

AMENDED RESOLUTION OF APPROVAL
DECLARING A FOOD PANTRY AS A PERMITTED ACCESSORY USE IN THE RA
ZONE AND GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH
VARIANCES
TO CONSTRUCT A FOOD PANTRY

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 5 LOTS 6, 18-23, 27-28, 37-41
Application #'S 17-10 & 18-05

ST. JOSEPH'S CHURCH - SAINT VINCENT DePAUL PANTRY
376 MAPLE PLACE

WHEREAS, St. Joseph Church & Saint Vincent DePaul Pantry have applied to the Unified Planning Board of the Borough of Keyport to (1) appeal the decision of the Borough's Zoning Officer declaring the use of a food pantry as not being permitted within the Borough's RA Zone and (2) seeking preliminary and final site plan approval so as to allow for construction of an 800 square foot food pantry on property housing St. Joseph's Church whose property is commonly known as 376 Maple Place and officially designated as Block 5, Lots 6, 18-23, 27-28 and 37-41, as shown on the Tax Map of the Borough of Keyport; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing on this application was conducted during a regularly scheduled meeting of the Unified Planning Board held on June 28, 2018 and;

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. This application constitutes a request by the applicants, St. Joseph's Church and the Saint Vincent DePaul Pantry, to be allowed to construct a 800 square foot food pantry on property where St. Joseph's Church is situated and which is located at 376 Maple Place, which is officially designated as Block 5, Lots 6, 18-23, 27-28 and 37-41, as shown on the official tax map of the Borough of Keyport.
2. The property is located between Maple Place, Broadway and Geran Street and contains 5.59 acres (243,337.36 sq. ft.) and has 376.01 feet of frontage on Maple Place, 277.37 feet of frontage on Broadway and 210 feet of frontage on Geran Street.
3. Currently the subject property has 320 parking spaces. If the application is granted, there shall be 315 parking spaces located on the site.

4. All of the applicant's property is located within the Borough's Residential A (RA) district wherein eleemosynary and philanthropic institutions such as a food pantry are a permitted use, especially when constructed as an accessory use to a church. This was previously determined by the Planning Board during applications filed by the Keyport Ministerium Food Pantry (Application # 11-01) and the Community Church of Keyport (Application # 14-02) back in 2011 and 2014 respectively. As a result, the Planning Board exercises the appellate authority granted to it pursuant to N.J.S.A. 40:55D-70(a) to reverse the Borough Zoning Officer's determination dated September 19, 2017 which had deemed such a use as not being permitted in the zone.
5. The Saint Vincent DePaul Pantry would be built as an accessory to the existing church.
6. Pursuant to the Board Professional's Review Letter dated June 22, 2018, which was marked into evidence as **Exhibit B-1** and is incorporated into this resolution by reference, there are no variances necessitated by this application. The only issue before the Board is whether or not Preliminary and Final Site Plan Approval should be granted to the applicants.
7. The Board Engineer Francis W. Mullan, P.E., C.M.E. and Board Planner Donna Miller, A.I.C.P., P.P. were both sworn and reaffirmed the conclusions and comments contained within the aforementioned review letter. (**Exhibit B-1**)
8. The applicants were represented at all times during this application by their legal counsel, Edward F. Christopher, Esquire who has law offices located at 227 Maple Avenue, Red Bank, New Jersey 07701.
9. In furtherance of the application, the following exhibits were placed into the record:

A-1	Application Package dated June 6, 2018
A-2	Site Layout Plan dated February 16, 2018 as prepared by James A. Kennedy, P.E. of Kennedy Consulting Engineers, LLC
A-3	Architectural Plans dated August 7, 2017 as prepared by Nicholl Field Design, LLC (consisting of 5 sheets)
A-4	Colorized "key map" of the St. Vincent DePaul Food Pantry dated August 7, 2017 as prepared by Nicholl Field Design, LLC (1 sheet)

10. In support of the application, John Curry, the President of the St. Joseph Conference testified. He indicated St. Vincent DePaul provides counseling to other organizations. It does everything from establishing food pantries to providing financial support for those in need. The organization serves Keyport, Matawan, Aberdeen, Cliffwood and Cliffwood Beach.
11. The proposed food pantry would be open to the public on the first Thursday of each month during the hours of 10 in the morning until 2 in the afternoon. At all other times, the pantry delivers food directly to the homes of those in need. The applicant agreed, as a condition of approval, that it would never be open to the public more than two (2) times a month and never during the same time that the Church building is in operation.

12. There would not be any kitchen area in the pantry building. It was stated the pantry is merely a storage area for pre-made food which is delivered to it by a box truck once a month. There is absolutely no food preparation performed on the premises.
13. Based upon the limited operations of the facility, Mr. Curry did not foresee there ever being more than twelve (12) to eighteen (18) vehicles being on the property during the course of a day when the pantry was open to the public. When it was not open to the public, the most he could envision being at the site would be six (6) vehicles.
14. The applicant also presented sworn testimony from Gary Neville, the Vice President of St. Joseph's Church.
15. Mr. Neville indicated that since nothing is prepared at the site, the garbage generated by the food pantry would not exceed that which would fill a single garbage can. For that reason, he did not believe a dumpster was necessary for the operation of the pantry.
16. Mr. Neville further testified with respect to a box truck depicted on the "key map" which had been marked into evidence as Exhibit A-4. He indicated the applicant would accept as a condition of approval that this box truck would be removed from the site.
17. The applicant also presented sworn testimony of its architect, Scott Nicholl, R.A., of Nicholl Field Design, LLC which has offices at Suite 15 Russel Hall, Fort Monmouth, Oceanport, New Jersey.
18. Mr. Nicholl testified as to the accuracy of the plans which had been marked into evidence as Exhibits A-2, A-3 and A-4.
19. It was agreed, as a condition of approval, that the height of the proposed building would need to be added to the final plans. It would not be more than 15 feet high.
20. Mr. Nicholl testified that all lighting related to the new building would meet the specifications of the provisions of the Borough's Zoning Ordinance. As a condition of approval, it was agreed that all lighting on the building would be subject to motion detectors so as to ensure they would only turn on when necessary.
21. It was noted that the electric utilities would not be run underground. Instead they would run directly from the new building to the nearby utility pole. The sanitary sewer system would be run underground as expected. Meters would be added to the building for the utilities.
22. Mr. Nicholl also testified that any signage added to the site would meet the provisions of the Borough's Zoning Ordinance.
23. It was also noted that any water run-off from the new building would drain into the parking lot area and would not flow on to neighboring properties. This would be a condition of approval.

24. With respect to the proposed location of the new building, the applicant agreed, as a condition of approval, to revise its plans so that the building would be pushed back two (2) feet so as to provide a 24 foot two-way driving access aisle on the property. The building may not obstruct this access aisle. The Board felt that the creation of this access aisle allowed for a better site plan than what had initially been proposed. As such, if there were any variances created by such a re-location of the building, they would be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of providing better site access far outweighed the benefits of strictly adhering to the provisions of the zoning ordinance. The re-location of the proposed building would be subject to the review and approval of the Board's Engineer and Planner.
25. It was agreed by the Board's Professionals that the subject property had more than sufficient parking for the proposed food pantry. Additionally, it was agreed that based upon the low intensity of the use, a handicapped parking space would not be required. It was agreed, as a condition of approval, that the parking lot would be re-stripped near the new building so that people would know where to park to utilize the service.
26. The applicant agreed as a condition of approval, that it would continue the rear fence on the property so as to block access to a driveway that was located next to the proposed building. This was necessary to make sure that members of the public utilizing the pantry would not try to exit the site by way of this driveway.
27. Finally, the applicant agreed as a condition of approval that it would comply with all of the comments contained with the Planning and Engineering review letter dated June 22, 2018.
(Exhibit B-1)
28. The following members of the public also spoke with relation to this application:
- a) Michael Lane of 51 First Street, who while not objecting to the granting of the application, did raise some technical issues, none of which impacted upon the viability of the proposed site plan.
 - b) Elmer J. Graham, Jr. of 22 St. Peter's Place, who indicated that he believed the application would be good for the community and urged its granting by the Board.
29. The Board's professionals had no objections to the granting of this application from either a planning or engineering perspective provided the comments within their review letter are adhered to.
30. In considering this application, the Board wishes to make clear that if any variances arise due to the re-locating of the proposed building so as to ensure the creation of an unobstructed 24 foot driving aisle, such may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since re-location of the building will allow for a better zoning alternative than what strict enforcement of the zoning ordinance would otherwise allow. The site will simply function better if the driving aisle is maintained.

31. The Board finds that provided the applicant complies with all of the conditions agreed to during the course of this application, the proposed site plan will function in a proper manner without creating any detriments for the community. As such, there Board does not see any reason why the request for Preliminary and Final Site Plan approval should not be granted.
32. Based upon all of the aforesaid reasons, the Board finds that the application should and can be granted as proposed, subject to the conditions articulated in this Resolution.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of St. Joseph's Church and Saint Vincent DePaul Pantry for premises commonly known as 376 Maple Place and officially designated as Block 5, Lots 6, 18-23, 27-28 and 37-41 be granted subject to the following conditions:

1. Subject to the Planning Board's Engineer and Planner reviewing and approving of the location of the proposed building so that it is situated in such a manner as to provide an unobstructed 24 foot two-way driving aisle. The location of the building must be noted on the applicants' plans.
2. Subject to the condition that the plans be revised so as to indicate the height of the proposed building. The height must not exceed 15 feet.
3. Subject to the condition that all lighting installed on the building will be subject to motion detectors so as to ensure such lights will only operate when necessary.
4. Subject to the condition that all lighting and signage will conform with the applicable ordinance provisions of the Borough of Keyport.
5. Subject to the condition that any and all run-off from the new building will drain into the existing parking lot. Run-off shall not flow into neighboring properties.
6. Subject to the condition that the parking spaces located near the new building will be re-stripped so as to ensure the public will know where to park when accessing the building.
7. Subject to the condition that the box truck which appears on the "key map" submitted into evidence as **Exhibit A-4** be removed from the site.
8. Subject to the provision that the rear fence located on the property will be extended so as to block access to the driveway next to the building.
9. Subject to the condition that the food pantry will be constructed in substantial conformance with the exhibits submitted into evidence and those submitted along with the application.
10. Subject to the condition that there shall not be any food preparation conducted on site.
11. Subject to the condition the food pantry will not be open to the public more than twice a month. When open the public hours will be limited to a 4 hour block of time.
12. Subject to the condition that the food pantry will never be open to the public when the main Church building is in operation.
13. Subject to the condition that deliveries to the Food Pantry will only take place once a month.

14. Subject to compliance with the technical requirements of the review letter prepared by the Board's Professionals dated June 22, 2018. (Exhibit B-1)
15. All representations made under oath by the applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval.
16. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
17. This approval shall be deemed void by abandonment if a permit is not applied for within one year of the date hereof.
18. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
19. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
20. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any fees which might be required.
21. The action of the Unified Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Unified Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
22. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was moved by D. Fotopoulos, seconded by J. Kovacs

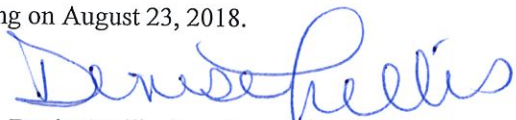
Roll Call Ayes: Councilman Goode, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos,

J. Kovacs, K. Howe

Negative:

Abstentions: Mayor Aumack, N. Vecchio

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on August 23, 2018.


Denise Nellis, Secretary of the Board