



Neptune

Township - NJ

Where Community, Business & Tourism Prosper

**Neptune Township ~ Planning Board
Regular Meeting Agenda
Wednesday October 23, 2013 - 7:00 P.M.
Township Meeting Room 2nd Floor**

The regular meeting of the Neptune Township Planning Board which has been duly constituted and advertised according to law is now called to order:

Fire exits are clearly marked at the side and rear of this room, if alerted of a fire, please move in a calm and orderly manner to the nearest smoke free exit.

At this time, I would ask everyone to please silence all cell phones and other paging devices, as they are distracting to others.

It is the policy of the Planning Board to end all matters no later than 11 p.m. Toward the end of the meeting it will be announced that no new applications will begin after 10:00 p.m. nor will any new witnesses or testimony begin after 10:30 p.m.

The following procedure will be followed:

It is the Board's policy to adhere to the following procedure; after testimony by the applicant's attorney or his professional, questions will follow by the members of the Planning Board; at the direction of the Chair the public portion will be opened. Each individual from the public will be sworn in; give their name and address; and will have one [1] five [5] minute session to speak. We ask that questions are directed to the Chair, and not repeated. Time is not transferable. At the completion of the public portion, members of the Planning Board will make final comments prior to offering a resolution to either adopt or deny the proposal before them.

I. Roll Call and Flag Salute:

Richard Ambrosio
Randy Bishop, Committeeman
Rev. Paul Brown (Alt. # 2)
Sharon Davis

Mel Hood
Ray Huizenga (Alt. #1)
Jason Jones
Robert Lane

Fred Porter
Tassie York
Joseph Shafto, Chairperson

Also Present: Mark G. Kitrick, Esq. Board Attorney, Peter R. Avakian, Board Engineer, and Jennifer Beahm, Board Planner

II. Correspondence:

a. None.

III. Resolutions to be memorialized:

a. **PB13/04** – Block 201.01, Lots 47 & 48 and Block 201, Lot 39.01 – 1318-1322 Corlies Avenue – submitted by 1318 Corlies Avenue, LLC and represented by Salvatore Alfieri, Esq. The Applicant proposes to consolidate the lots to create a parking lot to serve the existing structure on Lots 47 & 48.

Motion was offered to approve the application as discussed.

Those eligible: R. Ambrosio, S. Davis, R. Lane, F. Porter, Rev. Brown, and J. Shafto

IV. Applications under consideration for this evening:

a. None.

V. Adjournment:

- a. With no further business before the Board a motion to adjourn was offered by _____ to be moved and second by _____, meeting closed at _____ PM.
- b. Next scheduled hearing will be Wednesday, November 27, 2013.

If any board member cannot attend, please call or email the board office at 732-988-5200 ext 278 or at karmour@neptunetownship.org.

**NEPTUNE TOWNSHIP PLANNING BOARD
RESOLUTION NO. 13-09**

**RESOLUTION OF THE NEPTUNE TOWNSHIP PLANNING BOARD,
TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, STATE OF NEW
JERSEY APPROVING PRELIMINARY & FINAL MAJOR SITE PLAN WITH
VARIANCE AND WAIVER APPROVALS TO 1318 CORLIES AVENUE LLC
FOR PROPERTY LOCATED AT 1318-1322 CORLIES AVENUE, ALSO
KNOWN AS BLOCK 201.01 LOTS 47 & 48 AND BLOCK 201 LOT 39.01 AS
DESIGNATED ON THE MUNICIPAL TAX MAP FOR THE TOWNSHIP OF
NEPTUNE.**

WHEREAS, the applicant, 1318 Corlies Avenue LLC, has made application to the Township of Neptune Planning Board for a preliminary & final major site plan with variance and waiver approvals to property known as Block 201.01 Lots 47 & 48 and Block 201 Lot 39.01 as illustrated on the Tax Map of the Township of Neptune; and

WHEREAS, such proof of publication of notice of hearing as may be required by the New Jersey statutes and municipal ordinance requirements has been furnished; and

WHEREAS, public hearings were held concerning the application on September 25, 2013 at the Municipal Building in the Township of Neptune and testimony and exhibits were presented on behalf of the applicant and all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Township of Neptune Planning Board having considered said application, testimony and exhibits submitted, and listened to the applicant's testimony, and after having received information from its professional staff, the Township of Neptune Planning Board does hereby make the following findings of fact and law:

- A. The subject property contains 20,318 square feet (3.84 acres) with frontage of New Jersey Highway Route 33 (Corlies Avenue). The site is currently utilized as a single family dwelling (Lot 39.01) and a 10,785 square foot commercial building "American Antiques" (Lots 47 & 48) within the Route 333 East Commercial (C-6) Zone.
- B. The applicant is proposing to remove the single family dwelling and create a fifteen (15) space parking lot with associated landscaping, drainage and utility improvements.
- C. The following non-conformities exist on the property:
 1. Front Yard Setback: 15 feet is required; whereas 1.68 feet exists on Lot 39.01 and 7.25 feet exists on Lots 47 & 48 and 7.25 is proposed.
 2. Rear Yard Setback: 20 feet is required; whereas 119 feet exists on Lot 39.01 and 2 feet exists on Lots 47 & 48 and 2 feet is proposed.
- D. The following variances are required:
 1. Ordinance Section 412.06.A prohibits non-residential driveway from being located within ten (10 feet) of an existing adjacent residential property nor within five (5) feet of any other property line, unless otherwise regulated in this chapter. The applicant proposes the parking lot driveway immediately adjacent to residential Lot 39. A variance is required.
 2. Ordinance Section 412.17.Table 4.2 requires retail sales and services uses shall provide one (1) space per 250 square feet. The existing building square footage is 10,785 square feet. Per ordinance, the total parking

spaces required is 43. The applicant proposes fifteen (15) parking spaces, however, there are currently none. A variance is required.

E. The following waivers are required:

1. Ordinance Section 503.A. Table 5.1 requires non-residential uses provide ten (10) foot buffer from residential uses. The applicant does not provide buffers to residential Lots 32, 41.01 and 39. A waiver is required.
2. Ordinance Section 503.B.1 requires buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a parking lot exposed to view. The applicant does not provide buffering around the proposed parking lot area. A waiver is required.
3. Ordinance Section 503.B.2 requires where such parking area is located on a tract adjacent to a residential use or district, such screening shall consist of a minimum six (6) foot high visually impervious screen. The height of any required screen shall decrease to a maximum of three (3) feet in height where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles and police visibility into the lot. The applicant does not propose screening along adjacent residential lots 32, 41.01 and 39. A waiver is required.
4. Ordinance Section 505.B.2.(b) requires a driveway for uses other than single family dwelling units shall be setback at least ten (10) feet from all property lines, excepting driveway intersections with public or private roadways. The applicant does not propose a driveway setback to adjoining lot 39. A waiver is required.

5. Ordinance Section 509 requires the landscaping plan shall be prepared by a New Jersey Certified Landscape Architect. The landscaping plan has been signed by the applicant's engineer. A waiver is required.
6. Ordinance Section 509.I.1 requires the perimeter of all parking lots shall be setback from all rear and side lot lines by a minimum of ten (10) feet. The applicant proposes parking adjacent to all adjoining lots. A waiver is required.
7. Ordinance Section 509.I.1.(a) requires side and rear yards shall be landscaped with a combination of evergreen shrubs and deciduous trees to form a screen a minimum of six (6) feet tall at the time of planting. Buffer tree spacing for foliage similar to the White Pine shall be five (5) feet on center and similar to the Arborvitae shall be three (3) feet on center. The applicant does not provide full screening or proper sizing for the rear and side yards. A waiver is required.
8. Ordinance Section 514.B.3 requires the minimum setbacks for all buildings from driveways, parking spaces and private streets within the site shall be ten (10) feet for nonresidential developments. The applicant proposes approximately eight (8) feet from the existing side of the building. A waiver is required.
9. Ordinance Section 514.B.9.Table 5.5 requires 90 degree parking stalls shall have a two-way driving width of twenty-four (24) feet. The applicant proposes twenty two (22) feet. A waiver is required.

F. The following exhibits were submitted into evidence:

1. Coloring rendering of site plan, marked as A-1.
2. Tax map, marked as A-2.
3. Photoboard (6 photos of property), marked as A-3.

G. In support of the application, A.J. Garito, P.E. of Two River Engineering testified as an expert in the field of engineering. During his testimony, Mr. Garrito stated the residential structure at the site will be demolished to allow for a sixteen (16) stall parking lot. The stalls will be eighteen (18) feet long and landscaping and curbing will be provided. The applicant will be responsible for securing an access permit from the NJDOT as well as a drainage permit. The parking lot will have one (1) way in, 90 degree parking. There will be a ten (10) foot buffer provided for adjoining residences. The applicant will continue the existing fence with a vinyl PVC fence.

Mr. Garrito further testified the lighting in the parking lot will be LED parking lot lights which will not provide spillover lighting on residential properties. The paved parking lot will increase lot coverage, but the existing building coverage variance is not exacerbated. The commercial building on site on the southerly side of Corlies Avenue will be more marketable for prospective tenants with the addition of the proposed parking lot. The applicant has submitted an abbreviated Environmental Impact report and no groundwater infiltration system is proposed. The reinforced concrete pipe which is proposed will be installed with gaskets.

H. Mr. Kenneth Schwartz of Red Bank, NJ, the owner of the lots testified the prior use of the commercial building was an antique store. Deliveries to that store went to the front of the building and there was no issue with that process. Mr. Schwartz stated no refuse will be stored outside at the site.

I. Based upon the foregoing, the Board finds that the requested major site plan approval, requested bulk variances and associated waivers conform with the requirements of the Neptune Zoning Ordinance and can be granted without substantial impact to the intent or purposed of the Neptune Master Plan and Zoning Ordinance and without substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Neptune, on the 23rd day of October 2013 that the applicant's request for preliminary and final major site plan, variance and waiver approvals be approved subject to the conditions set forth below; and

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded to the Planning Board Secretary, to the applicant's attorney, the Township Clerk and the Building Department.

BE IT FURTHER RESOLVED, that notification of this favorable approval be published in an official newspaper of the Township of Neptune, by the applicant.

BE IT FURTHER RESOLVED, that this approval is subject to the following conditions:

1. The applicant shall comply with all representations made before the Planning Board, by its attorney and its expert.

2. If required, applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the “Soil Erosion and Sediment Control Act”.
3. All materials, methods of construction and detail shall be in conformance with the current engineering and building requirements of the Township of Neptune, which are on file in the office of the Township Engineer.
4. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Township of Neptune Planning Board for approval of that change.
5. Applicant shall resubmit this entire package for re-approval should there be a deviation from the terms and conditions of this resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding upon the applicant.
6. Applicant shall provide a statement from the Township of Neptune Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.
7. Prior to the issuance of a construction permit, the applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.

8. Applicant shall post an inspection bond with the Township Clerk in an amount to be determined by the Board Engineer.
9. No soil shall be removed from the site without the written approval of the Director of Engineering and Planning.
10. If applicable, applicant must comply with the new COAH ordinance for the building improvements in question.
11. Unless specifically modified herein, the applicant shall comply with all terms and conditions of all prior resolutions of the Township of Neptune Planning Board regarding this application.
12. The applicant shall reimburse the Township of Neptune Planning Board for all professional fees expended or to be expended with regard to this application.
13. The applicant shall comply with all the provisions of the engineering report of Peter Avakian, P.E. dated September 17, 2013.
14. Approval conditioned upon the applicant securing a NJDOT Access and Drainage Permits and/or waivers.
15. Approval conditioned upon the applicant securing an abbreviated Environmental Impact Statement as outlined within the Planning Board Engineer's letter dated September 17, 2013.
16. The applicant agrees to add planting wherever possible to provide buffer to adjoining properties. The applicant will continue the existing fence with vinyl PVC fence.
17. The applicant shall install precast inlet structures and watertight gasket joints for Stormwater drainage system.

18. Applicant shall comply with the requirements of Neptune Township Police Department Traffic Bureau report dated September 20, 2013.
19. Applicant shall comply with ordinance section 509.D with regards to planting size.
20. Applicant shall revise lighting plan to eliminate spillage onto adjacent properties.

MOTION TO ADOPT & MEMORALIZE:

Offered By:

Seconded By:

ROLL CALL ON VOTE

Joseph Shafto ____ Richard Ambrosio ____ Tassie York N/A
Sharon Davis ____ Mel Hood N/A Randy Bishop N/A
Ray Huizenga N/A Jason Jones N/A Fred Porter ____
Robert Lane (Alternate #1) ____
Rev. Paul Brown (Alternate #2) ____

CERTIFICATION

I hereby certify that this is a true copy of a resolution of the Township of Neptune Planning Board adopted on October 23, 2013

Kristie Armour, Administrative Officer
Neptune Township Planning Board