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December 1, 2021

Brick Township Board of Adjustment
401 Chambers Bridge Road
Brick, NJ 08723

Attn: Pamela O'Neill – Board of Adjustment Secretary

**Re: Congregation Kehilos Yisroel
Site Plan and Conditional Use Variance Application
Zoning Board of Adjustment Engineering Review #1
Application No. BA-3296
Location: 200 Van Zile Road
Block 1095 Lot 1
Brick Township, Ocean County, NJ
Our File: HBTZ1098.01**

Dear Chairman Chadwick and Board Members:

In accordance with your authorization, our office has performed a review of the above referenced Site Plan and Variance application, including but not limited to the following:

- Change of Use & Site Plan, 200 Van Zile Road, Block 1095, Lot 1, Brick Township, Ocean County, New Jersey, consisting of five (5) sheets, prepared by Newlines Engineering & Survey, dated August 31, 2021, last revised November 4, 2021;
- Preliminary architectural plans, consisting of three (3) sheets, prepared by Rise NJ Architecture, undated and unsigned;
- Survey of Property, Block 1095 – Lot 1, 200 Van Zile Road, Brick, Township, Ocean County, New Jersey, consisting of one (1) sheet, prepared by Newlines Engineering & Survey, dated March 1, 2021, unrevised;
- Amended Site Plan, Temple Beth Or, Lot 1, Block 1095, Township of Brick, Ocean County, New Jersey, consisting of one (1) sheet, prepared by Central Jersey Engineers, Inc., dated December 22, 1975, last revised June 23, 1978;
- Resolution of the Township of Brick Planning Board for Final Approval, Site Plan with Variance Request (Resolution R-71-78, Case #961-A), dated October 11, 1978; and
- Land Development Application dated November 17, 2021.

Based upon our review of same, we offer the following comments:

- 1) The Applicant, Congregation Kehilos Yisroel, is seeking Preliminary and Final Site Plan approval with conditional use variance relief to operate both a school and a House of Worship



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on site. The details of the proposed school operation, including but not limited to proposed curriculum, number of students, age range of students, and timing and frequency of classes, are not indicated in any of the items submitted. Further, the scope and nature of the building improvements necessary to support the proposed school use are unclear. Based upon the Site Plan submitted, it appears that the proposed site improvements are limited to the removal of three (3) parking spaces in the southerly portion of the parking lot for the purpose of installing a refuse enclosure, the restriping of several handicap accessible parking spaces, and the installation of several handicap parking signs; these proposed changes will result in a net loss of three (3) parking spaces, resulting in a total of 117 parking spaces on site. It does not appear that any other site improvements or off-site improvements are currently proposed.

- 2) The subject +/-4.11-acre parcel, which is located in an R-7.5 (Single Family Residential) Zone District, is situated on the northeasterly corner of the intersection of NJ State Highway Route 70 westbound and Van Zile Road and also on the southeasterly corner of the intersection of Van Zile Road and Hendrickson Avenue. The property also provides frontage along the westerly side of Mathis Street, an unimproved right-of-way to the east. The property currently contains a masonry building with a building footprint area of approximately 16,850 square feet, along with a +/-1,950 square foot single-story building near the westerly lot corner, a +/-2,500 square foot single-story building in the northerly portion of the lot, and a 120-space parking lot, the access to which is provided via a divided access driveway extending from / to Hendrickson Avenue approximately 100 feet northeast of its intersection with Van Zile Road. As depicted on the FEMA Preliminary Flood Insurance Rate Map (P-FIRM), the subject property is not shown within a regulated special flood hazard area. Based upon the NJDEP NJ-GeoWeb online resource, there are no wetlands or open water features on site.
- 3) The properties across Van Zile Road to the west and across Mathis Street to the east are situated in a B-3 (Highway Development) Zone District and contain a bank and a veterinary hospital, respectively. The properties across Hendrickson Avenue to the north and across Mathis Street to the northeast are situated in an R-7.5 Zone District and appear to contain single family residential uses. The property directly across NJSH Route 70 to the south is located in an R-M (Multi-Family) Zone and contains the Kentwood Village apartment complex.
- 4) The Applicant has requested a variance from the conditional use standards applicable to public and private schools not conducted as businesses (§245-298.2 of the Township Land Use Regulations). Section J of the Application forms indicates "245-298.2 Accessory Buildings within Setback," which appears to be a reference to §245-298.2.E. The specific building for which the Applicant is requesting relief is not identified, but we note that the proposed dumpster enclosure is within the minimum 25-foot front yard setback required in the R-7.5 Zone. We defer to the Board Planner and/or Board Attorney for further comment relative to the criteria for approval of any variance relief that is required.



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5) While we defer to the Board Planner and/or Board Attorney relative to any additional conditional use variance(s) that may be required, it appears that the proposal does not comply with the following additional conditional use standards applicable to public and private schools not conducted as businesses:

- a) §245-298.2.I – *“All private and public schools that have been constructed or occupied to such a use subsequent to the effective date of this section shall not have their primary frontage or access on any lower order street, as defined by the New Jersey Residential Site Improvement Standards (RSIS).”* The primary access for the site is from / to Hendrickson Avenue, which appears to be a “residential neighborhood” RSIS street type, as it has a 50-foot right-of-way width, a +/-30-foot cartway width, has curbing and sidewalk along both sides of the roadway, provides frontage for access to lots fronting on the street, and carries traffic with destination / origin on the street itself. “Residential neighborhood” streets are the lowest order of residential streets defined in the RSIS, other than rural street types, and accordingly, it does not appear that the access for the site complies with this conditional use standard.
- b) §245-298.2.J – *“Buffer requirement: A perimeter landscape buffer shall be required around the entire length of side and rear property lines. A minimum of 30 feet to all residential uses must be provided.”* No landscaping plan or survey of existing landscaping has been provided to demonstrate compliance, but it does not appear that a 30-foot landscape buffer is provided to all adjacent residential uses.
- c) §245-298.2.K – *“Landscaping requirements: All landscaping shall be in conformance with §245-404 through 245-408.”* No landscaping plan or survey of existing landscaping has been provided to demonstrate compliance, but it does not appear that the existing landscaping on site complies with the applicable landscaping requirements.
- d) §245-298.2.L – *“Parking requirements for the use shall comply with Article XXXV, §245-311, for parking loading, vehicular access and location requirements, and shall include parking for the proposed use and all accessory uses associated with the principal use of the site.”* The existing conditions do not comply with the applicable parking, loading, vehicular access and location requirements, as further detailed in paragraph 9) below.

6) In addition to the above, it appears that bulk variance relief is also required for the following:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Quantity of Parking Spaces Required for School & House of Worship	At least 175 spaces	120 spaces	117 spaces ⁽¹⁾



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Stormwater Management Basins Permitted in Front Yards	No	Yes ⁽²⁾	Yes ⁽²⁾
Minimum Front Setback for Ground Sign	5 feet	0 feet ⁽³⁾	0 feet ⁽³⁾
Number of Signs Permitted for Religious Organizations within Residential Zones	1	2	2

(1) – Please see 9)d) below for further details relative to the applicable parking requirements

(2) – Site Plan depicts a stormwater management basin extending into the NJSH Route 70 right-of-way

(3) – The existing ground sign, which appears is proposed to remain, is within the Hendrickson Avenue right-of-way approximately 13 feet from the edge of pavement

- 7) In 1978, the previous owner of the site, Temple Beth Or, Inc., received Site Plan approval with variance relief to develop the site for use as a Place of Assembly. The 1978 Site Plan approval from the Planning Board included the following variance relief:

	<u>Required</u>	<u>Approved</u>
Minimum Setback (Rectory Building to Unimproved Street)	50 feet	75 feet

We offer the following comments for review and consideration by the Board and discussion at the Public Hearing:

8) General

- The Applicant should provide testimony to summarize all previously granted Site Plan approvals and variance relief for the subject property.
- The Applicant shall provide testimony in support of the requested / required variances, addressing the positive and negative criteria for the granting of any "d" variance(s) that may be required. We defer to the Board Planner for further comment relative to the requirements for granting the required variance relief.
- The Applicant should confirm that the height of the building proposed for use as a school complies with the applicable ordinance requirements, as per the conditional use standards applicable to public and private schools not conducted as businesses (§245-298.2.H of the Township Land Use Regulations).



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- d) The Applicant must provide testimony relative to the proposed school use. Testimony should address but not be limited to the following:
 - i) The quantity of students that would attend the school, including both total enrollment and maximum attendees at any given time;
 - ii) The age range of the students that would be attending the school;
 - iii) Hours and days of operation for the proposed school use;
 - iv) Whether the school and House of Worship would be operating simultaneously; and
 - v) What rooms / spaces within the building will be used in connection with the proposed school.
- e) The site contains three (3) separate buildings. The Applicant should detail how each of these buildings will be utilized and whether they are accessory to the principal use(s) on the property or whether they will function as their own principal building / use. If Building #2 near the westerly property corner is determined to be a principal building, an additional conditional use variance would be required, as §245-298.2.D prohibits principal buildings within forty (40) feet of any right-of-way, and Building #2 is setback 39.61 feet and 37.48 feet from the Hendrickson Avenue and Van Zile Road rights-of-way, respectively.
- f) The architectural plans submitted do not clearly indicate what building modifications are proposed to allow for the school use. Detailed floor plans for the existing building and proposed improvements should be provided for clarification. The Applicant must also clarify how each portion of the main building will be used in connection with each proposed use.
- g) The Applicant should provide testimony to clarify whether any boarding or similar residential use is proposed on site.

9) Traffic, Parking & Circulation

- a) The Applicant should prepare and submit a traffic report pursuant to §245-394.A.(29) of the Township Land Use Regulations. The traffic report should be prepared by an NJ Licensed Professional Engineer, should address the traffic impact of the proposed uses on the site and on the adjacent roadway network and nearby intersections, and should include an analysis of existing traffic conditions, peak hour trip generation estimates for the proposed uses, and level of service analysis of existing and proposed conditions.
- b) The Applicant should address vehicular queueing at pickup / drop-off locations on site, at the site egress drive and on the adjacent roadways, both for passenger vehicles and busses. A queue analysis at these locations should be included in the traffic report requested above. The impact of traffic queues on safety and circulation should also be addressed.



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- c) The way in which students will be brought to and from the site must be clarified. If the use of busses is proposed, all details of the proposed bus operations should be specified, including but not limited to the following:
- i) Total number of buses and total quantity of pickups / drop-offs per day;
 - ii) Timing of bus pickups and drop-offs;
 - iii) Size of buses;
 - iv) Whether buses will be parked on site at any time, and if so, the proposed location and other details for bus parking;
 - v) Bus loading / unloading operations, including locations and bus queueing areas;
- Board approval, if granted, should be conditioned upon compliance with all testimony and representations relative to the proposed bus operations on site.
- d) §245-310 of the Township Land Use Regulations indicates that for a House of Worship, a minimum of one (1) parking space shall be provided for every four (4) seats or for every four (4) persons who may be legally admitted, whichever is greater. The architectural plans submitted indicate that the total legal occupancy of the modified building is 674, and accordingly, at least 169 parking spaces would be required for the House of Worship in order to comply with Township Requirements. Additional parking is required for the proposed school; the parking requirement for the school, as defined in §245-298.2.L, is largely dependent upon the grade level of the students. Additional parking may also be required for the smaller buildings on site, dependent upon the use of these buildings. Upon completion of the parking area restriping and refuse enclosure construction, the parking area would contain a total of 117 parking spaces, whereas a minimum of 175 parking spaces appears to be required for compliance with Township Requirements.
- e) In accordance with §245-311.B of the Township Land Use Regulations, parking facilities shall not be closer than twenty (20) feet from any street right-of-way line. The existing parking lot encroaches to within +/-2 feet of the Hendrickson Avenue right-of-way and within +/-1 foot of the NJSH Route 70 right-of-way. As noted in paragraph 5)d) above, a conditional use variance appears to be required.
- f) In accordance with §245-311.J, parking spaces shall be ten (10) feet wide by eighteen (18) feet long, with a twenty-five (25) foot wide access drive between the spaces. The existing parking spaces delineated on the Site Plan are nine (9) feet wide, and all access drives are less than twenty-five (25) feet wide, varying from 22.4 feet wide to 24.24 feet wide. As noted in paragraph 5)d) above, a conditional use variance appears to be required.



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- g) In accordance with §245-311.M, any parking stall adjacent to a right-of-way must provide berming with a minimum height of three (3) feet. Although no topographic information is provided on the Site Plan, it does not appear that the berming is present or proposed. As noted in paragraph 5)d) above, a conditional use variance appears to be required.
- h) The turning template plans provided indicate that both school buses and the garbage truck design vehicle will need to drive over the curb along Hendrickson Avenue to access the site. In addition, our office has concerns relative to the ability for oversize vehicles to turn into the egress side of the divided site ingress / egress driveway without having to drive over the adjacent curbing. Based upon existing site conditions, it appears that vehicles have previously driven over the curbing at both of these locations. Curb and apron modifications should be constructed to allow for proper circulation.
- i) The turning template plan should be expanded to depict the curblines on the opposite side of Hendrickson Avenue. The expanded turning template plan must confirm that the design vehicles can enter and exit the site and navigate through the site without conflicting with other vehicles on the roadway or within the site.
- j) A turning template plan for a fire truck should be provided.
- k) §245-364.H of the Township Land Use Regulations requires the provision of sight triangle easements at all intersections. No sight triangle easements are depicted on the Site Plan. The required easements should be provided and depicted on the Site Plan. If existing and/or proposed improvements are present within any of the required sight triangle easements, additional variances and/or design waivers may be required.
- l) Additional striping should be provided within the parking area as directed by the Township Bureau of Fire Prevention, the Township Police Department and/or the Township Engineer. The location of any striping required by these departments should be depicted on the Site Plan to confirm that same does not block, reduce or otherwise inhibit parking or circulation. The required parking variance detailed in 9)d) above may be exacerbated if the required striping has the effect of reducing the quantity of available parking spaces on site.
- m) The Applicant must confirm compliance with §245-311.G of the Township Land Use Regulations and should address loading operations on site. Timing, frequency and other details of deliveries to the site should be discussed. The location of loading / unloading operations should also be clarified, as it does not appear that a designated loading zone is provided on site.
- n) The location of van accessible handicap parking spaces should be identified. Van accessible spaces should consist of an 11-foot wide space and a 5-foot wide striped aisle, consistent with the currently preferred ADA specifications.



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10) Stormwater Management, Grading & Utilities

- a) No existing or proposed topographic information has been provided. Topography should be provided to demonstrate compliance with all applicable portions of the Township Code, including but not limited to §245-396 (Construction Requirements) and §168-3 (Engineering Permits and Standards – Grading and Clearing). Topography should also be provided along the barrier free accessible path from the handicap parking stalls to the building to confirm compliance with the ADA requirements for cross slope and running slope.
- b) The Site Plan submitted depicts a stormwater management basin extending beyond the southerly property line and into the NJSH Route 70 right-of-way, whereas §245-369.B of the Township Land Use Regulations prohibits stormwater management basins within front yards. A variance appears to be required. In addition, an NJDOT occupancy permit or other NJDOT approval may be required for improvements within the NJDOT right-of-way. The details of the stormwater management basin, including topography and any structural improvements (piping, flared end sections, outlet control structures, etc.) should be clarified on the Site Plan. If basin modifications are necessary to eliminate the apparent encroachment into the NJDOT right-of-way and/or for compliance with Township requirements, updated stormwater management calculations may be required.
- c) The Applicant must address the drainage impact of any proposed increase in impervious coverage, including but not limited to any curbing modifications, apron modifications and/or driveway expansions necessary to allow for access and circulation by oversized vehicles.
- d) §245-396.G of the Township Land Use Regulations indicates that all roof leaders shall be tied into a storm sewer pipe system. The details of the roof drainage system and roof leader collection piping should be added to the Site Plan to confirm compliance.
- e) Based upon our site observation, it appears that the stormwater management basin is overgrown with vegetation, and accordingly, it is unclear whether the basin is functioning properly. The Applicant should provide maintenance logs for the stormwater management system to confirm that the maintenance tasks for the system have been regularly performed, as required. In addition, additional information should be provided, possibly including but not limited to a certification from an NJ Licensed Professional Engineer, to confirm that the basin is functioning consistent with its approved design and all applicable requirements.
- f) The Applicant should clarify how water and sewer service is provided to the site and address the BTMUA and/or Health Department requirements for the proposed additional use on the property. We note that §245-394.C of the Township Land Use Regulations indicates that the Applicant must submit a statement from the BTMUA that it will be accepted into the sewage disposal system prior to the issuance of any certificates of occupancy.



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11) Landscaping and Lighting

- a) A Landscaping Plan depicting existing landscaping and any proposed landscaping should be provided. The plan must confirm compliance with all applicable landscaping requirements of the Township Land Use Ordinance, including but not limited to the applicable portions of Part 5 (Landscaping and Buffer Requirements – §245-404 through §245-415).
- b) The Existing Lighting Plan submitted indicates that an existing light on the southerly side of the parking lot was not operational at the time that the lighting survey was performed. The light should be repaired and an updated lighting survey should be performed. Existing maximum, minimum, average and max/min ratio illumination levels should be provided to demonstrate compliance with applicable standards.
- c) The Existing Lighting Plan should be expanded to confirm that there is no illumination spillover from the site lighting beyond the property lines and to confirm compliance with §245-393.A(6) of the Township Land Use Regulations, which requires that “the location, power, directions and time of any outdoor lighting will not have any adverse effect upon any properties in adjoining residential districts by impairing the established character or the potential use of properties in such districts.”
- d) The Applicant should confirm that the existing lighting utilizes timers and should specify the hours of operation.

12) Miscellaneous

- a) As noted above, variances appear to be required for the zero (0) foot setback to the existing sign proposed to remain, which is within the Hendrickson Avenue right-of-way, and for the quantity of signs on site. The Applicant must confirm that the signage complies with the other requirements applicable to signs for religious organizations within residential zones, as per §245-314.C(2)(b), including maximum sign area (10 square feet) and reference to events to be held on the premises.
- b) The Applicant should clarify whether any special events associated with the proposed school use, such as graduations, awards ceremonies, concerts, etc., would be held at the school, and if so, the timing, frequency and other details of same. The impact of these events on parking, traffic and on- and off-site circulation would need to be addressed.
- c) No designated recreation areas are identified on site or within the building. The Applicant should address the availability of recreational amenities for the students. We recommend that designated recreation areas be provided, with perimeter fencing installed where appropriate for the safety of the students and traveling public.



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d) A new refuse enclosure is proposed in the southerly portion of the parking area. As noted above, a conditional use variance appears to be required for this accessory structure within a required front setback area. In addition, it appears that the proposed refuse enclosure does not comply with the following provisions of §245-374 of the Township Land Use Regulations:

- i) The refuse area is not permitted within any front yard area, accessory setback area of buffer area, whereas the refuse area is within the front setback;
- ii) A minimum 5-foot wide landscaping area should be provided along three (3) sides of the enclosure, whereas no such landscaping is proposed; and
- iii) If the refuse area is located within or adjacent to a parking area of access drive, the enclosed refuse area shall be separated from such parking area or access drive by concrete curbing, whereas no curbing appears to be proposed.

It appears that design modifications and/or additional variance relief may be required for the proposed refuse enclosure.

- e) The architectural plans depict a kitchen within the building. The way in which the kitchen will be used in connection with the uses on the property and the details of meal service provided to the students, if applicable, should be clarified.
- f) Pursuant to §245-393.A(8) of the Township Land Use Regulations (Site Plan approval standards), the Applicant must present appropriate evidence that the Site Plan is in conformance with the applicable standards of Chapter 281, Noise, of the Code of Brick Township.
- g) The Applicant should be prepared to discuss any comments received from the Brick Township Bureau of Fire Safety and the Township Police Department.
- h) Signature blocks should be provided on all plan sheets. The signature blocks must reference the Zoning Board of Adjustment, not the Planning Board.

13) Outside Agencies

The Applicant remains responsible to obtain any and all required outside agency approvals, including but not limited to the following:

- a) NJDOT
- b) Ocean County Planning Board



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- c) Brick Township MUA
- d) Ocean County Soil Conservation District

A status update relative to the required outside agency approvals should be provided.

Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates

Brian Boccanfuso, PE, CFM
Office of the Zoning Board Engineer

BB

cc: Ron Cucchiaro, Esq.
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