

**MARLBORO TOWNSHIP PLANNING BOARD
RESOLUTION NO. PB 1193-19**

IN THE MATTER OF THE CHURCH IN MARLBORO FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL	FINDINGS OF FACT AND CONCLUSIONS OF LAW Block 299, Lot 154 Marlboro Township, Monmouth County Zone R-80 (Residential) Application No. PB 1193-19 Approval Date: March 4, 2020
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BE IT RESOLVED, by the Marlboro Township Planning Board (“Board”) that the action taken on March 4, 2020, on the above referenced matter, is hereby memorialized by the adoption of this written resolution setting forth the Board’s Findings and Conclusions.

RELIEF SOUGHT AND JURISDICTION

1. Project Description

The subject 9.7 acre property is within an R-80 (Residential) Zone District and contains 316 feet of frontage along the southerly side on Union Hill Road opposite the Willow Lane intersection. Currently, the property contains a 1-1/2 story dwelling, having access by a semi-circular dirt drive along the Union Hill Road site frontage. The remainder of the property is heavily wooded and a tributary to Pine Brook, including an apparent pond area, is located along the rear property line. The property is encumbered by wetland areas and associated buffers along said tributary and pond and an isolated wetland pocket as well as additional wetland and buffer area exist onsite along a portion of the westerly side property line and central area of the site.

The Applicant, the Church in Marlboro, proposes to remove all existing site improvements and construct an approximately 7,680 s.f. split-level church/house of worship containing a 220 seat sanctuary area, meeting rooms and office, restrooms and a lobby area on the upper level. Applicant’s proposal contains a lower level with a multi-purpose room, meeting rooms, restrooms and a kitchen area. Parking for 78 vehicles is proposed surrounding the building with access proposed by a paved driveway along the Union Hill Road site frontage near the westerly side property line. The church building is to be serviced by municipal water and sanitary sewer systems, including an offsite force main connection on Laurel Lane opposite the site. A surface area infiltration basin discharging within the wetland area along the rear of the property is proposed for stormwater management purposes. Lighting and landscape improvements, including a refuse enclosure area, are also proposed with this application.

The Plans have been revised with this current submittal to provide a security fence south of the proposed site improvements to provide a sidewalk along the Union Hill Road site

frontage, and to provide a grass paver emergency access drive from Union Hill Road.

Applicant seeks preliminary and final site plan approval.

2. Surrounding Uses

Properties surrounding the subject site are also in the R-80 zone, and contain a predominate mix of residential parcels with scattered residential/agricultural uses and vacant/wooded parcels. The Asher Holmes Elementary School adjoins the subject site to the northeast.

3. Zoning Compliance

The subject property is situated within an R-80 Zone District and a church/house of worship is a permitted conditional use within said zone district in accordance with Ordinance Section 220-105. The table below summarizes the bulk measures and zone requirements for the proposed use:

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	3.5 acres (CU)	9.7 acres
Minimum Lot Frontage	150 feet (CU)	316.2 feet
Minimum Lot Width	150 feet	300 feet $\pm$
Minimum Lot Depth	300 feet	1,399 feet $\pm$
Minimum Front Yard Setback	50 feet (CU)	127.1 feet
Minimum Side Yard Setback	50 feet (CU)	73.8 feet
Minimum Rear Yard Setback	50 feet (CU)	1,118 feet $\pm$
Maximum Building Height	35 feet	32.3 feet $\pm$
Minimum Gross Floor Area	1,800 s.f.	15,360 s.f. $\pm$
Minimum Ground Floor Area	1,200 s.f.	7,680 s.f. $\pm$
Maximum Percentage of Total Lot Coverage	28% (CU)	14.4% $\pm$
Minimum Side Yard Setback (Accessory)	25 feet	N/A
Minimum Rear Yard Setback (Accessory)	25 feet	N/A
Maximum Building Height (Accessory)	15 feet	N/A

(CU) – Conditional Use Requirement.

The Applicant has requested the following variance with this application:

- a) **Section 220-97B** – Each off-street parking space shall measure not less than 10 feet by 20 feet; 34 of the 78 proposed parking spaces are indicated as being 9 feet by 18 feet and two (2) additional spaces are proposed at 9 feet by 20 feet.

In addition to the above, the following variance appears necessary:

- b) **Section 220-100B** – Within a buffer area, no use, activity or sign shall be established;

onsite grading area and drainage improvements are proposed within required landscape buffer areas to residential properties along the side property lines.

The Applicant has requested the following design waivers with this application:

- c) **Section 220-137D(18)** – In the case of major subdivisions and site plans, there shall be provided, in conjunction with preliminary review and approval, a report on prevailing soil and groundwater conditions; waiver from ground water monitoring requirement is requested.
4. As a permitted conditional use within an R-80 Zone District, the proposed house of worship/church complies with Ordinance Section 220-105 accordingly.
5. The Applicant should delineate any encroachment that may exist along Union Hill Road at the existing site access drive(s) and the adjoining property driveway, as it relates specifically to the full face and/or depressed curb reconstruction along said area.
6. This application is subject to the requirements of the Residential Site Improvements Standards (RSIS) adopted as N.J.A.C. 5:21-1 et seq. The Applicant has not requested any waivers or de minimis exceptions from the RSIS requirements. An agreement to exceed said requirements should be filed with the New Jersey Department of Community Affairs for those improvements which exceed RSIS.

THE APPLICANT

7. The Applicant is The Church at Marlboro, Marlboro, New Jersey.
8. The Applicant has certified that all property taxes for the subject property and all escrow fees required under the applicable ordinance(s) for such an application have been paid. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.
9. The Applicant has submitted an affidavit of proof of service of Notice published in the Asbury Park Press. The proof of service comports with the notice before the board that this matter is of a character that the applicant has presented to the Board.

THE HEARINGS

10. On **July 17, 2019** and **March 4, 2020**, public hearings took place before the Marlboro Township Planning Board at the Marlboro Township Municipal building, located at 1979 Township Drive, Marlboro, New Jersey 07744-2299.

PLANS PRESENTED

11. The following plans were presented to the Board:

- Preliminary and Final Site Plan (11 sheets) prepared by Concept Engineering Consultants, PA, dated February 5, 2020.
- Stormwater Management Report, prepared by Concept Engineering Consultants, P.A., dated February 10, 2020.

EXHIBITS

12. The following exhibits were presented to the Board:
- A-1, Statement of Witnesses, dated July 17, 2019.
 - A-2, Architectural Rendering of the Front of the Church, dated July 17, 2019.
 - A-3, Architectural Rendering of the Side of the Church, dated July 17, 2019.
 - A-4, Architectural Rendering of the Back of the Church, dated July 17, 2019.
 - A-5, Floor Plan of the Church, dated July 17, 2019.
 - A-6, Site Plan, dated January 28, 2019.
 - A-7, Grading and Utility Plan, dated January 28, 2019.

TOWNSHIP REPORTS/MEMORANDUM

13. The following professional reports were presented to the Board:
- a) CME Reports by Laura J. Neumann, P.E. P.P., dated February 28, 2020 and June 13, 2019.

TESTIMONY AND PUBLIC INPUT

14. At the hearing on **July 17, 2019**, the Applicant was represented by Sal Alfieri, Esq. Cleary|Giacobbe|Alfieri|Jacobs LLC, who presented three witnesses: David Lu, Representative of the Church; John Ploskonka, Applicant's Engineer; and Scott Kennel, Applicant's Traffic Engineer.
- a. David Lu, a Representative of the church, testified that he was a Founding member of the church, which is a fundamentalist Christian church of Chinese, Asian and American background. The church is a nonprofit and most of its parishioners have lived in the Township for between 20-30 years. They currently house the church in a rented facility and use elementary schools and high schools for Sunday services. They conduct bible study on Thursday evenings with about 10-15 people. There is no childcare at the facility and there are only wedding ceremonies held there; not receptions.
 - b. Mr. Lu reviewed with the Board Exhibit A-1, a Statement, A-2, architectural rendering

of the front of the church, A-3, architectural rendering of the side of the church, and A-4, architectural rendering of the back of the church. He stated that the hours of service were on Sunday mornings, with about 10-25 families. He estimated that there were 60 families in total, and that the church was designed for 220 people. He then reviewed Exhibit A-5, which shows the Floor Plan of the church and how people would be accommodated.

- c. John Ploskonka, Applicant's Engineer, reviewed with the Board Exhibit A-6, which is the Site Plan, showing how the site would work, its location and the fact that this was a low intensity activity. He reviewed all of the various conditions contained in the Professionals' Memorandum, and stated that the Applicant has met all of the conditions, including obtaining a Letter of Interpretation (LOI) as to wetlands and that there is a sewer and water hookup.
- d. Mr. Ploskonka stated that the Stormwater Management Plan was sound and would move the stormwater to the back of the property.
- e. Scott Kennel, Applicant's Traffic Engineer, testified that the site is sound from an ingress/egress standpoint and that the Applicant can use police to assist on busy days.
- f. Mr. Ploskonka testified as to Exhibit A-7, which is the Grading Utility Plan, showing the location of sidewalks, sign and lighting, and stated that most of the spaces will be 9 ft. by 18 ft., not 10 ft. by 20 ft. since that's what fit on the site and kept the impervious surface to a minimum.

14. The following Township staff/professionals gave advice to the Board:

- a. Michael W. Herbert, Esq., Planning Board Attorney
- b. Laura J. Neumann, PE, PP, Planning Board Engineer and Planner

15. Nine members of the public spoke in regard to this application:

- Mirna Klienman, of 1 Church Road, who was concerned about traffic and stormwater.
- Sam Alfano, of 10 Tennent Road, who was worried that the site would not properly drain and that the Traffic Report was not properly laid out.

The Applicant agreed to work with Mr. Alfano on the placement of the drainage basin on the property and drainage overall.

- Stuart Alexander, of 189 Ten Acre Drive, Monroe, who had concerns with regard to car spacing on the site, ADA compliance, and the placement of the basin and fencing.

- Gilina Shekoff, of 2 Willow Lane, who was concerned about traffic.
 - Olga Vassia, of 518 Union Hill Road, who lives across the street from the church and was concerned about traffic and dumping on the property.
 - Pat Darcy, of 7 Laurel Lane, who was concerned about traffic and stormwater at the site.
 - Michael Timpanaro, of 525 Union Hill Road, who was worried about how the driveway would work and traffic in and around the site.
 - Herman Weinstein, of 1 Prince Edward Road, who was worried about having the church expand and causing traffic in the area.
 - Michael Corio, of 568 Union Hill Road, who had concerns about traffic and safety issues related to the property.
16. After the first hearing, it was agreed that Applicant had to revise its stormwater management plan, its fencing and landscaping plan and update its traffic review. All parties determined that another hearing would take place.
 17. On **March 4, 2020**, the hearing continued, and the Applicant was again represented by Sal Alfieri, Esq. Cleary|Giacobbe|Alfieri|Jacobs LLC, who presented (4) four witnesses: David Lu, Representative of the church; Pastor Ernie Brody, Pastor of the current church facility that is rented by the church; John Ploskonka, Applicant's Engineer; and Scott Kennel, Applicant's Traffic Engineer.
 18. David Lu, a Representative of the church, reviewed with the Board Exhibit A-1, which is his February 10, 2020 Statement, as to who the church was and how they serve the community. He then reviewed Exhibit A-2, an overview of the Site Plan, dated March 4, 2020, A-3, a picture of the front of the church, A-4, picture of the side of the church and A-5, a picture of the back of the church. He stated that a maximum of 120 adults and children would most likely visit the facility on a busy day and that the church membership was 220 in total. He stated that the maximum attendance of any church service was 100 and that there were weekly services. He did not foresee any real growth with the church but that its members had been stable members of society for many years. He testified that the maximum capacity of the church was 220 people and therefore, it should not be an issue. There are no fulltime clergy and volunteering members lead services. He stated that sometimes there were guest speakers. He did not foresee any problems with the parking at the site since the lot would never be more than 75% full at any time.

16. Pastor Ernie Brody testified that he has been in Marlboro since 1991 and runs the Robertsville Bible Church. He stated that he has been working with the Chinese community church for 15 years and cannot recall there ever being a traffic issue at his church and never more than 60 congregants from the church.
17. John Ploskonka, Applicant's Engineer, reviewed with the Board the site, stating that it was a long, narrow property with nearby residential units. He stated that all conditional uses had been met by the property and that this church was unique in that there were no high holy days, that it was the same amount of people every Sunday. He stated that 80 spaces should be more than enough for the 220 seats in the church. He then reviewed with the Board Exhibit A-6, which is a Colorized Site Plan, dated January 28, 2019 and reviewed the site with the Board. He stated that an agreement had been struck with the neighbor, Sam Alfano, whereby they agreed to a change in the stormwater basin and landscaping. In reviewing both CME reports, dated February 28, 2020 and June 13, 2019, he stated that the Applicant would comply with all concerns. He also stated that the Applicant would satisfy the Board concerns in regard to having a sidewalk. He stated that there was no real kitchen; just a microwave and a kitchenette. While going through the testimony, it was determined that there are actually 78 spaces on the site, with 74 required. He stated that there would be fencing on the property for the back drainage basin.
18. Scott Kennel, of McDonough & Rea Associates, Applicant's Traffic Engineer, reviewed with the Board his June 2019 Traffic Report, which shows how traffic would operate at the site. He stated that on Sunday, the traffic was lighter and it should not have a major effect. He stated that at the most, there would be 60 trips in and out on a Sunday and that the ingress/egress at the site would be at a Service Level of "C". Stacking was not an issue. He stated that the driveway ingress/egress was safe and efficient and that the Applicant would also produce an emergency entrance/exit to the property.
19. Mr. Kennel stated that while the police wanted the site to have "no left turn" signage, he said it would not be possible as the site was constricted on where the entrance could be.
20. Mr. Lu agreed that the gate to the emergency entrance/exit will have a lockbox for emergency access.
21. Mr. Kennel reviewed the parking lot lights, which are on timers, and stated that they would not stay on late at night. There are nine total lights on the property. There will be one monument sign at the entranceway that is lit from the exterior.
22. Mr. Lu agreed to Title 39 Jurisdiction for the property so that the police department can access any roads on the property.
23. The following Township staff/professionals gave advice to the Board:
 - a. Michael W. Herbert, Esq., Planning Board Attorney

b. Laura J. Neumann, PE, PP, Planning Board Engineer and Planner

24. Eight (8) members of the public spoke in regard to this application:

- Donald Fritz, of 11 Laurel Lane, a police officer from Old Bridge, believed that traffic safety was an issue for this site. He stated that there have been four accidents on that road in the last couple of years. He could not contradict the "C" Level finding by the Traffic Engineer, but he had a different opinion.
- Jamie Florentine, of 1 Laurel Lane, was concerned about traffic and parking at the site.
- Gilina Shekoff, of 2 Willow Lane, stated that she has seen many accidents on this property and was concerned about traffic. She stated that her mailbox had been knocked down many times and worries about the entrance to the church, safety and traffic.
- Sam Alfano, of 430 Tennent Road, stated that he had worked out the issues with the Applicant with regard to the drainage basin, but wanted to make sure that it was safe from children climbing into it and that it would be adequately fenced.

Mr. Lu stated that he will fence in the drainage basin with a 6 ft. or 4 ft. fence, depending on what the Township wants.

- Rick Jamison, of 535 Union Hill Road, who lives adjacent to the property, was concerned about a pipe on the property.
- Elaine Menendez, of 473 Union Hill Road, was concerned about traffic.
- Judy Kushner, of 31 Willow Lane, wanted to know whether there would be any wedding receptions at the church.

Mr. Lu responded that there would not be.

- Lee Staub, of 517 Union Hill Road, was concerned about the swale of the property when there is torrential rain.

Mr. Lu responded that there was more than adequate stormwater facilities on the site to guide runoff.

25. Board Findings with regard to the Preliminary/Final Site Plan Approval:

- a. The Board found in favor of the application for the Site Plan for the church. It found that the Church had met all required conditions required in Township Ordinances.

- b. The Board found that there is no negative impact upon the public's health, safety and welfare or upon the neighborhood's wellbeing or overall Township Master Plan. The issues of offsite traffic and parking were not appropriate for the application process raised by the public.
26. Board Findings with regard to Conditional Use:
- a. The Board found that Applicant had satisfied the Conditional Use requirements for a church in an R-80 Zone in the Township Ordinances, specifically Section 220-105.
27. Board Findings with regard to variances requested:
- a. Applicant required the following minor variances:
 - i. **Section 220-97B** – Each off-street parking space shall measure not less than 10 feet by 20 feet; 34 of the 78 proposed parking spaces are indicated as being 9 feet by 18 feet and two (2) additional spaces are proposed at 9 feet by 20 feet.
 - ii. **Section 220-100B** – Within a buffer area, no use, activity or sign shall be established; onsite grading area and drainage improvements are proposed within required landscape buffer areas to residential properties along the side property lines.
 - b. The Board found that with regard to both of the requested variances, Applicant had met its burden pursuant to N.J.S.A. 40:55D-70c(1) to demonstrate the necessary positive and negative criteria.

CONDITIONS OF APPROVAL

28. The Board finds that in order to address concerns expressed in the course of the hearings, and to limit the relief to that which is reasonably necessary to satisfy the Applicant's legitimate requirements, the relief granted is subject to the following conditions:
- a. There shall be emergency access to the site, using a path with a gate, to be reviewed by Township Engineer/Planner, Laura Neumann, PE, PP.
 - b. For the gate to the emergency entrance/exit; Applicant shall have a lockbox for emergency access.
 - c. The Applicant agreed that it will provide all of the fencing as required by the Township Engineer/Planner, Laura Neumann, PE, PP. If three sides of the property are required to be fenced, Applicant will do so.
 - d. Applicant shall comply with all silt fence and backfill ordinances as well as approved

storm water management strategies, pursuant to DEP regulations, and shall construct double silt fences with straw bales.

- e. Applicant shall comply with all testimony given at the **July 17, 2019** and **March 4, 2020** hearings and comply with requirements of all previous resolutions of approval.
 - f. Applicant shall comply with all requirements of the CME Reports by Laura J. Neumann, PE PP, dated February 28, 2020 and June 13, 2019.
29. This application may be subject to the following agency approvals:
- a. Monmouth County Planning Board
 - b. Freehold Soil Conservation District
 - c. NJDEP – Letter of Interpretation (LOI)
 - d. Marlboro Township Environmental Commission
 - e. Marlboro Township Fire Department
 - f. Marlboro Township Police Department
 - g. Marlboro Township Water Department
 - h. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

CONCLUSION

Based upon the foregoing, the Marlboro Township Planning Board, at its **July 17, 2019** and **March 4, 2020** meetings, voted to approve the application for Preliminary and Final Site Plan.

This Resolution of Memorialization was adopted May 6, 2020 by a vote of the majority of the members present, who voted to approve the relief sought by the Applicant.

The date of decision shall be March 4, 2020 except that the date of the adoption of this memorializing resolution is the date of decision for the purpose of (1) mailing a copy of the decision to the Applicant within ten (10) days of the date of this decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

**ROLL CALL VOTE ON MOTION TO
APPROVE APPLICATION FOR PRELIMINARY AND FINAL SITE PLAN
MARCH 4, 2020**

Moved By: Andrew Pargament

Seconded By: Mark Barenburg

Those In Favor: Mark Barenburg, Neil Betoff, Michael Slotopolsky,
David Gagliano, Andrew Pargament, Lynn Franco, Carol Mazzola,
Michael Adler, Steven Kansky

Against It:

Those Absent:

**ROLL CALL VOTE ON MOTION TO APPROVE
RESOLUTION OF MEMORIALIZATION
MAY 6, 2020**

Moved By: Andrew Pargament

Seconded By: Lynn Franco

Those in Favor: Mark Barenburg, Neil Betoff, Michael Slotopolsky,
David Gagliano, Andrew Pargament, Lynn Franco, Carol Mazzola,
Michael Adler, Steven Kansky

Those Opposed: None

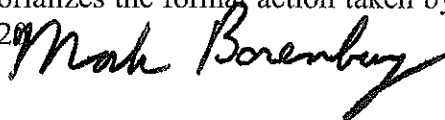
Those Absent: Mayor Hornik

Present But

Ineligible to Vote: Rohit Gupta, Andrew Kessler

CERTIFICATION

I do hereby certify that the foregoing resolution was adopted by the Marlboro Township Planning Board at its regular meeting held on May 6, 2020. The Resolution memorializes the formal action taken by the board at this regular meeting held on March 4, 2020.



Mark Barenburg, Chairman
Marlboro Township Planning Board

