

**NEPTUNE TOWNSHIP PLANNING BOARD
RESOLUTION NO. ____-2025**

**RESOLUTION OF THE NEPTUNE TOWNSHIP PLANNING BOARD
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH
VARIANCE AND WAIVER RELIEF TO HARBOR FREIGHT FOR THE
PREMISES KNOWN AS 15 HIGHWAY 35 ALSO DESIGNATED AS BLOCK
1004 LOTS 5-15 AS REFLECTED ON THE OFFICIAL TAX MAP OF THE
TOWNSHIP OF NEPTUNE**

WHEREAS, application having been made by Harbor Freight to the Neptune Township Planning Board seeking preliminary and final site plan approval with variance and waiver relief for the premises known as Block 1004, Lots 5-15 as reflected on the official tax map of the Township of Neptune; and

WHEREAS, the applicant, represented by Joseph Paparo, Esquire, submitted a development application, along with various site plan drawings and surveys, as described in the review report of Peter Avakian, P.E., P.P. and Jennifer C. Beahm, P.P., A.I.C.P. dated February 24, 2025; and

WHEREAS, the property in question is being submitted for approval for preliminary and final major site plan approval; 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, a public hearing was held concerning the application on April 23, 2025, at the Neptune Senior Center in the Township of Neptune and testimony and exhibits were presented on behalf of the applicant; and

The following are the list of waivers in accordance with the Completeness Checklist for Site Plans and/or Subdivisions in compliance with the development application completeness checklist:

- A. Checklist Item #6 – “Six (6) copies of Environmental Impact Statement (EIS)”
- B. Checklist Item #9 – “Copy of Letter of Interpretation (LOI) or Letter of Exemption or proof of submission to New Jersey Department of Environmental Protection regarding presence of wetlands”

- C. Checklist Item #11 – “Six (6) copies of Circulation Impact Study”

Due to the nature of the application, our office takes no exception to the following list of waivers in accordance with the Application for Development Checklist – Part B: Plat Requirements in compliance with the Minor Site Plan and Minor Subdivision Checklist:

- D. Checklist Item #12 – From providing grading plan.
- E. Checklist Item #13 – From providing on-site drainage plan/drainage calculations.
- F. Checklist Item #14 – From providing off-site drainage plan.
- G. Checklist Item #16 – From providing soil boring logs.
- H. Checklist Item #25 – From providing exterior lighting plan.
- I. Checklist Item #26 – From providing landscaping and screening plan.
- J. Checklist Item #27 – From providing drawn details of the type of screening.
- K. Checklist Item #30 – From providing sectionalization and staging plan.
- L. Checklist Item #32 – From providing traffic analysis report.
- M. The subject property, known as Lot 5-15, Block 1004 consisting of approximately ± 130,974 square feet (3.02 acres) with frontage on NJ State Highway Route 35.

- N. The Applicant is proposing minor site improvements to the former Aldi grocery store building (15,800 square feet) through exterior concrete/stripping improvements and interior renovation.
- O. The Applicant indicates there is no increase in building area and the site improvements are to accommodate the proposed tool and equipment retail store, Harbor Freight, and its business operations.
- P. The property is bounded by Route 35 to the east and Route 33 to the South, and light industrial and commercial properties to the west and north.
- Q. The property is located in the C-7 Route 35 Commercial Development Zone District and Hospital Support Overlay Zone. As outlined under Ordinance Section 404.10.A., the purpose of the C-7 Zone District is to provide for business uses appropriate to the Route 35 highway corridor of Neptune Township situated south of the West Lake Avenue Town Commercial Zone.
- R. The Applicant under the application proposes the following:
- 1) Renovate the existing Aldi building and with other associated site improvements.
 - 2) The site improvements include new building façade and signage, internal renovation of the building, concrete loading area and frost slab improvements, new freestanding signs, and parking lot/pavement re-striping.
- S. The following table indicates proposed bulk variances:

C-7 District Bulk Standards

| | Required | Existing | Proposed |
|---|----------------------------|----------------------------|-----------------|
| Minimum Lot Area | 15,000 sf (0.344 acres) | 130,974 sf (3.01 acres) | No Change |
| Maximum Floor Area Ratio (FAR) | 0.6 | 0.12 | No Change |
| Minimum Lot Width | 100 ft | 381.31 ft | No Change |
| Minimum Lot Frontage | 100 ft | 262.96 ft | No Change |
| Minimum Lot Depth | 100 ft | 597.26 ft | No Change |
| Minimum Front Yard Setback | 15 ft | 149.40 ft | No Change |
| Minimum Side Yard Setback | 0/10 ft | 25.20 ft | No Change |
| Minimum Combined Yard Setback | 25 ft | 156.40 ft | No Change |
| Minimum Rear Yard Setback | 20 ft | 35.90 ft | No Change |
| Maximum Percent Building Cover | 35% | 12% | No Change |
| Maximum Percent Lot Cover | 80% | 79% | No Change |
| Maximum Number of Stories | 3 stories | 1 story | No change |
| Maximum Building Height | 48 ft. | 19.50 ft. | No Change |
| Minimum Improvable Lot Area | 7,200 sf | 27,501 sf | No Change |
| Minimum Improvable Area- Diameter of Circle (feet) | 55 ft. | 80 ft. | No Change |
| Off-street Parking Spaces | 64 | 131 | No Change |
| Loading Spaces | 1 | 1 | No Change |

T. The Applicant is not requesting any bulk variances in conjunction with this application.

U. Ordinance Section 412.06.A, states no non-residential driveway shall be located within 10 feet of an existing adjacent residential property nor within five feet of any other property line, unless otherwise regulated in this Chapter.

The Applicant's plans indicate the access driveway fronting NJ State Highway 33 is located within five (5) feet of the adjacent property lines.

V. Ordinance Section 412.11, states lighting shall be provided by fixtures with a mounting height not more than fourteen (14) feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.

The Applicants plans indicate wall mounted lighting on the south façade elevation will be removed for the exterior building improvements. The existing lighting pattern for the property is provided by free standing light poles.

- W. Ordinance Section 412.12.A, states in all zone districts in connection with every commercial, institutional and industrial use, there shall be provided, at the time that any building or structure is erected, enlarged, increased in capacity or has a change of use, loading spaces in accordance with the requirements of Table 4.1 Loading Berth Standards:

The Applicants plans indicate improvements to one (1) loading area located in the rear of the property, which is in compliance with loading berth quantity standards

- X. Ordinance Section 412.17.B states standard parking spaces shall measure nine (9) feet wide by eighteen (18) feet long. Handicapped parking spaces shall measure twelve (12) feet wide by eighteen (18) feet long.

The Applicants plans indicate standard parking space size shall conform to the above referenced ordinance.

The Applicants plans indicate handicapped parking space size of eight (8) feet in width by twenty (20) feet in length with adjacent five (5) foot access isles.

Our office notes the proposed accessible handicapped parking space is in compliance with ADA requirements.

- Y. Ordinance Section 412.17.D, states in all zone districts, except for uses in designated historic zone districts, there shall be provided, at the time that any building or structure is erected, enlarged, increased in capacity or has a change

of use, parking spaces in accordance with the requirements in Table 4.2: Parking Regulations.

Per the above referenced ordinance, 1 space per 250 square feet of gross floor area is required for retail sales and service uses. The plans indicate the the building contains 15,800 square feet and that existing customer parking is to be re-stripped for approximately ±131 parking spaces, thus in compliance with parking quantity requirements. All handicap parking spaces will be re-stripped to accommodate ADA compliant parking requirements.

- Z. Ordinance section 412.18, states parking is prohibited within front yard setback for all properties fronting along NJ State Highway 35 and West Lake Avenue.

The plans indicate parking located within the front setback along NJ State Highway 35.

- AA. Ordinance Section 416.03.A, states except for signs in historic zone districts regulated by municipality's regulations, signs may be floodlighted, spotlighted or internally illuminated from the rear with a diffused light source, unless such illumination is specifically prohibited elsewhere in this Chapter.

The Applicants plans indicate the wall mounted 'Harbor Freight' signs will be LED backlit.

- BB. Ordinance Section 416.03.B, states the base of a freestanding sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers or other plant material.

The Applicants plans do not indicate the base of the proposed freestanding signs will be landscaped.

CC. Ordinance Section 416.06.C, states signs within designated sight triangles, and signs which directly obstruct driver's lines-of-sight shall be prohibited in all zone districts.

The Applicants plans indicate the proposed freestanding sign located along NJ State Highway 33 may obstruct driver's lines-of-sight.

DD. The following tables indicate proposed signage variances:

Primary/Secondary Signage Requirements – Tool and Equipment Retail Store

| PRIMARY/SECONDARY SIGNAGE REQUIREMENTS – Tool and Equipment Retail Store | | | | |
|---|--|--|---|--|
| CODE SECTION | REQUIRED | PROPOSED PRIMARY HARBOR FREIGHT SIGNS – (SOUTH/EAST ELEVATIONS) | PROPOSED SECONDARY SIGNS – (SOUTH ELEVATION) | PROPOSED SECONDARY SIGNS – (EAST ELEVATION) |
| §416.07.B.1 | Primary wall mounted signs - single tenant <u>Size:</u> 48 sf maximum, or 1.5 sf for each linear foot of wall face that the sign is mounted on, whichever is less. <u>Height:</u> 8 ft maximum & not extend > 2 ft above roofline. <u>Quantity:</u> 1 maximum <u>Projection:</u> 1 ft maximum <u>Horizontal Sign Dimension:</u> 75% of wall face | 91.44 SF (V) | N/A | N/A |
| | | 15.33 FT(V) | N/A | N/A |
| | | 2 SIGNS (V) | N/A | N/A |
| | | COMPLIES | N/A | N/A |
| | | COMPLIES | N/A | N/A |

| | | | | |
|-------------|---|-----|----------------------|----------------------|
| §416.07.B.3 | Secondary wall mounted signs - single tenant <u>Size:</u> Not to exceed 50% of the area of the primary building sign. <u>Quantity:</u> 1 maximum | N/A | COMPLIES (EACH SIGN) | COMPLIES (EACH SIGN) |
| | | N/A | 6 SIGNS (V) | 4 SIGNS (V) |

(V) Variance required

N/A not applicable

Freestanding Signage Requirements – Tool and Equipment Retail Store

| FREESTANDING SIGNAGE REQUIREMENTS – Tool and Equipment Retail Store | | |
|---|--|---|
| CODE SECTION | REQUIRED | PROPOSED FREESTANDING SIGNS - (NJ STATE HWY 35/NJ STATE HWY 33) |
| §416.07.A.7 | Freestanding signs | |
| | <u>Size:</u> 121.60 sf maximum | COMPLIES |
| | <u>Height:</u> 15 ft maximum for sign area of 150 sf or less | COMPLIES |
| | <u>Quantity:</u> 2 maximum | COMPLIES |
| | <u>Setback:</u> $\frac{3}{4}$ of the sign height or 11.25 ft | 5 FT (V) / 6 FT (V) |

(V) Variance required

N/A not applicable

EE. Ordinance Section 416.07.A.6, states freestanding signs shall be setback from the property line $\frac{3}{4}$ of the height of the sign (11.25 ft).

The Applicants plans indicate the freestanding signs proposed along NJ State Highway 35 and NJ State Highway 33 each have a setback of (5) and (6) feet, correspondingly.

FF. Ordinance Section 416.07.B.1.(a), states maximum wall mounted sign area is 48 square feet, or 1.5 square feet for each linear foot of wall face that the sign is mounted on, whichever is less.

The Applicants plans indicate both proposed primary wall mounted signs to have a sign area of 91.44 square feet, each.

GG. Ordinance Section 416.07.B.1.(b), states mounting height is eight (8) feet maximum (including hardware) and not to extend more than two (2) feet above the roof line.

The Applicant's plans indicate a mounting height of greater than eight (8) feet for all proposed primary and secondary wall mounted signs (with the exception of the 'Entrance on Left' wall mounted sign at 7.5 feet).

HH. Ordinance Section 416.07.B.1.(c), states a maximum quantity of one (1) primary wall mounted sign is permitted.

The Applicant's plans indicate a total quantity of two (2) primary wall mounted signs are proposed.

II. Ordinance Section 416.07.B.3.(a), states business uses that have a side or rear building façade fronting on a parking lot or face a secondary street frontage may have a secondary wall-mounted sign not to exceed 50% of the area of the primary building sign.

The Applicant's plans indicate a total quantity of ten (10) secondary wall mounted signs are proposed.

JJ. Ordinance Section 421.K, states a licensed structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining

walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall.

The Applicants plans indicate concrete improvements to the loading area directly adjacent to the existing retaining wall. Applicant to provide testimony.

KK. Ordinance Section 503.A states, any residential use shall be suitably buffered and screened from all uses other than single-family dwellings in order to minimize the impacts of noise, glare, vibration, vehicular traffic, pedestrian activity and other potential nuisances. Unless otherwise provided in this Chapter, the width of buffering and height of screening shall be provided based on the type of use that is being buffered as follows:

Buffer Requirements – Tool and Equipment Retail Store

| REQUIRED BUFFERS TO RESIDENTIAL USES | | |
|---|----------------------------------|---|
| Type of Use/Subject Buffering and Screening Requirements | Width of Buffering (Feet) | Height of Screening at the Time of Planting (Feet) |
| Non-residential Uses | 10 | 6 |

The Applicants plans do not indicate any buffering improvements for the adjacent residential dwellings located along the rear lot line.

LL.Ordinance Section 509.A, states the entire development shall be extensively landscaped in accordance with a plan conceived as a complete pattern and style throughout the total site. All areas of the site not occupied by buildings and other improvements shall be intensively planted with trees, shrubs, hedges, ground cover and perennials and annuals.

The Applicants plans do not indicate any proposed landscaping for parking lots, foundations, buffers, etc.

MM. Ordinance Section 509.I.4, states for parking lots containing 100 or more spaces, a minimum of 5% of the interior area of the parking lot shall be provided with planting islands containing a minimum of one deciduous tree planted for every five parking spaces. abutting such island. Planting islands in parking lots shall also conform to the following requirements of Ordinance Section 509.I.4.(a-e).:

The Applicants plans do not indicate any additional landscaping or planting islands are proposed.

NN. Architectural Design Standards

1) The Applicant shall provide testimony on the following building standards with regard to the newly proposed façade updates:

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

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

b. Ordinance Section 502.B.2 Horizontal Courses

- a. 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.

c. Ordinance Section 502.B.6 Entrances

- a. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.

d. Ordinance Section 502.B.11 – Signage

- a. Signs affixed to the exterior of a building shall be architecturally compatible with the style, materials, colors and details of the building and other signs used on the site. All signage affixed to a building shall conform to Article IV.

e. Ordinance Section 502.B.12 – Awnings and canopies

- a. The ground level of a building in a business district shall have awnings or canopies, where appropriate to complement the architectural style of a building. Awnings may also be used on the upper levels of a building, where appropriate. The design of awnings shall be architecturally compatible with the style,

materials, colors, and details of such building. All signage on awnings or canopies shall conform to Article IV of this chapter.

OO. Traffic Circulation and Parking

- 1) The Applicant should be prepared to discuss the following:
 - a) Hours of operation and number of parking spaces needed for staffing/retail customers.
- 2) Electric Vehicle Parking Pl 2021 c. 171
 - a) Section 3.c.-Minimum number of make-ready (MR) parking spaces with (101-150) parking spaces is four (4), with one space being handicapped accessible.

The Applicants plans do not indicate any proposed make-ready EV spaces.
- 3) The plans shall be submitted to the Neptune Fire Official to address fire lanes, hydrant connections (if required) and directional markings.
- 4) The Applicants plans indicate all existing pavement striping is to be re-striped, including, but not limited to, accessible routes, parking striping, stop bars, etc.
- 5) Handicap parking spaces and accessible routes are required to be firm, stable and slip resistant such as concrete or asphalt surface.

PP. Drainage and Stormwater Management

The site shall not be classified as a “major development” as the project does not disturb one or more acres of land and does not create one quarter acre or more of new impervious surfaces. The specific site improvements related to this project are not considered a major development and do not require stormwater quantity reductions, stormwater quality and groundwater recharge.

QQ. Environmental Impact

- 1) The Applicant shall address Environmental Impact in compliance with the Township of Neptune Land Development Ordinance No. 4-23; Section 2 entitled “Environmental Impact Statement”.
- 2) The Applicant shall provide testimony to address related key elements of the Environmental Impact with regards to noise, lighting, air pollution and impacts of water quality from the proposed improvements.

RR. Lighting and Landscaping

- 1) The Applicant shall address existing site lighting and landscaping.
- 2) The existing lighting pattern for the property is provided by free standing light poles.
- 3) The Applicants plans indicate wall mounted lighting on the south façade elevation will be removed for the exterior building improvements
- 4) The Applicants plans do not indicate any proposed landscaping improvements.

SS. Utilities

1) The Applicant shall address existing utility services for the building.

- a. Domestic water service
- b. Sewer service
- c. Gas Service

The Applicants plans do not indicate there are any new water or sewer connections.

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. Joseph Paparo, Esq. appeared on behalf of the applicant and provided a brief description of the proposal. He stated the Applicant is looking to improve the concrete loading dock and make minor façade changes. The majority of the changes are interior. The Applicant will reuse the free standing signs with the Harbor Freight logo.

B. Eric Mazzart is the project manager for the Architect for Harbor Freight and testified in support of the application. He stated that branding has changed. The Applicant was formerly Harbor Freight Tools and has changed to Harbor Freight. The store hours 8 a.m. to 8 p.m. Monday through Saturday and 9 a.m. to 6 p.m. on Sundays. Mr. Mazzart stated there will be 3-8 employees on per shift. There will deliveries by tractor trailer once a week and the trucks usually come in between 6 a.m. and 7 a.m. with a 2-hour unloading time. There is a loading dock in the rear. The building is in good shape and only requires cosmetic changes.

C. James Malin is a sales associate for Harbor Freight and testified in support of the application. He stated that there will be one (1) primary Harbor Freight sign (92 square feet) to be located on Route 35 façade and another one (1) primary Harbor Freight sign (92 square feet) to be on the Route 33 facade, with no other secondary signs on either facade. Both the existing freestanding logo signs (48 square feet) off Route 35 and Route 33 will remain. He stated both logo signs will be illuminated.

A. Terry Combs, P.P. testified in support of the application as an expert in Planning. Mr. Combs stated that there are proposed slight changes to the loading dock such as the fork lift ramp and the small concrete landing area. The Applicant proposed the restriping of the parking lot. Mr. Combs also address the existing nonconformities. One variance is required for the size of the façade sign for the primary sign on Highway 35. A second variance is required for the height of the façade signs on both side (Route 33 and Highway 35). Mr. Combs further testified that the proposed signage is appropriate for the scale of the building. The proposed signs are in line with the goal of zoning. They identify the building, improve circulation and promote a free flow of traffic. Deviation from the sign ordinance would be beneficial for the health, safety and general welfare of the public.

B. No members of the public appeared to testify.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Neptune, on the 23rd day, of April 2025 that the Applicant's request for

preliminary and final minor site plan approval with variances and waivers be approved; 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. Any future development shall comply with the Neptune Land Use Ordinance.
2. The Applicant shall comply with all representations made before the Planning Board, by its attorney and its expert.
3. 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".
4. 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.
5. 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.

6. Applicant shall resubmit its 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.
7. 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.
8. 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 Board Engineer.
9. Applicant's drainage plan shall be subject to approval by the Planning Board Engineer.
10. 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.
11. The Applicant shall reimburse the Township of Neptune Planning Board for all professional fees expended or to be expended with regard to this application.
12. The Applicant shall comply with all the provisions of the engineering and planning report of Peter Avakian, P.E., P.P. and Jennifer C. Beahm, P.P., AICP dated February 24, 2025, unless modified herein.

13. The Applicant shall regularly inspect all basins to ensure they are functioning properly and cleaning them out.
14. The Applicant shall obtain a NJDOT Access Permit or Highway Occupancy Permit, if applicable.
15. If applicable, applicant must comply with the new COAH ordinance for the building improvements in question.

MOTION TO ADOPT & MEMORALIZE:

Offered By:

Seconded By:

ROLL CALL ON VOTE

Robert Lane, Jr. _____

Dyese Davis _____

Stephanie Oppegard _____

Bishop Paul Brown _____

Brian Acciani _____

Lisa Boyd _____

Patrick Gilliam _____

Richard Culp _____

Richard Schlossbach (Alt. 1) _____ Roslyn Hurt-Steverson (Alt. 2) _____

CERTIFICATION

I hereby certify that this is a true copy of a resolution of the Township of Neptune Planning Board adopted on May 28, 2025.

Heather Kepler, Administrative Officer
Neptune Township Planning Board