

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 17-13

AN ORDINANCE AUTHORIZING DEED OF EASEMENT AND  
RIGHT-OF-WAY AGREEMENT FOR SEWER LINE PURPOSES  
WITH NEW YORK CONCOURSE, LLC AND BREW 35, INC., LOTS  
2-14, BLOCK 5605 ON THE TAX MAP OF THE TOWNSHIP OF  
NEPTUNE

Approved on First Reading: May 8, 2017

Approved, passed and adopted on final reading: May 22, 2017

NOTICE  
ORDINANCE NO. 17-15  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of May, 2017, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of June, 2017, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 17-15

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION  
12-6 ENTITLED "INVASIVE PLANTS"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth of the State of New Jersey that Neptune Township's Code of Ordinances, Chapter XII shall be amended as follows:

SECTION 1. Chapter XII, Section 12-6, "Invasive Plants" shall be added as follows:

12-6 Invasive Plants

12-6.1 Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

#### 12-6.2 Definitions.

As used in this chapter, the term "Invasive Plants" shall be defined as follows:

All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose and kudzu-vine.

#### 12-6.3 Control of Growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of both residential and commercial property is a violation of this chapter.

#### 12-6.4 Inspections.

All places and premises in the Township of Neptune shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons, or agency duly authorized and appointed by the Township of Neptune. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

#### 12-6.5 Removal or Abatement.

- A. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, a violation notice shall be given to the owner, in writing to remove or abate the same within such time as shall be specified in such notice. If the property owner fails to abate the violation, a municipal summons/complaint may be issued charging the owner with violating the provisions of this chapter. Abatement of violation shall be defined as removal of all invasive plants found to have spread beyond the boundaries of the subject property, to the satisfaction of the enforcing officer.
- B. The cost of abatement shall be borne by the property owner.
- C. If an owner fails to comply with such notice within the time specified therein, the enforcing official may, in addition to issuing a summons/complaint as set forth above, remove or otherwise control the invasive plant species and the Township may thereafter recover the costs of such removal from the property owner by placing a lien against the property to recover the cost of the invasive plant removal.

#### 12-6.6 Violations and Penalties.

Any person, partnership, limited-liability company, corporation or other entity who shall violate the provisions of this chapter shall, upon conviction, be punishable by a fine of not less than

\$100 for the first offense and not more than \$2,000 for subsequent offenses, or community service as determined by the Municipal Court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of such violation may be punished as provided above for each separate offense.

#### 12-6.7 Plantings of Invasive Plants Prohibited.

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent growth or spread of existing invasive species beyond the boundaries of a resident's property.

#### SECTION 2.

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

#### SECTION 3.

This Ordinance shall take effect after second reading and publication as required by law.

Richard J. Cuttrel,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 17-16  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of May, 2017, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of June, 2017, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 17-16

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, SECTION 12-1.2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY SUPPLEMENTING THE BOCA NATIONAL PROPERTY MAINTENANCE CODE BY ADDING REGULATIONS FOR

## CONSTRUCTION SITES WITHIN THE OCEAN GROVE HISTORIC DISTRICT

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AS FOLLOWS:

### SECTION 1

Volume I, Chapter XII, Section 12-1.2 - Additions, Insertions and Changes, is hereby amended to add the following:

- (s) PM-308.1 Construction/Demolition Sites: All construction/demolition sites located within the Ocean Grove Historic District shall be enclosed with temporary safety fencing consisting of chain link fencing properly supported with posts not less than every eight (8') feet that is not less than four (4') in height and not to exceed six (6') feet in height, surrounding the perimeter of the construction/demolition site. This section shall apply to new construction projects, major renovation projects and demolition projects. Determination of need for fencing shall be made by the Construction Official.
- (t) PM-308.2 Abutting Street and Sidewalk: The abutting street and sidewalk shall be kept free from dirt, sand and other materials. A temporary stone tracking pad, a minimum of twelve (12') wide and fifteen (15') long, must be installed from the curb onto the construction site.
- (u) PM 308.4. Posting Requirement: All construction sites shall post on-site the following information: the block, lot and address of the property; the name, address and telephone number of the General Contractor, along with all required permits so as to be visible to all Borough officials and sub-contractors in a weather-proof manner at all times.

(Existing subsections 's' through 'gg' are hereby re-lettered 'v' through 'jj', respectively)

### SECTION 2

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to the penalties as provided in Section PM-106.0 Violations. Each day of violation shall constitute a separate offense.

### SECTION 3

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

### SECTION 4

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Richard J. Cuttrel,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 17-17  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of May, 2017, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of June, 2017, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 17-17

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE  
LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF  
NEPTUNE BY ADDING THE DEFINITION OF EXEMPT  
DEVELOPMENT AND AMENDING THE DEFINITION OF MINOR  
SITE PLAN IN SECTION 201

WHEREAS, Neptune Township's Land Development Ordinances and Regulations include standards that control the location, scale and type of land uses within the Township; and

WHEREAS, the Township of Neptune focused on moving small improvements forward and encouraging business particularly where redevelopment of under-utilized and dilapidated properties can be achieved; and

WHEREAS, the Neptune Township Committee routinely reviews various zoning regulations and design standards in order to address particular issues discussed in the Master Plan and Master Plan Reexamination Report relative to implementation of various zoning regulations and design standards on a Township-wide basis; and

WHEREAS, in accordance with section 40:55D62 of the Municipal Land Use Law, the Neptune Township Committee is charged with adopting zoning standards ordinances relating to the nature and extent of uses of the land and of buildings and structures thereon in order to protect the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey that the Land Development Ordinance of the Township of Neptune be and is hereby amended and supplemented to read as follows:

## SECTION 1.

Section 201 – “Definitions” is here amended to add the definition of “Exempt Development” as follows:

**Exempt Development** - Site plan and/or subdivision approval shall not be required prior to issuance of a Development Permit for the following:

- a. Construction, additions, or alterations related to single-family or two-family dwellings or their accessory structures on individual lots. These types of applications will require board approval when a variance is required. In addition, these applications will still require construction permits and may require grading plan approvals depending on size and type of development;
- b. Interior Alterations to an existing structure (that are not additions as stipulated within paragraph k of Exempt Development) which do not cause an increase in the existing square footage or change the existing footprint, do not increase the required number of off-street parking spaces, are in compliance with all the applicable bulk and yard standards for the zone and all other development regulations, and which conform to the performance standards of this Chapter.
- c. Any change in occupancy which is not a "Change in Use" (as herein defined).
- d. Sign(s) which installation is on a site already occupied by a principal use for which site plan approval is not otherwise required and provided such sign(s) conform to the applicable design and zoning district regulations of this Chapter.
- e. Construction of a parking lot or an addition to an existing parking lot provided that the new lot or the proposed addition contains three (3) spaces or less and the location and design of which conforms to the standards and zoning district regulations of the Neptune Township Land Development Ordinance;.
- f. Construction or installation of underground facilities which do not alter the general use, appearance or grade of the site.
- g. Division of property and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of "Subdivision" contained within this Article.
- h. Farms and accessory farm buildings and structures provided such buildings and structures are located on, operated in conjunction with, and necessary to the operation of a farm as defined by the Neptune Township Land Development Ordinance. This shall not include accessory structures which contain dwelling units.
- i. Gasoline pump canopies subject to compliance in all respects to the regulations governing such canopies, contained elsewhere in the Neptune Township Land Development Ordinance;
- j. Individual applications for accessory mechanical or electrical equipment up to one hundred (100) square feet in area, whose operation and location conforms to the design

and location standards conform to the design standards of the Neptune Township Land Development Ordinance and where such installation will be accessory to an already established principal use of the property. In no case shall such equipment be located in a street setback area.

k. Additions to existing, conforming structures containing non-residential uses in the, and zones; provided such additions to existing structures do not exceed 8,500 square feet or 10% of the total gross floor area, whichever is the lesser. Notwithstanding the aforementioned, an addition consisting of an area of 1,000 square feet or less shall be considered an exempt development. Such development must occur within the existing limit of disturbance and must not increase the impervious cover, be in compliance with all the applicable bulk and yard standards for the zone and all other development regulations, does not result in an expansion or increase of any preexisting violation of the provisions of the Neptune Township Land Development Ordinance, or the zoning ordinance, and there must be sufficient parking on site to support the additional floor area. The Zoning Officer and the Township Planner will be responsible for determining compliance with this chapter.

l. Construction of storage sheds, no larger than 200 square feet, for permitted nonresidential uses, provided they comply with the accessory structure setback requirements and all other applicable bulk and yard standards for the zone in which they are located as per the Neptune Township Land Development Ordinance.

## SECTION 2.

Section 201 – “Definitions” is here amended to fully amend the definition of “Minor Site Plan” as follows:

**Minor Site Plan** - A development plan for one (1) or more lots which is (are) subject to development which:

a. Requires site plan approval, and,

b. Meets the requirements set forth in this Chapter and the Neptune Township Land Development Ordinance and contains the information needed to make an informed determination as to whether the requirements established by this Chapter for approval of a minor site plan have been met, and,

c. Meets the following conditions:

1. New building construction, or building additions that do not qualify as exempt development, of less than three thousand (3,000) square feet

2. The proposed development does not increase parking requirements by more than fifteen (15) spaces, nor entail or propose the construction of a total of more than fifteen (15) parking spaces.

3. The proposed development conforms is not in a Flood Zone.

4. The proposed development conforms to the performance standards set forth in this Ordinance and the Neptune Township Land Development Ordinance.

5. The proposed development does not involve planned development.
6. The proposed development does not involve any new unmapped street or the extension of any existing street, not anticipated on the tax map.
7. The proposed development does not involve the extension or construction of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.
8. The proposed development does not involve the disturbance of twenty-five thousand (25,000) square feet or more of ground area.

### SECTION 3

All Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

### SECTION 4

Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

### SECTION 5

This Ordinance shall take effect upon its passage and publication according to law and upon the filing of a certified copy thereof with the Monmouth County Planning Board.

Richard J. Cuttrell,  
Municipal Clerk