

**NEPTUNE TOWNSHIP PLANNING BOARD  
RESOLUTION NO. 16-25**

**RESOLUTION OF THE NEPTUNE TOWNSHIP PLANNING BOARD  
GRANTING MINOR SITE PLAN AND MINOR SUBDIVISION APPROVAL TO  
FIFTH VENTURE, LLC FOR THE PREMISES KNOWN AS 1200 JUMPING  
BROOK ROAD ALSO DESIGNATED AS BLOCK 3903 LOT 3 AS REFLECTED  
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NEPTUNE**

**WHEREAS**, application having been made by Fifth Ventures LLC to the Neptune Township Planning Board seeking minor site plan and minor subdivision approval for the premises known as Block 3903 Lot 3 as reflected on the official tax map of the Township of Neptune; and

**WHEREAS**, the applicant submitted a development application, along with various site plan drawings, surveys, reports, letters and other documents more specifically described in the review report of Peter R. Avakian, P.E. dated October 24, 2016 and Jennifer C. Beahm, P.P., A.I.C.P. dated October 12, 2016; and

**WHEREAS**, the property in question is being submitted for approval for minor site plan and minor subdivision; 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 October 26, 2016 at the Municipal Building in the Township of Neptune and testimony and exhibits were presented on behalf of the applicant, who was represented by Richard Brodsky, Esquire 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 property in question consists of approximately 4.991 acres with frontage on internal roadway access easement and Jumping Brook Road. The property is located in the (C-3) Route 66 West Commercial Zone. The minor subdivision application currently consists of one lot, Lot 3 in Block 3903.
- B. The municipal tax map has been revised, and the property formerly known as Lot 5.01 in Block 10017 is now known as Lot 3 in Block 3903. The subject property is part of the approved Parkway 100 Commercial Subdivision known as Building No. 5 and 7 (Mortgaged Premises Tract III).
- C. The Applicant is proposing to subdivide the property into two (2) commercial lots along with minor sidewalk and handicap improvements on both lots.
- D. A Completeness Waiver Hearing was held on September 28, 2016 with the applicant to address the Township's Land Use Ordinance Completeness Checklist requirements relating to the referenced project. Based on the applicant's testimony, the following items were waived by the Board:
  1. Ordinance Section 802.A.5 – requires Tree Removal Application package in accordance with Section 525.
  2. Ordinance Section 802.A.6 – Environmental Impact Statement
  3. Ordinance Section 802.A.7 – Storm Management Report

4. Ordinance Section 802.A.9 – requires copy of the Letter of Interpretation (LOI) or letter exemption or proof of submission to New Jersey Department of Environmental Protection regarding presence of wetlands
5. Ordinance Section 802.A.11 – Circulation Impact Study

E. The following non-conformities exist on the subject property:

1. Ordinance Section 404.06.E (Schedule B) – Minimum side yard setback required is 30 feet; 21.6 feet is provided at the southeast building corner of the building on proposed lot 3.02.
2. Ordinance Section 404.06.E (Schedule B) – Maximum building height permitted is 30 feet; 30.3 feet is provided for the building on proposed lot 3.02.
3. Ordinance Section 412.12.A Table 4.1 – requires businesses and commercial uses having a total floor area between 24,000 square feet and 39,999 square feet shall provide two (2) loading berths (15 feet wide by 45 feet long with 15 feet vertically clearance). The applicant does not propose any loading berths. Existing non-conformity.
4. Ordinance Section 412.17.F – states requirements are considered minimum standards, and parking may be provided in excess of these requirements, but in no case shall the provided parking for non-residential uses exceed these minimum requirements by more than twenty (20%) percent. Proposed lot 3.01 proposes 148 parking spaces, where 106 spaces are required and 127 maximum parking

spaces are allowed. Proposed lot 3.02 proposes 150 parking spaces, where 106 spaces are required and 127 maximum parking spaces are allowed. Existing non-conformity.

5. Ordinance Section 514.B.3 – requires the minimum setbacks for buildings from driveways, parking spaces and private streets within the site shall be ten (10) feet for non-residential developments. The applicant proposes three (3) feet for the existing building on proposed Lot 3.02 and two (2) feet for existing building on proposed Lot 3.01. Existing non-conformity. This was granted under the original Site Plan approval.
6. Ordinance Sections 514.B.1 & 2 – prohibit parking in the front yard. Both lots have existing parking within the front yard. Existing non-conformity. This was granted under the original Site Plan approval.

F. The following variance and waiver are required:

1. Ordinance Section 404.06.E (Schedule B) – the minimum lot frontage required is 200 feet; proposed Lot 3.02 would not contain any lot frontage upon an approved public right-of-way. A variance is required.
2. Ordinance Section 404.06.E (Schedule B) – the maximum percent of total lot cover permitted is 65%; 82.5% is proposed for Proposed Lot 3.01 and 84.8% is indicated for Proposed Lot 3.02. A variance is required.

3. Ordinance Section 503.B.1 – states that buffering shall consist of a minimum 10 foot wide area surrounding all sides of parking lot exposed to view. The applicant does not propose buffers along proposed internal lot line. A waiver is required.

G. The following exhibits were submitted into evidence:

1. Outbound and topographic survey, marked as A-1.
2. Minor Site Plan dated August 23, 2016, marked as A-2.

H. William Fitzgerald, P.E., P.P. testified in support of the application as an expert in the field of engineering and planning. Mr. Fitzgerald testified this is an existing office complex with an existing parking lot. This application is merely establishing property lines for a subdivision.

I. No one appeared during the public portion of the hearing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Neptune, on the 9th day of November, 2016 that the applicant's request for an preliminary and Final Major Site Plan approval with variances 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. 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 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.
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. 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.
9. The applicant shall reimburse the Township of Neptune Planning Board for all professional fees expended or to be expended with regard to this application.
10. The applicant shall comply with all the provisions of the engineering report of Peter Avakian, P.E. dated October 24, 2016 unless modified herein.
11. The applicant shall comply with all the provisions of the planning report of Jennifer C. Beahm, P.P., A.I.C.P. dated October 12, 2016 unless modified herein.

**MOTION TO ADOPT & MEMORALIZE:**

Offered By: Keith Cafferty

Seconded By: Mychal Mills

**ROLL CALL ON VOTE**

Richard Ambrosio **YES**

Dr. Michael Brantley **YES**

Sharon Davis **YES**

Rev. Paul Brown **Absent**

Dyese Davis **YES**

Richard Culp **YES**

John Bonney **Absent**

Mychal Mills **YES**

Keith P. Cafferty **YES**

Linda Kornegay (Alt. 1) **Absent**

**CERTIFICATION**

I hereby certify that this is a true copy of a resolution of the Township of Neptune Planning Board adopted on November 9, 2016.



Kristie Armour, Administrative Officer  
Neptune Township Planning Board