

# R. C. SHEA & ASSOCIATES

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LLM in Trial Advocacy

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Trial Attorney  
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A Civil Trial Advocate  
Rule 1:40 Qualified Mediator

COUNSELLORS AT LAW, P.C.

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TOLL FREE NUMBER  
(800) 556-SHEA

October 2, 2020

## *Via Overnight and Email*

Colts Neck Township Zoning Board  
Ms. Ruth Leininger, Zoning Board Secretary  
124 Cedar Drive  
Colts Neck, NJ 07722

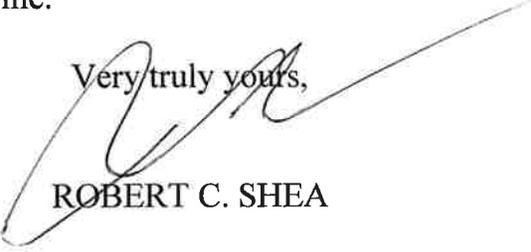
**Re: *Flanbaum, Dailey and Zagha  
Block 33, Lot 21  
249 Route 537  
Township of Colts Neck, NJ  
Our file No. 13565***

Dear Ms. Leininger:

With regard to the above-referenced application, I have enclosed the attached list of the Experts, who will provide testimony and the documents that we will be using as evidence at the October 15, 2020 public hearing.

Naturally, if you should have any questions, regarding the attached documents, please don't hesitate to contact me.

Very truly yours,

  
ROBERT C. SHEA

RCS/dgt  
Enc.

## **REQUEST FOR APPEAL/INTERPRETATION**

Appellant: Morris Flanchbaum, Glen Dailey, & Douglas Zagha

Respondent: Colts Neck Township Zoning Board of Adjustment

Property: Colts Neck Community Church Application NO. 739

### **Experts to Testify on behalf of Appellant:**

1. Sean Delany, P.E., P.P., C.M.E. - Bowman Consulting
2. Brian McPeak, P.P., AICP - PS & S
3. Lee D. Klein, P.E., PTOE - Klein Traffic Consulting, LLC

### **Exhibits to Present by Appellant:**

1. Timothy Anfuso, P.P. Township Planner Letters dated:
  - a. August 7, 2020;
  - b. September 10, 2020; and
  - c. September 14, 2020.
2. Glenn R. Gerken, P.E. Board Engineer Letters dated:
  - a. August 7, 2020; and
  - b. September 2, 2020.
3. Colts Neck Development Regulations:
  - a. §102-84 - A-1 & A-2 Agricultural Residential Districts;
  - b. §102-11 - Conditional Uses;
  - c. §102-119 - Off-Street Parking; and
  - d. §102-90 - Buffers
4. Preliminary and Final Major Site Plan prepared by Two River Engineering consisting of 15 sheets dated February 13, 2020 and last revised August 25, 2020.
5. Architectural Plans prepared by Eric Walker AIA, containing of 4 sheets dated June 11, 2020.

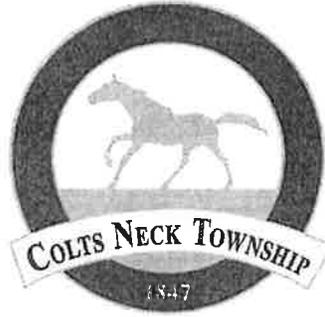
6. R.C. Shea and Associates correspondence to Chairman and Board Members, dated August 6, 2020.

7. R.C. Shea and Associates correspondence to Michael B. Steib, Esq., dated September 1, 2020.

8. R.C. Shea & Associates correspondence to Ruth Leininger and Robert Farrell, dated October 1, 2020.

# EXHIBIT 1

Timothy Anfuso, P.P. Township Planner Letters dated: August 7, 2020,  
September 10, 2020; and September 14, 2020



To: Honorable Chairman and Members of the Colts Neck Planning Board

From: Timothy Anfuso, P.P., Township Planner *TA*

RE: Colts Neck Community Church  
Conditional Use Permit, Preliminary & Final Major Site Plan with Variances  
PB739 – Block 33, Lot 21 – 249 Route 537

Date: August 7, 2020

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The Planning Department has reviewed the Preliminary and Final Major Site Plan for Colts Neck Community Church prepared by Two River Engineering dated February 13, 2020 revised July 20, 2020. Staff offers the following comments.

Project Description

This is an application for Conditional Use Permit as well as Preliminary and Final Major Site Plan approval with variances. The applicant is proposing to construct a 22,557 s.f. place of worship. The facility will have a 400 seat sanctuary, a gathering area with warming kitchen and five classrooms for Sunday School purposes. The property will be serviced by a 175 stall parking lot access from County Route 537. The property is zoned A-1 Agricultural Residential and the proposed place of worship is a permitted conditional use.

Variances and Design Standard Waivers

This application involves three variances and four design standard waivers. A complete listing is attached.

Planning Department Comments and Recommendations

1. This application requires a variance to permit two signs (facade and freestanding) where only one sign is permitted. Testimony should be provided to justify this variance.

2. The freestanding sign requires a variance to permit 15 s.f. of sign area where 12 s.f. is the maximum permitted. Testimony should be provided to justify this variance.
3. It appears the façade sign will also require a variance for exceeding the 12 s.f. in area limitation. The exact dimensions of this sign should be provided on the Architectural Plans to determine the extent of this variance. In addition, notes should be added to the plans indicating the sign will be externally illuminated.
4. Design waivers are required to allow the detention basin within the 300' riparian buffer and as well as to not encumber the entire 300' riparian buffer in a conservation easement. The basin requires a Flood Hazard Permit by the NJDEP. If approved, I believe that it should be removed from the Conservation, Drainage, Open Space and Utility Right-of-Way easement. This is to make clear that the Township has no long term maintenance responsibilities for the basin. It should be noted that this basin is in a substantially similar location as the previously approved three lot subdivision for the Esposito application.

Along the western side of the property the applicant is excluding an open field between the 150' Special Water Resource Protection Area and the 300' riparian buffer from the conservation easement. I believe this is to maintain a lawn area to practice outdoor religious assembly. I have no planning objections to this as long as the remaining conservation easement is not disturbed and is allowed to return to it's natural state.

5. A design waiver is required to permit a 20' foot buffer from an adjoining residential use where 30 feet is required. Testimony should be provided to justify this waiver.
6. A design waiver is required for not providing a landscape island separating rows of 10 or more parking stalls. This occurs in one location at the rear of the building.
7. The applicant should confirm that the classrooms will be used for Sunday classes or evening church related meetings and that the church will not rent any portion of the facility to outside organizations. This should be a condition of approval.
8. Pursuant to Section 102-119A2 the two center islands in the front and rear parking areas need four shrubs per ten stalls and each parking lot island needs four shrubs per island.
9. Shade Trees spaced at 50' intervals need to be provided on the outside edge of the front parking lot (§102-119A5).
10. The limits of the wooded areas along the northern and western boundaries should be shown on the Site Plan. A tree location and tree removal plan should be provided for the drainage system outfall structure to Mine Brook.

A condition of approval should require that the Tree Save Plan shown on Sheet 4 of 5, Grading and Utility Plan be installed prior to any land disturbance.

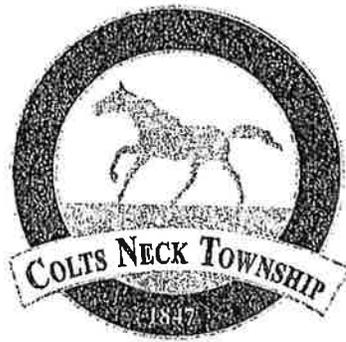
11. The Site Investigation and Soil Sampling does not include a survey for buried drums, tanks or waste using ground penetrating radar or other techniques. Given the past history of the site, underground tanks may exist and I recommend the survey be performed.
12. The applicant should consider decorative stamped concrete sidewalks with a brick or paver design throughout the site.
13. The proposed colors and materials used for all exterior treatments of the building should be labeled on the Architectural Plans.
14. Deeds of all easements need to be submitted for review and approval.
15. The applicant will be required to obtain the following outside agency approvals:
  - Monmouth County Planning Board
  - Freehold Soil Conservation District
  - NJDEP "Flood Hazard Permit"
  - NJDEP Freshwater Wetlands "General Permit"
16. The applicant should comment on the status of the Shade Tree Commission, Board of Health, Fire Marshall, Environmental Commission and Architectural Review Committee's review and comment on this application.
17. Since this application involves a place of worship, a contribution to the Affordable Housing Fund will not be required.

cc: M. Steib, Esq.  
G. Gerken, P.E.  
S. Alfieri, Esq.  
A.J. Garito, P.E.

## VARIANCES AND DESIGN WAIVERS

| <u>Variance</u> | <u>Description</u>                                                        |
|-----------------|---------------------------------------------------------------------------|
| 102-84H2        | Proposed two signs (freestanding & façade) where only one is permitted    |
| 102-84H2        | Proposed 15 s.f. freestanding sign where 12 s.f. is the maximum permitted |
| 102-84H2        | Proposed façade sign in excess of 12 s.f.                                 |

| <u>Design Standard Waiver</u> | <u>Description</u>                                                                                         |
|-------------------------------|------------------------------------------------------------------------------------------------------------|
| 102-69B                       | Proposed detention basin within the 300' riparian buffer                                                   |
| 102-69B                       | Not preserving the entire 300 riparian buffer in a conservation easement                                   |
| 102-90A                       | Proposed 20' buffer along a residential property where 30' is required                                     |
| 102-119A2                     | Proposed 14 off-street parking stalls without a landscape island where 10 stalls are the maximum permitted |



July 30, 2020

RE: Proposed Colts Neck Community Church  
Block 31, Lot 21  
Colts Neck Township  
Monmouth County, New Jersey, 07722  
PB739

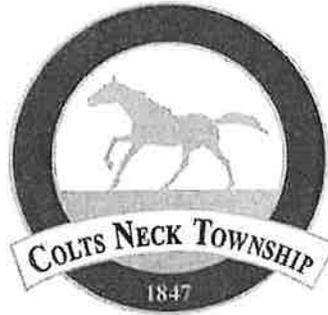
From: Tom Frank - Township Health Officer

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish.

To: Tim Anfuso - Township Planning/Zoning Officer

The Health Department requires a TWA application be submitted to the NJDEP to verify the total design wastewater flow calculations for this project. This NJDEP review will assist in determining which agency has jurisdictional authority for this project, as well as any other requirements moving forward.

Please forward the Health Department a copy of the completed TWA application (and all other supporting documents) being submitted to the NJDEP when they become available.



RECEIVED

SEP 14 2020

R.C. SHEA & ASSOCIATES  
CONSULTING ARCHITECTS

September 10, 2020

Mr. Robert C. Shea  
R. C. SHEA & ASSOCIATES  
244 Main Street  
P O Box 2627  
Toms River, New Jersey 08754

Salvatore Alfieri, Esq.  
CLEARY, GIACOBBE, ALFIERI,  
JACOBS, LLC  
955 Route 34, Suite 200  
Matawan, New Jersey 07747

**RE: *Appeal Administrative Officer's Decision and Interpretation §102-11B  
ZB1042 – Block 33, Lot 21 – 249 Route 537, Colts Neck, NJ***

Dear Mr. Shea:

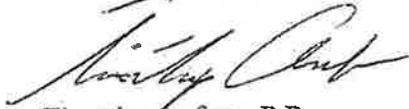
To ensure an efficient and orderly public hearing for the above referenced application, I offer the following protocol to be implemented by the Zoning Board of Adjustment.

1. The appellant and respondent shall submit a participant/witness list at least ten days prior to the October 15, 2020 hearing date so appropriate arrangements can be made to include them as a participant.
2. The appellant and respondent shall submit any legal memorandum, briefs, reports, maps, photographs or any other exhibits at least ten days prior to the October 15, 2020 hearing date. All of the above exhibits must be submitted in a PDF format to be posted on the Township's website.
3. The hearing will be conducted with:
  - a. Opening statement by appellant
  - b. Direct examination and cross examination (Respondent, Public & Board) of appellant's witnesses in sequence (i.e. one at a time)
  - c. Opening statement by respondent
  - d. Direct examination and cross examination (Appellant, Public & Board) of respondent's witnesses in sequence (i.e. one at a time)
  - e. Public comment and cross examination (Appellant, Respondent, Public & Board) in sequence (i.e. one at a time)
  - f. Closing statement Respondent
  - g. Closing statement Appellant

4. Once (a.) through (g.) are completed the Board may deliberate and rule on the application. If further time is needed to review all of the presentation the Board may carry the application for discussion and vote at a later meeting.

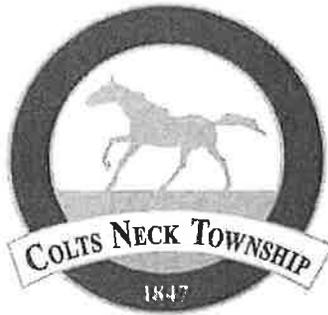
Your cooperation and adherence to this protocol is appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy Anfuso".

Timothy Anfuso, P.P.  
Township Planner  
TA/rl

cc: Zoning Board of Adjustment  
M. Steib, Esq.



RECEIVED

SEP 17 2020

R.C. SHEA & ASSOCIATES  
3000 ROUTE 100, RC

September 14, 2020

Mr. Robert C. Shea  
R. C. SHEA & ASSOCIATES  
244 Main Street  
P O Box 2627  
Toms River, New Jersey 08754

**RE: *Appeal Administrative Officer's Decision and Interpretation §102-11B  
ZB1042 – Block 33, Lot 21 – 249 Route 537, Colts Neck, NJ***

Dear Mr. Shea:

Please be advised that the public hearing has been scheduled for Thursday, October 15, 2020. Since this will be a virtual meeting you must notice all property owners within 200 feet, public utilities and publish a Notice of Hearing in the Asbury Park Press.

Due to the Covid-19 Pandemic State of Emergency, the meeting will be conducted virtually through Zoom Video Conferencing. All exhibits (applications, maps, reports, etc.) must be filed with the Zoning Board a minimum of 10 days prior to the scheduled hearing date.

In addition to the Notice requirements contained in the Municipal Land Use Law, all Notices must include the following:

*Due to the Covid-19 Pandemic State of Emergency the Colts Neck Township Zoning Board of Adjustment meeting scheduled for Thursday, September 17, 2020 at 7:00 p.m. will be held using the Zoom Video Conferencing platform.*

*Members of the public have the option to attend the meeting either by using a device (PC, laptop, tablet or smartphone) or by dialing in via telephone.*

*Attending Using a Device*

*If attending using a device, you will be able to see and hear the members of the Zoning Board while they conduct their meeting. Your microphone will be muted during the meeting. However, during the Public Comment portion of the meeting, you will be able to "raise your hand" and have your microphone unmuted in order to make a comment.*

To join the meeting use the link on the Colts Neck Township web site home page <https://www.colts-neck.nj.us/> or join the meeting at:

<https://us02web.zoom.us/j/82041433547?pwd=eTRzUWpSNFFzRFpjYWWhQS0ZOWEsrZz09>

The password to attend is 096805. You will be asked to enter your name and email address.

Attending via Telephone

If attending via telephone only, you will be able to hear the Zoning Board while they conduct the meeting. Your microphone will be muted. During the Public Comment portion of the meeting, you will be identified by the last four digits of your phone number and will be invited to make a comment. Your microphone will be unmuted at this time.

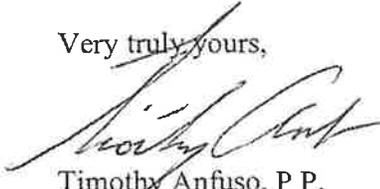
Use the following phone number to join the meeting 1-669-900-6833. Use Meeting ID: 820 4143 3547 and Password: 096805

All plans, maps and papers regarding this matter are on file with Zoning Board and are available for public inspection during normal business hours upon appointment at 124 Cedar Drive, Colts Neck, New Jersey 07722. To schedule an appointment, please contact Timothy Anfuso, Township Planner at 732-409-7135.

If you have any questions prior to the meeting regarding Zoom Video Conferencing, feel free to call Zoning Department at 732-409-7135 who will be hosting the meeting.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy Anfuso, P.P.  
Township Planner  
TA/rl

# EXHIBIT 2

Glenn R. Gerken, P.E. Board Engineer Letters dated  
August 7, 2020 and September 2, 2020



| YOUR GOALS. OUR MISSION.

August 7, 2020

Township of Colts Neck  
Planning Board  
124 Cedar Drive  
Colts Neck, NJ 07722

Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 - 249 Route 537  
Application No. PB739 - Initial Engineering Review  
Township of Colts Neck, Monmouth County, NJ

Dear Board Members:

Please be advised that I have received and reviewed the following documents submitted in support of the above referenced application:

1. Boundary and Topographic Survey prepared by Morgan Engineering and Surveying dated 1/8/2013.
2. Preliminary and Final Major Subdivision plans prepared by Two River Engineering consisting of 15 sheets dated February 13, 2020 and last revised July 7, 2020.
3. Stormwater Management Report prepared by Two River Engineering dated February 19, 2020. Part of Appendix 4 and Appendix 5 were submitted with the resubmittal package on 7/27/2020.
4. Architectural Plans prepared by Eric Walker AIA containing 4 sheets dated June 16, 2020 showing building elevations, floor plan and building schematic views.
5. Historic Pesticides Analysis Report for Esposito Property dated December 5, 2014 prepared by Two River Engineering.
6. Environmental Report by Environmental Data Resources Inc. for Esposito Realty LLC dated October 21, 2010.

#### General Description

The property consists of 13.1 acres and is located in the A-1 Agricultural Residential District Zone. The property previously contained five dwellings, four barns, one garage and asphalt driveway with walkways, all of which have been currently removed. The property is now vacant and is bordered by residential lots to the west, the reservoir to the north, subdivision of Camelot Dr to the east and County Route 537 to the south.

Previously a 3 lot subdivision for Frank Esposito was approved for this lot with the resolution adopted by the Board on 11/10/2015. The subdivision was never perfected. If this application is approved, the prior approval of the 3 lot subdivision should be rescinded.

This application proposes a new house of worship for Colts Neck Community Church. The proposed building is 22,557 sq. ft. with a sanctuary that holds 400 seats. The plan proposed 176 parking spaces with 54 in the front, 13 on the side and 109 in the rear. There is a covered drop off area in the front of the building. The proposed house of worship is permitted as a conditional use in the A-1 zone with certain enhanced lot size, dimensions and setbacks.



August 7, 2020  
Sheet 2

Le: Township of Colts Neck  
Planning Board  
Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 - 249 Route 537  
Application No. PB739 - Initial Engineering Review  
Township of Colts Neck, Monmouth County, NJ

The property is bordered by a stream on the west and northerly side of the lot. The 150 ft. Special Water Resource Protection Area and the 300 ft. Riparian Buffer are shown on the plans. All of the improvements to include the building, driveway and parking areas are all located outside of the 300 ft. area. The Detention Basin and piping into it and discharge piping is within the 300 ft Buffer but outside of the 150 ft. SWRPA line. The final discharge from the detention basin extends into the 150 ft. SWRPA down to and discharges at the wetland limit. Approvals from NJDEP will be required for these encroachments

#### Zoning Compliance

1. Places of Worship are permitted in the A-1 zone as a conditional use. Section 102-84 E requires enhanced area, dimensions and setbacks. A minimum of 5 acres; 300 ft. frontage, width and depth; front and rear setbacks of 100 ft.; and each side yard setback of 75 ft. are required. Also, the maximum building coverage of 10% is permitted. The existing lot and building proposed meet all of these requirements.
2. A variance for the free standing sign from section 102-84 H is required. A maximum of 12 sq. ft. is allowed, and 15 sq. ft. is proposed. The sign complies with the height and setback requirements.
3. It is confusing if a building facade sign variance is required. In the applicant's engineers letter of 7/27/2020 he states that it is his understanding that no building facade sign is proposed but if one is proposed, it will be shown on the architectural plans. Sheet A201 shows on the front elevation view what appears to be a building facade sign. No dimensions or details of it are provided. Testimony concerning this must be provided. If it is proposed then a variance from having a second sign is required and dimensions are needed to determine if a variance for the size is also required.
4. A design waiver from section 102-90 for the landscape buffer on the easterly property line. Thirty feet is required and 20 feet is proposed. The landscape plan does propose the required 2 staggered rows of evergreen trees as required by subsection D.
5. A design waiver from section 102-119A2 is required for not providing a landscaped island every 10 parking spaces. To the back left of the building one row has 14 spaces without a landscaped island.

#### Site Plan Comments

1. There is a discrepancy in the number of seats for the church. On sheet 3 of the engineering plans it lists 400 seats. Within the submittal titled "Colts Neck Community Church Facilities Use" it indicates that a maximum of 475 people may attend a Sunday Service. On the architectural plan A101 it labels 475 seats for the Sanctuary (labeled in front of the Platform) however, when one adds up the seats labeled in the 4 areas it totals 400 seats. This discrepancy should be cleared up. It doesn't make any difference as far as parking is concerned because 176 spaces proposed complies for over 500 seats.
2. I have reviewed the size of the parking spaces, width of the aisles and pavement specification detail and find that all conform. The application and engineering plans state 175 spaces are provided but when I count the spaces it totals 176 spaces.



August 7, 2020  
Sheet 3

Le: Township of Colts Neck  
Planning Board  
Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 – 249 Route 537  
Application No. PB739 – Initial Engineering Review  
Township of Colts Neck, Monmouth County, NJ

3. The Historic Pesticides Analysis Report was actually done for the previously approved 3 lot subdivision. Six samples were taken and all show results below the NJDEP cleanup criteria. The readings for arsenic ranged from 5.19 to 13.1 ppm and the allowable is 20 ppm so all samples comply. As pointed out with the subdivision report under section IV Project Location of the report it refers to lot 20 of block 33 and it should be lot 21.
4. I have reviewed the Stormwater Management Report. A total of 9.39 acres drain to the stream in existing conditions. Runoff rates for that were established. In post development conditions, 4.29 acres are undeveloped and flow direct to the stream as it currently does. A total of 5.1 acres is being developed and will either flow direct into the detention basin or be collected and piped into the detention basin. Calculations for these are provided and the post flow utilizing the detention basin with no infiltration counted, is less than the reductions required of the predeveloped conditions. So, the rate reductions of 7:8 of NJAC7:8 are met. The calculations have been provided for the ground water recharge and again that complies.
5. For the drainage, the report is still missing the Conduit Outlet Protection Calculations and the Emergency Spillway Calculations. Also, an Operations and Maintenance Manual for the Stormwater system is required and has not been provided.
6. The plan proposes within the 300 ft. Riparian Area the detention basin, septic disposal fields storm drainage piping and a landscape berm in the scenic corridor. Also, drainage piping and the discharge extends into the 150 SWRPA area. Approval for all of these is required from NJDEP.
7. The plans propose a conservation easement which encumbers all of the 150 ft SWRPA and about half of the area between the 150 ft. to the 300 ft. limit. The detention basin is included in the easement and normally that would be excluded so that the Township has no responsibility for the basin. Also, there is a large area in the 300 ft. portion besides the septic fields which is excluded. I question why the extra area besides the septic fields are excluded.
8. Deeds of easement are required for the conservation easement and scenic corridor For the conservation easement covering the wet infiltration pond and access, the easement should also be dedicated to the Homeowners Association besides the Township.
9. I have reviewed the lighting sheet and find that produced conforms with the ordinance. It indicates that the kelvin is 3,000, 4,000, or 5,000. It is suggested that it not exceed 3,500.
10. I have forwarded the Site Investigation Report prepared by EDR as referenced in number 6 of the items reviewed to one of our LSRP's. His comments will be submitted separately.
11. Outside approvals from Monmouth County Planning Board and Freehold Soil Conservation District are needed. Township approval from the Board of Health for septic system and the Shade Tree Commission for the proposed landscaping is needed. Comments should also be obtained from the Environmental Commission and Architectural Review Committee.
12. Performance Guaranties and Inspection Fees are required for the improvements. They will be calculated by this office if this application is approved.



August 7, 2020  
Sheet 4

Le: Township of Colts Neck  
Planning Board  
Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 - 249 Route 537  
Application No. PB739 - Initial Engineering Review  
Township of Colts Neck, Monmouth County, NJ

Should you have any questions concerning the above, please give me a call.

Very truly yours,

GLENN R. GERKEN, P.E.  
BOARD ENGINEER

GRG:ls

cc: Michael Steib, Esq., Board Attorney (via email)  
Two Rivers Engineering (Applicant's Engineer) (via email)  
S Alfieri, Esq. (Applicant's Attorney) (via email)



| YOUR GOALS. OUR MISSION.

September 2, 2020

Colts Neck Township  
Planning Board  
124 Cedar Drive  
Colts Neck, NJ 07722

Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 - 249 Route 537  
Application No. PB739 - Second Engineering Review  
Colts Neck Township, Monmouth County, NJ

Dear Board Members:

Please be advised that I have received and reviewed the following documents submitted in support of the above referenced application:

1. Boundary and Topographic Survey prepared by Morgan Engineering and Surveying dated 1/8/2013.
2. Preliminary and Final Major Subdivision plans prepared by Two River Engineering consisting of 15 sheets dated February 13, 2020 and last revised August 25, 2020.
3. Stormwater Management Report prepared by Two River Engineering dated February 19, 2020 and revised August 25, 2020. Appendix 4 & 5 have now been added to this report.
4. Operations & Maintenance Manual prepared by Two River Engineering dated August 25, 2020.
5. Architectural Plans prepared by Eric Walker AiA containing 4 sheets dated June 16, 2020 showing building elevations, floor plan and building schematic views. The applicants engineer indicates that these have been revised to eliminate the building façade sign. I have not been provided a copy of these revised plans.
6. Historic Pesticides Analysis Report for Esposito Property dated December 5, 2014 prepared by Two River Engineering.
7. Environmental Report by Environmental Data Resources Inc. for Esposito Realty LLC dated October 21, 2010.

I previously reported on this application on August 7, 2020. I will carry forward my prior comments modifying them based on the latest submittals referenced above.

#### General Description

The property consists of 13.1 acres and is located in the A-1 Agricultural Residential District Zone. The property previously contained five dwellings, four barns, one garage an asphalt driveway with walkways, all of which have been currently removed. The property is now vacant and is bordered by residential lots to the west, the reservoir to the north, subdivision of Camelot Dr to the east and County Route 537 to the south.

Previously a 3 lot subdivision for Frank Esposito was approved for this lot with the resolution adopted by the Board on 11/10/2015. The subdivision was never perfected. If this application is approved, the prior approval of the 3 lot subdivision should be rescinded.



September 2, 2020  
Sheet 2

Le: Colts Neck Township  
Planning Board  
Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 – 249 Route 537  
Application No. PB739 – Second Engineering Review  
Colts Neck Township, Monmouth County, NJ

This application proposes a new house of worship for Colts Neck Community Church. The proposed building is 22,557 sq. ft. with a sanctuary that holds 400 seats. The plan proposes 175 parking spaces with 54 in the front, 13 on the side and 109 in the rear. There is a covered drop off area in the front of the building. The proposed house of worship is permitted as a conditional use in the A-1 zone with certain enhanced lot size, dimensions and setbacks.

The property is bordered by a stream on the west and northerly side of the lot. The 150 ft. Special Water Resource Protection Area and the 300 ft. Riparian Buffer are shown on the plans. All of the improvements to include the building, driveway and parking areas are all located outside of the 300 ft. area. The Detention Basin and piping into it and discharge piping is within the 300 ft Buffer but outside of the 150 ft. SWRPA line. The final discharge from the detention basin extends into the 150 ft. SWRPA down to and discharges at the wetland limit. Approvals from NJDEP will be required for these encroachments

#### Zoning Compliance

1. Places of Worship are permitted in the A-1 zone as a conditional use. Section 102-84 E requires enhanced area, dimensions and setbacks. A minimum of 5 acres; 300 ft. frontage, width and depth; front and rear setbacks of 100 ft.; and each side yard setback of 75 ft. are required. Also, the maximum building coverage of 10% is permitted. The existing lot and building proposed meet all of these requirements.
2. Previously the sign did not comply with the maximum 12 sq., ft. area requirement which would have required a variance. The revised plan detail has reduced the size to 12 sq. ft. which complies. The sign complies with the area, height and setback requirements.
3. Previously architectural drawing A-201 showed a building façade sign on the front elevation. The applicants engineer indicates that this has been revised to eliminate the sign. This would eliminate the second sign and the need for a variance. Copies of this revised plan must be provided.
4. A design waiver from section 102-90 for the landscape buffer on the easterly property line is required. Thirty feet is required and 20 feet is proposed. Within the 20 ft. to 30 ft. area, part of the entrance drive, part of some parking spaces and the refuse enclosure are proposed. The landscape plan does propose the required 2 staggered rows of evergreen trees as required by subsection D of the Ordinance. .
5. A previously required design waiver from section 102-119A2 has been eliminated by breaking up the row of 14 parking spaces in the rear by providing a landscaped island.

#### Site Plan Comments

1. There is a discrepancy in the number of seats for the church. On sheet 3 of the engineering plans it lists 400 seats. Within the submittal titled "Colts Neck Community Church Facilities Use" it indicates that a maximum of 475 people may attend a Sunday Service. On the architectural plan A101 it labels 475 seats for the Sanctuary (labeled in front of the Platform) however, when one adds up the seats labeled in the 4 areas it totals 400 seats. The applicants engineer in his forwarding letter of August 25, 2020 states that the sanctuary is limited to 400 seats. This discrepancy should be cleared up between the two sets of plans.



September 2, 2020  
Sheet 3

Le: Colts Neck Township  
Planning Board  
Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 – 249 Route 537  
Application No. PB739 – Second Engineering Review  
Colts Neck Township, Monmouth County, NJ

It doesn't make any difference as far as parking is concerned because 175 spaces proposed complies for over 500 seats.

2. I have reviewed the size of the parking spaces, width of the aisles and pavement specification detail and find that all conform. The plan proposes a total of 175 parking spaces.
3. The Historic Pesticides Analysis Report was actually done for the previously approved 3 lot subdivision. Six samples were taken and all show results below the NJDEP cleanup criteria. The readings for arsenic ranged from 5.19 to 13.1 ppm and the allowable is 20 ppm so all samples comply. As pointed out with the subdivision report under section IV Project Location of the report it refers to lot 20 of block 33 and it should be lot 21.
4. I have reviewed the Stormwater Management Report. A total of 9.39 acres drain to the stream in existing conditions. Runoff rates for that were established. In post development conditions, 4.29 acres are undeveloped and flow direct to the stream as it currently does. A total of 5.1 acres is being developed and will either flow direct into the detention basin or be collected and piped into the detention basin. Calculations for these are provided and the post flow utilizing the detention basin with no infiltration counted, is less than the reductions required of the predeveloped conditions. So, the rate reductions of 7:8 of NJAC7:8 are met. The calculations have been provided for the ground water recharge and again that complies.
5. I have reviewed the Operations and Maintenance Manual referenced above and find it acceptable. The lot owner will be responsible for the maintenance and operation of the storm drainage piping system and the detention basin. Annual inspections are proposed and a formal inspection every 4 years.
6. The plan proposes within the 300 ft. Riparian Area the detention basin, septic disposal fields storm drainage piping and a landscape berm in the scenic corridor. Also, drainage piping and the discharge extends into the 150 SWRPA area. Approval for all of these is required from NJDEP.
7. The plans propose a conservation easement which encumbers all of the 150 ft SWRPA and about a quarter of the area between the 150 ft. to the 300 ft. limit. The detention basin is excluded from the easement which is normal. By excluding the basin, the Township has no responsibility for the basin. In the remaining area excluded from the conservation easement is the septic system and an open area with about 18 large mature trees 18" to 36" in diameter, all of which are scheduled to be saved and protected during construction by tree protection fencing. The applicants engineer indicates that this area will also be used for recreation activities.
8. Deeds of easement are required for the conservation easement and scenic corridor.
9. I have reviewed the lighting sheet and find that proposed conforms with the ordinance.
10. I have forwarded the Site Investigation Report prepared by EDR as referenced in number 6 of the items reviewed to one of our LSRP's. His comments dated August 21, 2020 were previously submitted and are attached to this report as well.



September 2, 2020  
Sheet 4

Le: Colts Neck Township  
Planning Board  
Re: T&M File No. COPB-R1005  
Conditional Use and Site Plan Application for Colts Neck Community Church  
Block 33, Lot 21 - 249 Route 537  
Application No. PB739 - Second Engineering Review  
Colts Neck Township, Monmouth County, NJ

11. Outside approvals from Monmouth County Planning Board and Freehold Soil Conservation District are needed. Township approval from the Board of Health for septic system and the Shade Tree Commission for the proposed landscaping is needed. Comments should also be obtained from the Environmental Commission and Architectural Review Committee.
12. Performance Guaranties and Inspection Fees are required for the improvements. They will be calculated by this office if this application is approved.

Should you have any questions concerning the above, please glve me a call.

Very truly yours,

GLENN R. GERKEN, P.E.  
BOARD ENGINEER

GRG:ls  
Enclosure

cc: Michael Steib, Esq., Board Attorney (via email)  
Two Rivers Engineering (Applicant's Engineer) (via email)  
S Alfieri, Esq. (Applicant's Attorney) (via email)  
Colts Neck Community Church  
25 Merchants Way, Colts Neck NJ 07722



YOUR GOALS. OUR MISSION.

## Environmental Review Memorandum for Colts Neck Community Church

August 21, 2020 - COPB-R1005

Block 33 Lot 21 - Appl PB-739

249 Route 537 (69 County Road)

Prepared By: Joseph S. Martin, CHMM, T&M

### Documents reviewed:

- EDR Radius Map report dated October 21, 2010 titled, "Esposito Realty, LLC" is for the address of 69 County Road 537 East, Colts Neck, NJ with location at the Site at the northerly side of Route 537. The radius map report presents a listing for this address on the New Jersey Department of Environmental Protection's (NJDEP) NJ Spill environmental database. The listing is for Case No. 98-05-19-1120-02 for a complaint by a "Citizen" on May 19, 1998. The *Status at Spill* of the listing states, "Suspected illegal dumping in field by caller's property". The EDR Report listing does not provide any other information for the reported spill case. Copies of the NJDEP GeoWeb Program listings for this Spill Case downloaded by T&M for this review are attached to this memorandum.
- EDR Environmental Lien search report dated October 26, 2010. The lien search report does not note or identify any environmental liens or activity and use limitations for the Site in the Deed dated September 9, 2009.
- EDR City Directory Report, topographic map report and aerial photograph report.
- Historic Pesticides Analysis Report prepared by Two River Engineering dated December 5, 2014. The results of the soil investigation for potential *historically applied pesticide* soil contamination did not indicate any exceedances of the applicable NJDEP soil remediation standards (SRS) and no further investigation would be required.

### Observations and Recommendations:

1. The NJDEP GeoWeb program does not depict any mapped, *fill material* areas at the Site. T&M submitted a formal Open Public Records Act (OPRA) request to the NJDEP Office of Records Access on August 13, 2020 to acquire copies of all files, documentation or reporting for the May 1998 NJ Spill Case for illegal dumping listed in the EDR Radius Map Report. The reply received from the NJDEP on August 17, 2020 states that files are available and T&M has requested copies. T&M will advise regarding the estimated date for receipt of the files.

T&M recommends that the current Owner of the Site be asked to provide all information for the May 1998 Spill Case report or any other information associated with illegal dumping at the Site. This information should also be requested of the prior Owner, Esposito. T&M also recommends that the current Owner provide copies of any prior or current environmental reporting for the Site including Phase I Environmental Site Assessments, Preliminary Assessments and Phase II/Site Investigation reports which may have been conducted at the Site. This information should also be requested of the prior Owner, Esposito.

Additionally, a Site inspection of the entire Site should be performed by Township representatives and/or T&M personnel to identify any visual indications of fill material at the Site such as mounding, surface and/or partially buried solid waste.

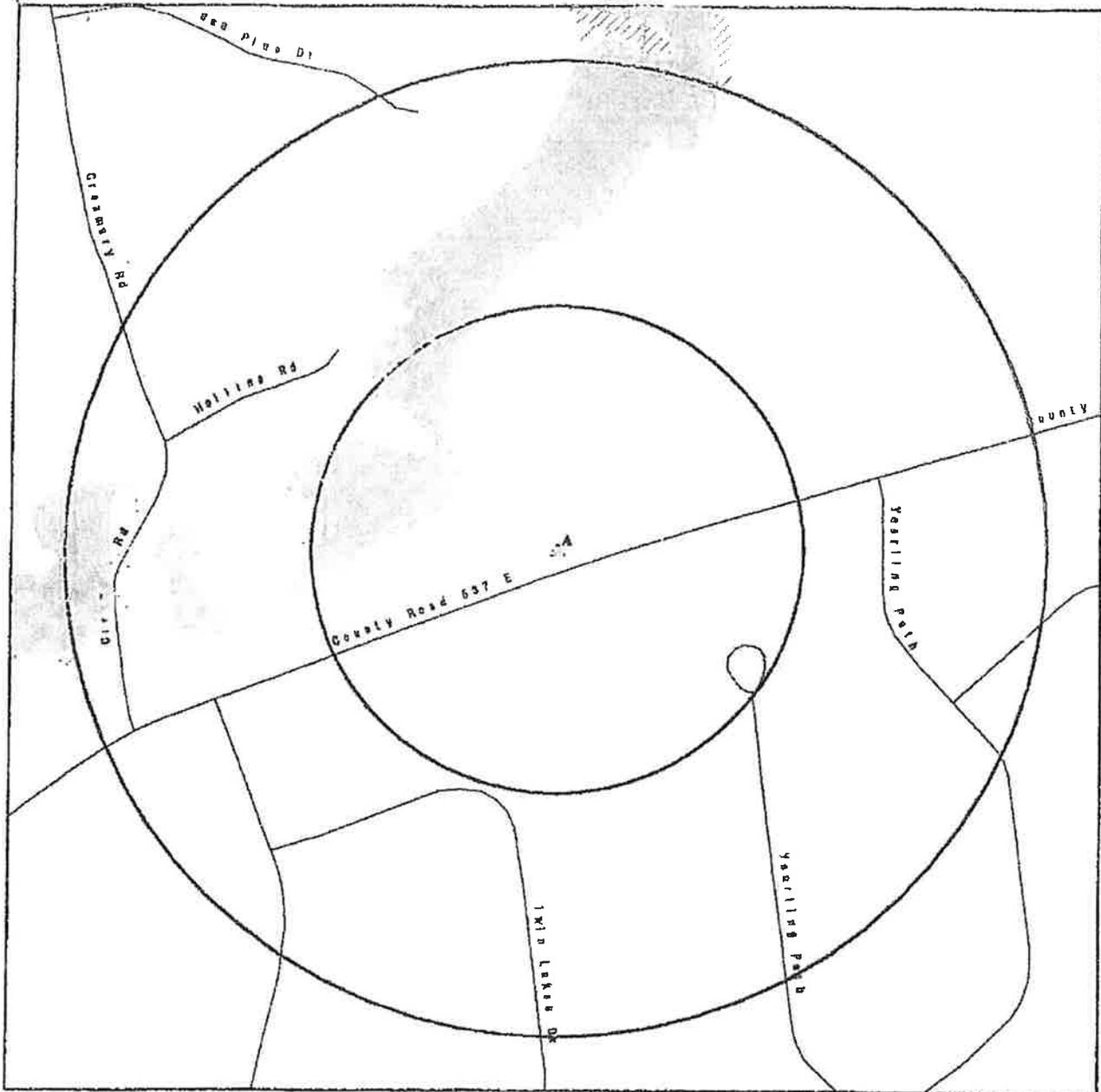
2. T&M's review of the aerial photograph record for the Site indicates the former presence of structures at the Site from at least 1931 to at least 2013.

T&M recommends that the Township permit file for the demolition of the former structures be reviewed for any record of the closure and removal of underground storage tanks (USTs) at the Site which may have been utilized to store heating fuel oil for the structures and/or motor fuel for farm vehicles and equipment. Information regarding the former presence of USTs at the Site should also be requested of the prior Owner, Esposito.

If these queries and reviews do not identify any records for the closure and removal of USTs at the Site, T&M recommends that the applicant have a non-invasive geophysical survey (GP Survey) conducted at the Site to confirm or deny the presence of USTs which would need to be closed and removed per applicable local and state procedures.

*End of Environmental Review Memorandum*

DETAIL MAP - 2900094.2s



- Target Property
  - Sites at elevations higher than or equal to the target property
  - ◇ Sites at elevations lower than the target property
  - △ Manufactured Gas Plants
  - ⊕ Sensitive Receptors
  - ⊕ National Priority List Sites
  - ⊕ Dept. Defense Sites
- Indian Reservations BIA
  - Oil & Gas pipelines
  - 100-year flood zone
  - 500-year flood zone
  - National Wetland Inventory
  - State Wetlands

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

|                                                                                                                                                                                       |                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SITE NAME: Esposito Realty LLC<br/>                 ADDRESS: 69 County Road 537 East<br/>                 Coats Neck NJ 07722<br/>                 LAT/LONG: 40.2914 / 74.1653</p> | <p>CLIENT: GNPATP, LLC<br/>                 CONTACT: Jerry Pica<br/>                 INQUIRY #: 2900094.2s<br/>                 DATE: October 21, 2010 10:08 am</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s) EDR ID Number  
EPA ID Number

A1  
Target 89 COUNTY ROAD  
Property 89 COUNTY RD  
COLTS NECK, NJ 07722

FINDS 1010818636  
N/A

Site 1 of 3 in cluster A

Actual:  
83 ft.

FINDS:

Registry ID: 110032233893

Environmental Interest/Information System

NJ-NJEMS (New Jersey - New Jersey Environmental Management System).  
The Department of Environmental Protection (NJDEP) manages large  
databases of environmental information in this integrated system.

A2  
Target AREA OF  
Property 89 COUNTY RD  
COLTS NECK, NJ

SPILLS 8105325891  
N/A

Site 2 of 3 in cluster A

Actual:  
83 ft.

NJ SPILL:

Facility ID: 25112  
Case Number: 98-05-18-1120-02  
Notify Type: Citizen  
Date Received: 5/19/1998  
Location: Other  
Other Location: Not reported  
Incident Date: 5/19/1998  
Incident Time: Not reported  
A310 Letter: False  
Ref. Code: 018  
COMU: 1309  
CAS Number: Not reported  
Hazardous: Not reported  
Incident Location: Not reported  
Facility Phone: --  
Substance(s): Not reported  
Substance Type: Not reported  
Substance Identity: Not reported  
TCPA Chemical: Not reported  
Hazardous Material: Not reported  
Amount Released: Not reported  
Release VE: Not reported  
Contained: Not reported  
Release Type: Not reported  
Incident Desc: Not reported  
Status at Spill: SUSPECTED ILLEGAL DUMPING IN FIELD BY CALLERS PROPERTY  
NJ Spill Date: Not reported  
NJ Spill Time: Not reported  
NJ Spill Name: Not reported  
NJ Spill Title: Not reported  
NJ Spill Phone: Not reported  
Other Date: Not reported  
Other Time: Not reported  
Other Name: Not reported  
Other Title: Not reported  
Other Phone: Not reported  
Injuries: No

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

AREA OF (Continued)

S105325981

Public Exposure: Yes  
Road Closed: No  
Facility Evacuation: No  
Receiving Water: Not reported  
Public Evacuation: No  
Police at Scene: No  
Firemen at Scene: No  
Contamination of Land  
Nature of Incident: Not reported  
Wind Direction/Speed: 0  
Assistance Requested: Yes  
Memo. Of Understanding: No  
Drilling Exercise: No  
Operator: JIMH  
Contact Name: Not reported  
Caller Name: REDACTED  
Caller Title: Not reported  
Caller Address: Not reported  
Caller City, St, Zip: Not reported  
Caller Phone: Not reported  
Responsible Party: Unknown  
Responsible Party Name: Not reported  
Responsible Party Contact: Not reported  
Responsible Party Title: Not reported  
Responsible Party Telephone: Not reported  
Responsible Party Street: Not reported  
Responsible Party Municipality: Not reported  
Responsible Party State: Not reported  
Responsible Party Zip: Not reported  
Responsible City, St, Zip: Not reported  
Responsible Party County: Not reported  
Local Municipality: No  
Local Municipality Name: Not reported  
Local Municipality Title: Not reported  
Local Municipality Phone: Not reported  
Local Municipality Date: Not reported  
Local Municipality Time: Not reported  
Incident Name: Not reported  
Incident Referred To: Not reported  
Incident Region: Not reported  
Incident Phone: Not reported  
Incident Date: Not reported  
Comments: Not reported  
Data A310 Letter Printed: Not reported  
Data Local Authority Was Notified: Not reported  
Data Update: Not reported  
Data Report Faxed to Local Authority: Not reported  
Local Authority Notification Date: Not reported  
Reporter Name: Not reported  
Reporter Type: Not reported  
Rep Received Date: Not reported  
Reporter Title: Not reported  
Reporter Orgn: Not reported  
Reporter Address: Not reported  
Reporter City, St, Zip: Not reported  
Reporter County: Not reported  
Incident Type: Not reported

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EOR ID Number  
EPA ID Number

AREA OF (Continued)

8105325981

Incident Status: Not reported  
Incident Category: Not reported  
Incident Source: Not reported  
Incident Address: Not reported  
Incident Address 2: Not reported  
Incident City,St,Zip: Not reported  
Incident County: Not reported  
DEP Requested: Not reported  
Confidential: Not reported

A3 COLTS NECK GENERAL STORE  
Target RT 537  
Property COLTS NECK TWP, NJ 07722

UST U000371227  
N/A

Site 3 of 3 in cluster A

Actual:  
83 ft.

UST:  
Facility ID: 020105  
Owner Name: Not identified Not identified  
Organization: Not identified  
Contact Type(UST Reg): Facility Operator  
Contact Address (UST Reg): Not reported  
Contact Address 2 (UST Reg): Not reported  
Contact City,St,Zip (UST Reg): Not reported  
Owner Name: DAN WISHNICK  
Organization: COLTS NECK GENERAL STORE  
Contact Type(UST Reg): Tank Owner  
Contact Address (UST Reg): RD 1 BOX 1196  
Contact Address 2 (UST Reg): Not reported  
Contact City,St,Zip (UST Reg): Cream Ridge, NJ 08514

Tank Id: TANK-1  
Tank Number: 1  
Tank Contents: Kerosene (No. 1)  
Tank Size: 500  
Install Date: 1/1/1961  
Tank Compliance: No  
Tank Status: Removed  
Overfill: No  
Tank Status Date: 5/1/1980  
Compliance Monitoring?: No  
Overfill Protection: No  
Spill Containment: No  
Tank Wellhead Protection: Not reported

TANK MONITOR DATA:

Monitor Tank / Pipe: Tank  
Monitor Type: None  
Monitor Tank / Pipe: Pipe  
Monitor Type: None

TANK DETAIL:

Tankpipe Tank / Pipe: Pipe  
Tankpipe Construction Type: CONVERSION (NON-NULLABLE)  
Tankpipe Tank / Pipe: Tank  
Tankpipe Construction Type: Other

[Click here for Activity Tracking details...](#)

**SRP CASE OVERSIGHT REPORT  
69 COUNTY RD**

**, NJ**

|                              |                |
|------------------------------|----------------|
| <b>PI Number</b>             | G000035305     |
| <b>Activity Number</b>       | TBC000001      |
| <b>Bureau</b>                | NONE           |
| <b>Document Title</b>        | 59 COUNTY RD   |
| <b>Case Status</b>           | To Be Assessed |
| <b>Case Status Date</b>      | 6/18/98        |
| <b>Confirm Contamination</b> | Undetermined   |
| <b>Case Manager</b>          |                |
| <b>Phone</b>                 | () -           |

| <b>Remedial Level</b> | <b>Start Date</b> | <b>End Date</b> |
|-----------------------|-------------------|-----------------|
| U: Not Yet Determined | 6/18/98           |                 |

| <b>Case Types</b> | <b>Start Date</b> | <b>End Date</b> |
|-------------------|-------------------|-----------------|
| To Be Assessed    | 6/18/98           |                 |

|                              |  |
|------------------------------|--|
| <b>LSRP Name</b>             |  |
| <b>Business Phone Number</b> |  |

**No LSRP**

## Activity Tracking Report

08/12/2020 10:24 PM

69 COUNTY RD

PI Number: G000035305

TBC000001

|                            |                     |                |
|----------------------------|---------------------|----------------|
| Activity Class Description | To Be Assessed Case |                |
| Activity Type Description  | New TBA Case        |                |
| Assigned To                | Description         | Completed Date |
|                            |                     |                |

## Site Detail Report

### 83541 - 69 COUNTY ROAD

| PI Number  | PI Name      | County   | Municipality   | Activity # | Document Type  | Document Status | Document Title | More Info                              | CEA Fact Sheet |
|------------|--------------|----------|----------------|------------|----------------|-----------------|----------------|----------------------------------------|----------------|
| GC00035305 | 69 COUNTY RD | Monmouth | Colts Neck Twp | TBC000001  | Case Oversight | Pending         | 69 COUNTY RD   | <a href="#">Click for Case Details</a> |                |

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In accordance with the Open Public Records Act, NJDEP makes available its public records through formal requests to the Department's Office of Record Access. Requests may be submitted in writing by submitting a paper "records request form" or by completing the online form below.

### Online OPRA Record Request Form

Pursuant to N.J.A.C. 7:1D-3.2, the items below that are marked by a \* are required for requesting Department records. By completing as many of the other form fields as possible, you will expedite your request and enable the Department to more precisely satisfy the request.



#### Requester Information:

To increase the Department's ability to correspond and respond to your record request, please complete as much applicable information as possible.

First Name:

Middle Initial:

Last Name:

Affiliation/Company:

Street Address 1:

Street Address 2:

#### RESIDENTS

City:

#### NON-NJ RESIDENTS

City:   
State: (or country if not U.S.)

Zip Code:  -

Daytime Phone Number:  -  -  Ext:

check if number is unlisted

Fax Number:  -  -

(important)

E-mail Address:

(important)

#### Requested Records Information

Please provide as much information as possible to all applicable questions in order for the NJDEP to match and identify all records that respond to your request. Submit one request per Facility/Site Interest. Do Not submit multiple requests for different Facility/Site Name AKAs for the same address. Simply include the AKAs in the Request Details field.

Name of the facility, name of the operator, and name of the owner of the facility or parcel of land:

Facility Name:   
Operator Name:   
Owner Name:

Street address, block and lot of the parcel of land:

Street Address 1:   
Street Address 2:

(Note: If the single Facility/Site Interest in question is over multiple blocks and lots, please list all in the request details field below)

Block & Lot information is important to certain NJDEP Program Areas such as Land Use Regulation

Block:  Lot:

County and Municipality where the facility, site or parcel of land is located:

Municipality - County:

Describe the parcel of land where the facility, site, or concern is located:

Property Description:

If the request is in reference to a particular permit issued by NJDEP, please provide the type of permit and any identifying numbers such as permit, incident or case numbers.

Type of Permit:

ID Numbers:

Or look up OPRA data for a particular site by Program and ID on-line:

Search by Program and ID

**Request Details:**

Please describe the records sought in a way that will permit the Department to identify and locate them. To expedite your request, please be as specific as possible :

For a Phase I RSA type assessment we request a review of all Phase I, Preliminary Assessment, Communication Center Notifications, Site Investigation Reports and case manager files for the following NJDEP Program references:

Please select how you want to access your record request information:

Access Method: **On-Site Access, Visit Copy** v

**Submittal Certification:**

Have you been convicted of any indictable offense under the laws of New Jersey or any other state of the United States? (response under penalty of N.J.S.A. 2C:28-3)

Yes  
 No

Certify this form by entering your initials in the field on the right:

Initials:

**Privacy Disclaimer:** An OPRA request for access to a government record is itself public information. Therefore, the person requesting access to the government record should be aware that the information provided on the form may be disclosed.

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Last Updated: June 23, 2020

# EXHIBIT 3

## Colts Neck Development Regulations:

- §102-84 - A-1 & A-2 Agricultural Residential Districts;
- §102-11 - Conditional Uses;
- §102-119 - Off-Street Parking; and
- §102-90 - Buffers

**Part 4**  
**Zoning And Design Requirements For Residential Districts**

ARTICLE VIII  
**Zoning Requirements**

**§ 102-84. A-1 and A-2 Agricultural Residential Districts; A-3 Village Residential District.**

- A. Purpose. The purpose of the A-1 and A-2 Districts is to encourage the orderly development of open lands and the continuation of farms and, in light thereof, to require future development to protect views, wooded areas, mature isolated trees, tree lines and environmentally sensitive areas. The A-3 District is to accommodate those areas with established patterns of smaller lot sizes. Cluster development is permitted in the A-1 District in an effort to maintain properly coordinated open spaces, floodplains, wooded tracts, reduced street distances and the perpetuation of farming activity. Rural residential development is permitted in all residential districts except A-4 and AG Districts.
- B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:
- (1) Agricultural uses are permitted in all three districts, however, facilities for the keeping, training, raising, breeding and shipping of farm animals are permitted in the A-1 District only.
  - (2) Detached single-family dwellings and farms.
  - (3) Township recreational uses, including fishing and other outdoor sports, swimming pools, playgrounds, parks and ball fields.
  - (4) Places of worship, libraries, private and public nonprofit day schools of elementary or high school grades and accredited by the New Jersey State Department of Education and public utilities are permitted only as a conditional use after application to, review by and approval of the approving authority. See § 102-11. **[Amended 2-28-2018]**
  - (5) Building or land used exclusively by federal, state, county or Township government for public purposes.
  - (6) Public or private golf courses open for play only during daylight hours.
  - (7) Cluster development in accordance with § 102-91 herein, in the A-1 Zone only. **[Amended 5-25-2005]**
  - (8) Wireless telecommunications towers and antennas; subject to § 102-46.5. **[Added 8-16-2006]**

- (9) Affordable housing units subject to § 102-46.6. **[Added 12-10-2008]**
  - (10) The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use. **[Added 8-8-2018 by Ord. No. 2018-13]**
- C. Accessory uses. The following shall be permitted as accessory uses (subject to §§ 102-48 and 102-87): **[Amended 5-25-2005]**
- (1) Private residential swimming pools and recreation courts; subject to §§ 102-101 and 102-108.
  - (2) Barns, toolsheds, greenhouses, detached garages, pool cabanas, outdoor barbeque structures, as well as customary accessory buildings to a single-family dwelling and farms, including housing facilities used seasonally for farm workers actually working on the farm on which they are housed, provided that they are occupied only on a seasonal basis and meet all state and local rules and regulations [subject to § 102-84C(6)].
  - (3) Off-street parking and private garages.
  - (4) Travel trailers, camper trailers, boats and boat trailers and solar energy panels mounted at ground level, to be located or parked in rear and side yards only and which shall be screened from view from public streets and neighboring properties by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.
  - (5) Golf courses; subject to § 102-93.
  - (6) Accessory buildings shall be in accordance with the following schedule in the A-1, A-2 and A-3 Zones except that farm buildings and permitted accessory farm labor housing for full-time employees of a farm shall be exempted from this maximum building, floor area, volume, height and story requirement. **[Amended 8-11-2004; 8-14-2013]**

**Schedule of Maximum Limitations: Accessory Structures**

| <b>Lot Area</b>       | <b>Zero to 50,000 square feet</b> | <b>50,000 square feet to 150,000 square feet</b> | <b>Greater Than 150,000 square feet</b> |
|-----------------------|-----------------------------------|--------------------------------------------------|-----------------------------------------|
| First floor           | 700 square feet                   | 900 square feet                                  | 1,200 square feet                       |
| Total floor area      | N/A                               | 1,200 square feet                                | 1,800 square feet                       |
| Total building volume | 8,000 cubic feet                  | 13,000 cubic feet                                | 20,000 cubic feet                       |
| Height                | 18 feet                           | 25 feet                                          | 25 feet                                 |
| Stories               | 1.5                               | 2.5                                              | 2.5                                     |

Notes:

1. Total floor area and total building volume includes all basement areas but excludes cellars.
  2. Total floor area includes all areas in a half story where the floor-to-ceiling height exceeds 4.5 feet.
- (7) Fences and walls; subject to §§ 102-57 and 102-73.
  - (8) Temporary construction trailers; subject to § 102-80.
  - (9) Nursery schools affiliated with churches, operated on church premises and operated on a nonprofit basis.
  - (10) Recreation Courts, private residential.
  - (11) Farm labor housing attached to or part of a barn or other farm building. Farms equipped with horse training and/or horse breeding facilities and other operating farms that are continuously engaged in training and/or breeding horses, raising livestock and/or raising crops may provide living quarters and associated bathroom and kitchen facilities in a structure attached to or part of a barn or other farm building and specifically designed and designated for the purpose and which meets New Jersey State Housing Code (N.J.A.C. 5:28-1.2 et seq.) standards. The number of farm labor housing units (in addition to the principal residence) permitted on a farm under these provisions shall not exceed one unit per 15 acres or one unit per eight horse stalls, whichever results in the smaller number for a total not in excess of three units per farm. Each unit shall have a maximum gross floor area of 1,200 square feet per unit. Occupant(s) living in the quarters must be full-time employee(s) involved in the primary operation of the farm on which the accessory structure sits. All other residents must be immediate family members of the full-time employee(s). A farm must have an area of at least 15 contiguous acres to be eligible.

Certification of eligibility that the occupants for the living quarters are full-time employees involved in the primary operation of the farm shall be submitted by the property owner annually to the Township Planner. Smoke detector inspections pursuant to § 29-7C(7) and submission of the health standard certifications pursuant to § 93-4 of the Code of the Township of Colts Neck shall occur for each change in tenancy. Such living quarters require a construction permit, and a certificate of occupancy. Any units provided under this provision shall cease to be used as a residence within six months of the date that occupancy ceases or that the property no longer qualifies for such housing under the requirements herein. An accessory dwelling unit which has received a certificate of occupancy and was occupied as of the effective date of this section may be enlarged or reconstructed without an appeal to the approving authority even though the accessory dwelling unit may now be nonconforming as to the number of units per farm permitted, provided that the accessory dwelling unit conforms with all bulk requirements of the A-1 Zone. **[Amended 8-11-2004]**

- (12) Farm labor housing accessory dwelling units. Accessory dwelling units to serve as living quarters are permitted on active horse training or breeding and other active operating farms, provided that one occupant(s) is a full-time employee(s) of the farm on which the accessory structure sits, that all other residents must be immediate family members of the full-time employee, that each unit shall have a maximum gross floor area of 1,200 square feet, and that the units are located and comply with the following requirements: **[Amended 8-11-2004]**
- (a) The setbacks shall be twice the setbacks required for farm accessory buildings, except that said units shall not be located in any front yard area. These dwelling units shall use the same driveway as the existing uses on the property.
  - (b) The number of farm labor housing units (in addition to the principal residence) permitted on a farm under these provisions shall not exceed one unit per 15 acres or one unit per eight active horse stalls, whichever results in the smaller number, for a total not in excess of three units per farm.
  - (c) Certification of eligibility that occupancy of a unit is by full-time employees involved in the primary operation of the farm shall be submitted annually by the property owner to the Township Planner. Smoke detector inspections pursuant to § 29-7C(7) and submission of the health standard certifications pursuant to § 93-4 of the Code of the Township of Colts Neck shall occur for each change in tenancy.
  - (d) A farm must have an area of at least 15 contiguous acres to be eligible.

- (e) Any units provided under this provision shall cease to be used as a residence within six months of the date that occupancy ceases or that the property no longer qualifies for such housing under the requirements herein.
  - (f) A construction permit and certificate of occupancy are required for these units.
  - (g) Grandfathering of nonconforming accessory dwelling units in the A-1 Zone. An accessory dwelling unit which has received a certificate of occupancy and was occupied as of the effective date of this section may be enlarged or reconstructed without an appeal to the approving authority even though the accessory dwelling unit may now be nonconforming as to the number of units per farm permitted, provided that the accessory dwelling unit conforms with all bulk requirements in § 102-84C(12)(a).
- (13) Farm stands, temporary seasonal; subject to § 102-92.
  - (14) Wind energy systems in the A-1 Agricultural Residential District only, subject to § 102-82.1.<sup>38</sup> **[Added 8-10-2011]**
  - (15) Antennas, subject to § 102-49.
  - (16) Riding/training stables, Types 1 and 2, in A-1 Zone only; subject to §§ 102-102, 102-103 and 102-104.
  - (17) Horse tracks in the A-1 Zone with major site plan approval.
  - (18) The keeping of farm animals on a lot which is the subject of a farmland assessment shall be permitted as an accessory use with a principal farm use. **[Added 5-14-1997]**
  - (19) Home office, meaning a room within a single-family dwelling where office activity is carried on for gain by a resident in a dwelling unit, shall be a permitted accessory use in a single-family dwelling, provided: **[Added 5-25-2005]**
    - (a) The business use is limited solely to office use;
    - (b) The use is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit and no other persons;
    - (c) No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes;
    - (d) The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;

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38. Editor's Note: Former Subsection C(14), private helistops, was repealed 9-29-1999.

- (e) Interior storage of materials shall only consist of office supplies;
  - (f) There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including but not limited to parking, storage, signs or lights;
  - (g) The use operates no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with telephone, radio or television reception, detectable by neighboring residents;
  - (h) The use does not require any increased or enhanced water supply;
  - (i) The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
  - (j) The capacity and quality of effluent is typical of normal residential use and creates no potential or actual detriment to the individual subsurface disposal system or its components;
  - (k) Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express and other delivery services providing regular service to residential uses in the zone district; and
  - (l) All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.
- D. Building height. No building shall exceed 35 feet in height or 2 1/2 stories, except for places of worship, schools, government buildings and barns, which shall not exceed 55 feet. See § 102-61. **[Amended 2-28-2018]**
- E. Area and yard requirements. **[Amended 5-25-2005]**
- (1) Public and private schools shall meet the following minimum requirements: lot area, 20 acres; lot width, 1,000 feet; lot depth, 1,000 feet; each side yard, 250 feet; front yard setback, 200 feet; rear yard setback, 100 feet. Maximum building coverage shall not exceed 10%.
  - (2) Places of worship shall have a minimum lot area of five acres meeting the following minimum requirements: lot frontage and width, 300 feet; lot depth, 300 feet; each side yard, 75 feet; front yard setback, 100 feet; rear yard setback, 100 feet. Maximum building coverage shall not exceed 10%. **[Amended 2-28-2018]**
  - (3) Detached single-family dwellings shall meet the minimum requirements as shown on the schedule of limitations.

- (4) Except as noted elsewhere herein, agricultural uses and farms shall meet the following minimum requirements: lot area, five acres; lot frontage and width, 300 feet; lot depth, 300 feet; each side yard, 100 feet; front yard setback, 75 feet; rear yard setback, 75 feet. Total building coverage shall not exceed 10%.
- (5) For swimming pools and private residential recreation Courts, see §§ 102-101 and 102-108.

F. Minimum off-street parking.

- (1) There shall be three spaces per dwelling unit.
- (2) There shall be one space for each three permanent seats in a place of worship. **[Amended 2-28-2018]**
- (3) Public buildings and government buildings shall provide one space for every 600 square feet of gross floor area.
- (4) Golf courses shall provide sufficient spaces and maneuvering area to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles.
- (5) Any use having access only from a collector or arterial street as shown on the adopted Master Plan or Official Map shall provide a paved turnaround area on the site.
- (6) Public and private schools shall provide 1.2 spaces per employee and, in all cases, sufficient additional parking space for school bus loading and unloading and parking for public events normally held on premises and student parking.
- (7) No commercial motor vehicle, truck tractor, omnibus or school bus as defined in N.J.S.A. 39:1-1 and the various amendments thereto nor registered constructor vehicles or solid waste vehicles as defined in N.J.S.A. 39:3-20 and the various amendments thereto, over 1/2 ton registered weight or a trailer bearing commercial license plates, shall be parked out of doors any time, except those vehicles actually engaged in deliveries, construction or similar activity that is in progress at the site in question, in which case the vehicle may be parked on a temporary basis. School buses may be parked on school grounds as allowed by these development regulations or in the duly established municipal parking lot. This section shall not apply to registered farm vehicles as defined in N.J.S.A. 39:3-24, 39:3-25 and 39:3-26 and the various amendments thereto.
- (8) All parking lots providing eight or more parking spaces shall be lighted if used commercially after dark.
- (9) Horse tracks shall provide and maintain in good condition and free of grass and weeds an improved, gravel-surfaced parking area

adequate for the maximum number of vehicles normally using the facility.

- G. Minimum off-street loading and unloading. All nonresidential uses shall show properly dimensioned loading spaces on the site plan as appropriate for the proposed use and separate from off-street parking areas.
- H. Signs.
- (1) Street number designations, postal boxes, on-site directional and parking signs and signs posting property as "private property," "no hunting" or similar purposes are permitted, but shall not exceed two square feet in area per side per sign.
  - (2) All uses other than single-family dwellings may be permitted one externally lighted sign, with an area of not more than 12 square feet on each of two sides. Said sign shall be located no closer than 10 feet from the existing curbed or paved roadway and if freestanding, shall be no higher than eight feet. If attached to the building, the sign shall not exceed the building height to which it is attached. Notwithstanding the above, any valid preexisting nonconforming sign legally erected prior to the adoption of this chapter shall be permitted for as long as the business for which the sign is used continues. **[Amended 11-10-1999]**
  - (3) A temporary real estate sign advertising the sale or lease of a property or structure is permitted with the following restrictions: **[Amended 11-10-1999]**
    - (a) There shall be no more than one sign per property, except that corner lots shall be entitled to two signs per each such lot.
    - (b) Signs shall located not closer than 10 feet from the nearest curbed or paved area; such signs shall not be lighted.
    - (c) Signs must be located on the property advertised.
    - (d) Directional signs advertising for open houses may be permitted on the day before the open house and must be removed the same day after the termination of the open house. The number, size and location of such signs are to be determined by the Zoning Officer or Code Enforcement Officer in the exercise of his or her reasonable judgment. In any event, no more than five signs shall be permitted for any one open house event.
  - (4) All signs shall be in accordance with the requirements specified in § 102-106, Signs.
  - (5) For seasonal decorations, see § 102-106C.
  - (6) For golf courses, see § 102-93.

- I. Recyclable material storage. A condition of approval of all subdivisions shall be that all dwelling units constructed on said subdivision shall provide a storage area of at least 12 square feet within each dwelling unit to accommodate a four-week accumulation of mandated recyclable materials (including but not limited to newspaper, glass bottles, aluminum cans, tin and bimetal cans). The storage area may be located in the laundry room, garage, basement or kitchen. This requirement shall be stated on the subdivision plat.

**§ 102-85. A-4 Mixed Housing District.**

- A. Purposes and requirements. The purpose of this section is to provide a variety of housing opportunities in that portion of the Township designated to accommodate the Township's low/moderate-income housing consistent with the adopted land use and housing elements of the Colts Neck Township Master Plan. It is specifically required that any development in this zone and under the zoning provision of this section will require the developer to abide by and meet the requirements of the terms and conditions of an Order of the Honorable Eugene Serpentelli, entered December 1, 1986, as may be amended from time to time, concerning affordable housing requirements in the Township of Colts Neck. It is intended that the design alternatives be used to maximize design flexibility, provide a mixture of housing types, meet the minimum dwelling units sizes as set forth by the New Jersey Housing and Mortgage Finance Agency or other applicable state agency requirements and produce the Township's regional fair share of lower-income housing. Environmentally critical areas shall be avoided by improvements if alternative solutions found to be reasonable and practical are available. Buffer areas along tract lines shall be provided, especially adjacent to farms. Where the standards in the A-4 District differ from other provisions of this chapter, the A-4 standards shall apply. See § 102-98.
- B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:
- (1) Small lot single-family homes, detached single-family condominium homes, two-family homes, quadplexes, patio homes, atrium houses, townhouses, garden apartments and other forms of owner-occupied and/or renter-occupied housing, provided that said units comply with the State Housing Code and other applicable local and state codes and ordinances.
  - (2) Agricultural uses and farms.
  - (3) Buildings or land used by the Township for public purposes.
  - (4) Except for lands covered by Subsection B(3) above, all developments in the A-4 District must provide lower-income housing in accordance with § 102-97.

construction, reconstruction, erection, enlargement, moving or change of use of land or structures or any change in any aspect covered by this chapter and shall apply to the entire structure(s) and lands, whether or not the entire structure, structures, site or lands are involved.

- C. All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards of this chapter, including conditions imposed by the approving authority as shown on the approved plat and/or included in the resolution adopted by the approving authority.

**§ 102-10. Conditional approval.**

Regulation of the development of land and the attachment of reasonable conditions to development applications is an exercise of valid police power delegated by the state to this Township. The applicant has the duty of compliance with reasonable conditions laid down by the approving authority for design, dedication, improvements and the use of the land so as to conform to the physical and economical development of the Township and to the safety and general welfare of the future residents and/or owners in the development and in the community at large. Where County Planning Board review or approval is required on a subdivision or site plan, the approving authority shall condition any approval it grants upon either timely receipt of a favorable report by the County Planning Board or approval by the County Planning Board due to its failure to submit a report within the required time period. If the county's report is negative or attaches conditions which the local Board desires to reflect in its approval, the local Board may declare its original approval null and void and adopt a new resolution at its next regular meeting.

**§ 102-11. Conditional uses.**

- A. Before any approval shall be granted for a conditional use, application(s), with checklist(s), shall be made to the approving authority at least 10 days prior to a regular meeting. The approving authority shall grant or deny the application after public hearing but within 95 days of certification of a complete application by the administrative officer or within such further time as may be consented to by the applicant. Where a conditional use application involves a major site plan or a major subdivision, notice of the public hearing shall include reference to all matters being heard, and the approving authority shall review and approve or deny the subdivision or site plan simultaneously with the conditional use application.
- B. Failure of the approving authority to act within the required time period shall constitute approval of the application. In reviewing the conditional use application, the approving authority shall review the number of employees and users of the property and the requirements set forth in this chapter for it or similar uses and shall give due consideration to all reasonable elements which would affect the public health, welfare,

safety, comfort and convenience, such as, but not limited to, the effect on adjacent properties, the buffer area, proposed use(s), the character of the area, vehicular traffic patterns and access, pedestrianways, landscaping, lighting, signs, noise, dust, drainage, sewage treatment, parking, potable water supply, screening, wetlands, utilities, the need by Township residents and structure location(s) and orientation(s). The uses for which conditional uses are granted shall be deemed to be permitted uses in their respective districts, and each conditional use shall be considered as an individual case. In all requests for approval of conditional uses, the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the Planning Board. Prior to making its decision, the approving authority shall be satisfied that the conditional use is reasonable and necessary for the use and convenience of the public in the location proposed. In the granting of conditional uses, a time limit of one year from the date of the conditional use approval shall be set, within which time the owner shall secure a construction permit and/or begin necessary development and/or begin the use, otherwise the conditional approval granted shall be null and void. This time limit may be extended by the approving authority for good cause shown.

C. Professional office buildings in the D Distillery and Bottling Plant District. **[Added 5-14-2014]**

(1) Professional office buildings may be permitted as a conditional use in the D Distillery and Bottling Plant District, provided that the use and/or structures shall adhere to the following.

(2) Purpose.

(a) The purpose of professional office buildings in the D Distillery and Bottling Plant District is to foster a traditional small-town scale of development and to minimize large-scale office parks, strip commercial development, regional shopping centers or large trip-generating uses. It is the intent to require maximum attention to proper site design, including the size and locations of structures and parking areas, proper ingress and egress, and developing an internal street system. Professional office buildings shall be designed to minimize impacts to natural resources and environmentally sensitive features, be compatible with natural foliage, soils, contours and drainage patterns, and avoid visual intrusion and performance nuisances upon adjacent properties.

(b) When professional office complex development occurs, it should be designed to achieve the following planning principles:

[1] Creation of a small-scale development found in traditional neighborhood commercial districts.

- [2] Provide open space for civic functions, screening of the development and preserving environmentally sensitive features.
  - [3] Use of small building footprints and multiple buildings rather than large buildings.
  - [4] Establish a harmony in building materials, colors, windows, rooflines, signage, lighting, fencing and other improvements by sharing a common colonial architectural theme.
  - [5] Buildings should follow a traditional colonial form. Emphasis should be placed on facade details. Doors and windows should contain transoms, side lights, fan lights, keystones, decorative lintels, shutters and awnings. Building facades should contain columns, cornices, quoins, dentils, medallions, pilasters and porticos.
  - [6] Promote pedestrian circulation throughout the professional office buildings to allow travel from one building to another without the use of automobiles. A pedestrian realm lined with landscaping should be established along roads, access aisles and parking areas. Sidewalks, paths, crosswalks and other pedestrian areas should consist of brick or pavers laid in decorative patterns.
- (3) Yard, building and site plan requirements.
- (a) The use shall adhere to the standards of § 102-112, D Distillery and Bottling Plant District, or to the following standards, whichever are more restrictive.
  - (b) Minimum principal and accessory front setback:
    - [1] County Route 537: 200 feet.
    - [2] Laird Road: 100 feet.
  - (c) Minimum principal and accessory side setback: 75 feet.
  - (d) Minimum principal and accessory rear setback: 75 feet.
  - (e) Minimum distance between buildings:
    - [1] When the yard area between buildings only consist of grass, landscaping or outdoor courtyard/plaza: 30 feet.
    - [2] When the yard area between buildings contains off-street parking areas, access aisles or driveways: 100 feet.
  - (f) Maximum building coverage: 10%.

- (g) Maximum gross floor area per building: 10,000 square feet.
- (h) Professional office buildings in the D Distillery and Bottling Plant District shall be subject to the area, yard and site plan requirements of § 102-109E.
- (i) Professional office buildings shall be subject to the off-street parking requirements of § 102-109F.
- (j) A landscaping buffer a minimum of 200 feet deep shall be established along County Route 537, a minimum buffer of 50 feet from Laird Road, and 40 feet from all surrounding properties. A minimum of 30% of the landscape buffer shall be planted with trees that will be at least 40 feet in height at maturity.

D. Flex space in the D Distillery and Bottling Plant District. **[Added 5-14-2014]**

- (1) Purpose. The purpose of permitting flex space is to fulfill a need that serves local small businesses with a low-intensity use without detriment to surrounding properties.
- (2) Flex space may be permitted as a conditional use in the D Distillery and Bottling Plant District, provided that the use and/or structures shall adhere to the following.
  - (a) The use and/or structures shall adhere to the standards of the D Distillery and Bottling Plant District or the following, whichever are more restrictive.
  - (b) No individual tenant or space shall have a gross floor area that exceeds 3,000 square feet.
  - (c) Minimum principal and accessory front setback:
    - [1] County Route 537: 450 feet.
    - [2] Laird Road: 140 feet.
  - (d) Minimum principal and accessory side and rear setbacks: 75 feet.
  - (e) Outdoor storage of equipment and materials which are incidental to the flex space operation may be permitted as an accessory use in side or rear yards only and subject to setback requirements. Such storage areas shall be screened from public streets and adjacent properties by walls, fencing, landscaping or a combination of these elements.
  - (f) Cars, small trucks and vans (maximum overall length of 20 feet) may be parked outdoors, but all other vehicles and trailers shall be parked indoors.

## (g) Off-street parking requirements:

- [1] One space is required for every 200 square feet or fraction thereof devoted to office use.
- [2] One parking space is required for every 1,000 square feet or fraction thereof devoted to storage or warehouse use.

E. Indoor recreational and training facilities in the D Distillery and Bottling Plant District. **[Added 5-14-2014]**

- (1) Purpose. The purpose of permitting indoor recreational and training facilities in the D Distillery and Bottling Plant District is to fulfill an active recreational need while complementing the existing outdoor recreational facilities located at adjoining Dorbrook Recreational Area. The intent is to promote an adaptive reuse of the existing structures and facilities to minimize environmental impacts to the Swimming River Reservoir, a Category 1 water body resulting from increased impervious surfaces. The goal is to provide a year-round recreational practice and training facility to support the recreational activities occurring at Dorbrook Recreation Area on a seasonal basis. Emphasis must be placed on minimizing traffic impacts to Laird Road and County Route 537. A small-scale practice and athletic training facility with limited competitive games is encouraged. A large-scale recreational facility with multiple games and children's parties occurring simultaneously or consecutively on the same day is not envisioned.
- (2) Indoor recreational and training facilities may be permitted as a conditional use in the D Distillery and Bottling Plant District, provided that the use and/or structures shall adhere to the following:
  - (a) The use shall adhere to the standards of the D Distillery and Bottling Plant District or the following standards, whichever are more restrictive.
  - (b) Permitted uses: adult and children's year-round athletic activities and sports academies to provide instruction, training and practice in field and court sports such as: baseball, soccer, football, softball, basketball, volleyball, ice skating, hockey, lacrosse, field hockey, gymnastics and swimming. The facility may provide training for a variety of sports. However, spectator seating shall be limited to a maximum of 100 permanent seats, such as retractable bleachers, tiered seating, etc., for the entire facility. Folding chairs or portable benches shall not be considered as permanent seating.
  - (c) Accessory uses may include a maximum one-thousand-square-foot snack bar, a maximum retail sales area for related sports and fitness items of 1,000 square feet and management offices.

Amusement devices shall be limited to a maximum of five machines.

- (d) Minimum principal and accessory front setbacks:
  - [1] County Route 537: 450 feet.
  - [2] Laird Road: 140 feet.
- (e) Minimum principal and accessory side and rear setbacks: 75 feet.
- (f) Vehicular access to and from the facility shall be limited to County Route 537 or Dorbrook Recreation Area.
- (g) All patron and/or employee vehicles must be parking in an approved, designated, paved parking space. Off-street parking requirements for the facility shall be as follows:
  - [1] Indoor recreational and training facilities: two spaces per 1,000 square feet minimum; three spaces per 1,000 square feet maximum.
  - [2] Outdoor, court or field: 10 spaces per court or field minimum; 20 spaces per court or field maximum.
- (h) Application for a recreational and training facility shall require a traffic study that will address traffic flow and off-street parking requirements. The study shall be based on traffic counts and parking counts obtained from two separate similar size and type of facilities over a full week per facility. Traffic counts shall not be limited to typical a.m. or p.m. peaks but shall include all times of day, including special events. The traffic study must demonstrate that the proposed improvements will result in zero degradation to the existing level of service during any period of time to County Route 537, Laird Road and the County Route 537/Laird Road intersection.
- (i) The exterior of all building elevations facing County Route 537 or Laird Road shall be treated with brick, stone, decorative masonry, wood siding, vinyl siding or synthetic siding. No metal facades shall be visible from a public street. The use of "bubble type" buildings shall be prohibited.

#### **§ 102-12. Enforcement.**

A. Enforcing officer.

(1) Zoning Officer.

- (a) It shall be the duty of the Zoning Officer and/or the Code Enforcement Officer appointed by the Township of Colts Neck to administer and enforce this chapter. No structure shall be

- D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such new street right-of-way line, and all setbacks shall be measured from such line. Where extra width has not been dedicated for street widening purposes and the additional width is required to meet this chapter, the adopted Township Master Plan, county design standards or the adopted Route 34, Colts Neck, Highway Access Management Plan, as amended, said future right-of-way shall be shown on the subdivision or site plan as "reserved for future road purposes," even though not dedicated, and such future right-of-way line shall be used for measuring all lot area and setback requirements. **[Amended 8-13-1997; 4-26-2017]**
- E. Where there is a question as to the suitability of a lot or lots for their intended use, due to factors such as poor drainage conditions, inadequate buildable area, adverse topographical conditions, wetlands or flood conditions, where permeability and/or similar tests or test borings show the ground conditions to be inadequate for proper sewage disposal for on-lot sewage treatment or similar circumstances, the approving authority may, after adequate investigation, withhold approval of such lots. If approval is withheld, the approving authority shall give the reasons and nature of the investigation made, notify the applicant and enter the same in the minutes.
- F. Corner lots. Structures located on a corner lot shall be set back from both streets the required front yard distance, but in no case less than that required for the clear line of sight. The following methodology shall be used to determine side and rear setback lines for corner lots: **[Amended 5-25-2005]**
- (1) Lot lines of corner lots that are coexistent with side lines of abutting lots shall be considered side lines.
  - (2) Lot lines of corner lots that are coexistent with rear lines of abutting lots shall be considered rear lines.
  - (3) Lot lines of corner lots that are coexistent with lot lines of adjoining corner lots shall be considered side lines.
- G. Contiguous undersized lot(s) under one ownership are considered one lot.

**§ 102-119. Off-street parking.**

- A. Landscaping **[Amended 10-11-2017]**
- (1) For lots in residential zones containing other than a single-family dwelling use, all-season screen planting of a dense evergreen material not less than six feet in height shall be provided between off-street parking areas and any lot line or street line; such planting shall be located within 15 feet of the edge of the parking areas. In lieu of screen planting, a fence of woven lattice, wooded louver-type of split cedar fence with a maximum of 3/4 inch spacing or any

combination of plantings and fences may be provided and shall be not less than six feet in height, maintained in good condition and without advertising. All fences shall be landscaped.

- (2) A minimum of 5% of the interior of any parking area over 5,000 square feet shall be landscaped within the parking area, with shrubs no higher than four feet when fully grown and/or with trees with lower branches removed so as not to cause traffic hazards. This landscaped area shall consist of at a minimum one tree and four shrubs per 10 parking stalls. This landscaping is in addition to the trees and shrubs required separating every 10 parking spaces, as well as the landscaping at the end of parking rows and along the perimeter of parking areas and access aisles. In rows of parking spaces, an area equal to at least one parking space out of every 10 parking spaces or an alternate arrangement providing equal landscaped area which the Planning Board determines meets the intent of this provision shall be provided and shall consist of at least one tree and four shrubs per landscaped area. This landscaping is in addition to any other landscaping requirement of this chapter but may be included in the 5% parking area landscape calculation.
  - (3) All planting and landscaping plats must be drawn, signed and sealed by a licensed landscape architect and/or engineer. Required planting and landscaping on private property shall not be considered to have been provided unless it is maintained in good condition by the owner.
  - (4) All parking areas shall contain a landscape area equivalent to at least one parking space at the end of each row of parking. Each landscape area shall contain at least one tree and four shrubs.
  - (5) The outer perimeter of all parking lots and access aisles shall be planted with shade trees planted 50 feet on center and meeting the requirements of § 102-71.
  - (6) All parking areas shall reserve sufficient areas clear of landscaping for the stockpiling of snow which shall be designated on all site plan applications.
- B. Lighting. Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and streets. See § 102-117.
- C. Surfacing and curbing.
- (1) Surfacing.
    - (a) Unless specifically stated elsewhere in this chapter, any parking lot and access drive shall be paved as outlined below or the equivalent as determined by the Township Engineer. All parking areas, regardless of size and location, shall be suitably drained and maintained. Areas of ingress or egress, loading

ARTICLE IX  
**Design Requirements**

**§ 102-88. Bikeways.**

- A. In all developments subject to § 102-77C or the cluster development provisions of this chapter, the approving authority may, depending on the probable volume of bicycle traffic, the development's location in relation to other populated areas, its location with respect to any overall bike route plans for the Township and county, public safety considerations and overall feasibility and practicality, require paved bikepaths within the seventy-five-foot-wide dedicated land strip along existing streets.
- B. Bikepaths should be 6 1/2 feet wide, shall be constructed in accordance with the requirements for light traffic parking areas covered in these regulations, shall have the same maximum grade requirements as is applicable to the street paralleled and shall be equipped with suitable regulatory signs, and where bikepaths intersect streets, the curbing shall be ramped for bicycle access to the street grade.

**§ 102-89. Blocks.**

- A. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the zoning district by the zoning provisions of this chapter and to provide for convenient access, circulation control and safety of street traffic.
- B. In blocks over 1,000 feet long, pedestrian crosswalks between parallel streets may be required in locations deemed necessary by the Planning Board. Such walkway dedications shall be 10 feet wide, shall be straight from street to street and shall contain a hard-surface sidewalk.
- C. Block size shall be sufficient to meet all area and yard requirements for such use.

**§ 102-90. Buffers. [Amended 10-11-2017]**

Landscape buffers are required along all lot lines where nonresidential uses or zone boundaries abut residential uses or zone boundaries, except as noted in Subsection E below. Buffer requirements for the A-4 Mixed Housing District are covered in § 102-85. Buffer areas shall comply with the following standards:

- A. The buffer area shall be located on the lot which requires it. The minimum buffer width provided shall be 30 feet.
  - (1) The landscape buffer shall be provided on the nonresidential lot, except where an applicant is proposing residential improvements on a lot adjacent to an existing nonresidential use.

- (2) Where an applicant proposes residential improvements on a lot adjacent to an existing nonresidential use, the landscape buffer shall be provided on the residential lot.
- B. Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass by the owner or his or her agents.
- C. No structure, activity, storage of materials or parking of vehicles shall be permitted in the buffer area, except for access drives from public streets and directional and safety signs per each direction of traffic per access drive.
- D. The buffer area shall be planted and maintained with grass or ground cover, massed evergreens and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least six feet in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises. Planting in all required buffer areas shall consist of two staggered rows of evergreen trees spaced 15 feet apart and each row planted 15 feet on center. The buffer shall also be supplemented with groupings of additional plantings at a rate of one tree and two shrubs for every 100 linear feet of buffer area.
- (1) Screen planting shall be maintained permanently by the owner or his or her agents, and any plant material which does not live shall be replaced within six months.
- (2) The screen planting shall be so placed that at maturity it will be not closer than three feet to any street or property line.
- (3) A clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets. Private accessways shall maintain a sight triangle by having no planting, grading, dirt or structures higher than 2 1/2 feet above the street center line located within the sight triangle.
- (4) The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.
- (5) This landscaping is in addition to any other landscaping required in this chapter. Landscaping plans shall be drawn, signed and sealed by a licensed landscape architect and/or engineer.
- E. No screen planting shall be required along streets which form district boundary lines, provided that only the front of any proposed building shall be visible from the adjacent residential districts.

**§ 102-91. Cluster development. [Amended 3-14-2001]**

- A. Purpose. The purpose of this section is to provide a method of development of residential land in the A-1 District which will preserve desirable open spaces, conservation areas, floodplains, steep slopes,

# EXHIBIT 4

Preliminary and Final Major Site Plan prepared by Two River Engineering consisting of  
15 sheets dated February 13, 2020 and last revised August 25, 2020.





KEY MAP

**GENERAL NOTES**

1. THIS PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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**LEGEND**

- 1. EXISTING ROAD
- 2. PROPOSED ROAD
- 3. EXISTING UTILITY
- 4. PROPOSED UTILITY
- 5. EXISTING STRUCTURE
- 6. PROPOSED STRUCTURE
- 7. EXISTING VEGETATION
- 8. PROPOSED VEGETATION
- 9. EXISTING FENCE
- 10. PROPOSED FENCE
- 11. EXISTING CURB
- 12. PROPOSED CURB
- 13. EXISTING SIDEWALK
- 14. PROPOSED SIDEWALK
- 15. EXISTING DRIVEWAY
- 16. PROPOSED DRIVEWAY
- 17. EXISTING EASEMENT
- 18. PROPOSED EASEMENT
- 19. EXISTING RIGHT-OF-WAY
- 20. PROPOSED RIGHT-OF-WAY
- 21. EXISTING PROPERTY LINE
- 22. PROPOSED PROPERTY LINE
- 23. EXISTING ADJACENT PROPERTY
- 24. PROPOSED ADJACENT PROPERTY
- 25. EXISTING ADJACENT ROAD
- 26. PROPOSED ADJACENT ROAD
- 27. EXISTING ADJACENT UTILITY
- 28. PROPOSED ADJACENT UTILITY
- 29. EXISTING ADJACENT STRUCTURE
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- 69. EXISTING ADJACENT ADJACENT PROPERTY LINE
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**PROPOSED ROAD**

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**PROPOSED STRUCTURE**

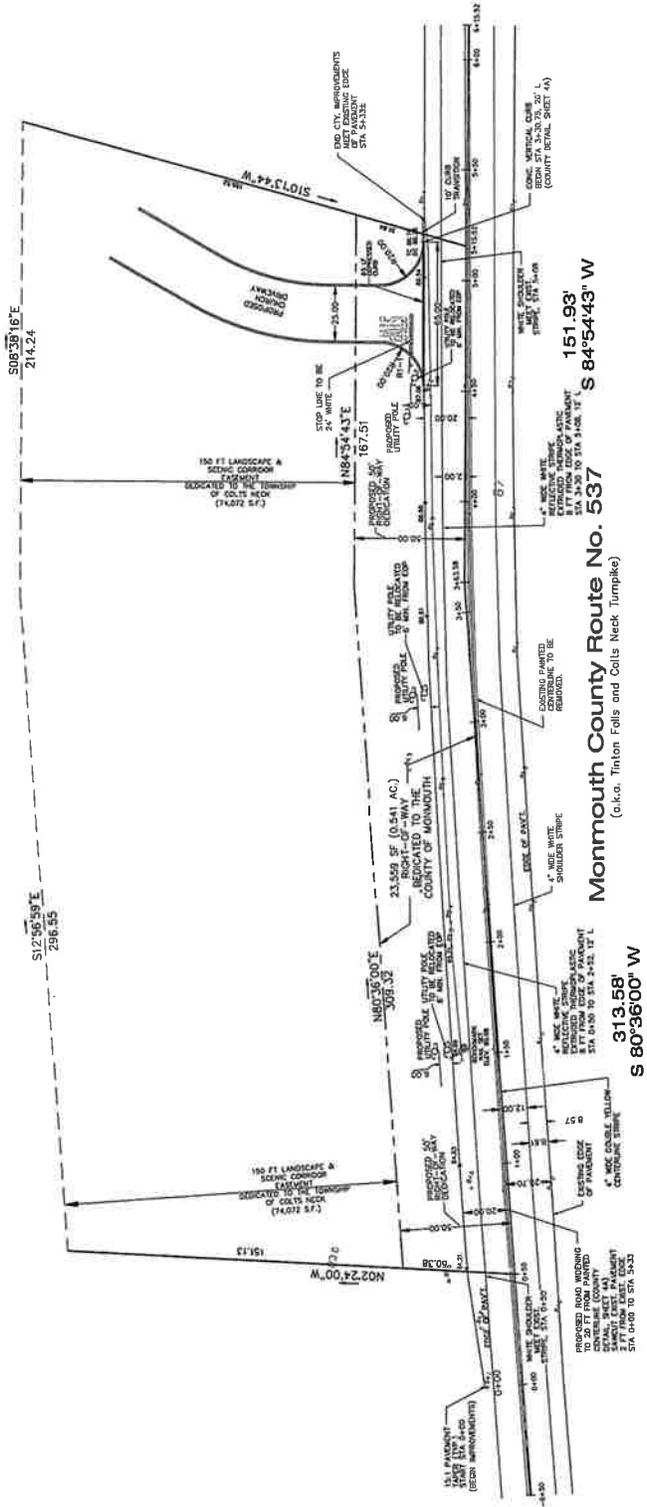
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- 40. 88'-0" WIDE
- 41. 90'-0" WIDE
- 42. 92'-0" WIDE
- 43. 94'-0" WIDE
- 44. 96'-0" WIDE
- 45. 98'-0" WIDE
- 46. 100'-0" WIDE

**PROPOSED VEGETATION**

- 1. 10'-0" WIDE
- 2. 12'-0" WIDE
- 3. 14'-0" WIDE
- 4. 16'-0" WIDE
- 5. 18'-0" WIDE
- 6. 20'-0" WIDE
- 7. 22'-0" WIDE
- 8. 24'-0" WIDE
- 9. 26'-0" WIDE
- 10. 28'-0" WIDE
- 11. 30'-0" WIDE
- 12. 32'-0" WIDE
- 13. 34'-0" WIDE
- 14. 36'-0" WIDE
- 15. 38'-0" WIDE
- 16. 40'-0" WIDE
- 17. 42'-0" WIDE
- 18. 44'-0" WIDE
- 19. 46'-0" WIDE
- 20. 48'-0" WIDE
- 21. 50'-0" WIDE
- 22. 52'-0" WIDE
- 23. 54'-0" WIDE
- 24. 56'-0" WIDE
- 25. 58'-0" WIDE
- 26. 60'-0" WIDE
- 27. 62'-0" WIDE
- 28. 64'-0" WIDE
- 29. 66'-0" WIDE
- 30. 68'-0" WIDE
- 31. 70'-0" WIDE
- 32. 72'-0" WIDE
- 33. 74'-0" WIDE
- 34. 76'-0" WIDE
- 35. 78'-0" WIDE
- 36. 80'-0" WIDE
- 37. 82'-0" WIDE
- 38. 84'-0" WIDE
- 39. 86'-0" WIDE
- 40. 88'-0"





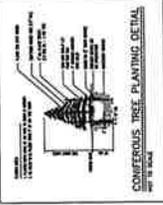
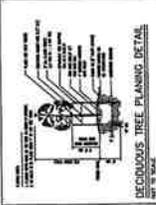


**Monmouth County Route No. 537**  
(i.e. Tinton Falls and Colts Neck Turnpike)



|                                                                                                                                                                      |  |                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------|
|                                                                                                                                                                      |  | PROJECT NO.: 18-20<br>DRAWING NO.: 18-20-01A<br>SHEET NO.: A-8<br>DATE: 07/10/18<br>SCALE: 1"=30' |
| PRELIMINARY AND FINAL<br>MAJOR SITE PLAN<br>MONMOUTH COUNTY<br>MONMOUTH COUNTY<br>LOT 21<br>LOT 22<br>LOT 23<br>TUNTON FALLS TOWNSHIP<br>MONMOUTH COUNTY, NEW JERSEY |  | PREPARED BY:<br>PROJECT MANAGER:<br>CHECKED BY:<br>DATE: 07/10/18                                 |

PH-7293

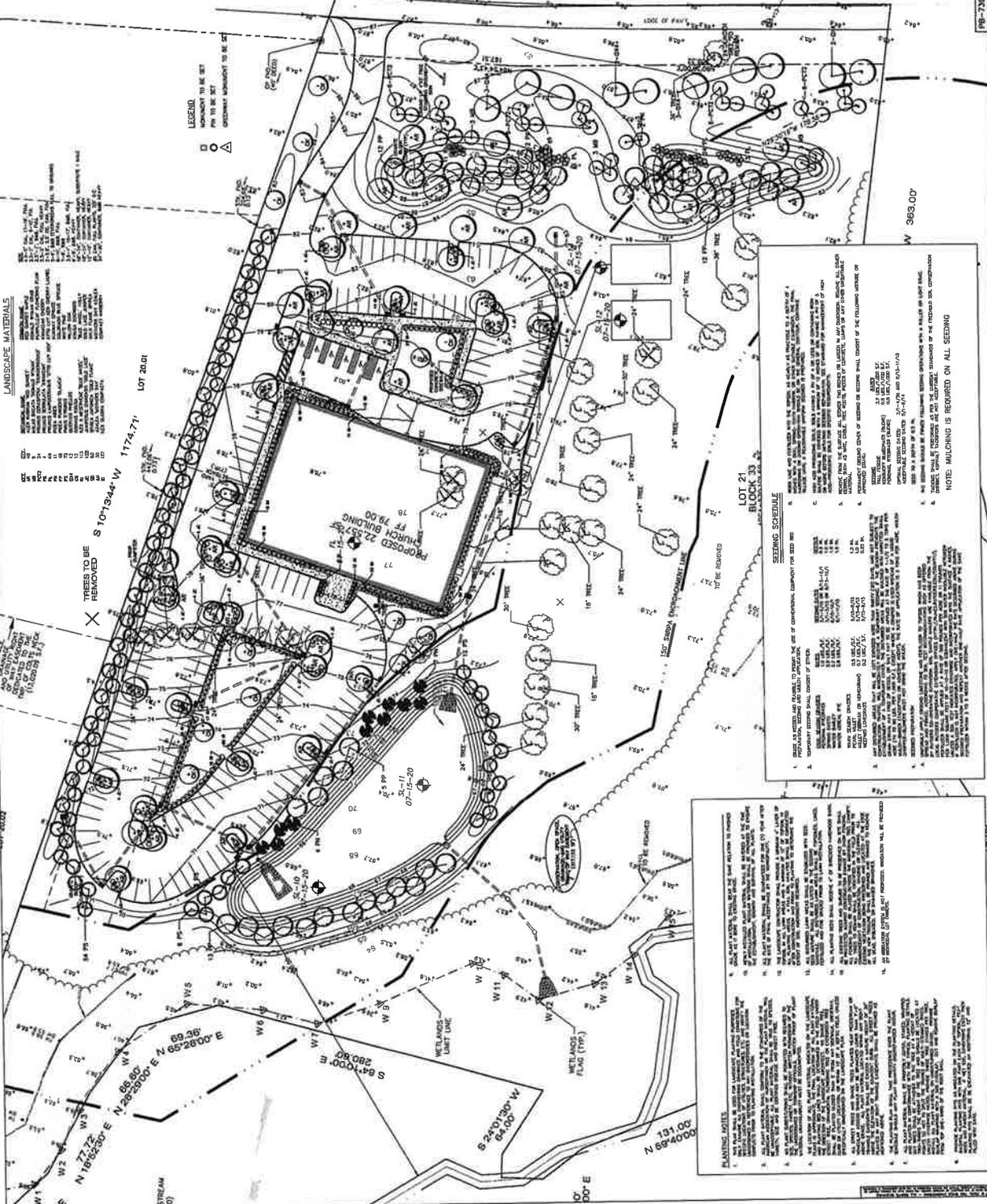


NOTE: ALL AREAS WITHIN THE CURBLINE TO REMAIN EXISTING AND PERMANENT SEEDING.

EXISTING TREES TO REMAIN SPECIES: TILIA CORDATA COMMON NAME: LITTLE-LEAF LINDEN



|                                                            |  |                                                                                                                                                              |
|------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                            |  | PROJECT NO: 1830<br>DATE: 08/14/2018<br>DRAWN BY: JAG<br>CHECKED: DDD<br>SCALE: 1"=20'<br>SHEET NO. 8 OF 13                                                  |
| PRELIMINARY AND FINAL LANDSCAPING PLAN FOR BLOCK 33 LOT 21 |  | TWO RIVER ENGINEERING, INC.<br>1000 W. 11TH ST.<br>SUITE 100<br>MILWAUKEE, WI 53233<br>TEL: 414.224.1100<br>FAX: 414.224.1101<br>WWW.TWORIVERENGINEERING.COM |



LANDSCAPE MATERIALS

SHRUBS TO BE PLANTED:

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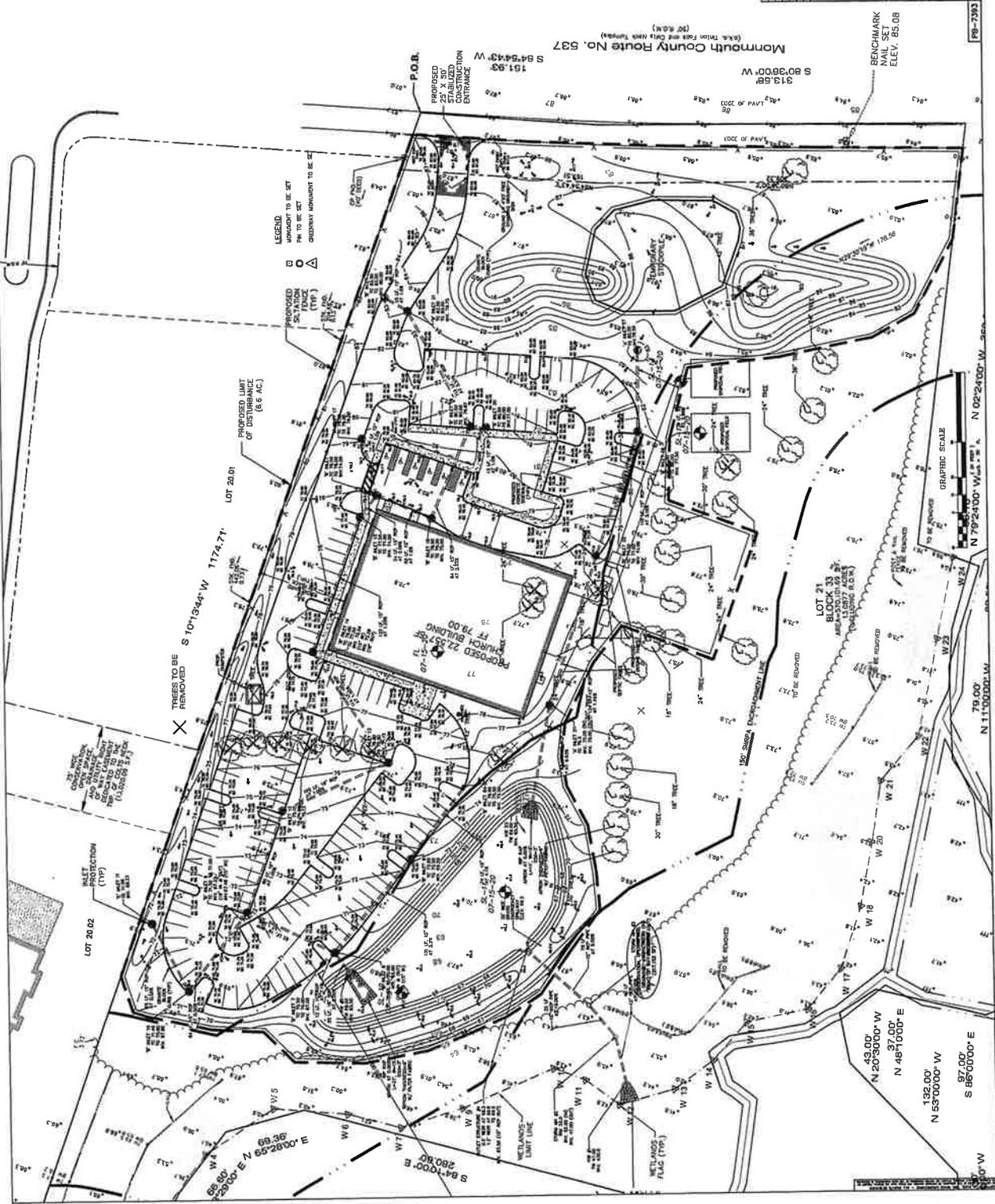
48. ...

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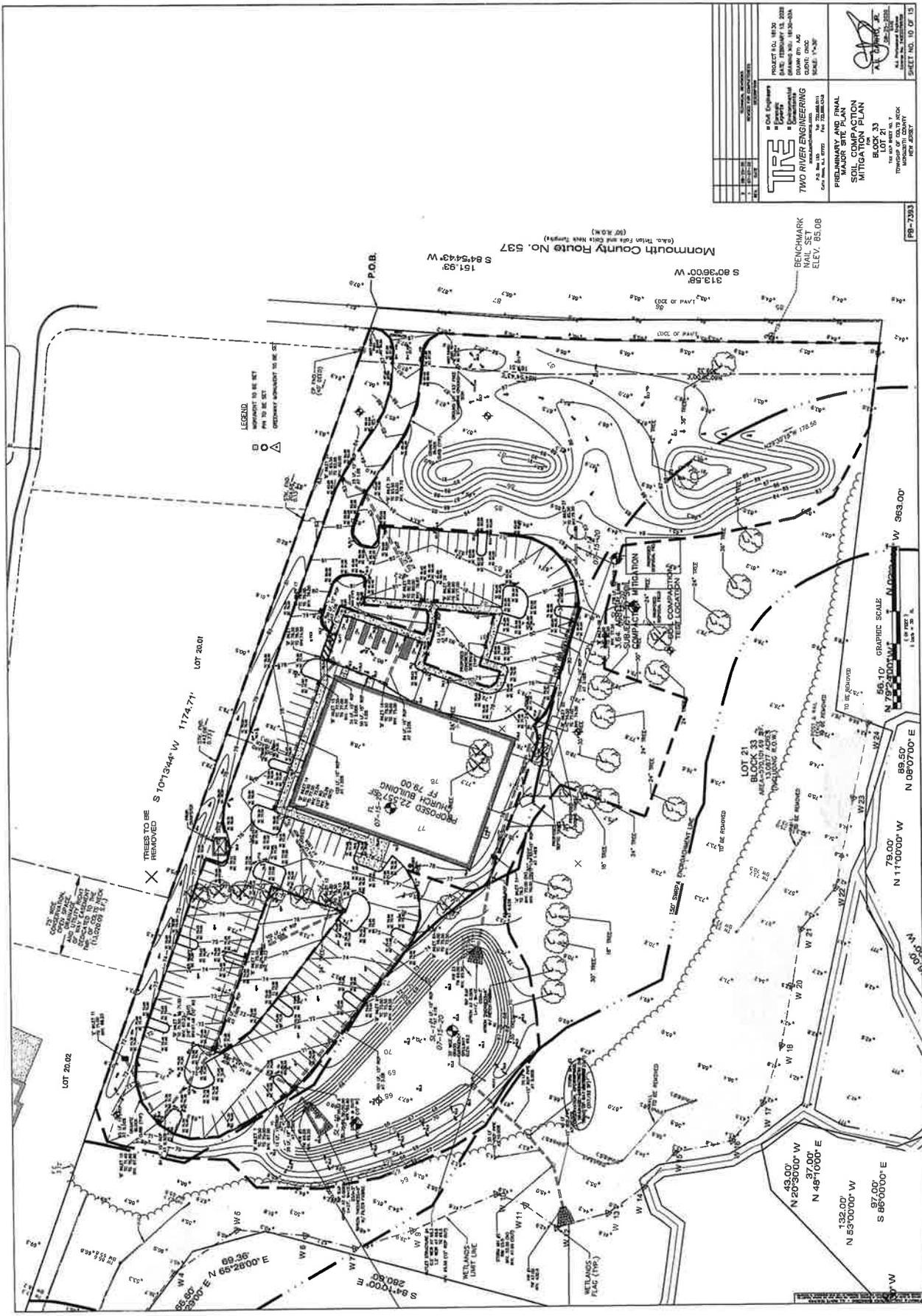


|                                                                                                                                                                                                                                         |  |                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TRE</b><br>Environmental<br>Engineering<br>1000 W. 10th Street<br>Suite 100<br>Lincoln, NE 68502<br>Phone: (402) 441-1111<br>Fax: (402) 441-1112<br>Website: www.tre-engineering.com                                                 |  | PROJECT NO. 18-30<br>DATE: FEBRUARY 13, 2020<br>DRAWN BY: A. J. GARDNER<br>CHECKED BY: J. J. GARDNER<br>SCALE: 1"=30'<br>SHEET NO. 8 OF 13 |
| PREPARED BY: T. J. TRIMBLE<br>CHECKED BY: J. J. GARDNER<br>DATE: FEBRUARY 13, 2020<br>PROJECT: SOIL EROSION AND SEDIMENT CONTROL PLAN<br>BLOCK 33<br>LOT 20.01<br>TOWNSHIP OF COLTS HORN<br>COUNTY OF COLLEGEVILLE<br>STATE OF NEBRASKA |  | BENCHMARK<br>NAIL SET<br>ELEV. 85.08                                                                                                       |



FB-7393





LEGEND  
 □ IMPROVEMENT TO BE SET  
 ○ TO BE SET  
 △ EXISTING IMPROVEMENT TO BE SET

TREES TO BE REMOVED  
 S 10°13'44" W 1174.71'  
 LOT 20.01

P.O.B.  
 S 84°54'39" W 151.93'  
 S 80°39'00" W 319.58'  
 Monmouth County Route No. 537  
 (Elev. 78.00 M)

BENCHMARK  
 NAIL SET  
 ELEV. 85.08

66'-10" GRAPHIC SCALE  
 1" = 66'-10"

|                                                                                                                                                                                    |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                                                                                                                                                                    |  |
| PROJECT NO. 18120<br>DRAWN BY: JAD<br>CHECKED BY: JAD<br>DATE: 02/03/2010<br>SCALE: 1"=66'-10"                                                                                     |  |
| PRELIMINARY AND FINAL<br>SOIL COMPACTION<br>MITIGATION PLAN<br>LOT 31<br>BLOCK 33<br>LOT 20.01<br>THE MAP SHEET IS PART OF THE RECORD DRAWING FOR THE MONMOUTH COUNTY<br>RES. 2009 |  |

PG-72931  
 SHEET NO. 10 OF 15

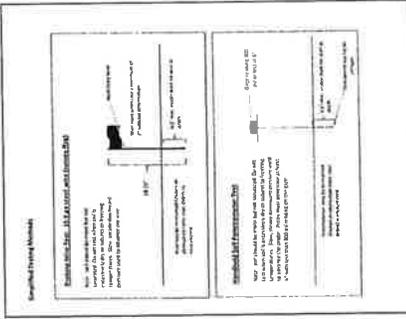
**Soil Compaction and Testing Requirements**

**Soil Compaction Requirements**

1. All fill materials shall be compacted to a minimum of 95% relative compaction (RC) as determined by the Modified Proctor test (ASTM D 1557) for all fill materials.
2. The RC shall be determined by the Modified Proctor test (ASTM D 1557) for all fill materials.
3. The RC shall be determined by the Modified Proctor test (ASTM D 1557) for all fill materials.
4. The RC shall be determined by the Modified Proctor test (ASTM D 1557) for all fill materials.
5. The RC shall be determined by the Modified Proctor test (ASTM D 1557) for all fill materials.

**Soil Testing Requirements**

1. All fill materials shall be tested for moisture content, liquid limit, plastic limit, and plasticity index.
2. The testing shall be performed in accordance with ASTM D 2922, ASTM D 2928, and ASTM D 2930.
3. The testing shall be performed in accordance with ASTM D 2922, ASTM D 2928, and ASTM D 2930.
4. The testing shall be performed in accordance with ASTM D 2922, ASTM D 2928, and ASTM D 2930.
5. The testing shall be performed in accordance with ASTM D 2922, ASTM D 2928, and ASTM D 2930.



**Soil Compaction and Testing Requirements**

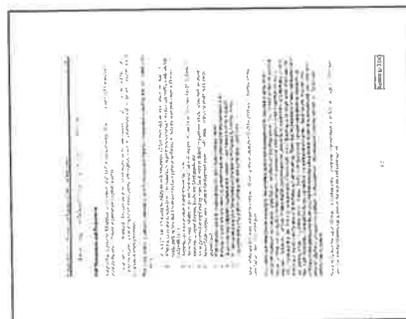
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**Soil Compaction and Testing Requirements**

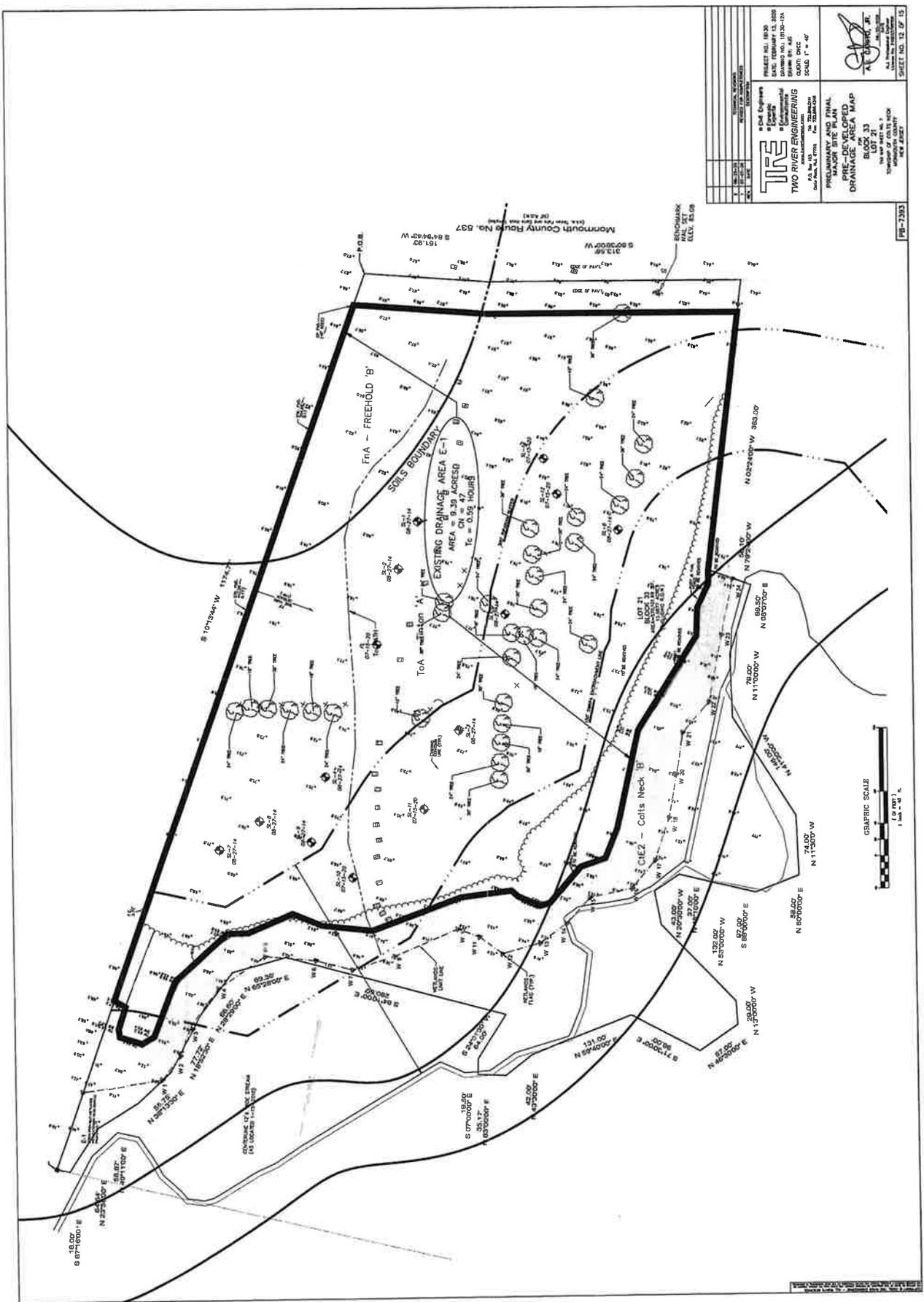
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|                                                                                     |  |                                                                                                                 |                    |
|-------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|--------------------|
|                                                                                     |  | PROJECT NO.: 1810<br>PROJECT NAME: TWO RIVER<br>DRAWN BY: JLD<br>CHECKED BY: JLD<br>SCALE: 1"=10'               |                    |
| <b>TWO RIVER ENGINEERING</b><br>1000 W. 10th St., Suite 100<br>New Jersey, NJ 07102 |  | <b>PRELIMINARY AND FINAL<br/>MAJOR SITE PLAN<br/>SOIL MITIGATION<br/>COMPACTION NOTES</b><br>SHEET NO. 11 OF 15 | SHEET NO. 11 OF 15 |

11-11-15

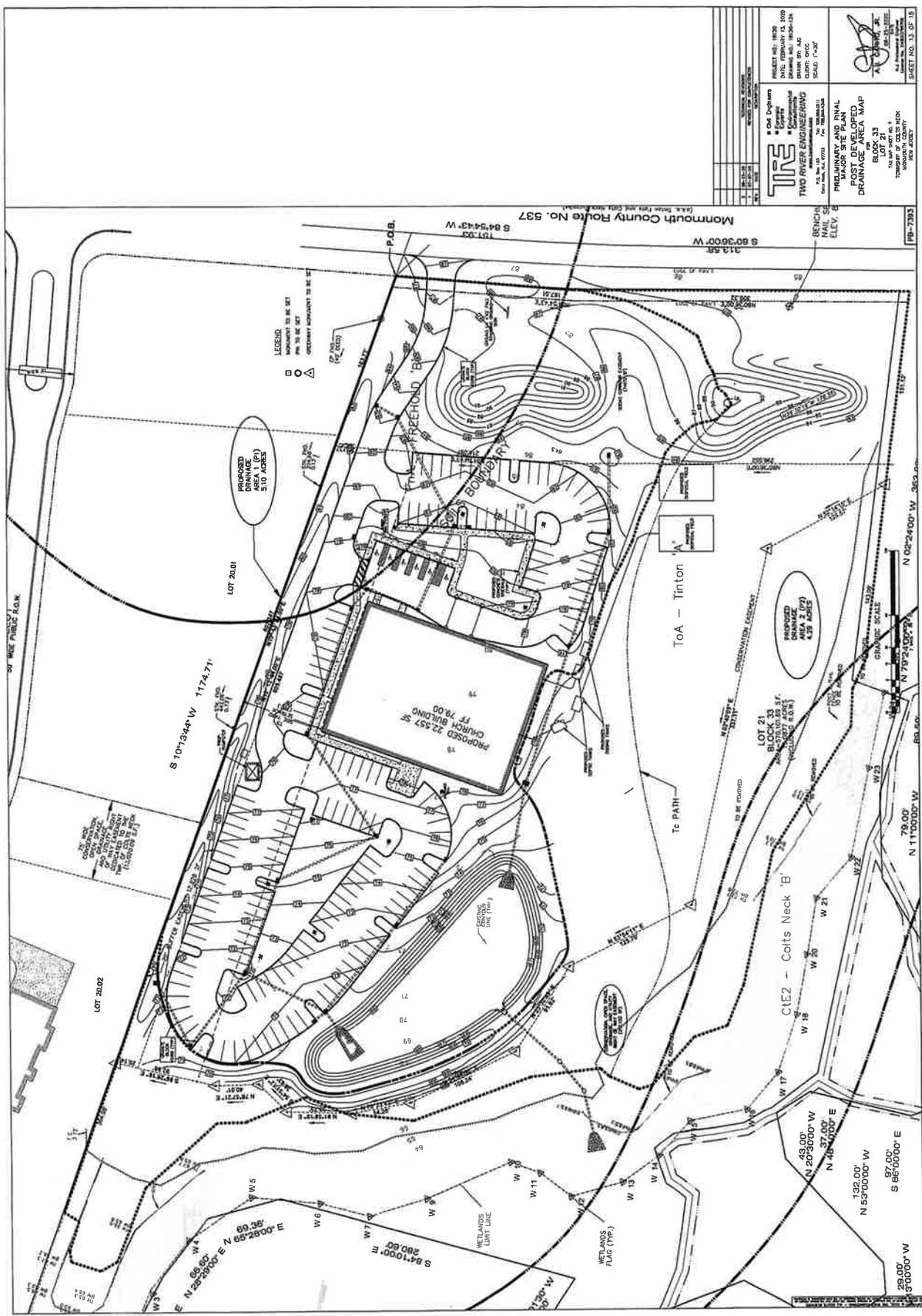


**TRE**  
 Two River Engineering  
 1000 W. 10th Street  
 New Jersey 07030  
 Phone: 908.734.1111  
 Fax: 908.734.1112  
 Email: info@trere.com

**PROJECT NO. 1830**  
 SITE PLAN FOR THE  
 DEVELOPMENT OF  
 QUARTY DEC  
 SCALE: 1" = 40'

**PRELIMINARY AND FINAL  
 MAJOR SITE PLAN  
 PRE-DEVELOPED  
 DRAINAGE AREA MAP**  
 SHEET NO. 12 OF 13

PG-7303



**TRE**  
 Two River Engineering  
 1000 N. 10th St.  
 Freehold, NJ 07728  
 Phone: 732-329-1100  
 Fax: 732-329-1101  
 Email: info@trere.com

PROJECT NO. 1000  
 DATE: FEBRUARY 15, 2009  
 DRAWING NO.: 1000-124  
 CLIENT: OAC  
 SCALE: 1"=30'

PRELIMINARY AND FINAL  
 POST DEVELOPED  
 DRAINAGE AREA MAP  
 BLOCK 33  
 LOT 21  
 TOWNSHIP OF COLTS NECK  
 COUNTY OF MONMOUTH  
 NEW JERSEY

DATE: FEBRUARY 15, 2009  
 DRAWING NO.: 1000-124  
 CLIENT: OAC  
 SCALE: 1"=30'

SHEET NO. 13 OF 15

Monmouth County Route No. 537  
 S 80°36'00" W 312.58'  
 S 84°54'43" W 1071.03'  
 BENCH MAIL ELEV. 52.00'

PROPOSED CHURCH BUILDING  
 FF 79.00  
 PROPOSED PARKING AREA (PA)  
 510 ACRES

TOA - Tinton

WETLANDS FUG (TYP.)

WETLANDS LIGHT USE

C1E2 - Colts Neck 'B'

LOT 20.01

LOT 20.02

BLOCK 33

LOT 21

LOT 20

LOT 19

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

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**LEGEND**  
 □ REMOVAL TO BE SET  
 △ PROPOSED PLANTING TO BE SET  
 ○ PROPOSED PLANTING TO BE SET

TREES TO BE REMOVED  
 X

BENCHMARK  
 NAIL SET  
 ELEV. 85.08

GRAPHIC SCALE  
 1" = 20'

|                                                                                                                                                                                                                                                         |  |                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------|
| <b>TRE</b><br>ENGINEERS<br>1000 W. 11th St.<br>Suite 200<br>Portland, OR 97201<br>Phone: 503.222.8800<br>Fax: 503.222.8801<br>www.tre-engineers.com                                                                                                     |  | PROJECT NO. 1819<br>DATE: FEBRUARY 13, 2009<br>DRAWING NO. 1819-03A<br>CLIENT: OAC<br>SCALE: 1"=30'<br>SHEET NO. 14 OF 15 |
| PREPARED BY: J. J. TRIVETT<br>CHECKED BY: J. J. TRIVETT<br>INLET AREA MAP<br>BLOCK 33<br>MAP SHEET # 1<br>PREPARED FOR: OAC<br>1000 W. 11th St.<br>Suite 200<br>Portland, OR 97201<br>PHONE: 503.222.8800<br>FAX: 503.222.8801<br>WWW.TRE-ENGINEERS.COM |  | SHEET NO. 14 OF 15                                                                                                        |

Mormouth County Route No. 537  
 (Main Thru Road from Oak Hills Bridge)  
 151.93' S 84°54'43" W  
 313.56' S 80°36'00" W

LOT 21  
 BLOCK 33  
 AREA: 1.0337 ACRES  
 (EXCLUDING 0.02 AC)

LOT 20.02

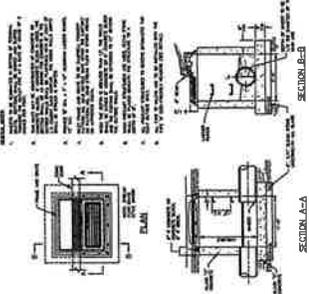
LOT 20.01

N 11°00'00" W  
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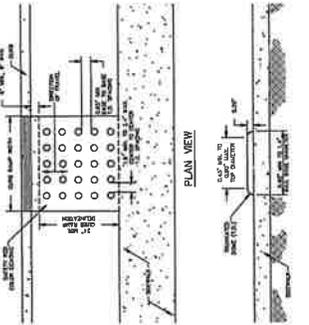


**STANDARD MATERIAL LIST**

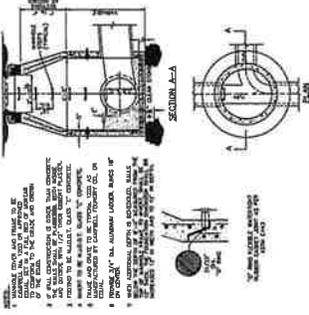
| ITEM NO. | DESCRIPTION      | QTY | UNIT        |
|----------|------------------|-----|-------------|
| 1        | CONCRETE CURB    | 1   | LINEAL FOOT |
| 2        | STOP BAR         | 1   | LINEAL FOOT |
| 3        | GRAVEL           | 1   | CY          |
| 4        | ASPHALT          | 1   | SQ YD       |
| 5        | PAVING           | 1   | SQ YD       |
| 6        | CONCRETE         | 1   | CY          |
| 7        | REINFORCING BARS | 1   | LB          |
| 8        | STEEL            | 1   | LB          |
| 9        | WOOD             | 1   | CU YD       |
| 10       | PAINT            | 1   | QT          |



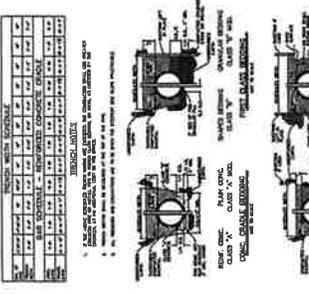
TYPE "C" INLET



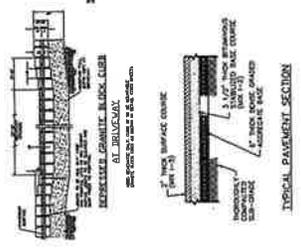
DETECTABLE WARNING SURFACE



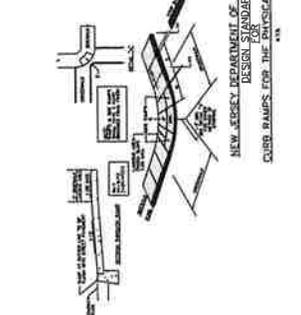
STORM DRAINAGE MANHOLE



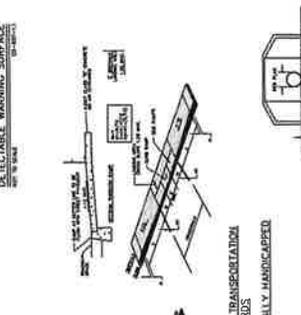
CONCRETE SURNAME DETAIL



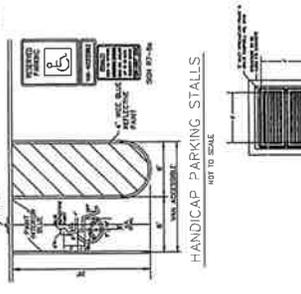
TYPICAL PAVEMENT SECTION



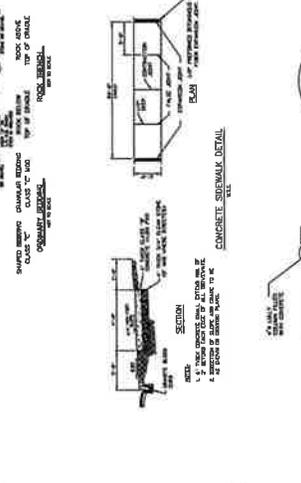
NEW SLOPE REQUIREMENTS OF TRANSVERSE CURBS FOR THE DISAPPLY HANDICAPPED CURB RAMPS



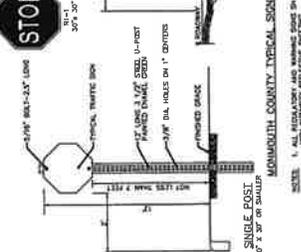
HANDICAP PARKING STALLS



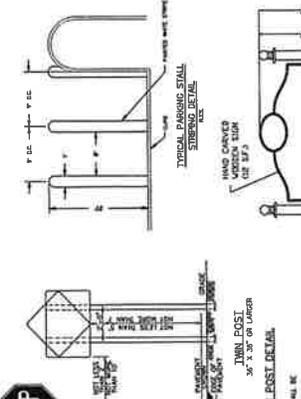
HANDICAP PARKING SIGN



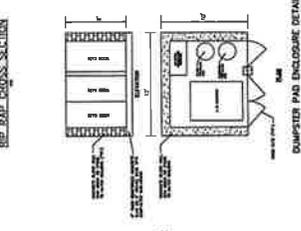
GREENWAY MONUMENT DETAIL



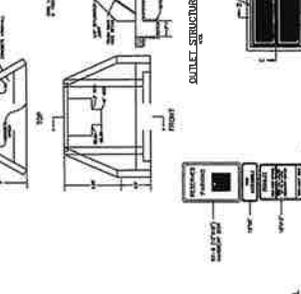
TYPICAL SIGN POST DETAIL



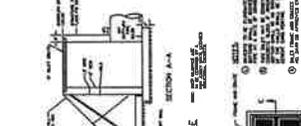
TYPICAL PARKING STALL SIGN DETAIL



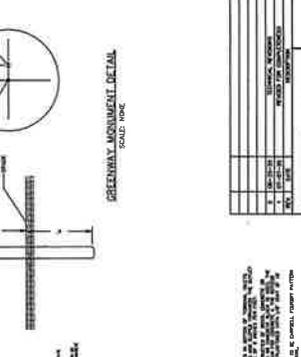
DUMPSTER PAD ENCLOSURE DETAIL



OUTLET ENCLOSURE



SECTION A-A



SECTION B-B

**MONMOUTH COUNTY TYPICAL SIGN POST DETAIL**

1. ALL INSTALLATION AND FINISHES SHALL BE AS SHOWN.

2. ALL OTHER SIGNS SHALL BE POWER GRADE SIGNING.

3. ALL SIGNS AFFECTING COUNTY ROAD RIGHTS SHALL BE POWER GRADE SIGNING.

4. SIGN POSTS SHALL BE 3.18M (10 FT) HIGH.

5. ILLUSTRATION NOT TO SCALE.

NOTE: SHOP DRAWINGS FOR ALL STORM STRUCTURES ARE TO BE SUBMITTED AND APPROVED PRIOR TO CONSTRUCTION.

|                   |                       |
|-------------------|-----------------------|
| PROJECT NO. 18109 | DATE ESTIMATE 11.2008 |
| DRAWN BY: JAO     | CHECKED BY: JAO       |
| SCALE: NONE       | SCALE: NONE           |

**TWO RIVER ENGINEERING**

PRELIMINARY AND FINAL CONSTRUCTION DETAILS

BLOCK 33

THE MAP PART NO. 7

MONMOUTH COUNTY

NEW JERSEY

SHEET NO. 19 OF 15

# EXHIBIT 5

Architectural Plans prepared by Eric Walker AIA, containing of 4 sheets dated  
June 11, 2020.

**ERIC WALKER AIA, CCS**  
 Architect - Planner  
 202 Chestnut Hill, Lincoln PA 17033  
 717.442.1979

**PROGRESS**

**HORST**  
 ARCHITECTS

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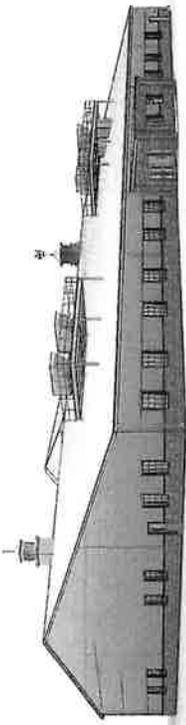
**COLTS NECK COMMUNITY CHURCH**  
 228 WESTWARDS WAY  
 COLTS NECK, NJ  
 HORST CONSTRUCTION

**19041**  
 PROJECT NUMBER  
 40% CDR

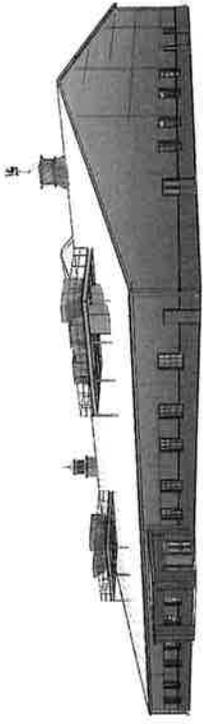
DATE: JUNE 11, 2020  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**A000**  
 DRAWING NO.

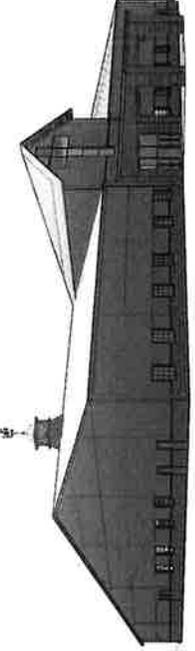
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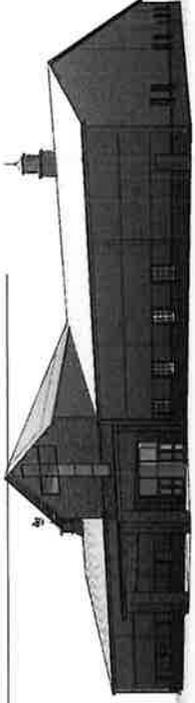
EXT - EAST REAR VIEW



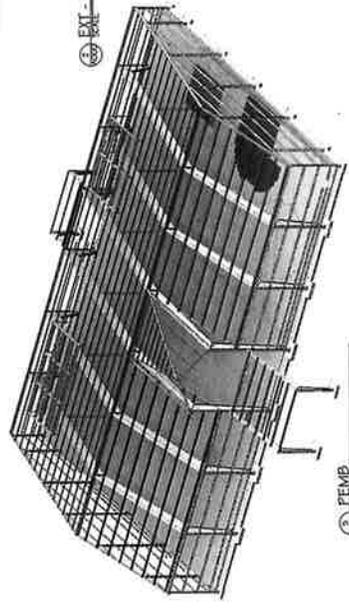
EXT - WEST REAR VIEW



EXT - WEST ROAD VIEW



EXT - EAST ROAD VIEW



EXT - EAST END VIEW

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# EXHIBIT 6

R.C. Shea and Associates correspondence to Chairman and Board Members, dated  
August 6, 2020.

# R. C. SHEA & ASSOCIATES

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DINA M. VICARI  
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CHRISTOPHER R. SHEA \*  
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\* Member NJ & PA Bars  
LLM in Trial Advocacy

† Member Nat'l Academy of Elder Law Attorneys  
■ Certified by the Supreme Court of New Jersey as a Civil  
Trial Attorney  
Certified By The National Board of Trial Advocacy As  
A Civil Trial Advocate  
Rule 1.40 Qualified Mediator

August 6, 2020

***Via Email: [cnplanners@coltsneck.org](mailto:cnplanners@coltsneck.org) and Regular Mail***

**Colts Neck Township Planning Board**

**124 Cedar Drive**

**Colts Neck, NJ 07722**

***Re: Colts Neck Community Church  
Block 33, Lot 21  
249 Route 537  
Township of Colts Neck, NJ  
PB # 7393***

Dear Chairman and Members of the Board:

Please be advised that I have been retained to represent the interests of Morris Flanchbaum, Glen Dailey, and Doug Zagha, who own property directly adjacent to and/or with 200 ft. of this proposed development. I am writing to you regarding the above referenced application schedule to be heard by the Planning Board on Tuesday, August 11, 2020.

While I fully understand the difficulties confronting municipal agencies, applicants, and the public in processing the business of the Board during the health crisis of COVID-19, nevertheless the Municipal Land Use Law remains in full force and effect, and must be adhered to in order to protect the due process rights of all interested parties. As you know there are no provisions within the MLUL, Executive Orders issued by the Governor, amendments to the Open Public Meeting Rules by the Legislature to permit virtual Planning Board and/or Board of Adjustment meetings. The Board is required to act pursuant to N.J.S.A 40:55D-9 and conduct meetings that shall be "open to the public". It is impossible to presume that any party interested in this application will have access to a computer to participate in these proceedings. This process is fraught with inherent flaws such as bad internet connection, inability to hear and see the witnesses, inability for all

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

Page 2 of 3

interested parties to be assured that they have full access to the meeting to name a few. Certainly the statute does not contemplate "Virtual hearing" as a method to meet the statutory due process requirements set forth in the MLUL. The most recent issue is Governors Murphy Executive Order #173 issued yesterday 8/5/20 also limits public gatherings to 25 people. Even a live meeting will have its challenges. It is our position for the reasons stated herein that if this hearing is to proceed in a virtual setting there are a plethora of OPMA violations that will occur, as well, which could deem any decision made by the Board "void ab initio".

It is my understanding that the Board will conduct a virtual meeting on the above referenced application on August 11, 2020. A meeting that we must strongly object to.

As noted above virtual meetings contain a plethora of issues concerning the Municipal Land Use Law. To begin, the public's ability to participate and observe in the virtual hearing will be substantially limited. The public will be unable to see the witnesses as they review plans, exhibits, and will have, at best, obstructed views as the witnesses explain their positions. Further, those without internet access or the capability of attending the meeting virtually will be left out of said meeting, which is unacceptable. As such, the rights of interested parties to observe the proceedings and or cross-examine witnesses will be significantly impaired by your virtual procedure. Even further, as the Board is aware, Planning Board proceedings are quasi-judicial in nature, and should follow the procedures used in Court regarding trials. It is a well-known fact that the New Jersey Superior Court has been suspended all trials until 2021. Likewise to insure the integrity of hearings that at Planning Boards and Boards of Adjustment such contested hearing must have a live presentation to allow all "interested parties" to exercise their due process rights per the MLUL.

Lastly, there are significant issue regarding the documents on file with the planning board regarding this matter. This morning (8/6/20) a member of my staff went to the Colts Neck Planning Board Office to secure copies of the plans, engineering reports, public notices, and all pertinent information from the file. Your staff was very courteous, however, we were not able to obtain copies from the office immediately and are now awaiting this information by way of a pdf from the Board Engineer, as well as, a scan of the documents on file with the Board from the Board Secretary. It also appears that as late as June 3, 2020 the plans had yet to be deemed complete. Revised plans were requested of the applicants engineer before the matter was to be deemed complete. As late as July 27, 2020, the applicant's engineer was responding to the Townships Planner addressing revisions that he requested. To the best of our knowledge the application was yet to be deemed complete. It is interesting to note that Mr. Alfieri, Attorney for the applicant, noticed in the Asbury Park Press on July 30, 2020 for the August 11, 2020 hearing date despite the application still

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

Page 3 of 3

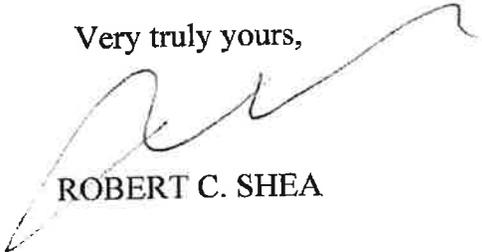
under review by the Board engineer, which notice had to be sent to the newspaper on or about the same day the revised plans were sent to the Board engineer for review.

We have many questions regarding the process followed in addition to what, if any, variances, design waiver, submission waivers have been requested by the applicant. Since the application involves a conditional use all criteria of the ordinance needs to be comported with. As the Board is aware, an application should not be heard by a Planning Board unless all documentation that the Board will be reviewing is on file for review by the public 10 days prior to the hearing. There are some significant issues as to whether this process that has been followed.

In summation, we will be requesting that this matter be carried to a live meeting when the Board decides to reinstitute the same. In the event that the Board decides to proceed despite our concerns and the application is approved under these circumstances, my clients will appeal to the Superior Court of New Jersey to protect their rights. I trust you understand the severity of the situation and respectfully request that the hearing be carried to a time and date that will accommodate in-person testimony, and abide by the procedures set forth in the Municipal Land Use Law.

Please be guided accordingly. Naturally, should you have any questions please feel free to contact me at any time.

Very truly yours,



ROBERT C. SHEA

RCS/nml/dgt

Cc: Salvatore Alfieri, Esq., via email only (salfieri@cgajlaw.com)  
Michael B. Steib, Esq., via fax (732) 741-1811  
Morris Flanchbaum, via email  
Glen Dailey, via email  
Doug Zagha, via email

# EXHIBIT 7

R.C. Shea and Associates correspondence to Michael B. Steib, Esq., dated  
September 1, 2020

# R. C. SHEA & ASSOCIATES

ROBERT C. SHEA  
MARC S. GALELLA †  
DINA M. VICARI  
MICHAEL J. DEEM ■  
CHRISTOPHER R. SHEA \*  
ROBERT C. SHEA II

\* Member NJ & PA Bars  
LLM in Trial Advocacy

† Member Nat'l Academy of Elder Law Attorneys  
■ Certified by the Supreme Court of New Jersey as a Civil

Trial Attorney

Certified By The National Board of Trial Advocacy As

A Civil Trial Advocate

Rule 1:40 Qualified Mediator

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MANCHESTER AREA  
(732) 408-9455

September 1, 2020

Via email [info@mbslaw.net](mailto:info@mbslaw.net) and Regular Mail

Michael B. Steib, Esq.  
16 Cherry Tree Farm Road  
Middletown, NJ 07748

**Re: *Flanckbaum, Dailey and Zagha Applicant for Request for  
Appeal/Interpretation re: Colts Neck Community Church  
Block 33, Lot 21  
249 Route 537  
Township of Colts Neck, NJ  
PB # 7393***

Dear Mr. Steib:

As you are aware this office have been retained to represent the interests of Morris Flanckbaum, Glen Dailey, and Doug Zagha, who own property directly adjacent to and/or with 200 ft. of this proposed development. I am writing to you in your position as both Zoning Board and Planning Board attorney regarding the above referenced application, (PB#7393) and the impact that the recent filing of this office's Request for Appeal and Interpretation, (Request Application) has on continuing the public hearing on PB#7393, which is set for September 8, 2020.

As you are probably aware on August 27, 2020, this office filed a Request for Appeal of the determinations made by the Township Planner, Timothy Anfusio, (Planner), within his August 7, 2020 planning letter relative to the Conditional Use criteria, variances, design waivers and various determinations on utilization of the buffer areas, (zoning determinations). Also, a Request for Interpretation was filed to challenge the various above zoning determinations were also supplemented by the Board Engineer, Glenn R. Gerken, (Engineer) in his August 7, 2020, letter. The Applicant believes that the various interpretations made by the Planner and Engineer were improper, wherein the Applicant requests the Zoning Board to review the same in this Interpretation. The Requests for

**R. C. SHEA & ASSOCIATES**  
COUNSELLORS AT LAW, P.C.

Page 2 of 3

Appeal and Interpretation are jointly referred to as "Application".

In the Request Application the Applicant cites to §102-11B of the Ordinance, which imposes standards on all conditional uses, finding that the requests for variances and design waivers, require jurisdiction of PB #7393 to be properly vested with the Zoning Board not the Planning Board. This Applicant requests that until that time that the Zoning Board makes the determinations as requested in this Application, the Church Application before the Planning Board must be stayed pursuant to N.J.S.A. 40:55D-17(f), and N.J.S.A. 40:55D-75.

Both N.J.S.A. 40:55D-17(f), and N.J.S.A. 40:55D-75 state, in pertinent part, "[a]n appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made." N.J.S.A. 40:55D-75 goes on to specifically state that once an appeal is filed with the Zoning Board of Adjustment, all other proceedings shall be stayed. These statutes have been construed to mean that "a timely appeal by a neighbor would...stay the right to build pursuant to the permit granted until its validity could be ruled on by the zoning board of adjustment." Cox & Koenig § 26-1.5 at 562; See also Harz v. Borough of Spring Lake, 234 N.J. 317, 323, 191 A.3d 547, 550, reconsideration denied, 235 N.J. 119, 193 A.3d 307 (2018)

The Court has fervently held that failing to stay a proceeding as the one in the instant matter, will deprive the interested party in their right to be heard. In Harz v. Borough of Spring Lake, 234 N.J. 317 (2018), the Court held that an interested party's right to be heard will be violated if the interested party is subject to adverseness as a result. The Court reasoned that the Municipal Land Use Law "unambiguously impose[s] a binding obligation on the [Board]" to provide [the interested party] with the opportunity to be heard..., and that such a right is nonnegotiable, even in light of an appeal to the Board of Adjustment. Id. at 335. In the instant matter, the Planning Board's failure to stay its proceedings until the Board of Adjustment is able to determine whether a Conditional Use is permitted, will adversely affect the interests of Morris Flancbaum, Glen Dailey, and Doug Zagher.

It is within the purview of the Zoning Board to determine if the Church Application is a permitted Conditional Use under the ordinance criteria, which may remain with the Planning Board. However, if the same Conditional Use Criteria is not met the Church Application must be refiled with the Zoning Board requesting a Use Variance. Therefore, PB #7393 must be stayed with no further hearings proceeding until the hearings on the Request.

**R. C. SHEA & ASSOCIATES**  
COUNSELLORS AT LAW, P.C.

Page 3 of 3

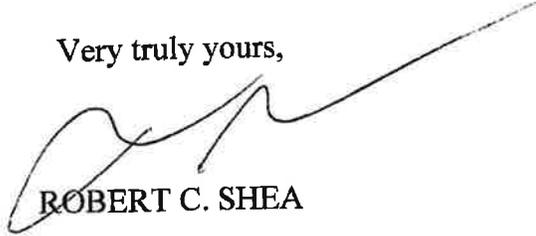
Further, the Board is in receipt of this office's correspondence dated August 6, 2020, requesting that this matter be carried until proceedings may occur in person rather than via a virtual meeting. As you know there are no provisions within the MLUL, Executive Orders issued by the Governor, amendments to the Open Public Meeting Rules by the Legislature to permit virtual Planning Board and/or Board of Adjustment meetings. The Board is required to act pursuant to N.J.S.A. 40:55D-9 and conduct meetings that shall be "open to the public". It is impossible to determine whether such virtual meetings are "open to the public" as intended by the MLUL. Therefore, our objection to the conducting of determinative meetings virtually still stands.

Moreover, the public's ability to participate and observe in the virtual hearing will be substantially limited as they will be unable to see the witnesses as they review plans, exhibits. Further, those without internet access or the capability of attending the meeting virtually will be left out of said meeting, which is unacceptable. As a result, the rights of interested parties to observe the proceedings and or cross-examine witnesses will be significantly impaired by your virtual procedure. To insure the integrity of hearings that at Planning Boards and Boards of Adjustment such contested hearing must have a live presentation to allow all "interested parties" to exercise their due process rights per the MLUL.

We request that any hearings regarding all matters discussed above be carried to dates when the Planning Board and Zoning Board reinstitute live meetings. In the event that the Board decides to proceed despite our concerns and the application is approved under these circumstances, my clients will appeal to the Superior Court of New Jersey to protect their rights.

Please be guided accordingly. Naturally, should you have any questions please feel free to contact me at any time.

Very truly yours,



ROBERT C. SHEA

RCS/DMV/dgt

Cc: Salvatore Alfieri, Esq., via email only (salfieri@cgajlaw.com)  
Morris Flancbaum, via email  
Glen Dailey, via email  
Doug Zagha, via email

# EXHIBIT 8

R.C. Shea & Associates correspondence to Ruth Leininger and Robert Farrell, dated  
October 1, 2020

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

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† Member Nat'l Academy of Elder Law Attorneys  
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Trial Attorney  
Certified By The National Board of Trial Advocacy As

A Civil Trial Advocate  
Rule 1:40 Qualified Mediator

October 1, 2020

**Via Email: [cnplanners@coltsneck.org](mailto:cnplanners@coltsneck.org) and Regular Mail**

Colts Neck Township Zoning Board

Ms. Ruth Leininger, Zoning Board Secretary

124 Cedar Drive

Colts Neck, NJ 07722

Colts Neck Township Zoning Board

Mr. Robert Farrell, Chairman of the Board

124 Cedar Drive

Colts Neck, NJ 07722

**Re: *Flanbaum, Dailey and Zagha***  
***Block 33, Lot 21***  
***249 Route 537***  
***Township of Colts Neck, NJ***  
***PB # 7393***

Dear Ms. Leininger and Mr. Farrell:

As you are aware this office have been retained to represent the interests of Morris Flanbaum, Glen Dailey, and Douglas Zagha, who own property directly adjacent to and/or with 200 ft. of this proposed development ("Applicants"). I am writing to you in your position as both Zoning Board and Planning Board attorney regarding the above referenced application, (PB#739).

First, this letter shall not be deemed as a waiver of my client's right to challenge a violation of the Open Public Meetings Act ("OPMA"). In the event that the Township of Colts Neck Board of Adjustment ("Board") renders a final determination to proceed to a virtual hearing, the Applicants reserve the right to contest the legality of any OPMA violations.

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

Page 2 of 4

Second, if this hearing is allowed to move forward by way of virtual hearing, the Applicants due process rights will be violated. Board of Adjustments, when hearing a development application, are acting in a “quasi-judicial” capacity (“Quasi-Judicial Body”). Colts Neck Civic v. Colts Neck Bd. Adj., 315 N.J. Super 240,246 (Law Div. 1998). A Quasi-Judicial Body is a non-judicial body which can interpret law which has powers and procedures resembling those of a court of law or judge, and which is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action. Centennial Land and Development Co. v. Twp. of Medford, 165 N.J. Super 220 (Law. Div. 1979).

As a Quasi-Judicial Body, the Board will be rendering a final determination regarding the property rights of my clients and the effect and impact the Colts Neck Community Church application may have on our clients’ properties. Therefore, the Board is acting in the capacity of both a Judge and Jury.

Presently, on March 12, 2020, Chief Justice Rabner suspended all new jury trials until further notice to minimize community exposure to COVID-19. Further, on March 27, 2020, the Supreme Court reaffirmed Chief Justice Rabner’s suspension of all new jury trials by way of Judicial Order. The Chief Justice Rabner rendered this decision based upon serious concerns that virtual hearings would result in due process violations, as individuals would be unable to confront persons whom are contrary to their own interest.

Based upon the above, this Board should stay all virtual hearings due to the Chief Justice’s concerns. These concerns are still valid, as significant due process violations will occur in the event that either witnesses and/or members of the public are unable to confront the applicant and/or any expert witnesses.

Third, Michael B. Steib, Esq.’s (“Steib”) argument that the Board should allow virtual hearings rests upon the premise that N.J.S.A. 10:4-8(b) provides that “meetings” includes the verbiage “by means of communication devices.” However, this is nothing more than an interpretation by Steib. This interpretation is not supported by any caselaw, Executive Order, nor any Advisory Opinions and certainly not the MLUL.

To the contrary, the Public Policy which constructed the OPMA (as dictated by Governor Byrne during committee meetings), was stressed as being that of Legislation of Strict Intent, with very little deviation for exceptional circumstances. Further, in Opderbeck v. Midland Park Bd. of Educ., 442 N.J. Super. 40, 120 A.3d 967 (A.D.2015), the Court states that “The Legislature finds and declares that **the right of the public to be present at all meetings of public bodies**, and to witness in full detail all phases of the deliberation,

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

Page 3 of 4

policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society, **and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies** at which any business affecting the public is discussed or acted upon in any way.”

Additionally, the Appellate Division in 2015 rendered a decision in which technology cannot supplant the strict legislative intent of the OPMA. In Opderbeck, the Court ruled that “We conclude our analysis by noting that changes in the law often do not occur parallel with technological or scientific advancements...[and] the OPMA remains firmly rooted in 1975.”

Due to both Governor's Byrne's Public Policy of Strict Intent, and Opderbeck's ruling that the OPMA does not advance with technological developments due to the legislation being “firmly rooted in 1975,” Steib's interpretation of N.J.S.A. 10:4-8(b) should be disregarded by the Board.

Most of the technology relied upon by the public for purposes of communication did not exist in 1975. Steib's interpretation of N.J.S.A. 10:4-8(b), which states “by means of communication devices,” lacks any supporting legal authority and is contradictory to both the OPMA's Strict Intent and the ruling of Opderbeck. The verbiage “by means of communication devices,” was written decades before the internet was created and in the hands of the general public. At the time of legislation, Zoom, Microsoft Teams, Skype, cell phones, nor any other form of internet based digital telecommunications existed. Since 1975, there exists no legislation, caselaw, and/or legal guidance which rules that N.J.S.A. 10:4-8(b) evolves and changes in interpretation depending on current advances in technology. Thus, Steib's interpretation that “by means of communication devices,” lacks all legal merit and must be disregarded by the Board.

Therefore, based upon both the Strict Intent of the OPMA and the ruling of Opderbeck, the Board is legally restricted from allowing a virtual hearing to take place.

Lastly, Governor Murphy's Executive Order #173 indicates that “Legislative proceedings of state, county, or local government are not subject to the capacity limits on gatherings in this or any other applicable Executive Order.” Consequently, Executive Order #173 removes any Quasi-Judicial Bodies reliance upon virtual hearings to conduct business. Therefore, the Board's scheduling of a public hearing would be exempted from the (100) person limit per event. Presently, Executive Order #173 re-empowers the Board

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

Page 4 of 4

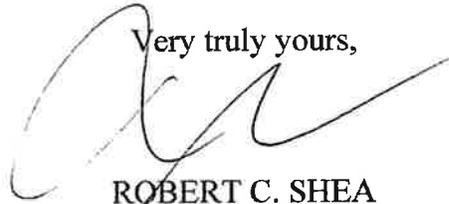
with the ability to conduct public hearings, whereby any members of the public may voice their opinions on record. As such, the Board cannot rely upon any Executive Order to warrant the circumvention of the OPMA, and a public hearing must be allowed to take place.

Moreover, the public's ability to participate and observe in the virtual hearing will be substantially limited as they will be unable to see the witnesses as they review plans, exhibits. Further, those without internet access or the capability of attending the meeting virtually will be left out of said meeting, which is unacceptable. As a result, the rights of interested parties to observe the proceedings and or cross-examine witnesses will be significantly impaired by your virtual procedure. To insure the integrity of hearings that at Planning Boards and Boards of Adjustment such contested hearing must have a live presentation to allow all "interested parties" to exercise their due process rights per the MLUL.

In conclusion, for all of the reasons stated above, the Board must hold an in person hearing, and allowing a virtual hearing to take place is an express violation of the OPMA. We request that any hearings regarding all matters discussed above be carried to dates when the Planning Board and Zoning Board reinstitute live meetings. In the event that the Board decides to proceed despite our concerns, our clients will explore all remedies that are available to them upon the completion of this application.

Please be guided accordingly. Naturally, should you have any questions please feel free to contact me at any time.

Very truly yours,



ROBERT C. SHEA

RCS:dgt

cc: Michael B. Steib, Esq., via email only (info@mbslaw.net)  
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