

METUCHEN PLANNING BOARD

10-901

RESOLUTION OF MEMORIALIZATION GRANTING
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH EXCEPTIONS/WAIVERS TO
THE FIRST PRESBYTERIAN CHURCH OF METUCHEN
270 WOODBRIDGE AVENUE
BLOCK 164, LOTS 49, 49.01, 49.02 & 49.03

WHEREAS, The First Presbyterian Church of Metuchen, hereinafter referred to as “the Applicant,” has made an application to the Planning Board of the Borough of Metuchen for preliminary and final site plan approval with exceptions/waivers for Block 164, Lots 49, 49.01, 49.02 and 49.03 as shown on the official Tax Map of the Borough of Metuchen, and more commonly known as 270 Woodbridge Avenue, in the Borough of Metuchen, County of Middlesex and the State of New Jersey; and

WHEREAS, the Planning Board of the Borough of Metuchen held a public hearing on said application on March 3, 2011, after compliance with the notice, service and publication requirements of N.J.S.A. 40:55D-12; and

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

1. Zoning permit.
2. Application for development dated January 24, 2011.
3. Proof of payment of taxes and assessments.
4. Application and escrow fees.
5. Preliminary/Final Major Site Plan Application plans entitled “First Presbyterian Church of Metuchen Social Center Expansion Block 164 Lots 49, 49.01, 49.02 & 49.03, 270 Woodbridge Avenue, Borough of Metuchen, Middlesex County, New Jersey,” prepared by William Salmon, P.E., Gladstone Design, Inc., dated January 14, 2011, consisting of seven sheets.

6. Boundary and Partial Topographic Survey prepared by Kurt T. Hanie, P.L.S., Gladstone Design, Inc., dated August 27, 2010, consisting of one sheet.

7. Architectural plans entitled "Proposed Expansion to Existing Social Hall, First Presbyterian Church of Metuchen, 270 Woodbridge Avenue, Metuchen, New Jersey," prepared by Kurt J. Ludwig, AIA, dated October 13, 2010, last revised January 14, 2011, consisting of sheets A-1 through A-4.

8. Memorandum of Looney Ricks Kiss by Jim Constantine, PP, Borough Planner and Mike DiGeronimo, AICP, PP, dated March 1, 2011.

9. Memorandum of Birdsall Engineering, Inc., by Katherine L. Elliott, P.E., P.P., C.M.E., Planning Board Engineer, dated March 1, 2011.

WHEREAS, the Applicant was represented by John Wiley, Jr., Esq.; and

WHEREAS, the Applicant proposes an addition to its existing social center, located on Lot 49 in Block 164; and

WHEREAS, the Applicant requires waivers from the requirements of §110-154B where 328 parking spaces are required and 139 spaces are existing and proposed, and from §110-175A and B with respect to driveway side setback and screening; and

WHEREAS, the Metuchen Planning Board, after hearing the testimony on behalf of the Application, and considering the recommendations of the Board Engineer and the Board Planner, and no one having appeared in opposition to the application, has made the following findings of fact and has drawn the following conclusions of law:

1. The Planning Board of the Borough of Metuchen has proper jurisdiction to hear the within matter.

2. The property is designated as Lot 49, 49.01, 49.02 and 49.03 in Block 164, on the

Official Tax Map of the Borough of Metuchen, County of Middlesex and State of New Jersey and is more commonly known as 270 Woodbridge Avenue.

3. The subject property is located in the R-2 District. Applicant's proposed uses are permitted uses in the R-2 Zone under §110-68A and §110-66C(1).

4. The property consists of approximately 321,492 square feet, 7.38 acres.

5. There is currently existing on the subject premises, Block 164, Lots 49, 49.01, 49.02 and 49.03, a church, a social center, a dwelling, and accessory structures, including parking. The Applicant proposes three additions to the social center, at the southwest, northwest and southeast corners.

6. The Applicant presented the testimony of James Krauser, who testified in the capacity of Chairman of the Social Center Renovation Committee for the First Presbyterian Church of Metuchen. Mr. Krauser indicated that the proposed social center additions would improve the functionality of the building, improve the kitchen and bathrooms and provide handicapped access. They would renovate the social center and improve traffic flow. Office space will be added to the social center building. There is no anticipated increase in activities, simply better functionality.

7. Kurt Ludwig, AIA, testified in support of the application. Mr. Ludwig was accepted as an expert by the Board. He described the existing building as a one-story structure on a slab. The proposed additions would improve traffic flow, fire safety and ingress and egress. The interior of the social center will be gutted and the kitchen will be moved. The bathrooms will be handicapped accessible. The renovation will also improve energy efficiency. Mr. Ludwig discussed the floor plan and the elevation. The new structures will have improved roof lines. There will be a more defined rear entrance at the parking lot. The addition on the right

(east) side may be constructed as Phase One, whereas the left side additions could be Phase Two, depending upon funding. The three additions will total approximately 4,180 square feet additional to the existing social center, with the northwest addition of 741 square feet, the southwest addition of 1,310 square feet and the southeast addition of 2,128 square feet.

8. William Salmon, P.E., testified in support of the application. Mr. Salmon was accepted as an expert by the Board. He described the aerial exhibit of the site. It is somewhat less than seven and one half acres. It fronts on Woodbridge Avenue. The four lots will be consolidated. He confirmed that the additions will total about 4,200 square feet. There are existing and will remain 74 parking stalls at the social center. He testified that the only time the parking lot is at capacity is when there is a rummage sale or the like in the social center. When there are church services on Sunday morning, parking at the church sometimes spills into the social center lot. Mr. Salmon stated in response to a question that the mature trees at the front of the social center can and will be saved. There will be some milling, paving and re-grading of the parking lot necessary because the existing lot is a few inches higher than the proposed addition. Storm water will be removed from this area through drainage. Mr. Salmon testified that there are 65 spaces located elsewhere on the subject premises, in addition to those at the social center. In response to a question, he stated that there is a paver walkway which connects the church and the social center parking lots. In discussing the Planning Board engineer's review memorandum, Mr. Salmon stated that the Applicant requests an exception from the setback and screening requirements of §110-175B(1) and (2), as the condition is existing.

9. Mr. Salmon testified that the patio along the front of the existing entrance to the social center would most likely be utilized by people seeking to get air who are already attending functions at the social center. He agreed that the handicapped stalls would be re-stripped and have

the proper signage. He agreed that a stop bar would be provided at the exit driveway, along with a stop sign and do not enter sign. As indicated above, he discussed the drainage improvements. He testified regarding the lighting fixtures proposed. He agreed to provide lighting and proposed brick patio details. Information regarding the proposed hours of operation, etc., was provided. Mr. Salmon acknowledged that approval by the Middlesex County Planning Board and the Freehold Soil Conservation District is required.

10. The Board find that the waiver/exceptions requested may be granted in this case because the literal enforcement of the ordinances affected would be impractical or would exact undue hardship because of the particular conditions pertaining to the property in question. Parking provided on the site appears to be adequate and it is anticipated that the proposed additions will not cause an increase in activities, traffic or parking. The waiver with respect to the driveway side setback and buffering on the east side of the property is an existing condition, not affected by this application.

11. The Board further finds that the application for preliminary and final site plan approval with waivers/exceptions as set forth above may be granted as being in general conformance with the intent and purpose of the site plan regulations of the Borough of Metuchen.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Metuchen that the application of The First Presbyterian Church of Metuchen, be and is hereby granted subject to and conditioned upon the following:

A. Publication by the Applicant of a notice of this decision in an official newspaper of the Borough of Metuchen and return of proof of said publication to the Secretary of the Planning Board.

B. The Applicant furnishing proof to the Secretary of the Planning Board that no fees, escrows or assessments for local improvements are due or delinquent on the property in question. No permits, if any, nor deeds of subdivision for minor subdivision maps, shall be executed for filing until all fees and escrows are paid in full.

C. The Applicant shall submit revised plans in accordance with the report of the Board Engineer dated March 1, 2011, specifically Paragraphs 4b, 4c, 7a and 7b.

D. Applicant shall consolidate Lots 49, 49.01, 49.02 and 49.03 by Deed. Prior to recording such Deed, Applicant shall submit same for approval by the Planning Board Attorney and Planning Board Engineer. Applicant shall obtain the new lot designation to use in the Deed from the Borough Tax Assessor.

E. The application shall be subject to the approval of the following outside agencies or a letter of no jurisdiction: Borough of Metuchen Fire Department, Freehold Soil Conservation District, Middlesex County Planning Board, Middlesex County Utilities Authority, Middlesex Water Company, New Jersey Department of Transportation for access and drainage, and any and all other agencies that may have jurisdiction.

F. This approval is subject to compliance with the Borough Affordable Housing Ordinance. The Applicant shall enter into an agreement with the Borough to provide for its fair housing obligation created under this application. The compliance with the affordable housing requirements shall be subject to and conditioned upon the approval of the Board Planner and Borough Attorney.

G. The Applicant shall submit revised plans reflecting the conditions of approval and

proposed agreement within 60 days of the date of this resolution. All the revised plans shall be subject to the review of the Board Engineer and Board Planner prior to the Applicant being permitted to commence its construction.

H. The granting of the application is expressly made subject to and dependent upon the Applicant's compliance with all other applicable rules, regulations, ordinances of the Borough of Metuchen, County of Middlesex and State of New Jersey. No further deviations from the zoning ordinance or site plan regulation shall be permitted without approvals of the Planning Board.

I. The Applicant shall furnish a performance guaranty, if necessary, in favor of the Borough of Metuchen in an amount equal to 120% of the cost of the site improvements approved by this resolution as estimated by the Board Engineer in a form satisfactory to the Borough Attorney.

J. The Applicant shall also post an inspection fee equal to 5% of any public improvements or changes to public improvements.

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

L. This approval is subject to execution and performance pursuant to a Developer Agreement with the Borough of Metuchen, to be prepared by the Borough Attorney, or a letter stating that no Developer Agreement is required.

M. Developer shall pay inspection fees for all site improvements as provided by Statute. Developer shall post performance guaranties for all public and off-tract improvements and for all utility installations, and for such additional on-site improvements as determined by the Borough Engineer Borough Attorney. If the Borough Engineer determines that site

improvements subject to performance guaranties will be completed in sequence, a phasing schedule may be approved by the Borough Engineer. The amount and timing of performance guaranties shall be set down in the Developer Agreement with the Borough.

BE IT FURTHER RESOLVED that the Applicant understands and acknowledges that all of the conditions contained in this resolution and the record of proceedings in this matter including any agreements made or plans submitted by the Applicant were essential to the Board's decision to grant the approval set forth herein. Breach of any such conditions or the failure of the Applicant to adhere to the terms of any agreement within the time required shall result in automatic revocation of the within approval and shall terminate the right of the Applicant to obtain any further permits or any other governmental authorizations necessary in order to effectuate the purpose of this resolution. The Applicant has been advised by this resolution that all conditions contained in this resolution are to be complied with and that breach of any of the conditions shall be rectified before the issuance of any certificate of occupancy.

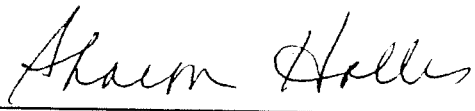
BE IT FURTHER RESOLVED that if any of the above-stated conditions are found to be illegal by a court of competent jurisdiction or conditions similar to the above are deemed to be illegal by a court of competent jurisdiction or any action of the Legislature, then in that event, the approval rendered in this resolution shall be deemed null and void based upon these changed circumstances.

BE IT FURTHER RESOLVED that nothing herein shall be interpreted to excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental subdivisions as set forth in any laws, ordinances or regulations.

BE IT FURTHER RESOLVED that this resolution shall serve as one of memorialization of the action taken by this Board at its meeting of March 3, 2011 and effective as of that date.

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, Board Planner, Board Engineer, Borough Attorney, Borough Construction Official and the Applicant herein within ten (10) days of the date hereof.

BE IT FURTHER RESOLVED that the Chairman and Secretary be and are hereby authorized to sign any and all documents necessary to effectuate the purpose of this resolution, provided the Applicant has complied with the above-stated conditions.



Sharon Hollis, Secretary

Dated: March 17, 2011