

**RESOLUTION GRANTING CONDITIONAL AMENDED PRELIMINARY AND
FINAL MAJOR SUBDIVISION AND SITE PLAN APPROVAL**

IN THE MATTER OF APPLICATION #496

of RIVERVIEW HEALTH AFFILIATES

Block 46, Lot 17.01

Block 47, Lots 15 and 16

WHEREAS, RIVERVIEW HEALTH AFFILIATES, hereinafter the "Applicant", has proposed the development of property located on Leland Road and New Jersey State Highway Route 34 in the Township of Colts Neck, County of Monmouth and State of New Jersey and designated as Block 46, Lot 17.01 and Block 47, Lots 15 and 16 on the Tax Map of the Township of Colts Neck; and

WHEREAS, the Applicant has applied to the Planning Board of Colts Neck Township for Amended Preliminary and Final Major Subdivision and Site Plan Approval to subdivide the subject property into two (2) lots. The lots will be separated by an access drive bifurcating the property into a northerly parcel and southerly parcel. The northerly parcel will be designated as Block 46, Lot 17.01 and have an area of 12.540 acres and is proposed to be developed with an Assisted Living Residence Facility with 60 units and 72 beds. The southerly parcel will be designated as Block 46, Lot 17.03 and will have an area of 5.2918 acres and currently has no proposal for development; and

WHEREAS, the Applicant previously received Preliminary Major Subdivision, Site Plan and Variance Approval with Waivers by resolution of the Planning Board dated October 14, 1997; and

WHEREAS, the Applicant's present proposal seeks to amend the prior subdivision approval by realigning the lot lines to coincide with the existing zone line so that proposed Lot 17.03 will be entirely in the AG-Zone and proposed Lot 17.01 will be entirely within the B-1A Zone pursuant to the recommendation of the Planning Board as set forth in its prior resolution of approval Condition #8; and

WHEREAS, the Applicant has amended its site plan request to reduce the number of units from 115 to 52 units with 72 beds and has eliminated the phasing such that the project will be constructed in a single phase; and

WHEREAS, the property is located partially in the B-1A Zone and partially in AG-Zone; and

WHEREAS, the Applicant appeared before the Colts Neck Township Planning Board on October 13, 1998, due notice of said meetings having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present, the application was heard; and

WHEREAS, the Applicant's witnesses having been sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits presented by the Applicant and having considered all of the evidence presented in favor of, or in opposition to, the application the Planning Board has made the following findings of fact:

1) The Planning Board has received and reviewed the following documents, exhibits and reports:

a) Application of Riverview Health
Affiliates undated received 9/30/98

b) Final Major Subdivision Plat Riverview
at Colts Neck prepared by Schoor DePalma,
Inc., John P. Morrison, P.L.S. for Block 46,
Lot 17.01, Block 47, Lots 15 and 16 dated
9/28/98 consisting of one (1) sheet.

c) Final Site Plan for Riverview at Colts
Neck, Block 46, Lot 17.01 prepared by Schoor

DePalma, Inc., Theodore D. Cassara, P.E.,

dated 5/30/97 revised through 9/28/98.

consisting of eight (8) sheets.

d) Landscaping Plan Riverview Health

Affiliates prepared by Nadasky, Kopelson

Architects dated 9/29/98 consisting of three

(3) sheets.

e) Floor Plans and Elevation Drawings

Riverview Health Affiliates prepared by

Nadasky, Kopelson Architects dated 9/29/98

consisting of three (3) sheets.

f) Stormwater Management Report for

Riverview Assisted Living Facility prepared

by Theodore D. Cassara, P.E. and Thomas F.

Graham, P.E., Schoor DePalma, Inc, dated

5/20/97 revised through 6/27/97.

2) The prior resolution of approval Condition 8 recommended that the Applicant pursue a reconfiguration of the proposed access roadway to follow the existing zone line between the B-1A Zone and the AG Zone which bisects the parcel. The Planning Board further recommended that in the event such reconfiguration could be achieved that the Applicant would apply for Amended Preliminary Major Subdivision and Site Plan Approval.

3) The Applicant has pursued the recommendations of the Planning Board and has developed an amended subdivision and site plan application which achieves the goals that were sought by the Planning Board in its prior resolution of preliminary approval. The Applicant

has realigned the access roadway along the zone line so that proposed Block 46, Lot 17.01 to be developed with the assisted living residence facility will be located entirely within the B-1A Zone and proposed Block 46, Lot 17.03 will be located entirely within the AG Zone. The Planning Board finds that this is an improvement over the prior subdivision configuration and satisfies the condition set forth in its previous resolution.

4) The Planning Board further finds that the proposed amended subdivision will more closely conform to the zone requirements. In the prior resolution, a variance was required to be granted as proposed Lot 17.01 exceeded the 13 acre maximum permitted. The amended lot configuration will bring that lot in conformance with the zone requirements by reducing it to 12.540 acres.

5) The revised lot configuration will also provide for greater conformity of proposed Lot 17.03 with the zone requirements. A variance was previously granted to permit a 4.4 acre lot where 10 acres are required in the AG Zone. The revised lot configuration will increase the size of that lot to 5.2918 acres thus reducing the non-conformity.

6) The proposed site plan has been revised to reduce the number of units in the assisted living residential facility from 115 units to 52 units. As a result of this reduction in units, the project will no longer require phasing as previously but will be constructed in a single phase.

7) The Applicant has proposed the acquisition of portions of Block 47, Lots 15 and 16 which are on the opposite side of Leland Road which acquisitions will

enable the construction of the access roadway to the assisted living residence facility and will facilitate the future Highway Access Management Plan jughandle (loop road) at the southerly end of the parcels thus enabling a continuous connection with New Jersey State Highway Route 34.

8) The Planning Board finds that the variances and waivers previously granted as set forth herein remain appropriate under the circumstances and for the same reasons as set forth in the prior resolution dated October 14, 1997 which is incorporated herein by reference.

9) The Planning Board finds that the Applicant has submitted an Amended Subdivision and Site Plan along with such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for Preliminary Subdivision and Site Plan Approval and Final Subdivision and Site Plan Approval have been met.

10) The Planning Board further finds that based upon the plans and exhibits submitted along with the testimony presented by the Applicant and the reports of its professionals that the application, as presented, substantially conforms with the requirements of the Colts Neck Township Development Regulations Ordinance and is substantially consistent with the Zone Plan of the Township of Colts Neck and the Preliminary Major Subdivision and Site Plan requirements of the Colts Neck Township Development Regulations Ordinance.

11) The Planning Board further finds that the application for Amended Preliminary and Final Major

Subdivision and Site Plan Approval can be granted subject to the specific terms and conditions hereinafter set forth.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Colts Neck on this 10th day of November 1998 that Amended Preliminary and Final Major Subdivision and Site Plan Approval be granted which approval shall be, and is hereby, expressly conditioned upon compliance with the following terms and conditions:

- 1) Each of the conditions of this approval shall be satisfied prior to the release of signed plans, deeds or other documents as may be applicable unless otherwise expressly noted.
- 2) No taxes or assessments for local improvements shall be due or delinquent on the subject property.
- 3) The Applicant shall pay to the municipality a sum sufficient to reimburse the municipality for all fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and the like pursuant to the Municipal Land Use Law and to provide an escrow fund for any anticipated continuing municipal expenses for such professional services, if any, in connection with the application for development.
- 4) The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantees as may be required pursuant to the Municipal Land Use Law and the Ordinances of the Township of Colts Neck for the purpose of assuring the installation and maintenance of

on-tract improvements.

5) Any and all notes, drawings and other information contained on the approved plan shall be conditions of this approval.

6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Planning Board. The Applicant may perform site work and foundation installation prior to receiving NJDEP approvals for sewer, water, transition area averaging and NJPDES and NJDOT approvals. Should the project not proceed due to the failure of the Applicant to receive such approvals within one year of the date of this resolution the Applicant shall restore the site substantially to its predevelopment condition. The Applicant shall execute a Developers Agreement in a form acceptable to the Township of Colts Neck to insure such restoration. Any Performance Guarantees posted in connection with this application shall also secure the performance of this condition.

7) All conditions of the Preliminary Major Subdivision, Site Plan and Variance Approval with Waivers dated October 14, 1997 shall be continuing conditions and are incorporated herein by reference except as modified herein.

8) The Applicant shall obtain a vacation of that portion of Leland Road contiguous to the subject property at such time as the Highway Access Management Plan jughandle (loop road) is constructed.

9) The Applicant shall secure Deeds of acquisition for those portions of Block 47, Lots 15 and 16 as designated on the plan to be utilized for the initial access roadway and the jughandle (loop road). The northerly parcel shall be approximately 1,123 sq.ft. (.0257 acres). The southerly parcel shall be approximately 12,583 sq.ft. (.2888 acres).

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity.

BE IT FURTHER RESOLVED that in the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802 within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

BE IT FURTHER RESOLVED that any variances previously granted in connection with this application are hereby extended from the date of this resolution pursuant to Article IV, Section 102-8E of the Colts Neck Township Development Regulations Ordinance.

BE IT FURTHER RESOLVED that a written copy of this Resolution certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant and to the Construction Code Official of the Township of Colts Neck.

~~BE IT~~ ~~FURTHER~~ ~~RESOLVED~~ that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Township.

OFFERED BY: Ms. Burry

SECONDED BY: Mr. Goodwin

ROLL CALL:

Yes: Barbagallo, Burry, Goodwin, Fitzpatrick, Sauter, Zander, Orgo, Erhardt.

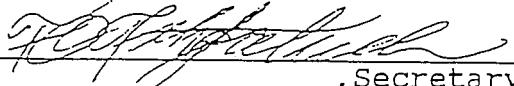
No: None

Abstain: None

Absent:

I hereby certify that the above is a true and exact copy of the resolution adopted by the Planning Board of the Township of Colts Neck at its meeting held on November 10, 1998.

Date: November 10, 1998


_____, Secretary
PLANNING BOARD OF THE TOWNSHIP
OF COLTS NECK