

COMPLETENESS CHECKLIST FOR USE AND/OR BULK VARIANCES (Revised 5/13/13)

Section §802B. Completeness Checklist for Use Variance and Bulk Variance Request.

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

- | <u>C</u> | <u>N</u> | <u>N/A*</u> | <u>W*</u> | <u>ONLY FOLDED PLANS WILL BE ACCEPTED</u> |
|--------------------------|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Twenty-five (25) copies of completed and signed application form which must include the following: <ul style="list-style-type: none"> <input type="checkbox"/> Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable). <input type="checkbox"/> Property Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable). <input type="checkbox"/> Applicant's interest in the property. <input type="checkbox"/> Name, address, telephone number, facsimile number, and e-mail address (if applicable) of the Applicant's attorney (if represented) as well as any and all other professional representative(s). <input type="checkbox"/> Street address of the property <input type="checkbox"/> Tax lot and block numbers of the property <input type="checkbox"/> Zoning District in which the property is located. <input type="checkbox"/> Description of the property <input type="checkbox"/> Description of the proposed development. <input type="checkbox"/> Type of application <input type="checkbox"/> Provide identification of subject property/properties' Special Flood Hazard Area Zone <input type="checkbox"/> Executed copy of "Authorization & Consent Form" Part "C" <input type="checkbox"/> Executed copy of "Certificate of Ownership" Part "D", if applicable <input type="checkbox"/> Executed copy of "Certificate of Corporation/Partnership", if applicable <input type="checkbox"/> Applicant/Owner to provide verification of taxes paid (this will be further verified by the Administrative Officer). <input type="checkbox"/> Executed copy of "Escrow Agreement" Part "E" |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Twenty-five (25) copies of the property deed(s). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Twenty-five (25) copies of the Zoning Permit Denial [not required for subdivisions] |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Required Plans folded, no larger than 30"x42": <ul style="list-style-type: none"> <input type="checkbox"/> a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor. <input type="checkbox"/> b. Five (5) copies with initial submission and each subsequent submission for completeness review. <input type="checkbox"/> c. Once the application is deemed complete, twenty (20) additional full-sized paper sets of the plans plus one (1) reduced-size paper set of the plans no larger than 11"x17", and one (1) CD containing the plans in .pdf format must be submitted to the Board Office for distribution. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Six (6) copies of Tree Removal Application package in accordance with Section §525 (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Community Impact Statement (for Use Variance only) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Application Fee \$ <u>750.00</u> Escrow Deposit \$ <u>1,500</u> |

In accordance with fee schedule.

C = Complete N = Incomplete N/A = Not Applicable

* Any request for a "WAIVER" must include a written explanation for the request.

Neptune Township
25 Neptune Blvd.
Neptune, New Jersey 07753
732-988-5200 ext. 278 Fax 732-988-4259
www.neptunetownship.org



Application # ____/____/____
Date Filed ____/____/____
Hearing Date ____/____/____

Application for Use and/or Bulk Variances

Type of Variance Requested:

- Bulk Variance [front, side/rear setback, other] Specify _____

- Bulk Variance [Lot Coverage] _____
- Use Variance [proposal not permitted in zone] 2 Principal uses in R-1 Zone
- Appeal/Interpretation of Decision _____
- Other, Specify _____

1. Property Address: 3455 W. Bangs Ave.
2. Block 3101 Lot 2
3. Property is located in R-1 Zoning District according to the Neptune Twp. Land Ordinance.
4. Name of applicant: Holy Innocents Church
Mailing address: 3455 W. Bangs Ave., Neptune, NJ 07753
Phone # _____ Fax # _____ Cell # _____
E-mail address: _____
5. Name of owner: same as Applicant
Mailing address: _____
Phone # _____ Fax # _____ Cell # _____
E-mail address: _____
6. Name of contact person: Michael W. Herbert, Esq. and Scott Miccio, Esq. c/o Parker McCay, P.A.
Mailing address: 3740 Quakerbridge Road, Suite 200, Hamilton, NJ 08619
Phone # (609) 620-7809 Fax # (609) 896-9023 Cell # (908)256-9575
E-mail address: mherbert@parkermccay.com; smiccio@parkermccay.com
7. Interest of applicant, if other than owner: N/A

Detailed Information:

- Existing use of property: Church and previously existing private K-8 school
- Proposed use of property: Church and public K-8 school
- Special Flood Hazard Area: N/A

Principal Use:

	Required and/or Permitted	Existing	Proposed
Lot Size			
Lot Coverage			
Building Coverage			
Building Height			
Front Setback			
Rear Setback			
Side Setback			
Combined Side Setback			

(If multiple lots and/or buildings, please attach additional detailed listing)

Accessory: (If Applicable)

	Permitted	Existing	Proposed
Lot Size			
Lot Coverage			
Building Coverage			
Building Height			
Front Setback			
Rear Setback			
Side Setback			
Combined Side Setback			

(If multiple lots and/or buildings, please attach additional detailed listing)

8. Has there been any previous applications involving these premises Yes No

If so when April 8, 2019

Result of decision Zoning Officer denied application; Decision appealed to Superior Court - Monmouth Law Div., which upheld the denial.

9. Justification/Reason(s) for variance(s) requested [be as specific as possible attach additional sheets as necessary]

See attached rider.

10. If a Zoning denial has been received as part of this application, please attach.

The required submission for all applications to be complete is twenty-five (25) copies of completed application form inclusive of any supporting information; and twenty-five (25) copies and one (1) CD* of survey and/or plan(s) with one (1) additional copy of survey and/or plan(s) on 11" x 17" sheet(s).


* See Section 802B. Completeness Checklist for Use Variance and Bulk Variance Request for details on submission requirements.

AFFIDAVIT OF APPLICATION

State of New Jersey
County of Monmouth

Joseph C. Cabell Business Manager being of full age, being duly sworn according to
(Insert Applicant's Name)

Law, on oath depose and says that all the above statements are true.


(Original Signature of Applicant to be Notarized)

Joseph C. Cabell
(Print Name of Applicant)

Sworn and subscribed before me this
13th day of July, 2020

[NOTARY SEAL]

Michael W. Herbert Esq.
Signature of Notary Public attorney at law, State of New Jersey

OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER
[Original signatures only – copies will not be accepted]

Zoning Board of Adjustment
IN THE MATTER BEFORE THE _____
(Insert Planning Board or Zoning Board of Adjustment)

IN THE TOWNSHIP OF NEPTUNE, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

Holy Innocents Church
I/WE, _____, WITH MAILING ADDRESS OF
(Insert Property Owner's Name)

3455 W. Bangs Ave., Neptune, NJ 07753
_____ OF FULL AGE BEING DULY
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH
THIS APPLICATION DESIGNATED AS BLOCK(S) 3101 LOT(S) 2

ALSO KNOWN AS 3455 W. Bangs Ave., Neptune, NJ 07753
(Insert physical address of the subject property)

I/WE AUTHORIZE Joseph G. Gephart
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF NEPTUNE FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL SHALL BE BINDING UPON ME/US AS IF SAID APPEAL HAS BEEN BROUGHT AND PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S).

(Original Signature of Owner to be Notarized)

(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this

13th day of July, 2020

[NOTARY SEAL]

Michael W. Herbert Esq.
Signature of Notary Public

Attorney at Law State of NJ

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Township of Neptune Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: 7/13/2020



Signature of Property Owner

STATEMENT FROM TAX COLLECTOR

Block 3101 Lot 2

Property Location 3455 W. BANGS AVE

Status of municipal taxes Exempt

Status of assessments for local improvements sewer current

Date: 7/16/2020



Authorized Signature of Tax Collector

Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Land Use Board.

The amount of the Escrow Deposit will be determined by the Neptune Township Land Development Ordinance, section 1000 Application and Escrow Fee, Table 10.02 Escrow Fees.

It is the policy of Neptune Township that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion; applicant will be notified of any anticipated charges and the amount of the deposit required.

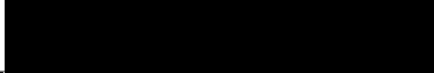
Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board of hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.


Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of Neptune Township's Section 1000, Application and Escrow Fees and agree to all conditions listed.

Name of Applicant: Holy Innocents Church
[please print]

Property Address: 3455 West Bays Neptune Block 3101 Lot 2

Applicant's Name: Holy Innocents Church [Print Name]  [Signature of Applicant]

Owner's Name: Holy Innocents Church [Print Name]  [Signature of Owner]

Date: 7/13/2020

Holy Innocents Church Application for Zoning Variance

Response to Application Question #9

Applicant, Holy Innocents Church, is seeking a use variance pursuant to N.J.S.A. 40:55D-70(d)1 for permission to have two principal uses – a place of worship and an Elementary School – on its lot in the R-1 zone. Pursuant to Section 411.05 of the Township of Neptune Land Development Ordinance (LDO) only one principal building is permitted per lot in any residential zone district, such as the R-1 zone. Pursuant to Section 403.01, a place of worship is a permitted use in the R-1 zone and a “public or private elementary, middle or high school” is a conditional use.

In March 2019, College Achieve Public Charter Schools, Inc. (“College Achieve”) submitted a zoning permit application to have the former Holy Innocents School building declared an “accessory,” structure on the property for the new proposed school. The zoning officer determined that the when Holy Innocents School was in existence, there was an approved use of the property as a “place of Worship” with an accessory use of a Nonconforming Elementary and Secondary School. Considering that the school building would be operated by a separate entity from the church, the Zoning Officer determined that the school use must be considered a second principal use. College Achieve did not seek a variance at that time, but instead appealed the decision to the Zoning Board of Adjustment and to the Monmouth County Superior Court, and ultimately, the zoning officer’s decision was upheld.

Holy Innocents Church now returns to the Zoning Board of Adjustment to seek a use variance, to allow College Achieve to operate a public charter school on the property. The variance request meets both the positive and negative criteria under the Municipal Land Use Law.

As for the negative criteria, permitting an elementary school as a second principal use in the R-1 zone will not substantially impair the intent and purpose of the zone plan and the zoning ordinance and there will be no substantial detriment to the public good. The structure has existed for over 50 years, and there are no proposed physical changes to the structure or the premises.

As an initial matter, the variance satisfies the positive criteria because the school is an inherently beneficial use to the community. Moreover, permitting College Achieve to use the already-existing structure ensures that the school will be maintained and not become dilapidated. The lot, which is over 16 acres, is large enough to sustain two principal uses.

If the proposed school building is considered a Nonconforming Use, pursuant to Section 422 of the LDO, the use should be permitted, as, again, there no proposed enlargements, extensions or reconstructions of the building.



PARKER McCAY

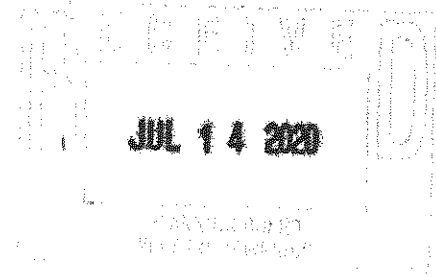
Parker McCay P.A.
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Michael W. Herbert, Esquire
Shareholder
P: 609-620-7814
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mherbert@parkermccay.com

July 13, 2020

Kristie Dickert
Administrative Officer
Planning Board/Zoning Board of Adjustment
Neptune Township
25 Neptune Blvd.
Neptune, New Jersey 07753




Re: Holy Innocents Church – Application for Use Variance
Neptune Township

Dear Ms. Dickert:

On behalf of Parker McCay P.A., I am pleased to submit the enclosed application for a Use Variance on behalf of Holy Innocents Church in Neptune Township.

Please feel free to contact the undersigned should you have any questions. Thank you for your time and consideration in this matter.

Very truly yours,



MICHAEL W. HERBERT
Shareholder

MWH/cs
Enc.

c: Walter Hopkin – WJH Engineering
Joe Cahill – Diocese of Trenton
(via email)

COUNSEL WHEN IT MATTERS.SM

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