

**TOWNSHIP OF HOWELL
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION GRANTING D(1) USE, CONDITIONAL USE, BULK VARIANCES, WAIVERS
AND PRELIMINARY AND FINAL SITE PLAN APPROVAL**

RESOLUTION NO.: 2025-01
CASE NO.: BA23-16
APPLICANT: The Center for Education NJ
PROPERTY: 729 Lakewood Farmingdale Road
Block 42, Lot 43
MEETING DATE: January 27, 2025
RESOLUTION DATE: March 24, 2025

WHEREAS, pursuant to the applicable provisions of the Township Code (herein defined as Howell Township Land Use Ordinance, Chapter 188 et seq.), an application has been submitted to the Township of Howell Zoning Board of Adjustment (the “Board”) by The Center for Education NJ (the “Applicant”) for a d (1) use, conditional use, bulk variances, waivers, and preliminary and final site plan approval to operate a school on a farm property to teach prevocational skills to students with disabilities, including after school programs and the conversion of an existing two and a half story dwelling to a school use with two classrooms, a living room, bathroom and storage room on the first floor and three offices, a kitchen, bathroom and storage room on the second floor, and other site improvements at the Property identified as Block 42, Lot 43, located at 729 Lakewood Farmingdale Road in the ARE-6 Zone District (the “Property”); and

WHEREAS, the Application reviewed by the Board consisted of the following plans, documents, and reports:

<u>EXHIBIT/DOCUMENT NO.</u>	<u>DESCRIPTION</u>
A-1	Development Application
A-2	Application Checklist
A-3	Monmouth County Planning Board letter of no interest prepared by Devindra Deodat of WJH Engineering dated 11/8/2023
A-4	Waiver request letter prepared by Walter Hopkin, P.E. of WJH Engineering dated 11/8/2023
A-5	Site Plans prepared by Walter J. Hopkin, P.E. of WJH Engineering last revised 1/7/25
A-6	Architectural Plans consisting of 5 sheets prepared by Sam Fligman of Architecture + Design, dated 8/3/2023
A-7	Prior Resolution for Case No. SP-282. Dated 3/4/1975

- A-8 Survey prepared by Jack Shoemaker of First Order, LLC
- A-9 Response letter prepared by Walter J. Hopkin, P.E. of WJH Engineering dated 5/7/2024
- A-10 Statement of Operations
- A-11 NJDEP Wetlands Investigation for a portion of block 42, lot 43 prepared by Joseph Malison of WJH Engineering dated May 2024
- A-12 Stormwater narrative prepared by Walter J. Hopkin, P.E. of WJH Engineering dated 5/7/2024
- A-13 Architectural Plans prepared by Shimon E. Greenbaum, R.A. of Rise Architecture, dated 4/15/2024
- A-14 Board Engineer Response letter prepared by Devindra Deodat of WJH Engineering, dated 9/12/2024
- A-15 Proof of Service dated 9/6/2024
- A-16 Site Rendering dated 9/19/2024
- A-17 PowerPoint presentation for Farm
- A-18 Site Plan Rendering dated 1/27/25
- A-19 Circulation Plan prepared by Walter Hopkin of WJH Engineering dated 1/7/25
- A-20 Topography Survey prepared by Peter P. Bennett III, P.L.S., of WJH Engineering last revised 1/6/25
- A-21 ATLA Land Survey prepared by First Order, LLC last revised 4/6/22

INTEROFFICE REPORTS

- B-1 Shade Tree Review dated 11/15/2023
- B-2 Farmers Advisory Review dated 11/16/2023
- B-3 Fire Bureau Review dated 12/14/2023
- B-4 Environmental Review 12/13/2023
- B-5 Monmouth County Board of Health Review dated 12/27/2023
- B-6 Board Engineers Review Letter dated 11/20/2023
- B-7 Monmouth County Board of Health review dated 5/17/2024
- B-8 Farmers Advisory Review dated 5/23/2024
- B-9 Fire Bureau Review dated 6/18/2024
- B-10 Environmental Review dated 6/12/2024
- B-11 Shade Tree Review dated 6/19/2024
- B-12 Board Engineers Completeness Review dated 7/1/2024
- B-13 Board Planners Review dated
- B-14 Board Engineers Completeness Review dated 9/20/2024, last revised on January 24, 2025
- B-15 Licensed Tree Expert Review dated 9/23/2024

- B-16 Farmers Advisory Review dated 9/26/2024
- B-17 Shade Tree Review dated 9/18/2024
- B-18 Environmental Review dated 10/9/2024
- B-19 Monmouth County Board of Health Review dated 9/17/2024
- B-20 Code Enforcement Letter to Board dated 11/26/2024
- B-21 Fire Bureau Review dated 1/16/2025; and

WHEREAS, the Board held a public hearing with regard to this application, at its regularly scheduled meeting, on January 27, 2025, and the Applicant provided notice of the public hearing pursuant to and in full satisfaction of *N.J.S.A. 40:55D-12*; and

WHEREAS, the following variances and relief are requested by the Applicant in connection with this application:

1. N.J.S.A 40:55D-70.d(3)Conditional Use Variance:

Schools are permitted as a conditional use in the ARE-6 Zone, Section §188-93 provided they meet the following standards:

A. Reserved

B. Reserved

C. Location shall be only on collector or arterial roads as shown on the Master Plan of the Township. The subject application complies.

D. Buffers and screening shall be provided in accordance with the provisions of §188-63, whereas there are no 50 ft. landscape buffers proposed. **A variance is needed.**

E. The minimum lot area for an elementary school shall be 10 acres, plus one additional acres for each 100 pupils. The minimum lot area for an intermediate school or trade or vocational school shall be 20 acres, plus one additional acre for each 100 pupils. The testimony established that this requirement is met, the site has 25.42 acres. **A variance is needed.**

F. A front and rear yard, each with a depth of not less than 150 feet, and two side yards each with a width of not less than 100 feet, shall be provided. No parking, play area or other accessory structure shall be allowed within 75 feet if any street or property line, whereas the proposed school has a 5.99 feet setback, the storage shed has a 40.18 feet setback, and the storage building has a 83.30 feet setback after ROW dedication. **A variance is needed.**

G. Off-street parking shall be provided in the following ratio: elementary and intermediate schools shall provide one parking space for each staff member or employee, plus two parking spaces per classroom plus adequate space for buses and delivery vehicles. Trade or Vocational schools shall provide one parking space per 100 square feet of gross floor area, whereas 10 to 12 staff members and two (2) classrooms are proposed, 24 parking spaces are required and proposed but no parking for bus, school, delivery vehicles are proposed. **A variance is needed.**

H. A driveway shall not open onto a public street within 150 feet of an intersection of

such street with another public street; whereas the existing site driveway is located less than 100 feet from the intersection of Lakewood Farmingdale Rd and Victory Road. **A variance is needed.**

I. Illumination for night athletic activities shall be shielded from view of adjoining streets and residential areas and a glare study should be required for properties within 200 feet of any proposed night athletic illumination. No nighttime athletics or lighting for them is proposed.

J. The application shall include a complete set of architectural plans and specifications of existing and proposed buildings and structures and a statement setting forth in general terms the proposed courses of instruction. This statement shall indicate the grade levels of the pupils to be housed in the building or buildings, the planned pupil capacity of such building or buildings and the contemplated eventual enrollment of the school. The Applicant has provided a statement indicating that 24 students are anticipated for the school day and up to 35 students for the after-school program.

K. Connection to sanitary sewer is required, septic is expressly prohibited. Applicant plans on using the existing septic system and upgrading it as required. **A variance is needed.**

L. Expressly prohibited is dormitory housing which is defined as a building used as group living quarters for a student body. No dormitory housing is proposed.

M. Expressly prohibited is faculty housing, which is defined as a dwelling unit for persons teaching at an educational facility located on an educational campus. No faculty housing is proposed.

2. N.J.S.A. 40:55D-70.d(1) Use Variances:

A. As per §188-56, only one principal building may be erected on a lot except for related compatible buildings constituting one basic use or operation under one management, limited to planned residential or multifamily developments, public or institutional building complexes, retail facilities, industrial or manufacturing building complexes, farms, planned developments, solar energy generation facility, and gasoline station and convenience center uses; whereas there are five (5) structures existing/proposed for school and farm use. **A variance is needed for the school use.**

B. As per §188-61, Shopping centers and office complexes and industrial complexes may have more than one building on a lot and more than one permitted use within a building in the NC, HC, HD-1, HD-2 and SED Zones, except as limited in the specific provisions of those zones, whereas multiple uses and structures exist and proposed. **A variance is required.**

3. N.J.S.A. 40:55D-70 c. Bulk Requirements:

A. The maximum permitted lot coverage is 5%, whereas 7.56% exists and 7.85% is proposed. A variance is required.

B. The maximum permitted building coverage is 3%, whereas 3.25% is existing and proposed. This is an existing non-conformity.

C. Signs- the maximum size sign permitted is 4 SF, whereas the existing 12 SF sign is proposed to remain but be relocated out of the ROW. A variance is required.

4. Waivers from Ordinance Requirements:

A. Buffers:

i. As per §188-63D, no structure, disturbance, storage of materials or parking of vehicles shall be permitted in a buffer area, whereas the proposed school building and storage shed are both located within the required buffer along Lakewood Farmingdale Road. It is noted that these are pre-existing structures, however due to the proposed change in use, a variance is required.

ii. As per §188-63E, a 50-foot-wide four-season buffer is required along the perimeter of the entire property as it abuts properties located in ARE zones and contain residential and farmland uses, whereas no buffering is proposed, a variance is required.

B. Lighting:

As per §188-22, the lighting intensity at ground level is required to be a minimum of 0.3 foot-candle anywhere and shall be an average a maximum of 0.5 foot-candle over the entire area, whereas the lighting does not meet the minimum in certain areas, a waiver is needed.

C. Pavement Section:

As per §188-106 F.2, parking space areas and other areas likely to experience light traffic shall be paved with not less than 3 inches HMA base course and 1.5 inches HMA surface course. The applicant proposes to use gravel for parking lot, a waiver is needed.

D. Parking Spaces and Dimensions:

As per §188-107A, off-street parking spaces shall be 19 feet in length, whereas 18 ft long parking spaces are proposed. A waiver is needed.

E. Minimum Loading Space Requirements:

As per §188-107B, one (1) loading space is required per school which must directly abut the building being served whereas no loading zone was dedicated or provided. A waiver is needed.

F. Sidewalks:

i. As per 188-225G, all lots shall have private walkway access to a public sidewalk in the right-of-way, whereas no sidewalks are proposed.

ii. As per 188-225G, all site plan applications shall provide public sidewalks along the entire frontage of the subject property, whereas no sidewalk is proposed.

FINDINGS OF FACT

1. The Property consists of Block 42, Lot 43 with a total of 25.43 acres. It is located to the east of Lakewood Farmingdale Road and within an ARE-6 (Agriculture Rural Estate 6 Zoning District) and currently contains a farm use. The majority of the site is developed with five (5) existing farm structures, associated driveways and fencing. The far most eastern section of the property (the rear) is undeveloped and wooded area. There is access to the Property through one existing driveway on Lakewood Farmingdale Rd. Surrounding the subject property are lots identified as residential to the north and to the east of the property (Lots 44.03, 45.01, 45.02) while farmland is to the north and west of the property (Lots 44.02, 44.01, 14.01, 14.05), commercial to the west of the property (Block 41 Lot 14.03) and vacant and public land to the south of subject property (Lots 41 and 50).

2. Schools with state approved curricula in accordance with § 188-93 are a conditionally permitted use within the ARE-6 zone, however, the application does not meet all of the conditions. The Applicant requires d(1) use variance, d(3) conditional use variance, bulk variances, waivers and preliminary and final site plan approval for operation of a school on the farm property to teach prevocational skills to students with disabilities, including an after school program. The Applicant proposes converting the existing 2.5 story dwelling to school use, with two (2) classrooms, a living room, bathroom, laundry room and kitchen on the first floor. And three (3) offices, a kitchen, bathroom and storage room on the second floor. The school and after school programs will also use the other structures on the site including the existing horse barn. Other proposed improvements include upgrading the current septic system and constructing 24 off-street parking spaces where access to the property will be from the existing ±13 ft wide driveway to Lakewood Farmingdale Road.

3. Mr. Salvatore Alfieri, Esq. represented the Applicant and presented the application. He confirmed the relief that is required, and explained that the Applicant is not proposing many changes to the site, besides the conversion of the existing single family home to a school use.

4. Mr. Walter Hopkin, PE was sworn and qualified as a professional engineer. He prepared the site plan and described it to the Board. He testified that the pre-existing residential home is in the front of the Property along with 2 other storage buildings, and there is a large indoor riding arena to the rear of the site and another small barn in the front. They propose one ADA space, and there will be 10 parking spaces to the east of small barn and 13 more spaces delineated near the large riding arena. A total of 24 parking spaces are proposed and they are exempt from Electronic Vehicle requirements. He testified that the refuse area is adjacent to the barn and 10 parking spaces, and will have a masonry enclosure. The new parking areas will be gravel except for the ADA space. No tree removal is proposed. Some parking spaces will get new gravel, and they are treating the gravel areas as impervious coverage, but that still does not

exceed the additional impervious required to make this a major development, it is well below stormwater management requirements.

5. Mr. Hopkin testified that some additional lighting was added to the site last year and other lighting is proposed. He testified that the original lighting plan provided is incorrect and will be changed. He agreed to work with the Board's professionals to revise the lighting plan. The exterior wall lighting will be shielded, the pole lights will meet the height requirements, and the lights by the barn and closest to the neighbors will be put on motion sensors and will be dimmed after 8 pm. The Board's professionals requested, and he also agreed, that the lighting would be a maximum of 3,000 Kelvin, since that is a yellower light and more in keeping with this rural area. He testified that the Applicant would revise the fixtures to comply and that they will comply with the light intensity as far as not having any spillage off the property, in fact, they need a waiver because in some areas the lighting intensity is lower than what is required.

6. Mr. Hopkin testified that in addition to the buildings, there are fire pits, raised gardens, and chicken coops on the site and they are part of the educational use.

7. Mr. Hopkin testified to the circulation on the site, a circulation plan was provided. The Property will continue to use the existing driveway. The driveway is one lane, but there is an area where K-turns can be made by minivans, box trucks, and minibuses. They do not expect larger vehicles for the most part. He agreed that an area of the driveway could be widened to about 20 feet, and stabilized, to allow for an area where cars could pass if needed, even if the drive aisle does not meet the 30 ft required. There is a gate at the entrance, and a knox box will be provided for fire access, as requested. Waivers are required for the width of the driveway areas and for gravel not pavement. They prefer gravel to more impervious coverage and from a cost perspective. After questioning by the Board's professionals, the Mr. Hopkin agreed to provide some form of barrier in the plans to hold the gravel in place and to ensure that the parking areas did not migrate over time.

8. Mr. Hopkin testified that the site has septic now and no sewer is available in the area. They will update the septic system from a residential system to accommodate the new use and will comply with the Health Department requirements. He also testified that there are some wetlands on the site but that they inspected the site and none of the improvements are within the wetlands or wetlands buffers.

9. Mr. Hopkin explained that there is an existing 12 sf sign on the site, but only 4 sf of signage is permitted. The existing sign is also too close to the road. The County is requiring a ROW dedication so the existing fence and the existing sign will be relocated behind the new property line to comply with that ROW dedication to the County. He also testified that the Applicant can and will comply with all of the technical comments in the professionals' reports.

10. Mr. Hopkin further testified that the Applicant requests a waiver from the sidewalk requirements since there are no other sidewalks in the area. A waiver is needed for the required buffering. No new buffers or landscaping are proposed, but the lot is surrounded by

natural wooded areas. The Board's professionals reminded the Board that the farmland buffers are designed to protect farms from other uses, and this Property is a farm. Mr. Hopkin confirmed that the parking areas proposed are only for cars, not farm vehicles. He also discussed that no loading space was provided as no large truck deliveries are expected, but that they agree to provide a student bus loading area, that could also act as a delivery loading area, should it be needed, at other times of the day.

11. Ms. Shira Lieberman, director of the school was sworn and testified. She testified that they have a New Jersey Department of Education approval for a private school for the disabled. They have an existing school location in Lakewood and have also now been approved for this location, conditioned upon receiving approval from the Howell Zoning Board. They will serve students from pre-school through 8th grade at this site. They take students from surrounding towns; students are recommended by their school districts. They have students with Autism, Downs Syndrome, Cerebral Palsy and hearing impaired students, among other disabilities. They provide prevocational education and life skills training. She testified that the farm allows the students to try out different jobs and determining what they might like. The goals are to enrich their lives and help them in the future. If approved they would start with 10 students with 2 classrooms and small therapy room. The school students will be on site full day. The state approval allows up to 24 students full day in the school. They will have 1 teacher per 2 students generally, unless the student's IEP requires 1 on 1. The students will be brought by minibus in the morning and leave by minibus after school. She expects minibuses, but occasionally a larger bus may be used. The school day is 8:45 am - 2:30 pm and after school activities run from 2:30 pm to 5:30 pm and until 6 pm one day per week, as well as 3-4 hours on Sundays, 11 am – 3 pm.

12. Ms. Lieberman testified that the first floor of the former residence would be for students, the second floor would be for faculty and storage, the basement will not be used and there are no plans to use the attic. She also testified that no one would live on site. The farm hands will come during the day and leave at night. They have cameras to watch the animals in the evenings.

13. Ms. Lieberman testified that they do not plan to do cooking on site. Food for the students is cooked at the other location and dropped off each day. They may potentially warm up food after it arrives, but no cooking is planned on site. She also testified that they would have delivery of maintenance items, hay, and animal feed. She testified that the dumpster proposed will be adequate for the use. She also testified that the proposed parking is adequate even at maximum capacity for the afterschool programs. She testified that no parents will be coming to the property, the parking is for staff only, a parent might come to pick up a child once in a while for

a doctor's appointment, or something like that but generally no parents will be on site. She also testified that no graduations or special events will be held at the site.

14. Ms. Chaya Bender, Director of Special Children Center, was sworn and testified about the after-school program. She testified that they would address the neighbors concerns with the lighting and that she had given the neighbors her phone number so that they can call her in the future with any issues. She explained that the after-school program is for parents who work. They get some of the most challenging children in the afternoon, and it is meant to be a great time for the child and allow the parents to work. The after-school program is not classroom based. The students can play with the animals, ride bikes, play sports. The barn has workshop rooms of different sizes, a sensory room, and a sand area that the children enjoy. The small rooms are heated. There is also the very large barn area for the children to use. There is one bathroom in the barn.

15. Ms. Bender testified that the after-school students will also be bussed to and from the site. They will eventually have a maximum of 45 students in the after-school programs. They will not have parent drop off, and no special events or graduation for the after-school program will be on site. She explained that the fire pits are open BBQ grills and will not be used after 6:30 pm. There are 4 staff members who work on the farm, they are all certified, and she confirmed that no staff will be housed on the property.

16. Ms. Christine Nazaro Cofone, PP was sworn and qualified as a professional planner. She testified to the proposed uses and variances needed. N.J.S.A. 44D-70.d.3 conditional use variance and d.1 variance for multiple buildings and multiple uses on the lot are required. She testified that the special needs school is an inherently beneficial use under the statute. Additionally, the use is permitted, but they don't meet the conditions. The standard for the Board to consider is whether the use can still be accommodated even though they do not meet the conditions. She testified that the conditions contemplate a much more intensive use, a public school with hundreds of students. This is much less intense with only 24 students during the day and 35 at after-school. She pointed out that the testimony shows this is not a high school use and the lot size does comply. The buffers and setbacks are not compliant, but this is an adaptive reuse of the existing property that has existed in this state for some time. The site does not have a loading zone but they will work on that with the Board's professionals, also the driveway is within 150 ft of intersection, but that is an existing condition, and it is appropriate with this low intensity use, even though it may not be for a typical public school. Similarly, sewer is required but it is not available and the limited use proposed can be accommodate by septic, where for a larger public school it may not be appropriate. Ms. Cofone discussed the 2022 land use element update and the changes to this conditional use. The ordinance specifically prohibited dormitory and faculty

housing. Neither are proposed. The use proposed is less intense than contemplated in the standards.

17. Ms. Cofone discussed the bulk variances and waivers requested. The gravel driveway, setbacks, and building and lot coverage are existing issues for the most part. The use is appropriate for the site, and these are existing conditions. The d.1 variances for multiple structures and the school use and farm use are appropriate. The buildings are pre-existing and are being reused for the school while allowing this farms use to stay on the site. The ARE zone is intended to maintain the rural character of the area, and this does that. This use preserves the farm character. She testified that there is no substantial negative impact on the zone plan. She testified that the variance scan be granted under C1 and/or C2, there are pre-existing structures that create some variances and the ROW dedication required by the County makes it worse. She testified that the Applicant meet its burden of proof.

18. The hearing was opened to the public. One neighbor appeared and was upset about the use of the property at this location and its impact on his home; he was especially concerned with the new lighting and wants them held to the zoning standards. Another resident appeared and said she was an advocate for the agricultural community and applauds the vision of this type of education for these students. She was concerned about lighting from an environmental standpoint and was glad that the Applicant agreed to address the lighting concerns.

19. The Board's Planner testified that she had no issue with the planning testimony provide and reminded the Board that as a condition of approval, the operational period of the school use portion ends at 6:30 p.m., but it is still a working farm and somethings will still happen at the farm after that time. The farm use and the right to farm is still protected on the site.

20. Mr. Alfieri, Esq. summarized that the site improvements proposed are very minimal, the Applicant will address the lighting, and that this is still a farm use with a very low intensity school use added.

21. The Board then discussed the application. They stated that Howell is in favor of farms and helping maintain farms, and this is a good use; it will train these children to work on farms in the future. The project is positive for the area especially with the conditions agreed to at the hearing. The Board then voted to approve the application subject to the conditions discussed at the hearing, and the comments in the Professional's Reports.

CONCLUSIONS OF LAW

NOW, THEREFORE, BE IT RESOLVED that the Township of Howell Zoning Board of Adjustment, based upon the above findings of fact, makes the following conclusions:

1. The Board finds and concludes that the Applicant has satisfied its burden as to its application for N.J.S.A. 40:55D-70.d variances for conditional use and multiple uses and buildings on the Property. The proposed new special needs school use is an inherently beneficial use and

these special needs school and aftercare program with 24-35 students on site is a much less intense use than contemplated by the conditions for this use, including a public school with hundreds of students. The Board finds and concludes that the Applicant, through its testimony, has established that the use can be accommodated despite not meeting the conditions, and that the multiple uses and structures are appropriate to the site and the neighborhood. The Applicant has abandoned residential use in favor of the school use and the continued farm use. The existing structures are well suited to both the school and the farm use and complement each other. As such there is not a substantial negative impact to the zone plan or ordinance.

2. The Board finds and concludes that the bulk variances and waivers can be granted. The building and lot coverage and the setbacks are, more or less, pre-existing, the changes are based upon the ROW dedication to the County and the additional gravel provided for staff parking and to improve the safety of the site circulation. As such the benefits of the increased variances are outweighed by any negatives. The waivers are appropriate given the proposed use, the exiting wooded area round the lot, and it would be impractical for the Applicant to fully comply. As such the variances and waivers can be granted.

3. The Board finds and concludes that the request for preliminary and final site plan can be approved subject to the conditions contained in the resolution because the plans substantially comply with the ordinances of the township and the minimum changes proposed will improve the Property, increase safety, and help the use fit into the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Township of Howell Zoning Board of Adjustment this 24th day of February, 2025, that the Board hereby memorializes, by the adoption of this Resolution, the action taken by the Board on January 27, 2025 granting the Applicant's request for d(1) use variances, d(3)conditional use variance, bulk variances, waivers and preliminary and final site plan approval, as more particularly set forth above, subject however to the following conditions:

Conditions of Approval

1. The Applicant shall comply with the comments of the Board's professionals including the Engineering Report dated September 20, 2024, Planning Report dated July 15, 2025 and, Fire Report dated January 16, 2025, unless specifically stated otherwise herein.

2. The Applicant shall comply with all conditions agreed to during the hearing, including but not limited to the following:

a. The Applicant shall limit the number of students for the day time school program to a maximum of 24 and the after school program shall be limited to a maximum of 45 students.

b. The hours for the school shall be 8:45 a.m. to 2:30 p.m. Monday through Friday, and the hours for the after school program shall be 2:30 p.m. to 6:30 p.m. Monday through Friday, and from 11 a.m. to 3 p.m. on Sundays.

- c. No dormitories for students or housing for faculty or staff shall be allowed on site.
- d. A waiver from the required farmland buffer and landscaping noted in the Licensed Tree Experts letter is approved.
- e. The Applicant shall update the plans to show a section of the driveway to be widened and stabilized to permit vehicles to pass and to include a paved loading area for the students to board the buses. This shall be from the main site driveway to the 1-story masonry barn garage, approximately 200 ft. into the site. The balance beyond this point to the rear frame barn may remain gravel but should be widened to 20ft. to permit two-way travel for emergency vehicles. The plans shall also include a barrier to keep the gravel in place and to further delineate the parking areas. Revisions shall be subject to the satisfaction of the Board's Engineer.
- f. The Applicant shall update the plans to provide a revised lighting plan, all fixtures shall be downward facing and provided with shields, light poles shall comply with the height requirements and the lights behind the barn shall be put on motion sensors and shall be set to reduce the intensity after 8 pm at night. The maximum color temperature for any and all exterior lighting shall be 3,000 Kelvin. A waiver was granted from meeting the minimum required light intensity on portions of the site.
- g. Students shall be transported to the school and after care programs by mini school busses, parents shall not, except in emergencies or on rare occurrence, pick up or drop of students at the site. The circulation plan and the approved parking do not allow for the additional traffic that would be created. Regular-size school buses are not contemplated, but shall be permitted on occasion, provided safe circulation can be maintained. In the event that a full-size school bus transports students to the site, it shall not remain on site, no bus parking is provided, and the bus must exit the site after unloading.
- h. This approval grants two uses at the site 1.) the special needs school/after care use and 2.) the farming use. The prior residential use has been abandoned.
- i. The Applicant shall comply with the County approval including the dedication of the requested ROW. The existing sign and fence which are in the ROW area to be dedicated shall be relocated outside of the new County ROW.
- j. The Applicant shall obtain Monmouth County Board of Health approval for all septic system work and shall comply with all conditions of that approval.
- k. A waiver from providing sidewalks along the frontage was granted by the Board, however, the Applicant must pay into the Townships sidewalk fund in lieu of providing the sidewalks, or apply to the governing body for a waiver of that fee.

3. The Applicant shall be required to obtain any and all other approvals, licenses and permits required by any other board, agency or entity having jurisdiction over the application or over the Property.

4. The Applicant shall publish notice of this decision, in one of the official newspapers of the Board, within 10 days of the date of the Applicant's receipt of a certified copy of this resolution and provide proof of publication to the Board Administrator.

5. The Applicant shall record a certified copy of this resolution with the Monmouth County Clerk's Office Real Property Records within 30 days of the date the Applicant closes on the purchase of the Property and shall provide proof of such recording to the Board Administrator within forty-five (45) days, in no event shall building permits for this project be issued before the resolution is recorded.

BE IT FURTHER RESOLVED, that the protections provided by this use variance, bulk variance, and preliminary and final site plan, per N. J. S.A. 40:55D-52 shall expire on February 24, 2027 if construction of the improvements has not commenced by that date, unless an extension is applied for and granted by this Board.

BE IT FURTHER RESOLVED, that all representations, commitments, and agreements made by the Applicant or his/her representatives at the hearing in this matter or contained in any document, plat, sketch or submission submitted to the Board at any time prior to this approval, including notes contained in original or revised submissions, are hereby incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Board are authorized to sign any and all documents necessary to effectuate the purposes of this resolution, provided there is compliance by the Applicant with the conditions identified herein.

BE IT FURTHER RESOLVED, that in the event any condition herein is held to be invalid, unenforceable, or unlawful, the variances/waivers/exceptions, if any, and all other approvals herein shall be void. It is the intent of the Board that this approval be subject to fulfillment of all conditions, and that the conditions are not severable from any variances/waivers or other relief granted herein; and

BE IT FURTHER RESOLVED, that the Board reserves the right to require an amended or revised application in the event that federal, state or county permits or approvals require any significant revision in approved plans.

BE IT FURTHER RESOLVED, that the Board Administrator shall provide a certified copy of

this resolution to the Township Construction official, Township Engineer, Township Clerk, Zoning Board Engineer, Township Manager, Township Assessor, Township Water and Sewer Department, Township Attorney, and the Applicant within 10 days of the date of this resolution.

January 27, 2025 Vote for Approval

Motion: Cantor

Second: Orozco

Yes: Borrillo, Cantor, Hughes, O'Donnell, Orozco, Ryan & Mertens

No:

Abstain:

March 24, 2025 Vote for Memorialization

Motion: Mr. O'Donnell

Second: Mr. Ryan

Yes: Mr. Borrillo, Mr. Cantor, Mr. O'Donnell, Mr. Orozco, Mr. Ryan and Chairman Mertens

No:

Abstain:

Absent: Mr. Hughes

Certification

I hereby certify that the above Resolution is a true copy of the memorializing Resolution adopted by the Zoning Board of Adjustment of the Township of Howell on March 24, 2025.


Glenn Cantor

Zoning Board Secretary

State of New Jersey:

SS:

County of Monmouth:

I hereby certify that on March 10, 2025 Glenn Cantor personally came before me and acknowledged under oath, to my satisfaction that this person:

(a) Is the Secretary of the Howell Township Zoning Board of Adjustment; and

(b) Signed this Resolution as his own act and deed.


Eileen Rubano

Notary Public of New Jersey

My Commission Expires 12/14/2029

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IN THE MATTER OF THE APPLICATION	:	
	:	
OF	:	
	:	
THE CENTER FOR EDUCATION NJ	:	: <u>NOTICE</u>
Case No. BA23-16	:	
	:	
TO	:	
	:	
THE ZONING BOARD OF ADJUSTMENT OF	:	
THE TOWNSHIP OF HOWELL	:	

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Township of Howell did, on the 24th day of March, 2025 adopt a Memorialization Resolution granting The Center for Education NJ (the “Applicant”) a d(1) use, d(3) conditional use, and bulk variances, and preliminary and final site plan approval to operate a school on a farm property to teach vocational skills to students with disabilities, including after school programs and the conversion of an existing two and a half story dwelling to a school use with two class rooms, a living room, bathroom and storage room on the first floor and three offices, a kitchen, bathroom and storage room on the second floor, and other site improvements at the Property identified as Block 42, Lot 43, located at 729 Lakewood Farmingdale Road in the ARE-6 Zone District, as a result of a hearing held on January 27, 2025, and that this decision is on file in the office of the Zoning Board Administrator of the Township of Howell.

DATED: March 24, 2025

THE ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF HOWELL