

April 26, 2021

Neptune Township Planning Board
25 Neptune Boulevard
PO Box 1125
Neptune, NJ 07754-1125

**Re: M & M at Neptune, LLC (Prior Coca Cola Site)
704 Highway 35
Preliminary and Final Major Site Plan Application
Lot 1, Block 701
Our File: NTPB 21-03**

Dear Board Members:

Our office has received and reviewed an application for Preliminary and Final Major Site Plan approval in conjunction with the above referenced project. The following documents have been reviewed:

1. Submitted Documents

- Preliminary & Final Major Site Plan for M & M Neptune LLC, Lot 1, Block 701 consisting of twenty-one (21) sheets prepared by Jeffrey A. Martell, P.E. dated December 9, 2020, last revised March 1, 2021.
- ALTA/NJPS Land Title Survey for Lot 1, Block 701 consisting of one (1) sheet prepared by David P. Aguanno, P.L.S. of Solstice Surveying, dated February 26, 2020, with no revision date.
- Exterior Elevations Plan for ALDI, Inc., Lot 1, Block 701 consisting of one (1) sheet prepared by APD Engineering & Architecture, LLC, dated September 11, 2019, last revised December 9, 2020.
- 200 ft. Natural Features Exhibit Plan for M & M Neptune, LLC, Lot 1, Block 701 consisting of one (1) sheet prepared by Jeffrey Martell, P.E. of Stonefield Engineering & Design, dated December 28, 2020, with no revision date.
- Stormwater Management Report for Lot 1, Block 701 prepared by Jeffrey A. Martell, P.E., of Stonefield Engineering & Design, dated December 29, 2020, last revised March 10, 2021.

- Stormwater Operations & Maintenance Manual for Lot 1, Block 701 prepared by Jeffrey A. Martell, P.E., of Stonefield Engineering & Design, dated December 29, 2020, with no revision date.
- Traffic Impact Study for Lot 1, Block 701 prepared by John R. Corak, P.E. and Matthew J. Seckler, P.E., P.P., P.T.O.E, of Stonefield Engineering & Design, dated January 4, 2021, with no revision date.
- Environmental Impact Statement for 704 NJ State Highway Route 35, Lot 1, Block 701 prepared by Junetta N. Dix of Act Engineers, Inc., dated April 28, 2020, with no revision date.
- Community Impact Statement for Lot 1, Block 701 prepared by Christine A. Nazzaro-Cofone, AICP, P.P., of Cofone Consulting Group, LLC, dated February 2021, with no revision date.
- Flood Zone Memo for Block 701, Lot 1 prepared for M & M Neptune LLC prepared by Jeffrey A. Martell, P.E. of Stonefield Engineering & Design, dated December 29, 2020, with no revision date.
- Operations Memorandum for proposed Commercial Development Block 701, Lot 1 prepared by Jeffrey A. Martell, P.E. of Stonefield Engineering and Design LLC, dated December 29, 2020, with no revision date.

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

2. **Completeness Review**

- A. On February 18, 2021, our office recommended the Applicant be scheduled for a completeness waiver hearing based on outstanding checklist submission items.
- B. The following completeness outstanding items were addressed and submitted by the Applicant:
 - 1) Ordinance Section 802.A.12 – Community Impact Statement
 - 2) Ordinance Section 812.02.B.14 (a through e) – Offsite Drainage
 - 3) Ordinance Section 812.02.B.6 – Paving and Right-of-Way Widths
 - 4) Ordinance Section 812.02.B.8 – Utility Information

- 5) Ordinance Section 812.02.B.16 – Signature Blocks
 - 6) Ordinance Section 812.02.B.21 – Circulation Impact Study to include single unit trucks or buses and semi-trailers that will enter the site each day.
 - 7) Ordinance Section 812.02.B. 28 – requires street lighting per Ordinance Section 511.B
 - 8) Ordinance Section 812.02.B.32 – requires floor plans and building elevation drawings of any proposed structure or structures or existing structures to be renovated. Plans missing for the convenience fast food and retail stores.
- C. The Applicant based upon our February 18, 2021 completeness letter, resubmitted the application package to address the outstanding waiver items and was deemed complete on April 1, 2021.

3. **Conceptual Plan Meeting/Technical Review**

- A. In 2019, a Conceptual Plan Pre-application Meeting was held with the Applicant to discuss preliminary comments relating to the referenced project. In the meeting, the Applicant agreed to address all preliminary comments through direct testimony to be provided at the Planning Board meeting or by providing additional information either through revisions to the site plans or supplemental reports.
- B. On April 14, 2021, the Planning Board professional staff conducted a virtual zoom meeting with the Applicant’s design team to address new changes in the land use ordinance for amendments to Section 528 “Stormwater Management”. This meeting advised the client on needed compliance and design issues not addressed in the proposed site plan.
- C. On April 19, 2021, the Planning Board engineering technical staff conducted a virtual zoom meeting with the Applicant’s design team to further address Ordinance 21-07 “Stormwater Management”.

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant’s intention to provide testimony and exhibits to further explain variances and design waiver deviations and relief needed.

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M & M AT NEPTUNE, LLC
(PRIOR COCA COLA SITE)
PRELIMINARY AND FINAL MAJOR SITE PLAN APPLICATION
IN THE
TOWNSHIP OF NEPTUNE**

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Due to the volume of submitted documents and extensive nature of the proposed development, we provide a Table of Contents for this report, identifying the report topic and associated number.

4. **Site Analysis and Project Description**

- A. The subject property, known as Lot 1, Block 701 consisting of approximately 13.60 acres with frontage on New Jersey State Highway Route 35, Monmouth County Route 16 (Asbury Avenue) and the Asbury Park Circle.
- B. The Applicant is proposing to redevelop the site (former Coca Cola distribution) to accommodate a supermarket, retail store, fast food restaurant and a convenience store/gas station.
- C. The proposed development will contain an 8,000 square foot retail building, with one (1) drive-through lane and one (1) bypass lane, a 20,442 square foot discount supermarket, a 3,100 square foot fast food restaurant with two (2) drive-through lanes, and a 4,500 square foot convenience market with six (6) fueling stations (12 fueling positions). The project will have three (3) associated trash enclosures, four (4) associated driveways, landscaping, lighting, and other related site improvements.

5. **Surrounding Uses**

Properties to the south and west of the site are zoned C-4, which contain a mix of commercial land uses. Properties east of the site are zoned R-4 and contain a mix of single-family residential uses. Properties to the north within Ocean Township also contain a mix of commercial and single family uses.

6. **Zoning and Land Use**

- A. The property is located in C-1 Planned Commercial Development Zone District. As outlined under Ordinance Section 404.04.A – The purpose of the C-1 Zone District is to serve the regional need for retail, professional office, and research facilities by encouraging planned commercial development.
- B. The Applicant proposes the following:
 - 1) 8,000 square foot retail store – permitted under Ordinance Section 404.04.B. Number 37 – Amended under Ordinance No. 14-26, Section 1.B NAICS code 4521 Department Store, 4529 other General Merchandise Stores or 453 Miscellaneous Store Retail.
 - 2) 20,422 square foot supermarket – permitted under Ordinance Section 404.04.B. Number 12 – Amended under Ordinance No. 14-26, Section 1.B NAICS Code 4451 Grocery Store.

- 3) 4,500 square foot convenience store – permitted under Ordinance Section 404.04.B Number 13 – Amended under Ordinance No. 14-26, Section 1.B NAICS Code 44711 Gasoline Stations with Convenience Store.
- 4) 3,316 square foot fast food – permitted under Ordinance Section 404.04.B. Number 107 – Amended under No. 14-26, Section 1.B NAICS Code 7225 Restaurants and Other Eating Places.

C. The Applicant has indicated a conditional use is required for:

- 1) Convenience store with gas
- 2) Restaurant drive-through

These uses have been revised to permitted uses under Ordinance No. 14-26 and no longer require a development under Ordinance Section 415 (Conditional Use Criteria).

7. **Variances and Design Waivers**

A. The following table indicates proposed bulk variances:

C-1 District Bulk Standards

	Required	Existing	Proposed
Minimum Lot Area	2.5 ac (108,900 sf)	13.5 ac (591,435.3 sf)	No Change
Maximum Lot Density	N/A	N/A	N/A
Maximum Floor Area Ratio	0.6	± 0.07	0.06
Minimum Lot Width	500 ft	527.7 ft	No Change
Minimum Lot Frontage	500 ft	2,244 ft	No Change
Minimum Lot Depth	600 ft	753.3 ft	No Change
Minimum Front Yard Setback			
Asbury Avenue (CR 16)	50 ft	84.6 ft	36.6 ft (V)
Highway Interchange	50 ft	± 283.5 ft	39.6 ft (V)
NJ Route 35	50 ft	189.9 ft	50 ft
Minimum Side Yard Setback	30 ft	368.3 ft	199.1 ft

Minimum Combined Side Yard Setback	60 ft	368.3 ft	199.1 ft	
Minimum Rear Yard Setback	40 ft	N/A	N/A	
Maximum Percent Building Cover	30%	± 7.1% (42,030 sf)	6.09% (36,042 sf)	
Maximum Percent Lot Cover	65%	±26.0% (155,300.4 sf)	34.6% (204,694 sf)	
Maximum Number of Stories	Two (2)	One (1)	One (1)	
Maximum Building Height	40 ft	± 20 ft	Convenience Store	18.5 ft
			Retail	29.5 ft
			Supermarket	29.8 ft
			Fast Food	TBD
Minimum Improvable Area	84,900 sf	205,196 sf	No Change	
MIA Diameter of Circle	189 ft	361.9 ft	No Change	

(V) variance is required

N/A not applicable

B. The Applicant is seeking the following bulk variances:

- 1) A minimum front yard setback of 50 feet is required, where 39.6 feet is proposed along the Asbury Avenue (County Route 16). **A variance is required.**
- 2) A minimum front yard setback of 50 feet is required, where 49.6 feet is proposed along the Asbury Circle interchange. **A variance is required.**

Parking and Circulation Deviations

The circulation and parking arrangement require relief from the following standards:

C. 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 Applicant proposes to increase the standard parking size to the following:

- 1) In front of the supermarket 9.5 ft by 18 ft – **Complies under Ordinance Section 514.B.8(d).**

2) In front of the convenience store 10 ft by 18 ft – **A variance is required to exceed the standard is required.**

D. Ordinance Section 412.17.F states for uses not specifically described herein, parking requirements shall be determined by the approving authority during a public hearing. These 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. This restriction shall not apply to single-family dwelling units. The Applicant provides 252 parking spaces, where 195 are required and 234 space overage is allowed. **A variance is required.**

E. Ordinance Section 412.18 states – for all uses except single-family dwellings in non-historic zone districts, individual parking spaces shall be prohibited in any front yard setback area. Parking is prohibited in all districts on lawn area within all districts on lawn areas within the front yard setback. This ordinance was amended under ordinance No. 14-27 which states parking is prohibited within front yard setbacks for all properties fronting along State Highway 35 and West Lake Avenue.

The Applicant proposes parking in the front yard setback along State Highway Route 35. **A variance is required.**

F. Ordinance Section 503.B states – Driveways and Parking Lots – 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. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way. The site plan does not fully address landscaping along driveways entering and exiting the site. **A design waiver is required.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to comply with the 6 feet high evergreen screen as needed along the northern property boundary adjacent to the residential use.

G. Ordinance section 503.C.1 states – Loading Areas – All loading areas, including loading dock areas of buildings and driveways providing access to the same, shall be suitably buffered and screened to minimize the impacts of noise, loading, and unloading activities, lighting and glare, exhaust fumes, views of loading and unloading vehicles and other nuisances. Buffering and screening shall minimize such impacts both from within the

site itself, as well as from adjacent and nearby properties and public rights-of-way, as follows:

- 1) Buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a loading area exposed to view. Where such loading area is located on a tract adjacent to a residential use or district, such buffering shall consist of a minimum twenty-five (25) foot wide area surrounding all sides of a parking lot exposed to view.

The Applicant does not fully address landscaping on the east side of the proposed Aldi's loading area. **A design waiver is required.** Additionally, testimony should address loading areas for the other three uses, as none are proposed or would be properly landscaped.

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to partially comply. Buffer plantings will be placed in the planting bed to the bed to the east of the loading zone and will meet the required 10 feet height requirements. A waiver for width and location of required loading areas will need to be requested.

- H. Ordinance Section 503.C.2 states – Screening shall consist of a minimum ten (10) foot high visually impervious screen. If such screen consists of a wall or fence, the buffer area between the wall or fence and the lot line shall be a minimum of ten (10) feet in width and shall also be extensively planted with both deciduous and evergreen trees.

The Applicant states on design sheet C-2 that the intent is to comply with the ordinance requirement. The planting schedule on sheet C-12 Nellie R. Stevens Holly at a height of 8' to 10', where the minimum design standard is ten (10) feet. **A design waiver is required.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to partially comply. Planting buffer associated with the proposed Aldi building will meet the required 10 feet landscape screen. Screening height associated with other loading zones will require a waiver.

- I. Ordinance Section 505.B.4 Table 5.2 states – The maximum driveway width for non-residential uses is 24 feet. The Applicant proposes to exceed the ordinance by 30 feet for each entrance. **Four (4) design waivers are required.**
- J. Ordinance Section 509.I.1(b) states – Front yards shall be landscaped with a combination of an alternating evergreen and deciduous hedge a minimum of three (3) feet tall at the time of planting, with deciduous shade trees

located a spacing of thirty (30) feet on-center, said spacing to supplement and alternate with required street trees.

The Applicant states on design sheet C-2 that the intent is to comply with the ordinance requirement. The planting schedule on sheet C-12 indicates shrub heights at 18" to 24" along with tree spacing not in compliance with 30 feet on-center. **Design waivers are required for spacing.** The Applicant requests a waiver on the number of trees as well. Twenty-seven (27) trees are required where twenty-four (24) are proposed.

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to partially comply. The applicant intends to comply with the required front yard parking lot perimeter trees are proposed to be located in other portions of the site.

- K. Ordinance Section 509.I.4 states – For parking lots with one hundred (100) or more 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. Planting islands in such parking lots shall conform to the following requirements:

The Applicant proposes the following:

252 parking spaces/5 = 51 trees required
37 trees proposed (**Design Waiver**)

123,837 interior asphalt area x 5% = 6,192 sf required
18,680 sf proposed with planting islands(complies)

A design waiver is required for the proposed tree requirement. The Applicant is proposing 14 trees less than what is required.

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to comply. The applicant intends to comply with the required internal street tree calculation.

- L. Ordinance Section 509.I.4(a) states – Diamond-shaped tree islands shall be utilized between parking bays (head-to-head parking) and shall contain a minimum of thirty-six (36) square feet. The Applicant proposes non-diamond shaped islands. **A design waiver is required.**
- M. Ordinance Section 509.I.4(c) states – No more than eight (8) parking spaces shall be placed in one (1) continuous row of parking without an intervening landscaped island strip placed on both sides of the spaces. The minimum width of an intervening landscaped island strip shall be seven (7) feet. The

Applicant proposes multiple rows of parking that will exceed the eight (8) parking space limit rule. **A design waiver is required.**

- N. Ordinance Section 509.J states – Sloped Plantings – All cut and fill areas, terraces, earth berms and roadway embankments with slopes steeper than one increment vertical to three increments horizontal (1 to 3) shall be sufficiently landscaped to prevent erosion.

The Applicant proposes 1 on 3 slopes east of the supermarket site pad along the easterly driveway. This slope area will not be vegetated with plantings. **A design waiver is required.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to comply. The applicant intends to comply with steep slope planting requirements with a mix of deciduous trees and groundcover plantings.

- O. Ordinance Section 509.M states – Street or Site Furniture – Benches, trash receptacles, kiosks, phone booths and other street or site furniture shall be located and sized in accordance with the functional need of such. Selection of such furniture shall take into consideration issues of durability, maintenance, and vandalism. All such furniture shall be architecturally compatible with the style, materials, colors, and details of buildings on the site. The Applicant does not propose site furniture internally within the site. **A design waiver is required.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to comply. The applicant intends to comply with and incorporate site furnishings such as benches and trash receptacles throughout the site.

- P. Ordinance Section 514.B.2 states – Parking Lot Location – A parking lot shall 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 shall be located in a required front yard. The Applicant proposes parking along all New Jersey State Highway Route 35. **A design waiver is required.**

- Q. Ordinance Section 514.B.3 states – Building Setbacks – The minimum setbacks for buildings from driveways, parking spaces and private streets within the site shall be ten (10) feet for non-residential developments. Standards relative to building setbacks from parking areas and streets in residential development are at Section 516. The provisions of this subsection area in addition to the yard setback requirements of Article IV, which shall additionally be complied with.
The Applicant proposes the following:

- 1) Proposed convenience store 8 feet and 4 feet
- 2) Proposed supermarket 8 feet
- 3) Proposed fast food 6 feet

Where a minimum standard of 10 feet is required.

Four (4) design waivers are required.

- R. Ordinance Section 514.N.9 (Aisle Dimension) Table 5.5 allows the following parking aisle widths:

Angle of Parking Stall (degrees)	Width of One-Way Traffic Aisle (FT)	Width of Two-Way Traffic Aisle (FT)
0 (parallel)	12	18
30	12	Not permitted
45	13	Not permitted
60	18	Not permitted
90 (perpendicular)	22	24

The Applicant proposes to exceed the standards as follows:

- 45° - one way width 13 feet (allowed) 18 feet (proposed)
- 90° - one way width 22 feet (allowed) 24 feet (proposed)

The Applicant has requested a design waiver to exceed the standards.

Site Deviations

The Applicant has required relief from the following standards:

- S. Ordinance Section 416.07.A.1, amended under Ordinance 8-44 – Where a lot has multiple street frontages, then 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 (400) square feet in area.

The Applicant is proposing three (3) freestanding signs. **A variance is required.** Size and detail of the signs shall be provided.

- T. Ordinance Section 416.07.A.4, amended under Ordinance 8-44 requires landscaping. All freestanding signs shall be placed within landscaped areas. The Applicant does not propose landscaping for the Asbury Avenue freestanding sign. **A variance is required.**
- U. The Applicant has indicated compliance with all freestanding signs on sheet C-2 of the site development plans. The chart indicates sign requirements prior to the amendments under Ordinance 8-44. No sign details have been provided by the Applicant. Testimony to be provided. The Applicant shall provide more detail information on compliance.
- V. The Applicant proposes the following for wall-mounted signs under Ordinance 416.07.B Sections 1,2 and 3.

Single Tenant Structure

Description	Required	Supermarket	Fast Food	Convenience
Size	48 sf maximum or 1.2 sf for each lineal foot of wall face	75.7 sf (V)	Will comply	Will comply
Mounting Height	15 ft	25.75 ft (V)	Will comply	Will comply
Quantity	1	Two (2) (V)	Will comply	Will comply
Horizontal Dimension	12 ft	7.96 ft	Will comply	Will comply

(V) variance required

Multi-Tenant Retail Structures

Description	Required	Retail
Quantity	1 sign per tenant	Will comply
Vertical sign dimension	3 ft maximum	Will comply
Horizontal sign dimension	16 ft maximum	Will comply

Secondary Wall-Mounted Signs

- 1) Ordinance Section 4116.07.B.3.(a) – 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. This provision shall not apply in situations where a parking lot is located between a building and a public street.

The Applicant proposes the following:

Supermarket: 75.7 square foot sign facing the parking lot (variance is required). Main sign is also 75.7 square feet.

A variance is required to exceed size design standard, for the secondary sign.

24 square foot sign facing Asbury Avenue (complies)

The Applicant indicates all other buildings to comply. **No detailed sign information has been provided.** The Applicant shall provide testimony on compliance.

- 2) Ordinance Section 416.07.B.3(b) – Service station canopies may have a secondary wall-mounted sign not to exceed 50% of the area of the primary building sign. In no instance may a service station canopy sign face a residential use or have changeable lettering.

The Applicant has stated compliance on sheet C-2. **No detailed information has been provided. Testimony on compliance should be provided.**

Slope Deviations

The Applicant requires relief from the following standards. More detail information in regard to these deviations shall be provided on the plans:

- W. Ordinance Section 421.D.1 Sections (a) and (b) states:

Within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions:

- 1) Construction on steep slopes of fifteen (15) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulations:

- (a) A maximum of thirty (30) percent of the total lot area in this slope category may be used for construction purposes; and,
- (b) Construction shall not result in the creation of critical slope areas.

The Applicant proposes a driveway entrance along the east side of the proposed Aldi site pad abutting existing steep slope 1 on 6 (16.67%), this construction will result in the creation of critical slopes 1 on 4 (25%). **A variance is required.** The Applicant shall provide testimony and a steep slope plan to fully address the impacts on part (a) of this ordinance.

X. Ordinance Section 421.D.2 Sections (a) through (e) states – No construction shall be permitted in critical slope areas (slopes of 25 percent or greater) unless all of the following criteria are met:

- 1) The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard.
- 2) The total area of removal or disturbance of vegetation in the critical slope area of the lot is no greater than twenty-five (25) square feet.
- 3) The increase in impervious ground cover in the critical slope area of the lot is no greater than twenty-five (25) square feet.
- 4) The construction does not include the removal of any tree having a diameter at point of measurement greater than eighteen (18) inches and,
- 5) The Applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.

The Applicant proposes a driveway entrance/exit onto New Jersey State Highway Route 35 east of the convenience store site pad. This will be fully developed within a critical slope area. No critical slope information has been provided in accordance with the Ordinance Section 421.D.2. **A variance may be required.**

Architectural Deviations

The Applicant requires relief from the following standards:

Y. Ordinance Section 502.B.1(a) states – Massing: Except for buildings in planned commercial development, no building shall be permitted to have a total measurement greater than 150 feet in length along any wall, roof, or

footprint plane. Building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than (50) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. The total measurement of such offsets shall equal a minimum of ten (10) percent of the building wall length. The maximum spacing between such offsets shall be forty (40) feet. The 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 in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.

The Applicant proposes the supermarket to have a 202.7-foot continuous wall along the Asbury Avenue frontage. **A design waiver is required.**

Additionally, the roofline for the supermarket and convenience store do not comply with the 75 feet offset rule. **Two (2) design waivers are required.**

- Z. Ordinance Section 502.B.2 states – Horizontal courses: All visibly exposed sides of building shall have an articulated base course and cornice the base course shall be traditionally proportionate to the overall horizontal and vertical dimensions of a façade and shall align with either the kickplate or sill level of the first story. The cornice shall terminate the top of a building wall, may project out horizontally from the vertical building wall plane and shall be ornamented with moldings, brackets and other details that shall be appropriate to the architectural style of a building. The middle section of a building may be horizontally divided at floor, lintel, or sill levels with belt courses. Building courses shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors, and details of the building.

The Applicant does not provide an articulated base course for the proposed supermarket, around the entire building. **A design waiver is required.**

- AA. Ordinance Section 502.B.4 states – Roof: The type, shape, pitch, texture, and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors, and details of such building. The minimum permitted roof pitch shall be eight on 12, and all gables on a building shall be of the same pitch. ***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.*** A mansard roof may be permitted, but only if such is located on the third story of a building, completely and integrally enclosing such story. Flat or mansard roofs shall be prohibited on all one-story buildings. Architectural embellishments that add visual interest to roofs, such as

dormers, belvederes, masonry chimneys, cupolas, clock towers and such similar elements shall be permitted, provided that such are architecturally compatible with the style, materials, colors, and details of the building.

The Applicant proposes flat roofs on all four buildings. Each building provides only an aluminum coping and no articulated cornice. **A design waiver is required.**

- BB. Ordinance Section 502.B.7 states – Physical Plant: all air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielding from view for a minimum distance of 500 feet from the site. Such shielding shall be accomplished by utilizing the walls or roof of the building or penthouse-type screening device that shall be designed.

The Applicant proposes a square structure on top of the proposed convenience store. Testimony to be provided to address if this will be a mechanical system. Screening should be addressed. **A design waiver may be required.**

- CC. Ordinance Section 502.D.1 states – Retail stores oriented towards a street or parking lot shall have a minimum of 50% of the first-floor building façade that faces a street or parking lot consist of glass display windows.

The Applicant proposes the following:

- Convenience store: **Design waiver required** for north, east and west elevations
- Retail: **Design waiver required** for north & west Elevations
- Supermarket: **Design waiver is required** for north & south elevation.
- Fast Food: **Design waiver is required** for west and south elevations.

Multiple design waivers are required under this section of the ordinance.

- DD. Ordinance Section 502.D.2 states - The primary building entrances should be oriented towards the street.

The Applicant proposes the following:

- Convenience store: Complies.
- Retail: Will face the interior parking lot. **A design waiver is required.**

- Supermarket: Will face the interior parking lot. **A design waiver is required.**
- Fast Food: Will face the interior parking lot. **A design waiver is required.**

Landscaping Deviations

The Applicant requires relief from the following standards:

- EE. Ordinance Section 509.G. states – Foundation plantings: 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 feet in center. This foundation planting requirement shall not apply to the sides of buildings that are directly abutting a public right-of-way.

All four buildings do not comply with the landscaping design standards. **Four (4) design waivers are required.**

Lighting Deviations

The Applicant requires relief from the following standards:

- FF. Ordinance Section 511.E. 3 states – (Fixture type) all other zones: Old Town A850 luminaire with metal halide ballast per Sternberg Lighting Catalog, or functional and aesthetic equivalent. **The Applicant has requested a waiver from this requirement.**
- GG. Ordinance Section 511.G. Table 5.3 states:

Table 5.3: Minimum Illumination for Surface Parking

Activity Type	Vehicular Traffic Footcandles	Pedestrian Safety Footcandles	Pedestrian Security Footcandles
Low activity	0.5	0.2	0.5
Medium activity	1.0	0.5	1.5
High activity	1.5	0.9	2.5

The Applicant proposes 0.1 footcandle for vehicular traffic, pedestrian safety, and pedestrian security under a medium activity.

The ordinance requires a minimum footcandle of 1.0. **A design waiver is required.**

HH. Ordinance Section 511.G.2 states – Maximum lighting controls: The ratio of average illumination, measured in footcandles, to minimum illumination, as required in Table 5.3 (Minimum illumination for surface parking) shall not exceed 4 to 1. The maximum illumination provided on any site shall not exceed the minimum illumination by more than a ratio of 10 to1.

The Applicant proposes the following:

Avg/Min = 2.27
 Max/Min = 17 (**design waiver**)

A design waiver is required to exceed the maximum/minimum ratio.

II. Ordinance Section 511.F. Table 5.4 states:

Table 5.4: Pedestrian Way Illumination Requirements

	Min. Avg. Level	Avg. Level Special Pedestrian Safety
Walkway Classification	Footcandles	Mounting hts (9-15') Footcandles
<i>Sidewalks (roadside) and Type A bikeways</i>		
Common areas	0.2	0.5
Intermediate areas	0.5	1.5
Residential areas	0.9	2.5
<i>Sidewalks (distant from roadways) and Type B bikeways</i>		
Parks, walkways, and bike paths	0.5	0.6
Pedestrian tunnels	4.0	5.0
Pedestrian overpass	0.8	0.4
Pedestrian stairways	0.6	0.8

The ordinance requires a minimum average level of 0.5 footcandles for pedestrian walkway. The Applicant proposes 0.1 footcandles. **A design waiver has been requested by the Applicant.**

Refuse and Recycling Areas Deviations

The Applicant requires relief from the following standard:

- JJ. Ordinance Section 515.A.2 states – All storage facilities shall be located in proximately to one another or may be combined in a single common facility. Such facilities shall be centrally located and convenient for the uses of the site. Designated recyclable storage facilities may be located inside a building. Such facilities shall not be located as to be visual focal point in courtyards or parking lots. Where located in a parking lot, such facilities shall not be permitted to be placed on the paved surface of the parking lot and shall be placed on a curbed area set back a minimum of two (2) feet from the curb edge of such parking lot. No refuse and recycling area may be located within a required principal building setback area.

The Applicant proposes two (2) of the three (3) refuse areas within the front setback of State Highway 35 and Asbury Avenue. **Two (2) design waivers are required.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to comply. The applicant intends to comply with the following lighting deviations:

- 1) Providing a minimum average ratio of 4 to 1 for surface parking and maximum average ratio of 10:1 for site lighting.
- 2) Providing a minimum of 1.0 FC in all vehicular traffic areas. Area lights to be located as necessary in the center of ALDI parking lot to eliminate non-compliant values.
- 3) Adding wall lights as necessary to ensure the minimum average values are provided within all pedestrian sidewalks and walkways.
- 4) The Township Standard Old Town A850 luminaire with metal halide ballast has been provided for the proposed street lighting as shown on the Lighting Plan Sheet C-9. Streetlights have been located at 75 feet intervals per the Township Ordinance.
- 5) Providing a minimum average ratio of 4 to 1 for surface parking and maximum average ratio of 10:1 for site lighting.

Sidewalk Deviations

The Applicant requires relief from the following standard:

KK. Ordinance Section 519.B.7 states – The following sidewalk widths for retail development shall be required:

- 1) Along non-residential streets separated from the curb by at least 5 feet:
6 feet
- 2) Along non-residential streets adjacent to the curb:
8 feet
- 3) Between a main building entrance and its closest parking:
10 feet*
- 4) Where vehicles overhang the sidewalk:
6 feet
- 5) Within Parking areas:
4 feet
- 6) Between buildings:
6 feet

* 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 the following:

Convenience store – 4 feet where 10 feet is required (**design waiver**)

Supermarket – 8 feet where 10 feet is required (**design waiver**)

Fast Food – 6 feet where 10 feet is required (**design waiver**)

Retail – Complies.

Three (3) design waivers are required.

Site Plan Development Standards Deviations

The Applicant requires the following relief from the standard:

- LL. Ordinance Section 521.B.2 – Building Location: A building shall be located to front toward and relate to a public street, both functionally and visually. In a multiple-building development, buildings located on the interior of a site shall front towards and relate to one another, both functionally and visually. To the greatest extent possible, the development shall divide proposed buildings into smaller, individualized groupings, utilizing such features as courtyards, quadrangles and alleys that encourage pedestrian activity and incidental social interaction among users. Spatial

relationships between buildings shall be geometrically logical and architecturally formal. No building shall be oriented to front toward a parking lot. All buildings shall be located to allow for adequate fire and emergency access.

The Applicant proposes the following:

Convenience store – entrance facing NJ State Highway Route 35 - Complies

Supermarket – entrance facing parking (**design waiver**)

Fast Food – entrance facing parking lot (**design waiver**)

Retail – entrance facing parking lot (**design waiver**)

Three (3) design waivers are required.

Street Trees Deviations

The Applicant requires the following relief from the standards:

- MM. Ordinance Section 523.A states – Location: Street trees shall be installed on both sides of all public and private streets in accordance with an approved landscape plan. Trees shall be spaced evenly along the street in a location either between the curb and sidewalk or at a point fifteen (15) feet behind the curb line. In commercial areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows:

Tree Size at Maturity (height in feet)	Soil Volume (in cubic feet)
Large trees (45' +)	200
Medium-sized trees (30' - 45')	150

Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

The Applicant proposes street trees to be placed behind the curb line at a distance of 37.44 feet. This exceeds the maximum distance of fifteen (15) feet. **A design waiver is required.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to request a design waiver. The applicant intends to request a waiver for placement of street trees within 15 feet of property line due to site constraints including conflicts with signage and parking lot perimeter.

NN. Ordinance Section 523.B states – Spacing: Trees specified in the Table of Recommend Large Street Trees shall be planted at a minimum interval of thirty-five (35) feet along all streets. Trees specified in the Table of Recommended Medium Street Trees shall be planted at a minimum interval of thirty (30) feet along all streets. Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and streetlights.

The Applicant proposes a total of twenty-seven (27) trees:

The Applicant proposes = total of 27 trees		
Route 35 frontage 629 LF/35 =	20 trees required	14 trees provided
Asbury Avenue frontage 593 LF/35 =	17 trees required	13 trees provided
Total	37 Required	27 Proposed

The Applicant is ten (10) trees short to meet ordinance requirements. **A design waiver is requested.**

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant’s intention will be to comply. The applicant intends to comply with the total number of street trees required along both frontages.

8. **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), as 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.

9. Site Plan Review

A. **General Site Improvements**

- 1) The following General Notes have been added to the plan on sheet 5 of 18:
 - a) “All proposed improvements are in accordance ADA requirements.”
 - b) “All construction shall be in accordance with Neptune Township Design Standards and Details.
 - c) “No soil shall be removed from the site without the written approval of the Director of Engineering and Planning.”
 - d) “All proposed utilities shall be placed underground.”
 - e) “All construction permits for the demolition of the structures will be obtained prior to demolition.”
 - f) “During construction, Developer shall comply with solid waste, public health and noise codes.”
 - g) A note should be added to the site plan indicating that “Any fill to be imported shall be certified clean.”
- 2) Signage
 - a) The Applicant shall clarify total square footage of the proposed freestanding signs.
 - b) Freestanding sign details shall be provided on the plans.

- c) Testimony shall be provided to address if the site will require directional or permanent window signs in accordance with Ordinance section 416.07 parts E and F.
- 3) Architectural Design 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.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.
 - (4) 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.

(5) Ordinance Section 515.A.5 – Refuse and Recycling

- All non-residential uses shall be designed to have a temporary designated refuse and recyclable storage area located within the building occupied by such use. Such storage area may be located anywhere within the interior of a building, including basements, storage closets or attached garages, but shall not be situated in a hallway or corridor necessary for internal circulation or emergency access. Such area shall be designed to accommodate the average accumulated collection and any necessary storage equipment.

(6) Ordinance Section 502.B.12 – Awnings and canopies

- 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.

- b) The Applicant should provide testimony as to the proposed number of tenants, the types of business, the hours of operation, and the estimated number of employees within the proposed retail site pad.

4) Site Layout

- a) The Ordinance No. 14-26 amended drive through restaurants as a permitted use in the C-1 zone district. While drive through restaurants are no longer a conditional use in the C-1 district, there are a number of conditional use requirements for drive through restaurants our office recommends the applicant adhere to where possible. They are as follows:

(Drive-through Areas Ordinance 415.08.D)

(A minimum of seventy-five (75) feet of queuing space shall be provided on-site, as measured from an ordering area.

- (1) Two (2) internally illuminated menu boards not to exceed twelve (12) square feet. **The applicant should provide testimony on the number of menu boards and the proposed area of each.**
 - (2) A “bail-out” lane shall be provided to allow cars in queue to freely move through the site.
 - (3) No loudspeaker shall be permitted at yards that abut a residential zone district or residential property line. **Residential zone is to the north in Ocean Township along Asbury Avenue.**
 - (4) No drive-through area located within 150 feet of a residential zone district or residential property line shall be in use past 11:00 pm or before 7:00 am.
 - (5) A pedestrian area located in the vicinity of a drive-through facility shall be clearly delineated by raised sidewalk areas, painted crosswalks, distinct paving materials or any combination thereof. Appropriate signage alerting motorists to pedestrian areas shall be provided. **This information is not clearly indicated on the site plans.**
- 5) Retaining Wall Standards
- a) The Ordinance sections 421 and 527 outline the following design standards for the proposed retaining wall to be utilized within the east side of the parking field. Testimony addressing compliance should be provided.
 - b) Ordinance Section 421.I states, safety requirements of structural retaining walls. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provide safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.

The applicant shall provide details on fencing and/or safety landscaping proposed along the entire length of the wall. No information has been provided with the site development plans.

- c) Ordinance Section 421.J states, Design. A licensed structural or civil engineer shall design all structural retaining walls, with signed and sealed plans submitted for review and approval by the Construction Official, Borough Engineer, Planning Board Engineer or Zoning Board of Adjustment Engineer, whatever the case may be.

The applicant shall submit sign and sealed structural plans for the retaining wall in accordance with the ordinance. This shall be a condition of the approval.

- d) Ordinance Section 421.K states, Inspection. 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.

Our office recommends this be made a condition of the approval.

- e) The applicant shall develop a design and maintenance plan following the standards outlined in Ordinance Section 527.

B. Traffic Circulation and Parking

- 1) The Applicant has provided a Traffic Impact Assessment in accordance with Ordinance Section 811. The Applicant shall provide 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.
- 2) The Applicant proposes the following traffic access for the development.

Existing access is provided via one (1) asphalt curb-cut along NJSH Route 35. Proposed access to the site via one (1) right-in/right-out driveway and one (1) full-movement driveway along NJSH Route 35 and two (2) full-movement driveways along Asbury Avenue.

- 3) The following peak trip generation is proposed for the development:

Time of Day	Enter	Exit	Total
Weekday Morning	279	274	553
Weekday Evening	387	383	770
Weekday MIDDAY	412	303	815

The Applicant has noted that the above calculated rates do not consider that the uses on-site likely do not peak at the same time as each other or at the same time as the adjacent roadway network. Testimony to be provided.

- 4) The Applicant shall provide detail testimony to address pass-by trips. As stated with the Traffic Impact Study.

“As stated within Chapter 10 of ITE’s Trip Generation Handbook, 3rd Edition, there are instances when the total number of trips generated by a site is different from the amount of new traffic added to the street system by the generator. Convenience stores with gas, retail stores, supermarkets, and fast-food restaurants are specifically located on or adjacent to busy streets to attract motorists already on the roadway. Therefore, the uses of the proposed development would be expected to attract a portion of its trip from the traffic passing the site on the way from an origin to an ultimate destination. These trips do not add new traffic to the adjacent roadway system are referred to pass-by trips.”

The applicant has indicated that the pass-by trip analysis provides an adjusted peak trip rate for the site would lower peak trips as follows:

Time of Day	Enter	Exit	Total
Weekday Morning	82	77	159
Weekday Evening	117	113	230
Weekday MIDDAY	132	124	256

- 5) A gravity model was developed for the site to analyze the impact on the adjacent roadways based on the development of the site. The Applicant anticipates the following:

Gravity Model Trip Distribution

Origin	Percentage
From North – Asbury Avenue	9%
From South – NJSH Route 35	33%
From East – Asbury Avenue	46%

From West – NJSH Route 35	12%
Total	100%

Testimony shall be provided to address off-site impacts northbound on NJ State Highway Route 35 and westbound on Asbury Avenue County Route 16 will have the greatest impact from proposed site traffic.

- 6) The Traffic Impact Study has indicated the proposed level of service for the site.

Intersection	Lane Group	2023 Build Condition (Summer Peak Period)			2023 Build Condition (Yearly Average)		
		Weekday Morning Peak Hour	Weekday Evening Peak Hour	Saturday Midday Peak Hour	Weekday Morning Peak Hour	Weekday Evening Peak Hour	Saturday Midday Peak Hour
NJSH Route 35 & Northerly Site Driveway	WB Right	B (13.9)	B (11.4)	B (11.9)	B (12.7)	B (10.9)	B (11.3)
Northerly Route 35 & Southerly Site Driveway	WB Left/Right	D (32.9)	E (35.4)	D (30.7)	C (24.6)	D (25.9)	C (23.6)
	SB Left/Through	A (9.9)	A (8.9)	A (9.2)	A (9.4)	A (8.6)	A (8.8)
Asbury Avenue & Easterly Site Driveway	WB Left/Right	A (9.9)	B (12.7)	B (12.3)	A (9.6)	B (11.9)	B (11.6)
	NB Left/Right	C (19.0)	D (25.0)	C (22.9)	C (17.4)	C (22.1)	C (20.4)
Asbury Avenue & Westerly Site Driveway	WB Left/Through	A (9.7)	B (12.3)	B (12.1)	A (9.4)	B (11.6)	B (11.4)
	NB Left/Right	C (16.5)	D (28.0)	C (24.9)	C (15.3)	C (23.8)	C (21.6)

The study indicates the southerly NJ State Highway Route 35 west bound traffic movement will operate at below a “C” level of service for all peak service hours.

- 7) The Applicant has provided a tentative truck delivery schedule for the site. The proposed retail development with drive-through service is expected to require one (1) WB-60 truck delivery per week. The proposed discount supermarket is expected to require one (1) WB-50 truck delivery and five (5) box truck deliveries per day. The proposed fast-food restaurant with drive-through service is expected to require between five (5) and six (6) tractor trailer deliveries per week. The proposed convenience store with fuel sales

is expected to require between five (5) and (6) WB-50 truck fuel deliveries per week, between six (6) and eight (8) WB-50 truck convenience store deliveries per week, and between five (5) and six (6) box truck convenience store deliveries per day.

Testimony should be provided to address effects on traffic circulation, schedule time of deliveries, and loading zones for each site pad in accordance with Ordinance Section 412.12.A.

- 8) In accordance with Ordinance Section 412.17 Table 4.2 the following parking spaces are required:

	Required	Square Footage on Site	Required	Provided
Retail	1 space per 250 sf	8,000	32	40
Convenience Store	1 space per 200 sf	4,500	23	58
	1 space per each employee	3	3	
Shopping Center	1 space per 250 sf	20,442	82	99
Restaurant	1 space per 60 sf	3,100	52	55
	1 space per each employee	3	3	
Total			195	252

The Applicant provides 252 parking spaces, where 195 are required and 234 space overages is allowed. **A variance is required under Ordinance Section 412.17.F as outlined within the variance and design waiver section of this report.**

- 9) All proposed site triangles and associated easements shall comply with the Monmouth County and NJDOT standards.
- 10) The Applicant should be prepared to discuss the following:

- a) The site allows for a cut through from northbound NJ State Highway Route 35 to eastbound Asbury Avenue. Our office recommends speed bumps within the site internal roadways to prohibit fast movements through the site.
- b) Ordinance Section 514.B.1 states – for nonresidential uses, parking areas with more than twenty-five (25) spaces shall have separate entrances and exits, where possible.
- c) The Applicant has provided the tentative hours of operations for each proposed use:
 - **Proposed Supermarket**
Hours of Operation: 6 AM-12 AM, 7 days a week
Deliveries anticipated overnight
 - **Proposed Convenience Store with Gas**
Hours of Operation: 24 hours, 7 days a week
 - **Proposed Fast Food**
Hours of Operation: 24 hours, 7 days a week
 - **Proposed Retail Store**
Hours of Operation: 24 hours, 7 days a week

The Applicant shall address staffing parking needs.

- 11) The plans shall be submitted to the Neptune Township Fire officials to address the fire lanes, hydrant connections (if required) and directional markings.
- 12) The applicant shall confirm if any NJDOT/ County Right-of-way dedication will be required.
- 13) Our office has met with Monmouth County Engineering Department and we recommend coordination of drainage facilities crossing Asbury Avenue (Monmouth County Route #16) with Monmouth County.
- 14) The Traffic Circulation and Parking component of the site plan application will be reviewed by the Planning Board Traffic Consultant.

C. Drainage and Stormwater Management

- 1) The project site is 13.60 acres, the extent of land disturbance for construction is 6.53 acres. The project will create 1.119 acres of new impervious surfaces. The project must comply with NJDEP Best Management Practices and Neptune Township Stormwater Ordinance in regard to meeting the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution.

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention will be to comply with the following:

- a) The stormwater design will be revised to reduce contributory drainage area to all MTD's to less than 2.5 acres.
 - b) Revise the design and analysis to meet required peak flow reductions for all drainage areas.
 - c) Use stormwater BMP's to reduce stormwater runoff volume and peak flows from existing conditions.
 - d) Intend to comply by including porous pavement, recharge BMP's and outlet protection for the site's stormwater discharge.
 - e) The stormwater analysis will be revised to include correct rainfall data.
- 2) The project is within the Deal Lake watershed, which is approximately 4,130 acres. The limit of disturbance for this project as outlined above is 6.53 acres and accounts for 0.16 percent of the total drainage area to Deal Lake. As outlined in the Deal Lake Watershed Protection Plan, over the past 63 years, Deal Lake's water quality has been impacted by a variety of non-point source pollutants. The overall goals of the management and restoration measures presented in the Watershed Protection Plan is to temper the lake's rate of eutrophication, restore its ability to consistently support contact recreation and prohibit the excessive buildup of sediments and associated loss of aquatic habitat both within the lake proper and its tributaries.
- 3) The Applicant has designed the Stormwater Management System to address the NJDEP BMP Manual and Neptune Township Stormwater Management Ordinance, Section 528. (amended under Ordinance No. 21-07), adopted on March 8, 2021. The Applicant must address.
- a) **TSS Removal** - Ordinance No. 21-07, Section IV, Part 0.2 states to satisfy the groundwater recharge and stormwater runoff standards at Section IV.P and Q, the design engineer shall utilize green infrastructure.

TABLE 1		
Best Management Practice	Maximum Contributing Drainage Area	Proposed Area
Manufactured Treatment Device	2.5 Acres	6.53 Acres

Treatment Device		
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The system has been designed to address the entire 6.53 acres into one treatment device. Contech Peak Diversion Stormfilter has been proposed for the site, the MTD Lab Certification issued by the NJDEP on December 14, 2016 has certified the Stormfilter System with an 80% TSS Removal rate.

A design waiver will be required under Ordinance No. 21-07, Section IV. Part G, to exceed Table 1 maximum contributory drainage area.

The Applicant shall address compliance with TSS Removal as outlined in the Deal Lake Watershed Protection Plan (Table 11 Page 32), Neptune Township is the second highest contributor to TSS loads to Deal Lake.

- b) **Groundwater Recharge** - The property is located within the New Jersey State Planning Area PA-1 (Metropolitan). In compliance with NJDEP Best Management Practices for groundwater recharge, the Applicant is not required to provide recharge within “Urban Redevelopment Area”. This is also in compliance with Neptune Township’s Stormwater Ordinance Section 528.3:F.B(3)c and amended Ordinance Section 21-07, Section IV, Part P.3.
- c) **Stormwater Runoff Quantity Standards** - Under Ordinance Section 529.F.B(3)c(1) and amended Ordinance No. 21-07, Section IV, Part R, the Applicant proposes the following stormwater pre vs. post construction runoff rates:

2-Year Design Storm			
Drainage Area	Existing Flow (cfs)	Allowable Peak Flow (cfs)	Proposed Peak Flows (cfs)
Drainage Area 1	8.07	4.04	2.48
Drainage Area 2	1.28	0.64	1.01 (W)
Drainage Area 3	2.01	1.01	0.42
Drainage Area 4	1.36	0.68	0.85 (W)

(W) Waiver Required

10-Year Design Storm			
Drainage Area	Existing Flow (cfs)	Allowable Peak Flow (cfs)	Proposed Peak Flows (cfs)
Drainage Area 1	13.68	10.26	6.82
Drainage Area 2	2.53	1.90	2.11 (W)
Drainage Area 3	3.41	2.56	0.89
Drainage Area 4	2.19	1.64	1.58

(W) Waiver Required

100-Year Design Storm			
Drainage Area	Existing Flow (cfs)	Allowable Peak Flow (cfs)	Proposed Peak Flows (cfs)
Drainage Area 1	25.22	20.18	13.98
Drainage Area 2	5.23	4.18	4.49 (W)
Drainage Area 3	6.26	5.01	1.88
Drainage Area 4	3.88	3.10	3.11

(W) Waiver Required

The Applicant exceeds the allowable flow within Drainage Area 2 and 4.

Drainage Area 2 is associated with the eastern most edge of the parking lot along the Riparian Zone.

Drainage Area 4 is associated with the storm drainage inlet along Route 35 and the Hollow Brook bridge crossing.

In accordance with Ordinance 21-07, Section IV, Part R (3) the stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

A waiver is required to exceed the allowable flow. Compliance with green infrastructure will be required to address this.

- 4) Deal Lake is a tidal influence lake. The proposed project will discharge site runoff into the Hollow Brook Tributary of Deal Lake. Under Ordinance 21-07, Section IV, Part R, in tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i,ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. **This analysis should be provided.**

The Deal Lake Watershed Protection Plan Outlines Ordinance 21-07, Section IV, Part R in its Summary of Findings Page 68, Correction Item No. 4.

“Better Stormwater Management Planning and Design, with the focus placed on stormwater recharge to help moderate base flows, decrease storm surges and flooding and lessen the opportunity for streambed and bank scouring.”

- 5) The Deal Lake Watershed Plan outlines four (4) key design performance standards under Section 6.1 (Page 46-47)
- a) **90% TSS Removal** – The transport of sediment from Hollow Brook, the Seaview Tributary and Harvey Brook to the western fingers of Deal Lake is a long-standing concern. The Deal Lake Commission with funds and services from the NJDEP and US Army Corp of Engineers has removed approximately 100,000yds² of sediment from the lake. However, the lake continues to be impacted by sediment loading. The Applicant shall address additional compliance along Route 35 inlets to help increase TSS Removal.
 - b) **110% Recharge** – It is recommended as a means of reducing the stormwater flows that cause property flooding and stream bank erosion. Soils along the site are poor and have a “D” hydraulic rating. Groundwater recharge, given a high seasonal highwater table for the site is not practical. It would be recommended to the Applicant to reduce proposed stormwater flows within the proposed system or within Drainage Sub Area No. 2. The site proposes approximately five feet of fill and the drainage system will be set four feet above the estimated seasonal highwater table.
 - c) **Nutrient Removal** – To address the phosphorus TMDL for Deal Lake and nutrient loading in the watershed, adopt a performance standard requiring the removal of 60% of the phosphorus load and 30% of the nitrogen load in a site’s stormwater runoff. The

Applicant shall further expand on the use of fertilizer outlined in the report and address if compliance is attainable.

- d) **Pathogen Removal** – Pathogen reductions and impairments will be addressed by constantly inspecting the watershed’s stormwater collection and conveyance system for potential illicit connections. This goal does not apply to this application.
- 6) The Deal Lake Watershed Protection Plan recommends corrections for developments within the watershed. (Section 8 – Summary of the Findings and Recommendations of the Deal Lake Watershed Protection Plan, page 68). Four (4) of the key recommendations would apply to this project.
- a) **Recommendation No. 4** – Better Stormwater Management Planning and Design, with the focus placed on stormwater recharge to help moderate base flows, decrease storm surges and flooding, and lessen the opportunity for streambed and bank scouring.
 - b) **Recommendation No. 5** - Upgrade and retrofit of the existing stormwater management infrastructure and use of these opportunities to address and correct localized stormwater and pollutant loading problems.
 - c) **Recommendation No. 7** – Decrease in the occurrence of the invasive species within the lake and within the riparian areas of the lake and its tributaries.
 - d) **Recommendation No. 10** – Decrease in fecal coliform loading.

The Applicant shall provide testimony on how the project addresses these recommendations and approves the overall quality of the watershed.

- 7) In accordance with Ordinance 21-07, Section IV, Part 0, the Stormwater Management System shall be revised to address green infrastructure BMPs as outlined.
- 8) Under Ordinance Section 528.F.1.B(3).c.(1) – The Applicant must comply with the 2, 10, and 100-year pre vs. post construction stormwater runoff rates. The Applicant’s stormwater report indicates a NOAA data set from Middlesex County. Our office recommends the 2, 10 and 100-year data set for Monmouth County be applied, (see attached).

2 year	=	3.50 in/24 hrs
10 year	=	5.42 in/24 hrs
100 year	=	9.28 in/24 hrs

- 9) Ordinance 21-07, section IX, Part A, (1) requires whenever an Applicant seeks Municipal approval of a development subject to this ordinance, the Applicant shall submit all of the required components of the checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval. The Applicant shall submit a compliance check as required.
- 10) The Applicant shall address the following design concerns:
 - a) The drainage system piping design has been developed utilizing the 25-year stormwater event. The Applicant shall provide calculations for the downstream outfall to confirm erosion and bank stability into the Hollow Brook, as erosion has been a stated issue within the Deal Lake Watershed Protection Plan.
 - b) The onsite piping system shows design velocity of pipe under 2 ft/sec, the Applicant shall address the need to go under a self-cleaning velocity within the piping system and how maintenance will be affected.
 - c) The underground detention system has been designed utilizing an underground system typically designed for recharge. The Applicant shall address the liner utilized to encapsulate the system and how the system will handle the seasonal highwater table.
 - d) The drainage system and site are proposed to be elevated with approximately five (5) feet of fill. The drainage system appears it will be set at a bottom elevation of 21.72, which is four feet above the estimated seasonal highwater table. The Applicant shall address if groundwater recharge could be considered within the design to comply with the Deal Lake Watershed Protection Plan.
 - e) The site plan shall be revised to address the rectangular weir design for the outfall on sheet C-7.
- 11) As outlined within the Deal Lake Watershed Protection Plan (Page 49) – the plan recommends that each municipality adopt a Riparian Zone Protection Ordinance for the Deal Lake Watershed with a minimum buffer of 100 feet that extends from top of bank or 100-year flood pan. The Applicant shall address if this recommendation could be achieved and clarify the drainage report statement that the Hollow Brook has a 50-foot riparian zone within the project site. All riparian zones shall be certified by the State NJDEP.

The Applicant has confirmed the project will be submitted to the NJDEP for verification of the Flood Hazard Area Line.

Critical infrastructure is proposed within the flood hazard area. The east most driveway along State Highway Route 35 along with the sanitary lateral main will be constructed in the flood zone. Detail testimony on compliance with flood standards should be addressed.

- 12) The Applicant shall provide a stormwater maintenance manual in accordance with NJDEP BMP standards. Within the manual, the following maps (11" x 17") shall be provided:

- a) Grading Plan
- b) Drainage and Utility Plan
- c) Landscape Plan and Details
- d) Soil Erosion Seeding Notes
- e) Manufacturer Treatment Device Manual for Maintenance

The report should also address the use of fertilizer, riparian areas, and vegetation. Based upon our April 19, 2021 technical meeting the Applicant shall revise the report to reflect current proposed conditions.

- 13) The following notes shall be added to the Grading and Drainage Plan:

- a) Stormwater management facilities shall be regularly maintained to ensure they function at design capacity and to prevent health hazards associated with debris buildup and stagnant water.
- b) Responsibility for operation and maintenance of the stormwater facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owners or owners of the property. Maintenance shall follow the operations maintenance manual approved by the Neptune Township Planning Board.
- c) In the event that the facility becomes a danger to public safety or public health, or if it is in need of maintenance. The owner shall affect such maintenance and repair of the facility in a manner that is approved by the Township Engineer.

- 14) As outlined under Ordinance 21-07, Section IV, Part M – Any stormwater Management Measure authorized under the Municipal Stormwater Management Plan or Ordinance shall be reflected in a deed notice recorded in the Office of the Clerk of the County of Monmouth. The Township will require quarterly reports of drainage maintenance as compliance of this approval and Maintenance Manual.

These uses have been revised to permitted uses on Ordinance No. 14-26 and no longer requires a development under Ordinance Section 415 (conditional use criteria).

D. Utilities

- 1) The Applicant has provided the following proposed utility schematics with the Utility Plan Sheet:
 - a) Domestic water service
 - b) Gas service
 - c) Sewer service
- 2) In accordance with Ordinance Section 526, all utility services shall be placed underground. The Applicant has provided a note on sheet C-8 utility note #11.
- 3) The Applicant shall provide testimony and construction details with regard to housing for the domestic and fire backflow preventers.
- 4) The Applicant shall address the following utility concerns:
 - a) Ordinance Section 419.H.3.(b) – The Applicant proposes a sanitary manhole within the flood hazard area. Testimony should address potential infiltration of flood waters into the sewer system and what steps will be utilized to address this issue.
 - b) The proposed design calls for the construction of an eight (8) inch sanitary lateral across NJ State Highway Route 35. No permit information for this reopening has been provided. Detail permitting and road closing should be addressed.
- 5) The regard to sanitary sewer improvements, the Applicant shall comply with the following:
 - a) The Applicant should obtain Township of Neptune Sewerage Authority (TNSA) approval for proposed sewer connection.
 - b) Flow calculations should be provided for the facility, calculations shall be submitted regarding proposed flow and capacity of existing system.

E. Environmental and Community Impact

- 1) The Applicant is required to provide testimony for the Environmental Impact Statement in compliance with the Township of Neptune Land Development Ordinance No. 4-23; Section 2 entitled “Environmental Impact System”. The Applicant shall provide testimony with regard to the following:
 - a) Testimony shall be provided to address recycling and solid waste disposal for the site.
 - b) The Applicant shall address the site’s listing on NJDEP. NJEMS (New Jersey Environmental Management System, Sites)
- 2) The Applicant should also provide testimony to address related key elements of the Environmental Impact Ordinance section 811.01 with regards to noise, lighting, air pollution and impacts of water quality from the proposed parking lot.
- 3) The Applicant shall provide testimony addressing ambient noise levels for the drive thru speakers adjacent to residential properties in Ocean Township.
- 4) The Environmental Report does not address the removal of the existing building and any environmental findings of material removed from the site.
- 5) The Applicant shall address proposed work within the Riparian Zone and provide permitting approval from the NJDEP. Compliance with Ordinance Section 510.B should be addressed.
- 6) The Applicant shall provide testimony to address key elements of community impact with regards to facilities and fiscal impact.
- 7) The NJDEP NJ Geo Web has indicated the following environmental limitations for the site:
 - a) NJEMS Sites
 - b) Underground Storage Tank
 - c) NAACC Culvert Inventory Aquatic Organism pass ability
 - d) TMDL – Shellfish and Streambeds
 - e) Wetlands Mitigation Bank Service Area
 - f) SBH Piedmont Plains – Landscape Project
 - Rank 1 – Habitat specification requirements
 - Rank 3 – State threatened
 - Rank 4 – State endangered

The Environmental report does not address any of these issues.

- 8) The Applicant shall address critical and environmentally sensitive area within the EIS as outlined in the ordinance No 04-23 (Amending Section 2, Article VIII, Section 811.01 Environmental Impact Statement, subsection B.12). As outlined in the drainage section of this report and our completeness letter dated February 18, 2021. The site contains riparian buffer and discharges into the Hollow Brook section of Deal Lake. It has been noted that Deal Lake is classified as an impaired water body by NJDEP.
- 9) As outlined in Ordinance No 04-23, Environmental Impact statement, the Applicant shall revise the submitted Impact study to address the following:
 - a) Wastewater management- documentary evidence that the expected flows from the proposed facility will be accepted and can be treated adequately.
 - b) Water supply- The applicant will submit documentary proof that the facility has the available excess capacity.
 - c) Stream Corridors
 - d) Energy Conservation
 - e) Environmental Protection Measures
 - f) Alternatives
- 10) Provide information on the off-site secondary impacts as follows:
 - a) Surface runoff and flooding
 - b) Nonpoint source pollution
 - c) Sedimentation and erosion
 - d) Water supply quality and quantity
 - e) Traffic congestion
 - f) Habitat fragmentation

F. Lighting and Landscaping

- 1) The following notes shall be added to the Lighting Plan:
 - a) Security lighting with times shall be provided on all or a portion of the site reducing the average illumination to the minimum requirements of the ordinance within one hour after close of business or before midnight, whichever occurs earlier.

- b) The use of high-pressure sodium lighting shall be prohibited for all fixtures.
 - c) All lighting shall provide for non-glare lights focused downward.
- 2) Construction Detail
 - a) All concrete shall be specified at 4500 psi at 28 days.
 - 3) The landscaping table shall be revised to address fall planting hazard per Ordinance 509.G.
 - 4) A tree removal permit shall be obtained from the Township Conservation Office prior to any tree removal. Applicant's compliance with replacement tree requirements shall be provided during testimony. The Applicant has indicated non-compliance with ordinance section 525.5(g)1. The ordinance requires 113 trees for replacement, where zero trees are proposed.

Based on our Technical Review Meeting dated April 19, 2021, it is the applicant's intention to comply. The applicant intends to comply with the required on-site replacement trees. Trees are to be planted east of the proposed parking lot edge in the reforestation area. It is the applicant's intention to plant the required trees at the specified caliper.

- 5) The Applicant shall address the Environmental and Shade Tree Commission concerns on non-native invasive plants and trees that will require higher maintenance issues.
- 6) Planting notes shall be revised to address Ordinance Section 509.E. "Only nursery-grown plant material shall be utilized."
- 7) Testimony should be provided to address the effects of off-premise lighting in accordance with Ordinance Section 511.C. The plan indicates lighting level intensity beyond the project limits.
- 8) Additional driveway buffering shall be provided in accordance with Ordinance Section 503.B.
- 9) The Applicant's Landscape Architect shall discuss compliance with ordinance section 509.L in regard to windbreaks and reduced solar heat gain during summer months.

G. Community Impact Analysis

- 1) The Community Impact statement has identified the following:
 - a) FY2021 the current total tax revenue generated by the site is \$25,661.49.
 - \$9,430.82 for municipal
 - \$12,379.54 for school district
 - \$419.43 for library
 - \$3,431.70 for county
 - b) Under proposed conditions the project will generate approximately \$169,776 in tax revenue.
 - \$62,394 for municipal
 - \$81,903 for school district
 - \$2,775 for library \$22,704 for county
- 2) The Applicant shall address the impact on emergency response (i.e., Police, Fire, EMS) for the proposed site. The Operations Memorandum has indicated all site pads will have 24-hour operations, 7 days a week. Given the nature of surrounding businesses more detailed information should be provided.

10. **Condition of Approval**

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

- M. Signed and sealed structural retaining wall plan
- N. Structural retaining wall maintenance plan
- O. Escrow to address inspection of structural retaining wall.

Our office recommends the above completeness waivers be reviewed by the Planning Board prior to issuing our letter of completeness.

Should you have any questions or require additional information regarding this matter, please 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 Hoffman, P.E., Director of Engineering and Planning
Mark Kitrick, Esq. Board Attorney
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Jeffrey A Martell, PE Applicant Engineer
John Taikina, M&M at Neptune LLL Applicant

NTPB/21/21-03