

RESOLUTION GRANTING PRELIMINARY MAJOR SUBDIVISION, SITE PLAN AND VARIANCE APPROVAL WITH WAIVERS

IN THE MATTER OF APPLICATION #496
of RIVERVIEW HEALTH AFFILIATES
Block 46, Lot 17.01

- PBF
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- ALL PBM
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- C. BUCK
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WHEREAS, RIVERVIEW HEALTH AFFILIATES, hereinafter the "Applicant", has proposed the development of property located on Leland Road in the Township of Colts Neck, County of Monmouth and State of New Jersey and designated as Block 46, Lot 17.01 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 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 have an approximate area of 14.1 acres and is proposed to be developed with an Assisted Living Residence Facility with 115 units to be constructed in two (2) phases. Preliminary Site Plan Approval for said Assisted Living Residence Facility has been requested. The southerly parcel will have an approximate area of 5.71 acres and currently has no proposal for development; and

WHEREAS, the Applicant's proposal is set forth on plans prepared Schoor DePalma, Inc., Theodore D. Cassera, P.E., entitled Title Sheet and Key Map Preliminary Site Plan for Riverview at Colts Neck, Block 46, Lot 17.01 dated 5/30/97 revised 6/30/97 consisting of seven (7) sheets along with a Landscape Plan prepared by Nadaskay Kopelson, Dimitri Levitsky, C.L.A., dated 6/5/97 revised through 7/31/97; 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 August 12, 1997 and September 9, 1997,

respectively, 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) Preliminary Site Plan for Riverview at Colts Neck, Block 46, Lot 17.01 prepared by Schoor DePalma, Inc., Theodore D. Cassera, P.E. dated 5/30/97 revised through 6/30/97 consisting of seven (7) pages.

b) Application of Riverview Health Affiliates dated 6/1/97.

c) Color Rendering of Site Plan prepared by Nadaskay Kopelson, dated 5/9/97 marked as Exhibit A-1 in evidence on 8/12/97.

d) Alternate Access Roadway Alignment Plan prepared by Schoor DePalma, Inc. dated 7/7/97 marked in evidence as A-2 at the 8/12/97 hearing.

e) Landscape Plan prepared by Nadaskay Kopelson, Dimitri Levitsky, C.L.A. dated 6/5/97 revised through 7/31/97 marked as A-3

in evidence at the 8/12/97 hearing.

f) Detailed Landscape Plan prepared by Nadaskay Kopelson, Dimitri Levitsky, C.L.A. dated 6/5/97 marked as Exhibit A-4 in evidence at the 8/12/97 hearing.

g) Elevation Drawings prepared by Nadaskay Kopelson dated 5/19/97 marked as Exhibit A-5 at the 8/12/97 hearing.

h) Alternative Front Elevations prepared by Nadaskay Kopelson marked as Exhibit A-6 at the 8/12/97 hearing.

i) Lighting Plan prepared by Nadaskay Kopelson, Dimitri Levitsky, C.L.A. dated 6/5/97 revised 7/31/97 and marked as Exhibit A-7 at the 8/12/97 hearing.

j) Report of Glenn R. Gerken, Township Engineer dated 7/24/97.

k) Memorandum of William Queale, Jr., Township Planner dated 7/7/97 entitled Memorandum #97-6 and report dated 7/18/97 entitled Memorandum #97-7.

2) The Applicant requires the following approvals from the Planning Board:

a) Preliminary Major Subdivision Approval to subdivide this parcel with an approximate area of 20 acres into two (2) lots. The northerly parcel shall have an approximate

area of 14.1 acres and will contain a proposed Assisted Living Residence Facility consisting of 115 units to be constructed in two (2) phases. The southerly parcel will have an approximate area of 5.16 acres and has no present proposal for development.

b) Preliminary Major Site Plan Approval for a 115 unit Assisted Living Residence Facility.

c) Variance for lot area for the southerly parcel to permit a parcel with 4.4 acres where ten (10) acres are required.

d) Variance for lot area for the northerly parcel permitting a parcel with 13.5 acres where a maximum of thirteen (13) acres are permitted.

e) Height variance to permit a cupola with a height of 14 ft. where 8.75 ft. are permitted.

f) Sign area of 16 sq. ft. where 15 sq. ft. are permitted.

g) Design Waiver for building length of 375 ft. where 340 ft. are permitted.

h) Buffer - none provided on northerly parcel along northwest lot line.

3) The Planning Board finds that the Applicant has submitted a subdivision plan, site plan and 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 have been met. The Planning Board further finds that although the grant of approval in this matter will be subject to a variety of conditions, that such conditions will not require a substantial amendment in the layout of improvements by the developer so as to require re-submission.

4) 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 Ordinances 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.

5) The Planning Board finds that the variances requested are appropriate under the circumstances of this application. More particularly, the Planning Board finds that although the proposed northerly parcel which will house the Assisted Living Residence Facility will exceed the thirteen (13) acre maximum area permitted pursuant to the Zone, the project is designed in conformance with the requirements of a conforming lot size under the ordinance. The Applicant has further agreed that the northerly parcel will be restricted from future development with a greater number of units even though the acreage would permit same. Consequently, although the parcel may exceed the thirteen (13) acre maximum requirement, the density

proposed for the parcel will not exceed that permitted for the maximum size lot in the Zone.

6) The Planning Board further finds that the excess size of the property will result from the construction of the access drive in order to comply with the Highway Access Management Plan adopted by the municipality and will promote its implementation.

7) The Planning Board further finds that the requested sign area variance of 16 sq.ft. where 15 sq. ft. are permitted is de minimis. The Planning Board has conducted its own study of signage in the Business Zones and finds the proposed sign is smaller than the vast majority of signs in the Business District and will harmonize in size, height and character with the other signage in the immediate vicinity and the Business District in general.

8) The Planning Board has viewed renderings provided by the Applicant of the cupola. The Applicant provided a rendering showing the cupola at the permitted 8.75 ft. height and at the 14 ft. height proposed. The Planning Board finds that the taller cupola is more aesthetically appropriate and provides a better visual perspective. The Planning Board finds that the proposed 14 ft. height results in greater architectural harmony with the existing character of the Township.

9) The Planning Board finds that the physical features of the property coupled with the exceptional situation uniquely affecting the property as it relates to coordination with the Highway Access Management Plan creates an extraordinary and exceptional situation such that the strict application of the referenced

regulations of the Colts Neck Township Development Regulations Ordinance would impose an exceptional and undue hardship upon the Applicant and that the granting of variances from such application so as to relieve such difficulties of hardship are appropriate.

10) The Planning Board further finds that the subject parcel is a specific piece of property pursuant to the Municipal Land Use Law in light of the proposed Highway Access Management Plan and that the benefits to be advanced by deviating from the Zoning Ordinance requirements with respect to the area of the parcels is outweighed by the benefits that would be received by the residents of Colts Neck Township through the implementation of the Highway Access Management Plan to the road system.

11) The Planning Board further finds that the variance relief requested can be granted without substantial detriment to the public good and will not impair the intent and purpose of the Zone Plan and Zoning Ordinance. More particularly, with respect to the variances requested, the lot sizes proposed will implement the Highway Access Management Plan. Thus, not only will there be no substantial detriment to the public good but there will be a benefit to the public good with regard to the improvement of the street system, traffic flow and traffic safety. Furthermore, the Highway Access Management Plan, a joint effort of the Township, County of Monmouth and NJDOT, has been adopted through the Master Plan of the Township of Colts Neck and is recognized in the Zone Plan and Zoning Ordinance as a goal to be achieved. Consequently, the intent and purpose of the Zone Plan and Zoning Ordinance will not be substantially

impaired. Instead, it will be promoted by the granting of the variances.

12) The Planning Board further finds that the sign variance request is so de minimis in nature that it is insubstantial and will not have any detriment to the public good or the Zone Plan and Zoning Ordinance. Likewise, the Planning Board finds that the cupola proposed is an improvement over the appearance of what is permitted in the current zoning. Therefore, there is no substantial impairment by the granting of this variance. Instead, there is an aesthetic improvement.

13) The Applicant has requested design waivers for building length and buffer provisions. The Planning Board's Planner, William Queale testified that the purpose of the building length restriction is to avoid a lengthy and circuitous route for emergency vehicles around a structure. He further opined that in the instant case, due to the design of the building and the site, the emergency route would not be reduced if the building length were shortened. In addition, he opined that the shrinking of building length would require the loss of valuable common area within the structure. This would be a loss to the residents with no resulting benefit as intended by this design standard. Mr. Queale also opined that the structure is sprinklered which assists in fire fighting such that the proposed route for emergency vehicles is adequate under the circumstances. The Planning Board finds that it agrees with the opinions set forth by Mr. Queale and that the granting of this waiver is appropriate under the circumstances.

14) The Planning Board also finds that the buffer

waiver can be granted as well insofar as the testimony demonstrates that there is substantial vegetation and conservation area in the northwest portion of the site which acts as a natural buffer so that additional buffer area is not necessary for the project.

15) The Planning Board further finds that the application for Preliminary Major Subdivision and Site Plan Approval with variance and waivers 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 14th day of October 1997 that Conditional Preliminary Major Subdivision and Site Plan Approval with Variances and Waivers 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.
- 7) The Applicant shall secure approval from NJDOT. The Highway Access Management Plan design and location of the jughandle is approved subject to possible modification in the event NJDOT approves an alternative configuration.
- 8) The Planning Board recommends that the Applicant pursue reconfiguration of the access roadway to follow the existing zone line between the B-1A Zone and the AC Zone through the parcel. In the event that such reconfiguration is approved, the Applicant will apply for Amended Preliminary Major Subdivision and Site Plan Approval.
- 9) The portions of the northerly parcel located in

the AG Zone and in the B-1A Zone between Route 34 and the access roadway to the Assisted Living Residence Facility shall be restricted by Deed to permit use of this area only for the purposes of a septic field, underground utilities, recreation facilities, ancillary parking facilities, agricultural purposes not requiring above ground structures or open space. Such Deed restriction shall be subject to review and approval by the Planning Board's Engineer and Attorney.

10) The Applicant shall secure the vacation of those portions of Leland Road as follows:

a) Triangular parcel located between the proposed northerly access road and the existing intersection of Leland Road with Route 34.

b) Parcel between the intersection of the proposed northerly access road with Route 34 and the intersection of the proposed southerly access road with Route 34.

11) The Applicant shall revise the plans to include two (2) additional parking spaces in the front parking area in order to provide a total of 58 parking spaces.

12) The Applicant shall revise the plans to provide for sidewalks with a 5 ft. standard width and a 7 ft. width at vehicle overhangs.

13) The Applicant shall submit its proposal for two (2) 20,000 gallon water tanks for approval by the Fire Commissioner.

14) The Applicant shall secure NJDEP approval for a NJPDES Permit, Wastewater Treatment Facility Permit, Amendment to Wastewater Management Plan, Letter of Interpretation, Wetland Buffer Permit and Stream Encroachment Permit.

15) The Applicant's plans provide for future access to Lot 15 by extension of the access road to the end of the curb return at the entrance to the Assisted Living Residence Facility. The area beyond such entrance up to Lot 15 shall be graded at the time of construction of Phase 1 of the Assisted Living Residence Facility. The retaining wall for the access road to Lot 15 shall be constructed to the extent required to facilitate ingress and egress to and from the Assisted Living Residence Facility until final access to Lot 15 is constructed as an off-tract improvement by the owner/developer of Lot 15.

16) The access roadways shall be designed and constructed consistent with, and in accordance with, the Highway Access Management Plan and the requirements of the Department of Transportation. The Applicant's plans shall be revised to include design plans with construction details in accordance with same.

17) The Applicant shall be responsible for securing acquisition of that portion of Block 47, Lot 16 which is necessary to connect the proposed northerly access road with Route 34.

18) The Applicant shall be responsible for acquisition of that portion of Block 47, Lot 15 which is necessary in order to connect the proposed southerly access road with Route 34.

19) The Applicant shall secure Freehold Soil Conservation Service approval.

20) The Applicant shall secure Monmouth County Planning Board approval.

21) The Applicant shall secure Colts Neck Township Board of Health approval.

22) The Applicant shall submit landscape plans to the Colts Neck Township Shade Tree Commission for review and comment which shall be provided to the Township Engineer.

23) The Applicant shall revise its plans to provide that the base of the fire lane shall be constructed using paver blocks. The Applicant shall also provide for marking of the fire lane with bird feeders or other suitable decorative identification markers at regular intervals as deemed appropriate by the Township Engineer and the Township Fire Commissioner.

24) The Planning Board notes that the maximum lot area permitted is thirteen (13) acres for Assisted Living Residence Facility. In the event that additional lands are added to the Assisted Living Residence Facility lot, as the result of street vacation, which causes it to exceed or further exceed the maximum allowable acreage, such assemblage shall be permitted provided that said additional property may not be used to increase structures size or number of units permitted on the parcel above the maximum allowed for a conforming lot. A notation to this effect shall be placed on the subdivision map.

25) The Applicant shall revise the plans to such that the westerly access road intersection with the Highway Access Management Plan jughandle road shall be designed consistent with the Highway Access Management Plan and the requirements of NJDOT.

26) The Applicant shall revise its plans to include a sidewalk from the Assisted Living Residence Facility to adjacent Lot 15 (Delicious Orchards).

27) In the event that the Applicant is unable to construct a "T" intersection where the future local street abuts the Highway Access Management Plan jughandle, the Applicant shall construct a temporary non "T" intersection until such time as the full jughandle is constructed in accordance with the Highway Access Management Plan at which point the Applicant shall reconstruct the intersection in accordance with the Highway Access Management Plan.

28) The portions of the Highway Access Management Plan jughandle being constructed by the Applicant shall meet the specifications of the Highway Access Management Plan and NJDOT for centerline location, right-of-way, width, radii, pavement width and pavement cross section requirements.

29) The temporary driveway leading from the jughandle to the Assisted Living Residence Facility entrance will be a future public street and is to be constructed to Township street specifications. The plan shall be revised accordingly.

30) The plan shall also be revised to include the following:

a) Fire Hydrant types are to match Township Fire equipment.

b) A note shall be added that the flood hazard limit shown on the plans is the 100 year flood limit.

c) All easements are to be shown with their purpose written in the easement.

d) A note shall be added that all utilities will be installed underground.

e) The plan shall be revised to include shade trees along Route 34.

f) The plan shall be revised to delete street lights along a portion of the jughandle entering from Route 34 and show installation of street lights only at the intersections.

g) The plan shall be revised to add sight triangles at all driveway/street and street/street intersections.

h) The plan shall be revised to show garden plots, benches and other recreation improvements on the plan.

i) The plan shall be revised to show sign details including shielded lighting at the base of the sign and landscaping at the base of the sign to improve the aesthetics of the sign.

j) The subdivision line shall follow the line designated as the "Proposed Public Right-Of-Way" along the northerly access roadway.

31) All plan revisions required herein shall be satisfactory in form and substance to the Township Engineer as complying with the requirements of the Colts Neck Township Development Regulations Ordinance.

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 granted with respect to the within application shall expire one (1) year from the date of this resolution unless the Applicant complies with 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: Mr. Barbagallo

SECONDED BY: Mr. Malinowski

ROLL CALL:

Yes: Messrs. Crossan, Barbagallo, Goodwin, Donado, Fitzpatrick,
Malinowski and Garito

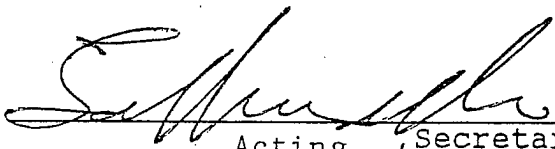
No: None

Abstain: None

Absent: Messrs. McBride and Coe

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 October 14, 1997.

Date: 10/14/97


Acting Secretary
PLANNING BOARD OF THE TOWNSHIP
OF COLTS NECK

TOWNSHIP OF COLTSNECK
124 CEDAR DRIVE
COLTS NECK NJ 07722
732-409-7134

**CERTIFICATE
IDENTIFICATION**

Date Issued: 01/29/2002
Control #: 7299
Permit #: 20000698

Block: 46 Lot: 17.01 Qual: _____
Work Site: Route 34
Owner in Fee: Meridian Quality Care
Address: 1944 Route 33
Neptune NJ 07754
Telephone: 732 776-3860
Agent/Contractor: Palock Construction
Address: 43 Gilbert Street North
Tinton Falls NJ 07701
Telephone: 732 747-1073
Lic. No./Bldgs. Reg.No.: _____ Federal Emp. No.: 21-0736773
Social Security No.: _____

Home Warranty No: _____
Type of Warranty Plan: State Private
Use Group: 1-2
Maximum Live Load: _____
Construction Classification: 2C
Maximum Occupancy Load: 72 bed
Certificate Exp Date: _____
Description of Work/Use: 72 Bed Assisted Living Facility

CERTIFICATE OF OCCUPANCY
This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17
This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17 to the following extent:

CERTIFICATE OF APPROVAL
This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

Total removal of lead-based paint hazards in scope of work
 Partial or limited time period (____ years); see file
 CERTIFICATE OF CONTINUED OCCUPANCY
This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE
If this is a temporary Certificate of Occupancy or Compliance the following conditions must be met no later than _____ or the owner will be subject to fine or order to vacate.

CERTIFICATE OF COMPLIANCE
This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until _____

H Salerno
HENRY SALERNO Construction Official
U.C.C 360 (rev. 3/96)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees \$0.00
Paid Check No 1058
Collected by pf _____