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May 16, 2023

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

**Re: Galilee Eglise Advantiste, Inc., Church (ZB # 23/02)
3313 Highway 33
Block 3301, Lot 4
Preliminary and Final Major Site Plan
Conditional Use Variance
Our File: NTBA 23-02**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for preliminary and final major site plan and conditional use variance for the above referenced project. The following documents were reviewed:

1. **Documents Reviewed:**

- A. Preliminary and Final Major Site Plan consisting of thirteen (13) sheets, prepared by Besrick G. Plummer, P.E. of B&G Engineering, LLC, dated December 5, 2022.
- B. Stormwater Management Report prepared by Besrick G. Plummer, P.E. of B&G Engineering, LLC, dated November 29, 2022.
- C. Community Impact Statement prepared by Allison Coffin, P.P., AICP, of James W. Higgins Associates, dated April 13, 2023.
- D. Environmental Impact Statement prepared by Catalyst Group, dated December 13, 2022.
- E. Boundary and Topographic Survey consisting of one (1) sheet, prepared by Herbert G. McDonald, P.L.S., P.P., of Herbert G. McDonald Associates, LLC, dated December 9, 2019, last revised May 4, 2022.

- F. Architectural plans consisting of three (3) sheets, prepared by David W. Buckman, AIA, of Buckman Architectural Group, dated December 16, 2022.
- G. "Traffic Analysis" prepared by Andrew Feranda, P.E.,PTOE, CME of Shropshire Associates, LLC, dated December 12, 2022.

2. **Site Analysis and Project Description**

The subject property consists of Block 3301, Lot 4, a 3.24-acre (141,136.89 sq. ft.) site located west of Route 18 along Route 33 in the R-2 Low Density Single-Family Residential Zoning District. The site is currently developed with a 1.5-story frame dwelling and associated concrete walkway to the front porch, a wood deck, porch, and steps along the rear, a brick walkway leading to a wood shed to the rear, and a concrete slab and brick planter east of the wood deck. The site is also developed with a 1-story frame dwelling along the western property line, along with a metal shed to the rear. Access to the site is provided via an asphalt driveway to Route 33. The remainder of the site is wooded and undeveloped, and the northern portion of the property contains areas of wetlands, as the Jumping Brook runs along the northern portion of the site. The United Methodist Communities home office is located to the east, the Summerfield Elementary School is located to the northeast, public land is located to the north, residential uses are located to the west, and commercial uses area located to the south across Route 33.

The Applicant is seeking preliminary and final major site plan and conditional use variance approval to remove the existing concrete walkway and brick columns south of the existing 1.5-story dwelling, remove the existing asphalt driveway and parking area, convert the existing single-family residence to a church use, and construct a one-story, 4,000 sq. ft. sanctuary addition with a basement level to the existing 1.5-story dwelling. The Applicant is also proposing 64 parking spaces including three (3) ADA spaces, as well as a dumpster enclosure to the east and a new full-movement driveway to Route 33. Associated site improvements include curbing, sidewalks, wall signage, landscaping, lighting, and stormwater management facilities.

3. **Consistency with the Zone Plan**

The subject property is located in the R-2 Low Density Single-Family Residential district. The purpose of the R-2 Zone District is to provide for single-family residential development at a density ranging between four (4) and five (5) dwelling units per acre. Permitted conditional uses include cemeteries, community centers, community shelters, detached single family residences, marinas, parks, places of worship, recreational facilities, and public or private elementary, middle, or high schools.

The property is also located in the Hospital Support Overlay Zone District. Some of the permitted uses in the Hospital Support Overlay Zone District includes hospitals; physicians and other professional offices; clinics and other therapeutic and rehabilitation facilities; medical and dental diagnostic offices and laboratories, etc.

The proposed church use does not comply with all of the conditions set forth in Ordinance Section 412.19 (“Places of Worship”), requiring d(3) conditional use variance approval.

4. **Bulk and Zoning Requirements**

- A. The maximum building cover permitted in the R-2 Zone is 30%, whereas the proposed building cover is not provided. The applicant should update the plans to include such. **A VARIANCE MAY BE NEEDED.**
- B. As per §412.17B, handicapped parking spaces shall measure 12 feet wide by 18 feet long, whereas the applicant is proposing ADA spaces eight (8) feet wide by 18 feet long. **A WAIVER IS NEEDED.**
- C. As per §412.17D, the Architect’s plan indicates 320 seats in the sanctuary which will require 80 parking spaces. The site plan indicates 250 seats which will require 63 parking spaces. This matter should be clarified. **A VARIANCE MAY BE REQUIRED.**
- D. As per §412.19A(1)(f), the minimum required building setback from any residential property line shall be at least 1 ½ times the height of the main roofline (1.5 x proposed height of 20 feet = 30 feet), whereas the proposed setback is 11.14 feet. **A D(3) VARIANCE IS NEEDED.**

The proposed building heights should be re-calculated based on the Township Ordinance to the average height between the eaves and the ridge.
- E. As per §412.19A(2)(a), no parking lot shall be permitted in a front yard, whereas the proposed parking area is located within a front yard. **A D(3) VARIANCE IS NEEDED.**
- F. As per §412.19A(2)(b), parking lots shall be setback from any side property line 20 feet, whereas the proposed parking area is located 19.2 feet from the side property line. **A D(3) VARIANCE IS NEEDED.**
- G. As per §416.07B(1), one (1) wall sign is permitted, whereas the applicant is proposing two (2) wall signs along the south elevation of the building. **A VARIANCE IS NEEDED.**
- H. As per §416.07E, directional signs shall not exceed three (3) square feet in size, whereas some directional signage proposed exceeds three (3) square feet. **A VARIANCE IS NEEDED.**

- I. As per §424E(1), wherever the property line of an occupied lot in the H-S Zone abuts a residential use or zone, a buffer of at least fifty (50) feet in width shall be provided, whereas no buffer is provided along the northern, eastern, and western property lines. **A VARIANCE IS NEEDED.**
- J. As per §502.B.1(a), except for buildings in planned commercial development, no building shall be permitted to have a total measurement greater than 150 feet in length along any wall, roof or footprint plane. Building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than fifty (50) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. The total measurement of such offsets shall equal a minimum of ten (10) percent of the building wall length. The maximum spacing between such offsets shall be forty (40) feet. The minimum projection or depth of any individual offset shall not be less than two feet. Roofline offsets shall be provided along any roof measuring longer than seventy-five (75) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof. The west elevation of the proposed building addition is 80 feet and does not contain wall offsets. **THE APPLICANT SHALL COMPLY WITH THIS ORDINANCE SECTION TO THE BEST OF THEIR ABILITY.**
- K. As per §509H requires the base of all sides of a building to be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees, whereas the proposed landscaping does not meet this requirement. **A WAIVER IS NEEDED.**
- L. As per §515A(1), all non-residential refuse and recyclable disposal collection areas shall be suitably buffered and screened to minimize the impacts of noise, odors, disposal and collection activities and views of collection bins and dumpsters. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way. Buffering shall consist of a minimum four (4) foot wide area surrounding all sides of such facility exposed to view. If such facility is located on a site adjacent to a residential use or zone, such buffering shall consist of a minimum ten (10) foot area surrounding all sides of such facility exposed to view. Screening shall consist of a minimum six (6) foot-high masonry wall, solid wooden fence or accessory building with gates or doors and ramped access to facilitate the movement of bins or dumpsters. The base of such screen shall be planted with a minimum four (4) foot high evergreen hedge along the sides and rear of same; whereas no buffering is provided around the proposed dumpster enclosure. **A WAIVER IS NEEDED.**
- M. As per §519B(1), sidewalks shall be required on both sides of the street for all major arterials, minor arterials, collector roads and local roads in

association with non-residential development, whereas no sidewalks are proposed along Route 33. **A WAIVER IS NEEDED.**

- N. As per §519B(4), walkways shall be located on a site to facilitate pedestrian access between the public sidewalk, buildings, parking lots and other facilities and to provide for pedestrian circulation generally within a site, whereas no walkways are provided to connect the parking area to the building. **A WAIVER IS NEEDED.**

5. **Required Proofs for Variance Relief**

- A. ***D(3) Conditional Use Variance.*** The application requires a d(3) use variance for the approval of a use where the conditions upon which the permitted use is predicated have not been met. To meet the positive criteria for a d(3) variance, the applicant should prove the particular suitability of the site in accommodating the use, despite its failure to meet the conditions set forth in the ordinance

The negative criteria should focus on the impact of the deviation, not the impact of the use. The applicant must present evidence that the negative impacts of non-compliance with the conditions can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- B. ***C Variances***

A number of “c” variances are required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

3) C variances must also show consistency with the negative criteria as well.

C. *A number of design waivers are required.* The Board has the power to grant design waivers as “exceptions” from the requirements of the Borough’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

6. **Site Plan Review Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should provide testimony as to the general use of the site and all proposed uses on site, including the days and hours of operation of all buildings, any proposed outdoor events, the number of congregants including youth and adults, overall site circulation, anticipated traffic demand, and refuse generation.
- C. The applicant should provide testimony as to whether the proposed number of parking spaces meets the anticipated parking demands of the site. Testimony should also be provided as to how different activities on site will contribute to the overall parking demand.
- D. The architectural plans do not match the color rendering for front façade details and signs.
- E. The floor plans indicate a number of classrooms and offices on the 1st floor. The applicant should confirm the total area of all office and classroom uses and confirm the total number of parking spaces required.
- F. The applicant should provide testimony as to the uses proposed in the multi-purpose room on the lower level.
- G. The existing and proposed uses of the “existing 1-story frame dwelling” behind the proposed sanctuary should be provided on cover sheet.
- H. The existing utilities to the “existing 1-story frame dwelling” should be addressed.
- I. The existing side yard variance to the “existing 1-story frame dwelling” should be noted on the zoning table.

- J. The General Note #7 on cover sheet incorrectly references “Variances”.
- K. The General Note #10 on cover sheet indicates that the existing 4-inch sewer lateral will be used for the sewer. The condition and capacity of the sewer lateral for this use should be addressed.
- L. The reference to “Planning Board” in the approval signature block should be revised to “Zoning Board”.
- M. Street lighting per Ordinance 511, B&E 3 should be provided.
- N. The “Tree Survey Plan” indicates over 250 trees ranging from 4" to 36" in diameter. The proposed number of trees that will be saved should be addressed. There are 20 trees and 70 shrubs proposed, however, there are no landscape buffers proposed on either sides of the property.
- O. The applicant should provide construction details and height of the proposed wall along the front of the existing building.
- P. The architectural plans indicate two (2) wall signs are proposed along the south elevation on the existing building. However, only one (1) wall sign is depicted in the rendering. The applicant should confirm the number of signs proposed and provide details of such to ensure compliance with Ordinance Section 416.
- Q. The applicant should indicate if any monument signs are proposed and provide details of such.
- R. The applicant should clarify the proposed height of the building addition. The north elevation indicates a height of 20 feet, whereas the south, east, and west elevations indicate a height of 21 feet.
- S. The applicant should provide testimony as to compliance with the NJ State Electronic Vehicle Parking Requirements.

7. **Stormwater Management Review Comments**

- A. The project disturbance is over one (1) acre of land disturbance and increases the amount of impervious coverage by more than 0.25 acres, therefore the project must comply with NJDEP Best Management Practices with regard to green infrastructure, TSS Removal, groundwater recharge and stormwater quantity reduction.
- B. The Applicant has designed the stormwater management system to address the NJDEP BMP Manual and the Township of Neptune Stormwater Management Ordinance 21-07 Section III.A.

C. The Applicant should address the following concerns regarding groundwater recharge

- 1) Ordinance 21-07 Section IV.P.2.i states – Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site. **Groundwater recharge calculations shall be provided.**
- 2) The Applicant proposes groundwater recharge. Testimony should be provided to address the impact of basin failure and spillway design. Within the 100-year storm, the pond will peak at 44.80 with no infiltration.
- 3) In accordance with the NJDEP BMP Manual, the Applicant shall address hydraulic impacts. A groundwater mounding analysis shall be provided for the infiltration basins.

D. Stormwater Runoff Quantity Standards permits a maximum allowable 2-year storm event of 0.01 CFS where 0.10 CFS is proposed, **which will require a WAIVER.** This WAIVER is not addressed in the drainage report.

Reduction in impervious surface and/or increase in landscaping should eliminate this waiver.

E. The Applicant shall address the following design concerns:

- 1) Ordinance 21-07, Section IX, Part A, (1) requires whenever an Applicant seeks Municipal approval of a development subject to this ordinance, the Applicant shall submit all of the required components of the checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval. The Applicant shall submit a compliance check as required.
- 2) The infiltration basin shall be designed to address basin access, safety ledge and basin maintenance.
- 3) The following details shall be added to the plan:
 - Infiltration basin detail
 - Spillway detail

- F. The Applicant shall provide a stormwater maintenance manual in accordance with NJDEP BMP standards. Within the manual, the following maps (11" x 17") shall be provided:
- 1) Grading Plan
 - 2) Drainage and Utility Plan
 - 3) Landscape Plan and Details
 - 4) Soil Erosion Seeding Notes
- G. The following notes shall be added to the Grading and Drainage Plan:
- 1) Stormwater management facilities shall be regularly maintained to ensure they function at design capacity and to prevent health hazards associated with debris buildup and stagnant water.
 - 2) Responsibility for operation and maintenance of the stormwater facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owners or owners of the property. Maintenance shall follow the operations maintenance manual approved by the Neptune Township Planning Board.
 - 3) In the event that the facility becomes a danger to public safety or public health, or if it is in need of maintenance. The owner shall affect such maintenance and repair of the facility in a manner that is approved by the Township Engineer.
- H. As outlined under Ordinance 21-07, Section IV, Part M – Any stormwater Management Measure authorized under the Municipal Stormwater Management Plan or Ordinance shall be reflected in a deed notice recorded in the Office of the Clerk of the County of Monmouth. The Township will require quarterly reports of drainage maintenance as compliance of this approval and Maintenance Manual.

8. **Conditions of Approvals**

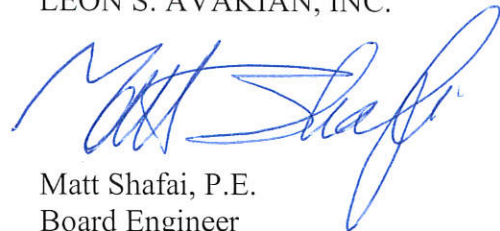
- A. Freehold Soil Conservation District
- B. Monmouth County Planning Board
- C. Posting of the Performance Bonds and Inspection Fees
- D. Developer's Agreement
- E. Tree Removal Permit
- F. Neptune Township Sewer Department
- G. Neptune Township Sewerage Authority
- H. NJDEP Sanitary Sewer Permit, if required.

- I. NJDOT Access Permit
- J. NJDEP Wetlands, Buffer Averaging & GP-7 Permits

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:mcs
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