

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E.

February 19, 2021

Neptune Township Planning Board
25 Neptune Boulevard
P.O. Box 1125
Neptune, NJ 07754-1125

**Re: WCS Group, LLC
Amended Preliminary & Final Major Site Plan
Block 3902, Lots 2 & 3
Our File NTPB 19-05**

Dear Board Members:

Our office received and reviewed an application for amended major site plan approval in conjunction with the above referenced project.

1. Submitted Documents

- Amended Preliminary and Final Site Plan for WCS Group, LLC, consisting of twenty (20) sheets prepared by Joshua M. Sewald, P.E., of Dynamic Engineering dated December 1, 2020, with no revision date.
- Architectural Elevation Plan for Neptune Township Shopping Center, 600 Essex Avenue, consisting of one (1) sheet prepared by Albert Taus & Associates, Architects dated October 29, 2020, with no revision date.
- Stormwater Management, Groundwater Recharge, and Water Quality Analysis for WCS Group, LLC, prepared by Joshua M. Sewald, PE, PP, of Dynamic Engineering, dated January 2019, last revised November 2020.
- Boundary and Topographic Survey, consisting of one (1) sheet, prepared by Craig Black, PE, PLS, of Dynamic Survey, LLC, dated October 18, 2018, last revised December 6, 2018.
- Site Investigation Report prepared by Ryan Bilgrav of Renova Environmental Services, dated April 2017, with no revision date.

We have completed our engineering and planning review of the submitted documents and offer the following comments for the technical review meeting:

2. Site Analysis and Project Description

- A. The subject property, known as Lot 2 & 3, Block 3902 in Neptune Township and Lot 1.03, Block 128.03 in the Borough of Tinton Falls; consists of 2.35

acres (102,226 sq. ft.) with frontage on Essex Road and Jumping Brook Road.

- B. Under Resolution 19-12 site plan approval was granted to convert an existing, vacant former industrial building into a multi-tenanted retail building with one tenant space allocated for a fast-food restaurant with drive thru, (2,250 sq. ft. drive-thru restaurant and 9,007 sq. ft. shopping center).
- C. **The Applicant, under this application is requesting an amended site plan approval to eliminate multi-use building with drive-thru improvements. The proposed site plan will have a single retail tenant (Buy Rite Liquor). The Applicant is proposing parking lot modifications, new signage and proposing to keep the existing building façade. Minor modifications are proposed to the stormwater drainage piping system.**
- D. The property is located in the C-1 Planned Commercial Development Zone. The C-1 Zone District provides for business uses appropriate to the Route 66 highway corridor.

3. **Zoning and Land Use Planning**

- A. Retail liquor store is a permitted use in the C-1 Zone District.
- B. The bulk, area, and yard requirements of the C-1 Zone district as compared to the proposed development are as follows:

Description	Required	Existing	Proposed
Minimum Lot Area	2.5 ac	2.37 acres (NC)	2.35 acres (V)
Minimum Lot Depth	600 ft.	281.3 ft. (NC)	281.3 ft. (NC)
Minimum Lot Width	500 ft.	294.05 ft.(NC)	294.05 ft. (NC)
Minimum Lot Frontage	500 ft.	812 ft.	745.6 ft.
Maximum Impervious Coverage	65%	31.1%	48.3%
Minimum Improvable Area	84,900 sf	51,292 sq. ft.(NC)	51,292 sq. ft. (NC)
Minimum Improvable Diameter	189 ft.	169.58 ft. (NC)	169.58 ft. (NC)
Min. Front Setback (Jumping Brook)	50 ft.	62.6 ft.	62.6 ft.
Min. Front Setback (Essex Road)	50 ft.	42.1 ft.(NC)	42.1 ft. (NC)
Minimum Side Setback (one)	30 ft.	35.9 ft.	35.9 ft.
Minimum Side Setback (combined)	60 ft.	196 ft.	196 ft.
Minimum Rear Setback	40 ft.	177.9 ft.	177.9 ft.
Maximum Building Height	40 ft.	< 40 ft.	< 40 ft.
Maximum Building Stories	2 story	1 story	1 story
Maximum Building Coverage	30%	10.9%	11%
Maximum Floor Area Ratio	0.6	0.11	0.11

(V) Variance required

(NC) Existing Non-Conformity

- C. The subject application is proposing a lot area of 2.35 acres, whereas the minimum permitted is 2.5 acres.

This variance was granted under Resolution No. 19-12.

- D. There are a number of **existing non-conformities** related to the site. They are as follows:

Existing conditions previously granted under Resolution No. 19-12.

- 1) A minimum lot depth of 600 feet is required, whereas 281.3 feet exists.
 - 2) A minimum lot width of 500 feet is required, whereas 294.05 feet exists.
 - 3) A minimum improvable area of 84,900 sq. ft. is required, whereas 51,292 sq. ft. is existing.
 - 4) A minimum improvable diameter of 189 feet is required, whereas 169.58 ft. is existing.
 - 5) A minimum front yard setback of 50 feet is required, whereas 42.1 feet exists along Essex Road.
- E. Previous Approved Signage (*Drive-thru restaurant/shopping center*)

- 1) Ordinance Section 416.07.A.1, states where a lot has multiple street frontages, then two (2) freestanding signs subject to the following standards shall be permitted. Where two (2) freestanding signs are permitted by virtue of multiple street frontage, each permitted sign shall be allowed to have the maximum square footage allowed based on the formulas shown below. In addition, the sign area allowed may be transferred from one (1) sign to another, provided, that no freestanding sign shall exceed four hundred (400) square feet in area.

The Applicant proposes the following signs:

Jumping Brook Road	143.8 SF	20 foot high
Essex/Jumping Brook Roads	43.75 SF	
Essex Road	143.8 SF	20 foot high

The Applicant proposes a total of three (3) signs, where only two (2) are permitted. **A variance was granted for each sign. Testimony to be provided since the signs are changing in size.**

- 2) Ordinance Section 416.07.A.7 (Adopted under Resolution 08-44) Height – states 15 feet for signs 150 sf and less, 20 feet for signs over 150 sf in area but not exceeding 190 sf in area, 40 feet for signs in excess of 190 sf in area up to 400 sf in area.
 - a) Essex Road Proposed 151 square feet sign 20 feet high. **A variance was granted under Resolution No. 19-12.**
 - b) Industrial Park sign – 38 square feet sign undetermined height. **Testimony was provided during previous approval.**
 - c) Jumping Brook Road sign is proposed at 151 square feet at 20 feet high. **Complies.**

- 3) Ordinance Section 416.07.B.2 permits a maximum mounting height of the ground floor height. The Applicant is requesting a variance for the height of wall mounted signs on sheet 5 of 18 signage chart states an 8-foot ground height, with proposed signage height, with proposed signage heights set at seventeen (17) feet. The Applicant indicated they will submit a zoning permit review for each sign as tenant spaces are leased. **A variance was granted under Resolution No. 19-12.**

- 4) Ordinance Section 416.07.A.7 (Adopted under Resolution 08-44) setback – states freestanding signs shall be set back from the property line $\frac{3}{4}$ of the height of the sign.
 - a) Essex Road proposed 25 feet from property line. **Complies.**
 - b) Industrial Park sign proposed 11.1 feet from Essex Road and 5 feet from Jumping Brook Road NJDOT dedication. **Testimony was provided under previous approval.**
 - c) Jumping Brook Road Sign 15 feet from Jumping Brook Road NJDOT dedication.

F. **Under the amended application, the Applicant proposes the following variance reliefs:**

- 1) Ordinance Section 416.07.A.5 (Permitted Area) the subject development is allowed 112.5 square feet of freestanding signage. The Applicant proposed 331 square feet of signage. **A variance is required.**

- 2) Ordinance Section 416.07.A.7 (Height) the maximum height of a freestanding sign of less than 150 square feet is 15 feet. The Applicant proposes a 20-foot sign. **A variance is required.**
- 3) Ordinance Section 416.07.B.1(c) permits the maximum number of wall mounted signs one (1). The Applicant proposes three (3) wall mounted signs. **Three (3) variances are required.**
- 4) Ordinance Section 416.07.B.1(a) permits 48 square feet for wall mounted signage. The Applicant proposes a combined square footage of 302.8 square feet for three (3) wall mounted signs. Each sign is individual over 48 square feet. **Three (3) variances are required.**
- 5) Ordinance Section 416.07.B.1(b) permits a maximum mounting height of 15 feet. The Applicant proposes 13.5 feet which complies with the Township Ordinance.

G. Parking and Circulation

The following waivers were granted under Resolution No. 19-12

- 1) Ordinance Section 503.B.1, all driveways and parking lots shall be suitably buffered and screened to minimize the impacts of noise, lighting and glare, exhaust fumes, views of parked vehicles and other nuisances. **A waiver was granted.**
- 2) 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 lot is zoned R-1 residential. The Applicant requests a waiver but provides 18 six-foot high arborvitaes to the R-1 Zone. **A waiver was granted. Under this application, the arborvitaes have been removed and the existing parking lot will remain. Testimony should be provided. Under this Application a loading area is proposed along this view.**
- 3) Ordinance Section 503.C.1, buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a loading area exposed to view. The Applicant is not proposing a five-foot wide buffer with 30" high plantings buffering to the west of the proposing loading space. **A waiver was granted.**
- 4) Ordinance Section 503.C.2, screening shall consist of a minimum ten (10) foot high visually impervious screen. The Applicant is proposing a five-foot-wide buffer with 30" high plantings to the west of the proposing loading space. **A waiver was granted.**

- 5) Ordinance Section 505.B.2(a), driveways on corner lots are required to be set back a minimum of forty (40) feet from the intersecting lot lines at the corner. The proposed driveway on Essex Road is 33.2 feet from the intersecting lot lines at the corner. **A waiver was granted.**
- 6) Ordinance Section 505.B.2.(b) requires a driveway for uses other than single-family dwelling units shall be setback as least ten (10) feet from all property lines, excepting driveway intersections with public or private roadways. The Applicant proposes a five-foot separation along the drive through lane and adjacent Lot 1. **A waiver was granted.**
- 7) Ordinance Section 505.B.4, the maximum driveway width for non-residential uses is 24 feet. The applicant is proposing a 30 ft. driveway along Jumping Brook Road. **A waiver was granted.**
- 8) Ordinance Section 505.B.5, driveway grades shall not exceed 6% at any point, whereas the Jumping Brook Road driveway grade exceeds 6%. **A waiver was granted.**
- 9) Ordinance Section 509.I.1, 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 is proposing a circulation drive along the western property line adjacent to Lot 1 is proposed with only a five-foot setback. **A waiver was granted.**
- 10) Ordinance Section 509.I.3 states for parking lots containing sixteen (16) to ninety-nine (99) spaces, a minimum of five percent (5%) of the interior area of the parking lot shall be provided with planting islands containing a minimum of one (1) deciduous tree planted for every five (5) parking spaces abutting such island. The Applicant does not propose interior landscape within the parking lot. **A waiver was granted.**
- 11) Ordinance Section 509.I.3(b), no more than eight (8) parking spaces shall be placed in one row of parking without an intervening landscape island, where the applicant is proposing eleven parking spaces in one row along both the southern and eastern sides of the building. **A waiver is required. Under this application the Applicant has increased to twelve (12) parking spaces. Testimony to be provided.**

- 12) Ordinance Section 514.B.2 requires that parking lots be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right of way can be minimized. No parking lot shall be located in a required front yard. The applicant is proposing parking areas within the front yard setback. **A waiver was granted.**
- 13) Ordinance Section 514.B.3, the minimum setbacks for buildings from driveways and parking spaces within the site shall be 10 feet for nonresidential developments, whereas the applicant is proposing a setback of six (6) feet along the southern and eastern sides of the building. **A waiver was granted.**
- 14) Ordinance Section 519.B.7(b), for retail developments, sidewalks along non-residential streets adjacent to the curb shall be eight (8) feet wide. The applicant is not proposing sidewalks along either frontage. **A waiver was granted.**
- 15) Ordinance Section 519.B.7(b), for sidewalk widths for retail development between a main building entrance and its closest parking, 10 feet is required. This width may be reduced to six (6) feet provided an area at least four (4) feet in width is provided at all building foundations for landscaping. The Applicant proposes 6 feet for the proposed parking on the southern and eastern sides of the building where 10 feet is required. **A waiver is required.**

H. Landscaping and Lighting

- 1) Ordinance Section 509.H, the base of all sides of a building shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of two (2) feet high at time of planting and spaced an average of three (3) feet on center. The applicant is not proposing any foundation plantings. **A waiver was granted. *Under this application the Applicant has modified planting and provided plants along the northside of the building.***
- 2) Ordinance Section 509.J – Slope Plantings – All cuts and fill areas, terraces, earth berms and roadway embankments with slope steeper than one increment vertical to three increments horizontal (1 to 3) shall be sufficiently landscaped to prevent erosion. The Applicant does not address slope areas on Jumping Brook Road. **A waiver was granted.**
- 3) Ordinance Section 509.K – Drainage Facilities – Detention basins, headwalls, outlet structures, concrete flow channels, rip-rap

channels and other drainage facilities shall be suitably planted with shrubs and trees. Detention basin embankments shall be extensively landscaped with wet-site-tolerant plantings. The Applicant does not propose plantings with basin areas. **A waiver was granted.**

- 4) Ordinance Section 521.B.4, the exterior of a site with greater than 100 feet of street frontage shall provide decorative lampposts approximately 10 feet to 12 feet high, spaced at intervals of approximately 40 feet or 60 feet along or near all street lines and driveways. The Applicant proposes spaces for streetlamps which varies from 72 feet to 92 feet apart. **A waiver was granted.**

I. Building

1. Ordinance Section 502.B.4 states a flat roof may be permitted on a building of a minimum of two stories in height, provided that all visibly exposed walls shall have an articulated cornice that projects out horizontally from the vertical building wall plane. The Applicant proposes a flat roof system for the existing one (1) story building. The building proposes architectural relief to eliminate the monotone look. **Existing non-conformity. Testimony to be provided.**

4. Variance Proofs

- A. A number of “c” variances are required. There are two types of c variances with different required proofs.
 - 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
 - 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

- 3) The Applicant must also show proof of the negative criteria for “c” variances, which requires evidence that the variance conditions do not substantially impair the intent of the zone plan or ordinance, nor cause substantial impairment of the public good.

B. A number of design waivers are required. The Board has the power to grant design waivers as “exceptions” from the requirements of the Borough’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

5. Site Plan Review

A. General Site Improvements

1) Architectural Design Standards

Under this application, the Applicant does not propose any changes to the façade and must comply with the following architectural standards:

- a) The Applicant shall provide testimony on the following building standards:

(1) Ordinance Section 502.B.1 Massing (a)

- Building wall offsets shall equal a minimum of ten (10) percent of the building wall length.
- Maximum spacing of offsets shall be forty (40) feet.
- Minimum projection or depth of any individual offset shall not be less than two feet.
- Roofline offsets shall be provided along any roof measuring longer than seventy-five (75) feet.

(2) Ordinance Section 502.B.2 Horizontal Courses

- Building course shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials and color should be provided.

(3) Ordinance Section 502.B.5 Windows

- The Architectural Plan shall address building windows.
- The ordinance states permitted retail and personal service business uses located in business districts may have large pane display windows on the ground level, provided that such window shall be framed by the surrounding wall and shall not comprise greater than seventy-five (75) of the total ground.

(4) Ordinance Section 502.B.10 – Lighting

- Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site.

(5) Ordinance Section 502.B.14 – Corner Buildings

- A building on a corner lot shall be considered a more significant structure from an urban design standpoint since such building has at least two front facades visibly exposed to the street. Such building may be designed to have additional height and architectural embellishments relating to its location on a corner lot, if deemed appropriate by the Board.

B. Traffic Circulation and Parking

- 1) The Applicant has provided a Traffic Impact Assessment in accordance with Ordinance Section 811 under the original application. **The Applicant shall provide updated testimony with**

regards to peak traffic impacts to local roadways prior to and after build conditions. Testimony should include the number of daily trips and level of service for the amended use, along with single unit trucks and semi-trailers that will enter the site each day.

- 2) The original Traffic Impact Assessment was approved for a 2,250 sq. ft. drive-thru restaurant and the 9,007 sq. shopping center generate a total of 175 trips during a weekday evening peak.
- 3) The Applicant shall provide updated testimony on the following traffic concerns:
 - a) Wal-Mart exit drive onto Jumping Brook Road under current conditions operates at the following level of service for the proposed project:

	Morning	Evening	Saturday
Existing	B	D	B
No Build	B	D	C
Build	C	E	C

The level of service will diminish for the proposed build condition under the original approval.

- b) Essex Road turning movement onto Jumping Brook Road will operate at the following level of service:

	Morning	Evening	Saturday
Existing	B	C	A
No Build	B	C	A
Build	C	D	B

The Applicant shall address if the level of service will diminish for the proposed approved condition. Testimony should address how the proposed amended use will change level of service, if any.

- 4) All proposed site triangles and associated easements shall comply with the Township of Neptune and NJDOT standards.
- 5) The Applicant should be prepared to discuss the following:
 - a) Site deliveries unloading area and effects on traffic circulation and schedule time of deliveries and shipments within the drive-thru area.
 - b) Trash/recycling pick up

- c) Hours of operation and number of parking spaces needed for staffing.
- 6) In accordance with Ordinance Section 412.17 Table 4.2 the following spaces are required.

	Required	Square Footage on site	Required	Provided
Retail	1 space per 250 ft.	11,254	46	51

Under this application, the Applicant is proposing five (5) proposed banked parking spaces for a total of 51 spaces. Under the original application, the Applicant was approved for 54 spaces. Testimony to be provided.

C. Grading and Stormwater Management

- 1) The project disturbance is 2.02 acres, and the Applicant exceeds a quarter of an acre of new impervious (0.42 Ac) surfaces. The project must comply with NJDEP Best Management Practices with regard to groundwater recharge and TSS Removal. No changes are proposed with this amended application.
- 2) Under Ordinance Section 529.F.B.(3), the Applicant complies with the 2-, 10- and 100-year pre vs. post construction stormwater runoff rates as follows:

Previous Approved Resolution No. 19-12

Design Storms	Existing Peak Flows (cfs)	Existing Peak Flows Undisturbed (cfs)	Allowable Peak Flow (cfs)	Proposed Runoff Rate (cfs)
2 year	1.209	0.641	50% 1.246	0.741
10 year	1.884	1.000	75% 2.413	2.156
100 year	4.388	1.717	80% 5.223	5.056

Proposed Under This Application

2 year	1.011	0.641	50% 1.146	0.618
10 year	1.576	1.000	75% 2.182	1.941
100 year	3.860	1.717	80% 4.805	4.414

The Applicant shall confirm any proposed changes to the original design.
Testimony to be provided.

D. Utilities

- 1) No changes to what was approved under Resolution No. 19-12.

E. **Environmental and Community Impact**

- 1) No changes to what was approved under Resolution No. 19-12.

F. **Lighting and Landscaping**

- 1) No changes to what was approved under Resolution No. 19-12.

7. **Conditions of Approval**

The Applicant shall confirm all outside agency approvals conform with the amended site plan.

- A. NJDOT Roadway Dedication
- B. Freehold Soil Conservation
- C. Monmouth County Planning Board
- D. New Jersey American Water
- E. Neptune Township Developers Agreement
- F. Neptune Township Sewer Department
- G. Neptune Township Tree Removal Permit/Replacement Tree Fees
- H. Neptune Fire Official
- I. The Applicant shall secure all municipal permits, for road opening, water, sanitary, gas and electric as required by the Township.
- J. Performance guarantees and engineering inspection fees
- K. Payment of Affordable Housing Contribution in accordance with Ordinance Section 1001
- L. Neptune Township Stormwater Maintenance Fee

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant.

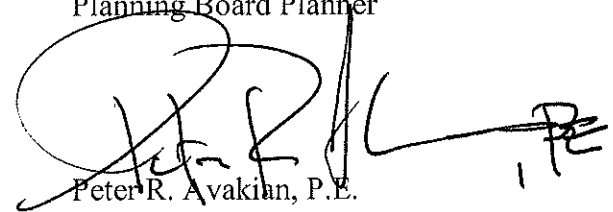
Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer Beahm, P.P.
Planning Board Planner



Peter R. Avakian, P.E.
Planning Board Engineer

MM/mcs

cc: Leanne Hoffmann, P.E., Director of Engineering and Planning
Mark Kitrick, Esq., Board Attorney
WCS Group, LLC, Applicant (sitar@sitarcompany.com)
Ken Pape, Esq., Applicant's Attorney
Joshua M. Sewald, PE, PP, Applicant's Engineer (jsewald@dynamicec.com)
NTPB/19-05c