

RESOLUTION NO. 00-12

RESOLUTION APPROVING PRELIMINARY AND
FINAL SITE PLAN APPROVAL WITH VARIANCES
AND WAIVERS TO BONIFACE CENTER, INC.
T/A FOOD BANK OF MONMOUTH AND OCEAN
COUNTIES, FOR PROPERTY KNOWN AS
LOT 51, BLOCK 9025.

WHEREAS, Boniface Center, Inc., t/a the Food Bank of Monmouth and Ocean Counties (the "Food Bank") has applied to the Neptune Township Planning Board (the "Board") for preliminary and final site plan approval with waivers and variances for property designated as Lot 51, Block 9025 and a portion of the Route 66 right-of-way leased from the New Jersey Department of Transportation shown on the official Tax Map of the Township of Neptune (the "Property"); and

WHEREAS, The Food Bank has applied to the Board for a preliminary and final major site plan approval to permit the Food Bank to construct a warehouse and office facility and accessory buildings on the aforementioned 7.3 plus or minus acre property owned by the Food Bank and the additional area of 1.7 acres to be eased from the New Jersey Department of Transportation; and

WHEREAS, the Food Bank proposes a 40,000 plus or minus square foot food warehouse with accessory offices, farm market, community gardens of up to 38,000 square feet, and associated structures as shown on the plans consisting of 11 sheets prepared by Bay Pointe Engineering, dated January 26, 2000; and

WHEREAS, the Food Band proposes a 64 space parking lot with an additional 24 spaces of overflow parking; and

WHEREAS, in connection with the Food Bank's application for preliminary and final site plan approval, it has requested the following bulk variances pursuant to N.J.S.A. 40:55D-70(c):

A. To permit two (2) structures within the fifty foot (50' setback line from the New Jersey Department of Transportation right-of-way, which setbacks are two (2) and nine (9) feet.

B. To permit a building heights of 32.9 feet where 30 feet is permitted.

C. To permit two free-standing signs at each entrance when one is permitted.

WHEREAS, the Food Bank also requested waiver of requirement of sidewalks along the frontage of Wayside Road and State Highway 66; and

WHEREAS, the Food Bank also submitted drainage calculations and a Stormwater Management Plan prepared by Bay 'Pointe Engineering, an outbound/topographic survey prepared by Paul K. Lynch, L.S., landscaping and lighting plans prepared by Thomas S. Bauer, landscape architect, and two sheets of architectural plans prepared by Christopher Rice, licensed architect in the State of New Jersey; and

WHEREAS, the Board conducted a Public Hearing on this application on February 23, 2000 (the "Hearing"); and

WHEREAS, the Food Bank was represented by Michael J. Gross of Giordano, Halleran & Ciesla and testimony was provided in support

of the application by David Cranmer, P.E., Brooke Trabour, Christopher Rice, A.A., and Martin Truscott, P.P.; and

WHEREAS, the Board was presented with various Exhibits that were marked into evidence which included renderings of the site plan and the detail plan prepared by Bay Pointe Engineering and Melillo & Bauer Associates; and

WHEREAS, the Board received and reviewed letters and reports from its professionals concerning the application which included the February 11, 2000 review letter from Schoor DePalma and the February 15, 2000 review letter from Leon S. Avakian, Inc.; and

WHEREAS, based upon the Application materials submitted and the testimony presented at the Hearing, the Board makes the following findings of fact and conclusions based thereon:

1. The Food Bank provided a proper Public Notice of Hearing.
2. The Board has jurisdiction over this Application.
3. The Property is located n the I-L Zone and the uses proposed by the Food bank are permitted therein.
4. The Food Bank's engineer, David Cranmer, is accepted as an expert in the field of design engineering.
5. The Food Bank's architect, Christopher Rice, is accepted as an expert in the field of architecture.
6. The Food Bank's planner, Martin Truscott, is accepted as an expert in the field of land use planning.

7. The Food Bank seeks preliminary and final site plan approval with variances and waivers. The Food Bank has sufficiently demonstrated that by reason of the purposes of the Municipal Land Use Law that would be advanced by deviating from the Township Ordinance and the lack of any negative impact, that the aforesaid variances can be granted without substantial detriment to the public good without any impairment of the intent and purpose of the Township Zoning Plan and Zoning Ordinance. This is based upon the testimony as offered at the Hearing by the Food Bank's witnesses and the support for granting these variances as expressed at the Hearing by the Planning Board's engineer and planning consultants. Specifically, the Board concludes that the professional testimony on behalf of the Food Bank established that:

A. The proposed two signs at each entrance are acceptable, since the total square footage of these signs is substantially less than allowed by the ordinance and in addition, the placement of two signs at each entrance will enhance safety since it will make the entrance more visible to people approaching from either side of the entrance so that the entrances can be easily located by motorists. The Board further finds that the signs are aesthetically pleasing and there will be no detriment to the Zone Plan or Zoning Ordinance by granting of this variance.

B. The granting of the setback variances are technical in nature and do not affect the site plan whatsoever. Since the Food

Bank is leasing the property from the New Jersey Department of Transportation, the Board questions whether a variance is required, however, if it is required the Board finds that it can be granted without any detriment to the Zone Plan or Zoning Ordinance considering the fact that it is only a technical variance and does not affect, in any way, the site planning of the property.

C. The Board finds that there is substantial support for granting the height variance. The height variance will cause the building to be more aesthetically pleasing. The Board also finds, based upon the advice of its professional planner, Mr. Daniel McSweeney, that given the size of the building and the setback from public thoroughfares, the deviation from the allowable heights of 2.9 feet will not be noticeable and therefore, will have no impact on the Zone Plan or Zoning Ordinance and will not in any way be to the detriment of the public good, since it will actually enhance the appearance of the building.

8. The Food Bank has agreed to consult with New Jersey Transit and construct a bus shelter along Route 66 or Wayside Road, as appropriate and if necessary, and has agreed to construct a pedestrian pathway from that bus shelter to the front entrance of the building.

9. The Board further concludes that a waiver of sidewalk requirements for Wayside Road and Route 66 are appropriate, since

there are minimal sidewalks in the area and since the Food Bank has offered to construct a pedestrian path from a proposed bus shelter to the front entrance of the building.

10. The Board will also accept any New Jersey Department of Transportation approval to accept the drainage from this site and will not require confirmation of downstream capacity in the drainage system of the New Jersey Department of Transportation upon receipt of this approval.

11. The Food Bank represented that it would comply with all of the requests in Mr. Avakian's review letter dated February 15, 2000, except for Items 1e and 15i as discussed herein relating to waiver of sidewalks and the system capacity in the New Jersey Department of Transportation drainage system along State Highway Route 66.

12. The Board finds that the drainage plan proposed by the Food Bank should not have an adverse affect on adjacent or nearby properties and that if the New Jersey Department of Transportation refuses to grant permission to tie into its drainage system along State Highway Route 66, the Food Bank may pursue alternative stormwater drainage plans, as outlined at the Hearing, with the approval of the Planning Board engineer.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF NEPTUNE TOWNSHIP on this 22nd day of March, 2000, that the preliminary and final major site plan approval with variances and waiver is granted to the Food Bank, which Approvals shall be, and are hereby expressly conditional upon, compliance with the following terms and conditions:

1. A Notice of this decision shall be published and the Affidavit of Publication provide to the Board's Secretary.

2. No taxes or assessments for local improvements shall be due or delinquent on the Property.

3. The Food Bank shall pay to the Township a sum sufficient to reimburse the Township for all fees incurred by the Township for services rendered by its professionals for the review of the application, review and preparation of any documents, inspection of improvements and the like pursuant to the Municipal Land Use Law and to provide an escrow fund for any anticipated continuing municipal expenses for professional services, if any, in connection with the Application.

4. The Food Bank shall post all performance guarantees and accompanying inspection fees as required by the Township Ordinances and the Municipal Land Use Law, and as calculated by the Neptune Township Planning Board Engineer.

5. The Food Bank shall obtain all necessary permits and approvals from other governmental agencies having jurisdiction which include, but are not limited to, NJDOT, NJDEP, Monmouth County Planning Board and the Freehold Soil Conservation District.

6. The Food Bank shall comply with the comments set forth in the February 15, 2000 review letter of Leon S. Avakian, Inc. as agreed to at the Hearing, excepting paragraphs 1e and 15i as outlined above.

7. The Food Bank shall consult with the New Jersey Transit and with its approval construct an appropriate bus shelter along Route 66 or Wayside Road. The Food Bank also shall construct a pedestrian path from said bus shelter to the front door of the Food Bank building.

8. The structure presently located on Lot 17.01 shall remain; the additional two (2) lots shall be developed.

9. Payment of any and all taxes and any and all assessments and fees and costs and escrows to date, and any bond that maybe required by Ordinance.

10. That the subdivision be properly perfected and filed with Monmouth County in the time prescribed by Statute.

VOTE TO ADOPT: BATTLE, REV. BROWN, CARROLL, KRIMKO, MOWZCAN,
NEALON, GIZZI CHAIRMAN GIOTTA

AYES:

NAYS: None

ABSTAIN: None

ABSENT: Mc Millian

DISQUALIFIED: none

VOTE TO MEMORIALIZE:

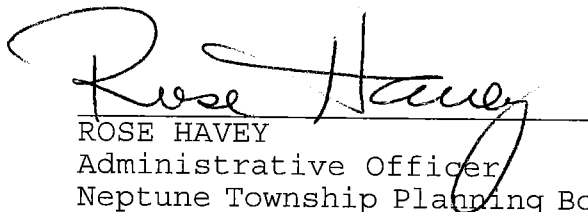
AYES: BATTLE, REVE.BORWN, CARROLL, KRIMKO, MOWZCAN
NEALON, GIZZI, GIOTTA

NAYS: None

ABSENT: Mc Millan

CERTIFICATION

I hereby certify that the within is a true copy of the Resolution adopted by the Neptune Township Planning Board at its meeting on the 22nd day of February , 2000, memorialized on the 22 day of March , 2000.


ROSE HAVEY

Administrative Officer
Neptune Township Planning Board