

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. FREDAL, 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.

May 28, 2021

Kristie Dickert, Administrative Officer
Zoning Board of Adjustment
Neptune Township
P.O. Box 1125
Neptune, NJ 07754-1125

Re: Groezinger Provisions, Inc. (ZB#20/14)
1200 Seventh Avenue
Block 415, Lot 13
Use Variance and Site Plan
Our File: NTBA 20-15

Dear Ms. Dickert:

Our office has received and reviewed materials for an application for use variance and site plan approval in conjunction with the above referenced project.

Submitted Documents:

- A. Preliminary and Final Site Plan, consisting of three (3) sheets, prepared by Joseph J. Kociuba, PE, PP, of KBA Engineering Services, LLC, dated March 26, 2020, last revised May 5, 2021.
- B. Community Impact Statement, prepared by Joseph J. Kociuba, PE, PP, of KBA Engineering Services, LLC, dated December 21, 2020.

Our comments are as follows:

1. Site Analysis and Project Description

- A. The subject application consists of 23,503 sq. ft., located on the west side of Atkins Avenue between 6th and 7th Avenues in the R-4 Residential Zone District. The site is currently developed with a 15,998 sq. ft., one-story, masonry building with a loading area at the north end accessed from Seventh Avenue and a gravel parking area accessed from Sixth Avenue. The property is surrounded by residential uses and a few commercial uses.
- B. The Applicant is proposing to renovate the interior of the existing food processing plant to accommodate improvement equipment and provide for greater efficiency. No exterior expansion of the building is proposed. In applying for a permit for

interior renovations, it was determined that the current property figuration did not match what was previously approved. The Applicant is now seeking site plan approval to reflect the existing conditions proposed and improved parking lot with landscaping and dumpster enclosure.

2. **Zoning and Land Use Planning**

The property is situated in the R-4 Medium Family Residential Zone District. The purpose of the R-4 Zone District is to provide for single-family residential development at a density not to exceed 8.7 dwelling units per acre. Permitted uses in the R-4 Zone District include community shelters, detached single family residences, parks, places of worship, recreational facilities, and private or public elementary, middle, or high schools. The existing meat processing use is not permitted in the zone district. The industrial use of meat processing was approved by the Board in 1975. **As such, a d(2) use variance will be required to permit an expansion of the non-conforming use.**

3. **Bulk Requirements**

- A. The minimum front yard setback in the R-4 zone district is 20 ft., whereas -0.2 is existing and proposed along Atkins Avenue. **Existing variance condition.**
- B. The minimum front yard setback in the R-4 zone district is 20 ft., whereas 15 ft. is existing and proposed along Seventh Avenue. **Existing variance condition.**
- C. The minimum permitted side yard setback in the R-4 Zone is 5 ft., whereas 1.6 ft. is existing and proposed. **Existing variance condition.**
- D. The maximum permitted building coverage in the R-4 Zone is 50%, whereas the existing and proposed building coverage is 68.06%. **Existing variance condition.**
- E. The maximum permitted lot coverage in the R-4 Zone is 65%, whereas the existing lot coverage is 73.15% and proposed lot coverage is 86.29%. **A variance is required.**

4. **Required Proofs for Variance Relief**

A. *D(2) Variance*

A D(2) use variance to permit an expansion of a non-conforming use is required. The Applicant must satisfy both the positive and negative criteria to obtain the requested use variance.

- 1) Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
- 2) Proving the negative criteria requires evidence that the site can accommodate the expansion of the use without causing a substantial detriment to the public good, nor a substantial impairment the intent and purpose of the zone plan and zoning ordinance.

B. ***C Variances***

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) C variances must also show consistency with the negative criteria as well.

5. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The Applicant should revise the zoning table on Sheet 2 of the site plan to indicate 12 parking spaces are proposed.
- C. General Notes on sheet 1 of 3 should be revised as per comments on March 31, 2021 Twp. Engineer report (copy attached).

- D. The Applicant should address additional noise that may be generated from the interior improvements.
- E. The Applicant should address the use of the proposed 16'x32' parking space.
- F. The Applicant should address the existing illegal parking on Atkins Avenue sidewalk.
- G. The parking lot drive aisle width required is 24' (Ord. 514,B.9) where 20.1' is proposed. **A waiver is required.**
- H. Ord. 515,A.1, requires a 10' buffering from adjacent residential use. The Applicant is proposing 2'. **A waiver is required.**

6. Conditions of Approval

- A. Monmouth County Planning Board
- B. Freehold Soil Conservation District, if required.
- C. Developer's Agreement
- D. Posting of Performance Guarantee and Inspection Fee
- E. Submission of property survey referenced on the site plan.

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 C. Beahm, P.P.
Board Planner



Matt Shafai, P.E.
Board Engineer

MS:clb/mcs

cc: Monica Kowalski, Esq., Board Attorney
Joseph Kociuba, PE, PP, Applicant's Engineer (Joe@KBAengineers.com)
Roger McLaughlin, Applicant's Attorney (rmclaughlin@wall-lawyers.com)
Laurie Groezinger Cummins, (laurie@alexianpate.com)

NTBA/20/20-15

Memo



To: Chairman and Zoning Board Members

From: Leanne R. Hoffmann, P.E., P.P., C.M.E.,
Director of Engineering and Planning

Date: March 31, 2021

Re: Groezinger Provisions Inc.
First Review
Site Plan
Block 415, Lot 13
1200 Seventh Avenue

cc: Roger McLaughlin, Esq.
Bernard C. Haney, CTA, Land Use Administrator
Vito Gadaleta, Business Administrator
Michael Bascom, CMFO
Monica Kowalski, Esq
Jennifer Beahm, PP, AICP
Matthew Shafai, PE
David Milmoie, Director of Public Works
Justin Persico, Licensed Sewer Operator

This office has received and reviewed the above referenced application. The following items were reviewed:

- Plans entitled, "Preliminary and Final Site Plan 1200 Seventh Avenue, Block 415, Lot 13 for Groezinger Provisions Inc, Township of Neptune, Monmouth County, New Jersey, "sheets 1 to 2 of 2 signed by Joseph J. Kociuba PE, PP of KBA Engineering Services,
- Correspondence entitled, Community Impact Statement dated December 21, 2020 from KBA Engineering Services, LLC.
- Application and Checklist

Sheet 1 of 2 Cover Sheet:

1. Revise note #1 to indicate the property is shown on Sheet 4 of the 2020 Tax Maps of Neptune Township.
2. Notes 7 & 8 state that new water and sewer services connections are to be installed, this is not reflected on the plans, is this applicable to this project?
3. Note #9 remove the reference to the Lakewood Ordinances.
4. Note #10 is confusing. It states that less than ¼ acre of additional impervious coverage and disturbance of less than 1 acres therefore the stormwater management requirements found within the Township ordinance and NJAC7:8 **shall** apply? Is this to be **shall not** apply? In addition, the Township adopted the new Stormwater Ordinance 21-07 which replaces our old Stormwater Ordinance in its entirety. Please review for compliance.
5. The owner has not executed the signature line on the Cover Sheet for submission of the application to the Planning Board for review.