

**RESOLUTION**  
**PLANNING BOARD**  
**BOROUGH OF METUCHEN**  
**ITEM NO. 04-658**

**WHEREAS**, TEMPLE NEVE SHALOM made application to the Planning Board of the Borough of Metuchen for the property designated as Block 126, Lot 7, located at 250 Grove Avenue, located within the R-1 Zone for the following approval: Preliminary and Final Site Plan Approval with variances and waivers; and

**WHEREAS**, the Planning Board of the Borough of Metuchen held a Public Hearing on November 4, 2004, applicant having filed proper proof of service and publication in compliance with statutory and ordinance requirements; and

**WHEREAS**, at said hearing, the Planning Board reviewed and considered the following documents:

- Zoning Permit;
- Application for Development dated June 29, 2004;
- Proof of Payment of Taxes and Assessments;
- Board Fees as shown on Zoning Permits;
- Certification that the Plans and Application for Development have been submitted to the Engineer, Planner, Zoning Officer and the Fire Prevention Bureau;
- Report of Howard R. Colegrove, Fire Chief, Metuchen Fire Department dated October 18, 2004;
- Memorandum from Board Planner, Jim Constantine, P.P. by Ed Wilson, N.C.A.R.B., A.I.A., P.P. dated October 20, 2004;
- Memorandum from Board Engineer, David J. Hoder, P.E., P.P., C.M.E. dated October 18, 2004;

- Preliminary and Final Site Plan prepared by John P. Fricovsky, P.L.S. and Paul J. Fletcher, P.E., P.P. of Fletcher Engineering, Inc., consisting of four (4) sheets;
- Architectural drawings prepared by David W. Buckman, A.I.A., N.C.A.R.B., Buckman Architectural Group, P.A., Architect, dated May 4, 2004, consisting of one (1) sheet;
- Letter of Paul J. Fletcher, P.E. dated October 19, 2004;
- Colorized elevation of the front of the proposed building marked as A-1 consisting of one (1) sheet;
- Colorized elevation of the west, south and east portions of the proposed building marked as A-2 consisting of one (1) sheet;

**WHEREAS**, sworn testimony was given by applicant's President, Samuel Gilbert, Leslie Tribble, A.I.A., as applicant's Architect and Paul J. Fletcher, P.E. & P.P. as applicant's Professional Engineer, Eric Berger, Esq. appearing; and

**WHEREAS**, the testimony indicated that the applicant is the owner of the property known and designated as Block 126, Lot 7, more commonly referred to as 250 Grove Avenue, Metuchen and that the property is located within the R-1 Zone; and

**WHEREAS**, the applicant seeks preliminary and final site plan approval with variances and waivers to construct a 1,378.25 square foot addition to the existing Neve Shalom Temple Synagogue and a school building; and

**WHEREAS**, churches and other places of worship are permitted conditional uses in the R-1 Zone and pursuant to 110-66(C)(1) an existing church or place of worship can continue as a permitted use and expansion thereof requires site plan approval but not conditional use approval; and

**WHEREAS**, the existing and proposed lot area is 159,271.25 square feet where 40,000 is required for conditional uses, the existing and proposed width at street line is

315.04 feet where 60 feet are required, the existing and proposed lot width at the setback line is 320.06 feet where 75 feet are required, the existing and proposed lot depth is 366.76 feet where 100 feet are required, the existing and proposed front yard setback is 33.05 feet where 25 feet are required, the existing side yard setbacks for one side/both sides is 65.66/148.68 feet which it proposes to change to 65.66/131.34 feet where 15/20 feet are required for conditional uses, the existing and proposed rear yard setback is 184.32 feet where 25 feet are required, the existing lot coverage is 13.2 percent which it proposes to increase to 14 percent where a maximum of 50 percent is required for conditional uses and the existing open space is 54.8 percent which it proposes to reduce to 54.0 percent where a minimum of 60 percent is required; and

**WHEREAS**, the applicant's representative testified that the Synagogue has been in operation for 50 years and that the proposed addition is a small new chapel which will enable members to pray at morning services and to attend a small weekly Rabbi's class in order that the larger sanctuary would not have to be opened to accommodate these types of smaller functions which requires more expense and a loss of intimacy of setting. The proposed addition provides seating for 60 and a hallway area for memorial plaques. Further, the applicant's representative stated that the proposed addition will add little or no traffic to the site since weekday services would be switched from the main sanctuary to the addition. He further testified there is adequate parking and usually there is only overflow from the premises on high holy days but the new addition would not impact this; and

**WHEREAS**, the applicant indicated that the architectural plan's lack of horizontal courses in the design was compatible with the existing building and thereby

architecturally pleasing and would have a dryvit type finish with colors to mimic and match the existing building with handicapped access through double doors. Further the drains would lead to interior leaders into a storm drain; and

**WHEREAS**, the applicant testified that it will use concrete block on the Ark part of the addition facing the driveway, with a dryvit type finish, and a heavy duty dryvit on the lower courses to prevent damage to the façade of the building; and

**WHEREAS**, the applicant indicated that currently there are 98 parking spaces and the applicant was proposing 99 parking spaces where 218 parking spaces are required; and

**WHEREAS**, the applicant indicated that the heating and air conditioning units would be 3 feet high small residential type units placed in the middle of the roof and not visible from the ground; and

**WHEREAS**, the applicant indicated that the lighting would be from recessed lights focused downwards and that there would be no wall mounted lights; and

**WHEREAS**, the applicant testified there would be no additional signage; and

**WHEREAS**, the applicant indicated that the size of the proposed addition is approximately 37 feet x 36 feet which is only approximately 5 percent of the existing building size; and

**WHEREAS**, the applicant proposed planting only 3 additional trees where 9 were required but agreed to either bank the remaining 6 trees or to plant them on the premises, species subject to approval by Board Professionals; and

**WHEREAS**, the applicant agreed to provide foundation plantings to the Board Professionals' satisfaction; and

**WHEREAS**, the site plan indicated that the applicant's frontage along Grove Avenue was 415 feet which would otherwise require a street light but the applicant testified that it has no street light posts on Grove Avenue in front of the existing premises and is only adding a small addition at the members' expense; and

**WHEREAS**, the applicant indicated that the proposed development would result in vegetation loss on the property of only approximately 1,300 square feet of grass being approximately .8 percent loss of open space; and

**WHEREAS**, the applicant indicated that with respect to water runoff from a potential 100 year storm there would be 21.27 CFS pre-development, 21.38 CFS post-development for a .11 CFS increase resulting in no adverse impact; and

**WHEREAS**, the applicant agreed to provide existing and proposed minimum open space data on the cover sheet pursuant to zoning requirements; and

**WHEREAS**, the applicant agreed to revise the signature blocks to reflect the Borough of Metuchen, Metuchen Planning Board, and site plan; and

**WHEREAS**, the applicant testified that there had been no improvements to the building since the December 2, 2003 survey; and

**WHEREAS**, the applicant agreed to remove all County detail from the site plan not being used; and

**WHEREAS**, the applicant provided testimony regarding 60 seats for the proposed addition sufficient for the calculation of the number of required parking spaces; and

**WHEREAS**, the applicant agreed to comply with all ADA (Americans with Disabilities Act) requirements; and

**WHEREAS**, the applicant agreed to provide 1 van accessible handicap parking space; and

**WHEREAS**, the applicant agreed to provide spot grade elevations for all areas adjacent to the proposed addition and the handicap parking spaces; and

**WHEREAS**, the applicant agreed to show on the plans curve radii at proposed curbs, limits of paving/limits of construction, all proposed items on the site plan, all details related to the proposed items on the detail sheet, the proposed fence and a detail of the proposed fence on the detail sheet; and

**WHEREAS**, the applicant agreed that the roof drain was to be relocated as shown on the site plan and architectural plan and the plans were to include proposed pipe size, materials and inverts; and

**WHEREAS**, the applicant agreed to provide minimum lighting under the Ordinance and to provide the information regarding that lighting to the Board professionals; and

**WHEREAS**, the applicant agreed to fully screen and enclose the existing dumpsters with a concrete block wall 7 to 8 feet high and to install a concrete pad for the enclosure with a 2 inch rubber mat for sound dampening, said enclosure to be faced with a dryvit or similar skim coat; and

**WHEREAS**, the application as proposed required variances from Section 110-64 for the following:

- A minimum of 60 percent open space is required while applicant is proposing 54 percent open space where the existing open space is 54.8 percent;

**WHEREAS**, the following waivers were requested by the applicant during the course of the testimony:

- Section 110-154(D) requires a minimum of 218 parking spaces where 98 spaces currently exist on the site and the applicant is proposing 99 spaces;
- Section 110-136(B) requires horizontal courses where applicant does not provide same in its design;
- The waiver of certain site plan checklist submission requirements, specifically environmental analysis map, clearing, grading, drainage and vegetation protection plan, soil erosion and sediment control plan, utilities plan

**WHEREAS**, no formal testimony was presented by any objectors.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Metuchen, County of Middlesex, State of New Jersey, after having considered the aforementioned plans and testimony, that this application for preliminary and final site plan approval with variances and waivers is hereby **granted with conditions**.

In support of this decision, the Board makes the following findings of fact and conclusions of law:

1. The Planning Board of the Borough of Metuchen has proper jurisdiction to hear the within matter.
2. The applicant is the owner of the property known and designated as Block 126, Lot 7, more commonly referred to as 250 Grove Avenue, Metuchen and that the property is located within the R-1 Zone.

3. The applicant seeks preliminary and final site plan approval with variances and waivers to construct a 1,378.25 square foot addition to the existing Neve Shalom Temple Synagogue and a school building.

4. Churches and other places of worship are permitted conditional uses in the R-1 Zone and pursuant to 110-66(C)(1) an existing church or place of worship can continue as a permitted use and expansion thereof requires site plan approval but not conditional use approval.

5. The existing and proposed lot area is 159,271.25 square feet where 40,000 is required for conditional uses, the existing and proposed width at street line is 315.04 feet where 60 feet are required, the existing and proposed lot width at the setback line is 320.06 feet where 75 feet are required, the existing and proposed lot depth is 366.76 feet where 100 feet are required, the existing and proposed front yard setback is 33.05 feet where 25 feet are required, the existing side yard setbacks for one side/both sides is 65.66/148.68 feet which it proposes to change to 65.66/131.34 feet where 15/20 feet are required for conditional uses, the existing and proposed rear yard setback is 184.32 feet where 25 feet are required, the existing lot coverage is 13.2 percent which it proposes to increase to 14 percent where a maximum of 50 percent is required for conditional uses and the existing open space is 54.8 percent which it proposes to reduce to 54.0 percent where a minimum of 60 percent is required.

6. The Synagogue has been in operation for 50 years and that the proposed addition is a small new chapel which will enable members to pray at morning services and to attend a small weekly Rabbi's class in order that the larger sanctuary would not have to be opened to accommodate these types of smaller functions which requires more



expense and a loss of intimacy of setting. The proposed addition provides seating for 60 and a hallway area for memorial plaques. The proposed addition will add little or no traffic to the site since weekday services would be switched from the main sanctuary to the addition. There is adequate parking and usually there is only overflow from the premises on high holy days but the new addition would not impact this.

7. The architectural plan's lack of horizontal courses in the design is compatible with the existing building and thereby architecturally pleasing and shall have a dryvit type finish with colors to mimic and match the existing building with handicapped access through double doors. Further the drains would lead to interior leaders into a storm drain.

8. The addition shall use concrete block on the on the Ark part of the addition facing the driveway, with a dryvit type finish, and a heavy duty dryvit on the lower courses to prevent damage to the façade of the building.

9. Currently there are 98 parking spaces and the applicant was proposing 99 parking spaces where 218 parking spaces are required.

10. The heating and air conditioning units shall be 3 feet high small residential type units placed in the middle of the roof and not visible from the ground.

11. The lighting shall be from recessed lights focused downwards and that there shall be no wall mounted lights.

12. There shall be no additional signage.

13. The size of the proposed addition is approximately 37 feet x 36 feet which is only approximately 5 percent of the existing building size.

14. The applicant proposed planting only 3 additional trees where 9 are required but agreed to either bank the remaining 6 trees or to plant them on the premises, location and species subject to approval by Board Professionals.

15. The applicant agreed to provide foundation plantings to the Board Professionals' satisfaction.

16. The applicant's frontage along Grove Avenue is 415 feet which would otherwise require a street light but the applicant testified that it has no street light posts on Grove Avenue in front of the existing premises and is only adding a small addition at the members' expense.

17. The proposed development would result in vegetation loss on the property of only approximately 1,300 square feet of grass being approximately .8 percent loss of open space.

18. With respect to water runoff from a potential 100 year storm there would be 21.27 CFS pre-development, 21.38 CFS post-development for a .11 CFS increase resulting in no adverse impact.

19. The applicant agreed to provide existing and proposed minimum open space data on the cover sheet pursuant to zoning requirements.

20. The applicant agreed to revise the signature blocks to reflect the Borough of Metuchen, Metuchen Planning Board, and site plan.

21. The applicant testified that there had been no improvements to the building since the December 2, 2003 survey.

22. The applicant agreed to remove all County detail from the site plan not being used.

23. The applicant provided testimony regarding 60 seats for the proposed addition sufficient for the calculation of the number of required parking spaces.

24. The applicant agreed to comply with all ADA (Americans with Disabilities Act) requirements.

25. The applicant agreed to provide 1 van accessible handicap parking space.

26. The applicant agreed to provide spot grade elevations for all areas adjacent to the proposed addition and the handicap parking spaces.

27. The applicant agreed to show on the plans curve radii at proposed curbs, limits of paving/limits of construction, all proposed items on the site plan, all details related to the proposed items on the detail sheet, the proposed fence and a detail of the proposed fence on the detail sheet.

28. The applicant agreed that the roof drain was to be relocated as shown on the site plan and architectural plan and the plans are to include proposed pipe size, materials and inverts.

29. The applicant agreed to provide minimum lighting under the Ordinance and to provide the information regarding that lighting.

30. The applicant agreed to fully screen and enclose the existing dumpsters with a concrete block wall 7 to 8 feet high and to install a concrete pad for the enclosure with a 2 inch rubber mat for sound dampening, said enclosure to be faced with a dryvit or similar skim coat.

31. The applicant agreed that the application is subject but not limited to the County of Middlesex Planning Board, Freehold Soil Conservation District, Borough of

Metuchen Fire Department, Middlesex County Utilities Authority and the Middlesex Water Company approvals or letters of no jurisdiction.

32. The proposed variance for open space will have no detrimental impact on the adjoining properties. This variance should not cause substantial detriment to the public good and can be granted.

33. The Board has reviewed the balance of the waivers and has determined that same can be granted without causing substantial detriment to the public good except as to those waivers that are to be modified by the conditions of the approval as set forth herein.

34. The physical improvements to be effectuated as a result of the within application will improve the aesthetic appearance of the area; accordingly, the benefits associated with the approval of the application outweigh the detriments associated with same.

35. The proposed development is a permitted conditional use in the R-1 zone and accordingly, the within application can be approved without impairing the intent of the subject zoning scheme.

36. Approval of the within application promotes various purposes of the Municipal Land Use Law - specifically, the same will promote a desirable visual environment through creative development techniques and good civic design standards.

37. The proposed development will not significantly increase/intensify the allowed use at the properties; accordingly, the within application can be approved without impairing the intent of the subject zoning scheme.

During the course of the hearing, the Board has requested and the applicant has agreed to abide by the following conditions of approval:

- A. The applicant shall submit revised plans reflecting the conditions of approval herein within 60 days. All of the applicant's revised plans shall be subject to the review and approval of the Board Engineer and the Board Planner prior to the applicant being permitted to commence its construction at the site.
- B. The addition shall use concrete block on the Ark part of the addition facing the driveway, with a dryvit type finish, and a heavy duty dryvit on the lower courses to prevent damage to the façade of the building.
- C. The heating and air conditioning units shall be 3 feet high small residential type units placed in the middle of the roof and not visible from the ground.
- D. The lighting shall be from recessed lights focused downwards and that there shall be no wall mounted lights.
- E. There shall be no additional signage.
- F. The applicant proposed planting only 3 additional trees where 9 are required but agreed and shall either bank the remaining 6 trees or to plant them on the premises, location and species subject to approval by Board Professionals.
- G. The applicant agreed and shall provide foundation plantings to the Board Professionals' satisfaction.

- H. The applicant agreed and shall provide existing and proposed minimum open space data on the cover sheet pursuant to zoning requirements.
- I. The applicant agreed and shall revise the signature blocks to reflect the Borough of Metuchen, Metuchen Planning Board, and site plan.
- J. The applicant agreed and shall remove all County detail from the site plan not being used.
- K. The applicant agreed and shall comply with all ADA (Americans with Disabilities Act) requirements.
- L. The applicant agreed and shall provide 1 van accessible handicap parking space.
- M. The applicant agreed and shall provide spot grade elevations for all areas adjacent to the proposed addition and the handicap parking spaces.
- N. The applicant agreed and shall show on the plans curve radii at proposed curbs, limits of paving/limits of construction, all proposed items on the site plan, all details related to the proposed items on the detail sheet, the proposed fence and a detail of the proposed fence on the detail sheet.
- O. The applicant agreed and shall provide that the roof drain was to be relocated as shown on the site plan and architectural plan and the plans are to include proposed pipe size, materials and inverts.

- P. The applicant agreed and shall provide minimum lighting under the Ordinance and to provide the information regarding that lighting to the Board professionals.
- Q. The applicant agreed and shall fully screen and enclose the existing dumpsters with a concrete block wall 7 to 8 feet high and to install a concrete pad for the enclosure with a 2 inch rubber mat for sound dampening, said enclosure to be faced with a dryvit or similar skim coat.
- R. The applicant agreed and shall obtain approvals or letters of no jurisdiction as applicable from the County of Middlesex Planning Board, Freehold Soil Conservation District, Borough of Metuchen Fire Department, Middlesex County Utilities Authority and the Middlesex Water Company.
- S. The applicant's compliance with the conditions of this resolution is subject to the approval of the Board Professionals although such approval is not determinative of whether the applicant has complied with the law.
- T. Said conditions are subject to the findings of fact of the Board set forth hereinabove.
- U. The applicant shall publish a notice of this decision in the Home News and Tribune within ten days from the date of this decision.
- V. The application shall be approved by the Middlesex County Planning Board and any other applicable State agencies.

W. The applicant shall reimburse the Metuchen Planning Board and/or the Borough of Metuchen for professional fees associated with this application.

**BE IT FURTHER RESOLVED**, that the applicant shall furnish a performance guarantee, if necessary, in favor of the Borough of Metuchen in an amount equal to 120% of the costs of site improvements approved by this Resolution, as estimated by the Borough Engineer, in a form satisfactory to the Borough Attorney. The applicant shall also post an inspection fee equal to five (5%) percent of the public improvements.

**BE IT FURTHER RESOLVED**, that the applicant pay to the Borough of Metuchen the sanitary sewer connection fees required for the connection of this project as set forth in Sections 153-28 through 153-32 of the Land Development Ordinance. Such sanitary sewer connection fees shall be calculated by the Borough Engineer.

**BE IT FURTHER RESOLVED**, that nothing contained herein shall be deemed to relieve the applicant from having to comply with all other Federal, State, County and Local Regulations - for the Planning Board of the Borough of Metuchen offers no warranties, express, implied or otherwise with regard to same.

**BE IT FURTHER RESOLVED**, that the granting of this Application is expressly made subject to and dependent upon the applicant's compliance with all other applicable rules, regulations and/or ordinances of the Borough of Metuchen, County of Middlesex, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Zoning Officer,



the Borough Clerk, Borough Construction Official and to the applicant herein within ten (10) days of the date hereof.

**BE IT FURTHER RESOLVED**, that the granting of this Application is expressly made subject to and dependent upon the applicant's entering into a developer's agreement with the Borough of Metuchen, County of Middlesex and State of New Jersey.

**I HEREBY CERTIFY** that the foregoing statement is a true copy of the Resolution prepared to reflect the actions of the Planning Board of the Borough of Metuchen on November 4, 2004.

DATED: November 18, 2004



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SHARON HOLLIS,  
BOARD SECRETARY