obtained from the Construction Official's Office.
- (2) On all commercial and industrial properties air conditioning condenser units shall satisfy accessory structure setback requirements of the district where the equipment is to be placed. Zoning and Construction permits are required for the placement of new equipment.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 169 "Off Street Parking" is hereby amended and supplemented as follows:

§ 220-169 Off-street parking

A. Carports and garages. No carports are permitted in the Township. Unless otherwise permitted by this chapter, detached single-family dwellings located on lots equal to or greater than 20,000 square feet shall have a minimum two-car garage, attached to or detached from the principal building, a minimum area of 400 square feet and provide for a minimum twenty-foot-wide driveway connecting the garage to the adjacent street constructed in accordance with the requirements contained herein. Detached single-family dwellings located on lots less than 20,000 square feet shall have a minimum one-car garage, attached to or detached from the principal building, having a minimum area of 200 square feet and shall provide for a minimum ten-foot-wide driveway connecting the garage to the adjacent street constructed in accordance with the requirements contained herein. Under no circumstances shall any garage 400 square feet or less be converted to living space. Any garage 400 square feet or less lawfully converted to living space prior to 2005 shall be exempt from this requirement.

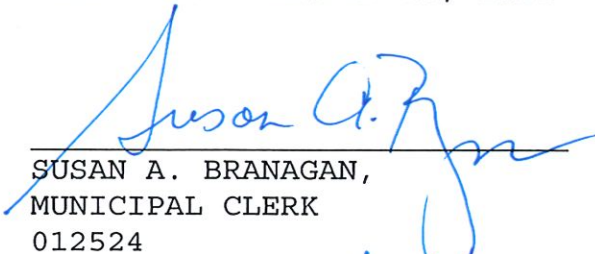
BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

INTRODUCED: JANUARY 25, 2024

ADOPTED: FEBRUARY 15, 2024

  
\_\_\_\_\_  
SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
012524

  
\_\_\_\_\_  
JONATHAN L. HORNİK,  
MAYOR

DATE SIGNED: 2/15/2024

DATE SIGNED: 2/15/2024

**TOWNSHIP OF MARLBORO**  
*Administration Department*

**MEMORANDUM**

**TO:** Jonathan L. Hornik, Mayor

**FROM:** Jonathan A. Capp, Business Administrator

**DATE:** January 8, 2024

**SUBJECT: 2024 MUNICIPAL BUDGET – LOCAL REVENUES**

---

As you know, during each budget cycle, the Township reviews its user fees and permits relative to the cost of providing services and the amounts being charged for comparable programs in other jurisdictions. This process ensures that the fee charged for a service covers the cost to provide that service, relative to what ‘the market will bear’, and that fee-based programs and services utilized by a few are on the whole not borne by the general taxpayer.

Please find attached departmental requests concerning local revenue proposals for 2024. A summary of the individual recommendations is provided below.

**Community Development**

Construction Code (Building)

This section providing for partial exemption from Uniform Construction Code fees for qualified religious, charitable and nonprofit organizations shall expire on December 31, 2024.

Planning and Zoning/Code Enforcement

Pursuant to P.L. 2021 Chapter 182, owners/landlords of rental properties/units constructed prior to 1978 are now required to provide a “Lead Safe Certificate” prior to the issuance of a certificate of occupancy. A new section of code is proposed for the inspection and certificate processing, as well as the fee to be collected and turned over to the State of New Jersey.

278-3            Certificates of continued occupancy. Lead inspection required.

Additionally, as indicated in the attached memo of January 2, 2024 from Laura Neumann, Township Engineer, several amendments, summarized below, are requested to clarify and supplement existing provisions of the land use code:

220-04            Definitions of Flex /Warehouse/E-Commerce/Fleet Service/Fulfillment  
Chapter 220 of the code employs certain terms (ex. “warehouse” and “flex”) which were not previously defined. In defining these terms, the proposal seeks to narrow the scope of permissible warehouse uses in the LI and IOR zones, as well as ensure that flex buildings properly account traffic impacts and provide for sufficient parking.

220-140          Decks/pools, standby generators and condenser units  
Requests for minor variances related to decks, generators and air conditioning units are routinely before the Zoning Board. This proposal will ease the burden on property owners while continuing to encourage the installation of generators and ensure appropriate set backs and screening for generators and air conditioning units.

220-169          Minimum lot areas/1 vs 2 car garages  
Clarify that 2-car garages are required for detached single family residential dwellings equal to or greater than 20,000 square feet, and 1-car garages for lots less than 20,000 square feet. Garages 400 square feet or less may not be converted to living space.

Note that there are no license or permit fee impacts associated with these requests.

## **Administration and Finance**

### Clerk/Parking

Metered and Annual Parking Permit Fee (Union Hill, Cambridge Square, Texas Road):  
The pandemic has resulted in fewer commuters and permit holders to absorb the costs of operating and maintaining the lots which amounted to approximately \$372,000 in 2021. It remains to be seen whether commuter parking registrations will ever rebound to pre-pandemic levels.

In 2021, in order to increase the number of registrants, the Township began accepting multiple permits per household, increased the cap at the Union Hill facility to allow for more Manalapan applicants, and opened up the Texas Road lot to non-residents. Still, revenues have not rebounded post-pandemic. Complicating matters, the costs of operating the lots have increased substantially.

The history of permits sold and total revenue collected is depicted below:

Year	Meters (in \$)	Lot (in \$)	Total Revenue	Lot Permits issued expiring 3/31/XX
2023*	17,875.00	209,229.75	<b>227,104.75</b>	962
2022	20,321.00	211,666.25	<b>220,285.25</b>	979
2021	7,859.00	217,873.50	<b>225,732.50</b>	1,006
2020	12,880.92	251,044.00	<b>263,924.92</b>	1,412
2019	40,746.00	297,837.80	<b>338,583.80</b>	1,613
2018	39,768.00	298,947.00	<b>338,715.00</b>	1,614

\* As of September 30, 2023

It is understood that maintaining commuter parking areas is central to economic development, and essential for many families who make the decision to locate in Marlboro. At this time, it is proposed that the Township increase the annual permit fee rates effective October 1, 2024 by approximately 2.9%, from \$237 to \$244 for residents (including Manalapan), \$275 to \$283 for non-residents.

It is also proposed that the Township maintain the \$275 non-resident annual permit fee rate and establish a separate fee category for residents of towns which have entered into a shared services arrangement with Marlboro for parking.

For daily parking, the Township plans to roll out a parking application in 2024 which will allow users to obtain a spot utilizing their phones. The cost of this service has been quoted between \$.35 and \$.50 per transaction. It is proposed that the daily parking fee be increased from \$5.00 to \$5.50 to offset the cost effective October 1, 2024. The existing parking kiosk will still be maintained and available.

Finance/Water

The Township Water Utility obtains approximately 70% of its potable water through a long term contract with the Middlesex Water Company (“MWC”). The cost of these water purchases over the 12 month period beginning October 1, 2022 and ending September 30, 2023 totaled approximately \$5.4 million.

As explained in a memo dated May 25, 2023 (attached), the MWC filed a petition to the New Jersey Board of Public Utilities (NJBPUB) for a 37% increase. The Township has formally intervened in the case in partnership with the Old Bridge Municipal Utilities Authority (OBMUA), a neighboring wholesale purchaser of water from MWC. Historically, the NJBPUB approves an increase every time Middlesex files on the long-held presumption that the MWC is entitled to a highly favorable rate of return on its

capital investment. While the Township is fighting MWC’s May 2023 rate application, an increase of some kind must be anticipated to take effect in the first quarter of 2024.

For budgeting purposes, the Township is anticipating a 20% increase in the cost of purchased water equivalent to approximately \$1.08 million. It is advisable to have a new rate in place as soon as possible in order to spread the increase over a full four quarters of billing. Postponing the increase to a later date would actually require a higher rate to cover the additional expense over a shorter period of time.

- Update § 4-88.1 “Water Service Rates and Fees (Schedule A)” in order to begin raising a very modest amount of additional revenue to offset an inevitable 2024 Middlesex Water Company (MWC) rate increase for purchased water. An increase in the basic user service charge of \$3.00 per quarter (from \$42.00 to \$45.00) effective April 1, 2024 is proposed, an increase of 1.9% for the average residential customer with usage of 27,000 gallons per quarter.
- Water Connection Fee: Following the procedure employed by the Marlboro Township Municipal Utilities Authority (MTMUA), and in accordance with NJSA 40:14B-21, the Township has performed its annual analysis and calculates the water connection fee for 2024 at \$6,500 per service unit (from \$6,260).

It is noted that the Marlboro Utility’s rates still remain below other public and private suppliers in the region.

Some additional minor amendments have been proposed, including separating out the meter installation cost from the meter cost, and establishing the replacement cost of remote meter equipment in the code.

#### Shade Tree/Community Garden

Clarify definition of a “bed” (40 square feet) and clean-up fee schedule – no net changes in fees to the users.



## **Police**

### Extra-Duty Police Officer Rates

These are the rates paid by outside entities requiring traffic control services of the Police Division. The rates were last updated in 2017, and the proposal was prepared following a survey of surrounding jurisdictions. The Township continues to retain 15% of the amount collected to cover SS/Medc and program administration.

### Precious Metals (Pawn Shops)

In 2015, the Township substantially updated Chapter 206 of the code entitled “Precious Metals and Secondhand Buyers.” The purpose of the ordinance was to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods. Under the program established by the Police, Pawn Shops applied for a license and were vetted annually. Once a license was issued, licensees were required to make entries in an on-line database designed with the purpose of assisting the Police in identifying criminals and returning stolen property to victims. The cost of the on-line database application was approximately \$3,000 per year, and with 6 “Pawn Shops” operating in Marlboro at the time, the fee was established at \$500 per license (\$3,000 divided by 6). Currently, there are only 2 of these establishments remaining in town, and the cost of the service has increased to approximately \$6,000 per year. As such, a recommendation has been made to increase the license fee to \$3,100 per year, and the renewal fee to \$3,100 over three years, so that it continues to offset the cost of the annual service contract.

## **Recreation**

### Teen Travel Camp

After a two year pandemic-era hiatus, the Recreation Department brought back a 4 week “Teen Travel Camp” program in 2023. The program consists of 4 chaperoned trips per week to various entertainment destinations in the region.

The program boasted full enrollment in 2023, and anticipates continued demand for the program. In 2023, the 6<sup>th</sup> grade recreation program had over 100 campers who will be eligible for the Teen Travel Camp in 2024. The 7<sup>th</sup> grade camp had 90 campers all eligible for the Teen Travel Camp as well.

At this time, the Department proposes increasing the length of the program from 4 to 6 weeks. The costs of Teen Travel are almost entirely variable in nature, based upon number of participants and trips taken, composed of labor, transportation (coach buses) and ticket purchases. It is therefore proposed that the not to exceed maximum fee amount

for Teen Travel Camp be increased on a prorated basis accordingly, from \$1,860 (4 week program) to a maximum of \$2,900 (based upon a 6 week program).

### Indoor Facility Use Fees

Establish facility application process and usage fees for the Township-owned Firehouse located at 78 Tennent Road. A 2 hour minimum for the Building Attendant will apply to both the Firehouse and Morganville Senior Center to reflect the fact that a separate staff member must be assigned and travel to facilities located off of the municipal complex campus.

### Outdoor Facility Use Fees

Marlboro Little League (MLL) and American Youth Football (AYF) are private leagues which utilize Marlboro Township fields. With the premise that these private leagues count many Marlboro youth as members, the Township Code has long featured separate discounted outdoor facility utilization rates specific to each of these organizations.

As with all fee and permit categories, the Township has reviewed the costs of servicing the leagues, and is recommending an increase to be implemented over multiple seasons. The recommendation reflects the operational as well as capital infrastructure costs of providing facilities for use by the leagues.

MLL utilizes 5 different fields across the Township, each of which requires regular maintenance by Public Works staff. The capital cost of replacing the infrastructure itself is significant. For example, the facility at Country Park was improved in 2014 at a cost of \$514,397. The facility at Nolan Road Park was improved in 2022 at a cost of \$239,797. Turf fields typically have a useful life of 10-15 years, and, as such must also be replaced every 10-15 years. The football field at the municipal complex utilized by AYF was recently resurfaced at a cost of \$646,618.

On the operating side, Township turf field facilities are inspected by a third party annually at a cost in 2023 of \$3,300. Lighting is an additional operational expense, amounting to more than \$20,000 in 2022.

The Recreation Department has calculated a target fee for each of the leagues, arrived at by applying the approximate number of days usage to the current rates charged for outdoor facility use, as follows:

Marlboro Little League (MLL)	6,000.00
American Youth Football (AYF)*	13,000.00

\*includes field lighting

The 2024 proposal continues the gradual process of raising MLL and AYF facility utilization fees to a level more consistent with other private, resident, not for profit entities, over a three year period.

	Current	2025	2026
Marlboro Little League (MLL)	600.00	900.00	1,350.00
American Youth Football (AYF)*	3,600.00	5,400.00	8,100.00

\*includes field lighting

### No Smoking

An amendment to Chapter 312 of the Township code to extend current prohibitions on smoking (including tobacco, cannabis and vape products) to certain outdoor recreation facilities is proposed. This proposal will not impact any recreation facility usage fees.

As always, please advise if you have any questions. Thank you for your consideration.

attachments

### **ACTION ITEMS**

- 1) AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO PROPERTY MAINTENANCE; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM CONNECTION FEES; SPECIAL-DUTY ASSIGNMENTS FOR POLICE OFFICERS, PRECIOUS METALS AND SECONDHAND BUYERS AND RECREATION & SWIM PROGRAMS (Admin)
- 2) AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 ("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP OF MARLBORO DEFINING FLEX SPACE AND WAREHOUSES, CLARIFYING PROVISIONS FOR DECKS AND POOLS, ESTABLISHING CRITERIA FOR STANDBY GENERATORS, AIR CONDITIONING UNITS AND USE OF GARAGE SPACE (Eng)
- 3) AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING CHAPTER 312, ARTICLE II OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "SMOKING AND TOBACCO PRODUCTS, MUNICIPAL BUILDING SMOKE FREE ZONES" (Rec)





## MEMORANDUM

**DATE:** January 2, 2024  
**TO:** Jonathan Capp  
*Business Administrator*  
**FROM:** Laura J. Neumann, PE, PP  
*Township Engineer's Office*  
**RE:** *Ordinance Revisions*

---

***Based upon review of the Master Plan, Planning and Zoning Board applications, as well as zoning permits, the following amendments to Section 220 of the Township Code ("Land Use Development") are proposed:***

### ***Section 220-4 Definitions and Word Usage***

The 2019 Master Plan Reexamination made a recommendation to define an "industrial flex use". While the term "flex use" is utilized in the Township Code, there is no established definition.

Take the following example of an application to construct a "flex building" in an Industrial Office Research (IOR) zone. The Applicant noted that potential tenants could include a dancing school, furniture repair shop, driving school and HVAC contractor. Each of these uses has a varying impact on overall parking, as well as traffic impacts to roadway networks.

By defining a flex use, in order to minimize traffic impacts and ensure sufficient parking applicants can still propose a variety of permitted uses, but in the context of of the area dedicating by the Township for warehouse or recreational use.

- The Township Code currently specifies that "warehouses" are permitted within the IOR and Light Industrial (LI) Zoning Districts, but lacks a definition of what constitutes a "warehouse", A definition is necessary to avoid issues with use classifications, and to ensure that "warehouses" are not fulfillment centers, truck terminals or fleet service facilities. Consequently, with this added definition, it is also necessary to define the following terms: e-commerce, fleet service facilities, and fulfillment center.



Jonathan Capp, Business Administrator  
1979 Township Drive – Marlboro Township  
Re: Ordinance Revisions

January 2, 2024  
CME File No.: HMR00003.22  
Page 2

### ***Section 220-140 Accessory Buildings and Structures***

- Section 220-140C requires a minimum a minimum of 10 feet between accessory structures. This requires that homeowners who propose accessory decks around above ground pools to come to the Zoning Board for approval. The Township proposes that decks be a permitted to be within 10 feet of a principal dwelling, as well as a pool without a trip to the Board.
- Add criteria to address generators. With recent storm events, the need and demand for generators has increased, particularly within the age-restricted communities, where lots are generally less than 10,000 s.f. In order to facilitate the installation of generators, the proposed amendment permits a side yard setback of five feet, sufficient to allow for adequate light, air and open space. Under the proposal, screening or fencing would be required to mitigate noise.
- Add criteria to address air conditioner condenser units. This will address setback criteria for A/C units, and require that a zoning permit be required for all commercial applications so as to demonstrate that that the A/C unit meet the required accessory setbacks for the respective zone.

### ***Section 220-169 Off-Street Parking***

- The proposal seeks to clarify a contradiction within in Section 220-169A. Under the current code, a recent applicant needed relief from the Zoning Board to allow a one car garage on a 6,000 s.f. lot. The current code as written requires a two-car garage on this parcel. The proposed amendment establishes criteria based upon lot area for a one-car garage versus a two-car garage. It would allow lots less than 20,000 s.f. in size to have a one-car garage. Zones which allow lots smaller than 20,000 s.f. include FRD (Flexible Residential District), RSC (Senior Citizen Residential District), RSCS (Senior Citizen Residential and Single Family District), MFD-I, II, and III (Multifamily District), PAC, PAC-II, and PAC-III (Planned Adult Community District), and Generational Housing 6, 7, and 8 Districts.
- Update to include criteria to prohibit the conversion of garages to living space. This will ensure that parking remains available on single family lots. Garages which were lawfully converted prior to 2005 would be grandfathered.

Should you have any questions or require additional information, please contact this office.



**PARKER McCAY**

Parker McCay P.A.  
3840 Quakerbridge Road  
Suite 200  
Hamilton, New Jersey 08619

P: 609.896.4222  
F: 609.896.9023  
www.parkermccay.com

**Michael W. Herbert, Esquire**  
*Shareholder*  
P: 609-620-7814  
F: 609-896-0490  
mherbert@parkermccay.com

File No. 17065-1

**VIA E-MAIL**

February 12, 2024

Susan A. Branagan, RMC  
Municipal Clerk  
Township of Marlboro  
1979 Township Drive  
Marlboro, New Jersey 07746  
[clerk@marlboro-nj.gov](mailto:clerk@marlboro-nj.gov)

**Re: Marlboro Township Planning Board's Review of Ordinance No. 2024-004, First Reading Eng Ordinance Amending and Supplementing Chapter 220 ("Land Use And Development") of the Code of the Township of Marlboro Defining Flex Space and Warehouses, Clarifying Provisions for Decks and Pools, Establishing Criteria for Standby Generators, Air Conditioning Units and Use of Garage Space**

Dear Ms. Branagan:

We represent the Marlboro Township Planning Board. At its February 7, 2024 meeting, the Board was asked to review Ordinance No. 2024-004, for the Township Council First Reading Eng Ordinance Amending and Supplementing Chapter 220 ("Land Use And Development") of the Code of the Township of Marlboro Defining Flex Space and Warehouses, Clarifying Provisions for Decks and Pools, Establishing Criteria for Standby Generators, Air Conditioning Units and Use of Garage Space.

The Ordinance went before Council on January 25, 2024 and passed on the first reading. It was then referred to the Planning Board for review, to report on its consistency with the Marlboro Township Master Plan. The Planning Board confirmed that the Ordinance is consistent with the Master Plan at its February 7, 2024 meeting.

**COUNSEL WHEN IT MATTERS.<sup>SM</sup>**

Mount Laurel, New Jersey | Hamilton, New Jersey | Atlantic City, New Jersey

February 12, 2024  
Page 2

The Township Planner, Laura Neumann, PE, PP, presented the Ordinance to the Board. She stated that Ordinance 2024-004 would better define standards for flex space and warehouses along with decks to pools and outdoor generators for the homeowner's, health, safety and welfare.

It is for these reasons that the Planning Board of the Township of Marlboro recommends, pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64, that the Land Use and Development Ordinance passed by the Township Council on the first reading is consistent with the Township Master Plan.

Should you have any questions, please feel free to contact the undersigned.

Respectfully submitted,

  
MICHAEL W. HERBERT  
MWH/cs

Enc.

c: Mayor Jon Hornik  
Councilman Mark Barenburg, Marlboro Township Planning Board  
(via e-mail)



NOTICE OF PENDING ORDINANCE  
ORDINANCE #2024-004

The ordinance was introduced and passed upon first reading of a meeting of the governing body of the Township of Marlboro, in the County of Monmouth, State of New Jersey, on January 25, 2024. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held at Town Hall, 1979 Township Drive, Marlboro, New Jersey on February 15, 2024. In the event the meeting on February 15, 2024 is a virtual meeting, instructions regarding attendance and participation in the meeting will be posted on the Township's website (<https://www.marlbocnj.gov/>). During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours of 8:30 a.m. to 4:30 p.m. Monday through Friday at the Municipal Clerk's office for the members of the general public who shall request the same. Copies of the ordinance can be requested by emailing [Clerk@marlbocnj.gov](mailto:Clerk@marlbocnj.gov) or calling 732-536-0200 ext.: 1235.

ORDINANCE #2024-004

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 ("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP OF MARLBORO DEFINING FLEX SPACE AND WAREHOUSES, CLARIFYING PROVISIONS FOR DECKS AND POOLS, ESTABLISHING CRITERIA FOR STANDBY GENERATORS, AIR CONDITIONING UNITS AND USE OF GARAGE SPACE  
Amending Chapter 220, "Land Use and Development", Section 4 "Definitions and Word Usage" is hereby supplemented to define flex space and warehouses; clarify provisions for decks and pools; and establish criteria for standby generators, air conditioning units and the use of garage space.

(\$29.92)

SUSAN A. BRANAGAN,  
MUNICIPAL CLERK

AFFIDAVIT OF PUBLICATION

Order Number : 9784141

STATE OF WISCONSIN  
Brown County

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in said newspaper in the issue:

01/30/2024

*Keegan Moran*

Legal Clerk

*Denise Roberts*

Notary Public State of Wisconsin County of Brown

4-6-27

My commission expires

DENISE ROBERTS  
Notary Public  
State of Wisconsin