

October 5, 2020

Ms. Kristie Dickert, Administrative Officer  
Zoning Board of Adjustment  
Neptune Township  
P.O. Box 1125  
Neptune, NJ 07754-1125

**Re: Holy Innocents Church (ZB#20/15)  
3455 W. Bangs Avenue  
Block 3101, Lot 2 Use Variance  
Our File: NTBA 20-15**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for use variance approval for the above referenced project. The following documents were reviewed:

- Neptune Township Application for Use and/or Bulk Variances, dated July 13, 2020.
- Community Impact Statement in Support of a Use Variance Application for Block 3101, Lot 2, prepared by Christine A. Cofone, AICP, PP, of Cofone Consulting Group, LLC, dated July 2020.
- Boundary Survey of Lot 12.01, Block 1000, consisting of one (1) sheet, prepared by Peter P. Bennett III, PLS, of WJH Engineering, dated July 6, 2020.
- Neptune Fire Prevention Bureau Plan Review from Douglas Rowell, dated August 21, 2020.
- Neptune Township Police Department Traffic Bureau Review from Sgt. James MacConchie, dated August 1, 2020.
- Traffic Impact Analysis for College Achieve, prepared by John H. Rea, PE, and Scott T. Kennell, of McDonough & Rea Associates, Inc., dated July 21, 2020.
- Submittal Letter prepared by Walter Joseph Hopkin, PE, PP, CME, of WJH Engineering, dated August 20, 2020.
- Use Variance Plan for Holy Innocents Church, consisting of three (3) sheets, prepared by Walter Joseph Hopkin, PE, PP, CME, of WJH Engineering, dated last revised August 14, 2020.

**1. Site Analysis and Project Description**

The subject property, Block 3101, Lot 2, consists of approximately 17.95 acres located on the northwest corner of West Bangs Avenue and Route 33, in the R-1 Very Low-Density Residential Zone District. The site is currently developed with 1-1/2 story church building, a 2-story church and school, a 2-story spiritual center,

and a 2-story convent building, as well as associated site improvements. Residential properties are located to the north and east of the subject property. Commercial uses are located to the south, across Route 33, and vacant properties are located to west of the subject property.

The existing school building on the property formerly operated as a private school in conjunction with the church. The applicant is now seeking use variance relief to permit two (2) principal uses on one (1) lot, the existing church and a public charter K-8 school with a capacity of up to 600 students. The applicant is proposing to add a crosswalk across the existing parking area as well as striping and resigning. No additional improvements are proposed at this time.

**2. Consistency with the Zone Plan**

The subject property is located in the R-1 Very Low-Density Residential Zone District. The purpose of the R-1 Zone District is to provide for single-family residential development at a density less than 3.5 units per acre. Permitted uses in the R-1 zone district include community centers, community shelters, detached single-family residences, parks, places of worship, and recreational facilities. Public or private elementary, middle or high schools are permitted conditional uses in the R-1 Zone District. As per §411.05, unless otherwise specified, not more than once principal dwelling or principal building shall be permitted on one lot in any residential zone district.

This application will require **d(1) use variance** relief to permit two (2) principal uses on one lot, the existing church and a public charter K-8 school.

**3. Required Proofs for Variance Relief**

A. D(1) Use Variance

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:

1) Positive Criteria

- (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Township is particularly suited for the proposed use despite

the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.

- (b) *Special Reasons.* The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

- (a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principal that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.
- (b) *The variance can be granted without a substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

4. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant shall provide testimony regarding school use.
- C. The applicant should indicate if any improvements to the site or the building facades are proposed.
- D. The applicant should indicate if any additional signage is proposed for the site.
- E. The applicant should provide testimony as to the condition of the parking lot, and if resurfacing, restriping, or additional signage is needed.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.  
Board Engineer



Jennifer C. Beahm, P.P.  
Board Planner

MS:clb

cc: Leanne Hoffmann, P.E., Director of Engineering & Planning  
Monica Kowalski, Esq., Board Attorney  
Jennifer Beahm, P.P., Board Planner  
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