APPLICANT: NEW JERSEY AMERICAN WATER
APPLICATION NUMBER: ZB26/05
BLOCK: 4501
LOT(S): 15
ADDRESS: REMSEN MILL ROAD
ATTORNEY FOR APPLICANT: NIALL J. O'BRIEN, ESQ.
RESOLUTION NUMBER: 26/06

Neptune Township - NJ
Where Community, Business & Tourism Prosper

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE
FOR CONDITIONAL USE APPROVAL
AND PRELIMINARY AND FINAL SITE PLAN APPROVAL

WHEREAS, BOARD CHAIR BILL FRANTZ , offered the following Resolution moved and seconded by **BOARD MEMBER BRITTANY DREMLUK :**

WHEREAS, NEW JERSEY AMERICAN WATER, hereinafter referred to as the "applicant" filed an application with the Zoning Board of Adjustment of the Township of Neptune, (hereinafter referred to as the "Board") seeking the following relief:

Applicant is requesting Conditional Use Approval and Preliminary and Final Site Plan Approval are being requested for the proposed improvements, which include, but are not limited to, installing 431 feet of new 6-foot-high chain link fencing, and the in-kind replacement of 72 feet of existing chain link fencing, and installing security gates. The Applicant is also proposing the removal of an existing asphalt driveway and associated curbing to be replaced with a buffer of native trees and indigenous, non-invasive vegetation. At this location, the Applicant is proposing an accessory structure with approximate dimensions of 15 feet by 12 feet to house a booster pump system. An existing gravel driveway to the north will also be replaced with native trees and indigenous, non-invasive vegetation and a new access driveway installed to improve access, which will include grading for proper drainage in addition to 51 feet of new concrete curbing. Overall, there will be a net decrease of 1,574 sq ft of impervious coverage associated with the proposed project.

WHEREAS, the application pertains to premises known and designated as Block 4501, Lot(s) 15 on the Tax Map of the Township of Neptune, which premises are located at REMSEN MILL ROAD, NEPTUNE, NJ 07753**;**

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, **OCTOBER 7, 2026**:

WHEREAS, the following items were entered as Exhibits at the hearing, including but not limited to; any and all documentation as submitted and appearing on the Neptune Township website (NeptuneTownship.org) for presentation at the Public Meeting conducted either "In Person" or via Zoom with public notice along with any and all documentation provided at the

Public Hearing as so denoted as "Exhibit" after identification and submission into the record; to wit;

1. A-1 PHOTO AERIAL OF SITE
2. A-2 PHYSICAL IMPROVEMENTS TO SITE

WHEREAS, The Board listened to the Testimony of the following:

BRIAN T. DOUGHERTY, PE
JIM KAYLE, PP

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

NONE

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

NONE

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. Applicant discusses EXHIBIT A-1: PHOTO AERIAL OF SITE. Water supply plant Reservoir shown in aerial. Three intakes into the treatment plant through Jumping Brook Plant and then this moves to this critical.
2. 5 Physical improvements to site: Exhibit A-2
    a. Replace fence around perimeter. For source water protection. 6-foot-high chain link with security access gates.
    b. Main access driveway is removed as has an awkward angle. Will put in new curbing and restored with trees. 7 new installed.
    c. Remove southern driveway as well, with trees. Exhibit B
    d. Exhibit C from site plan set: New driveway is proposed. Improves ingress/egress and general public for vehicles on and off roadway with 30' of standard curing and depressed curb with installed apron for vehicles. Minor grading along frontage for draining will be provided and does not affect remaining drainage.
    e. Enclosure house for new pump system. Permitted structure under zoning ordinance. 15' x 12' and complies with riparian, transition area for wetlands and front yard/side yard setback. NEEDS A VARIANCE TO BE IN FRONT YARD. Exhibit D shows the structure proposed, will be concrete block type structure and will have plantings for screening.
3. Mr. James Kyle PP, need chain link, not vinyl or open for security measure and visibility.
4. Site is suitable despite conditional use standards. Second prong, master plan, intent behind the standard and not meeting it.
5. Positive criteria, inherently beneficial use for critical drinking water and site is suitable for use. Isolated site and county open space around all sides, no residential dwellings and shortly visible on Remsen mill.

6. No neighborhood nearby as site is isolated so no character of neighborhood to comport with. No substantial impact.
7. Fence – do not want to enclose completely but would like chain link for police patrols and visibility for security.
8. Isolation/lakc of direct neighbors/inherently beneficial use allows us to reconcile goals of zoning.
9. Bulk variance c2 criteria (purpose A health, safety and welfare, security)
10. No negative impact to adjacent property.
11. Accessory structure with adequate screening and small building and location for utility will not substantially impair the intent of the zoning ordinance.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Neptune that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

a. Based upon the aforesaid findings of fact, the Board concludes that:
    i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Township of Neptune.
c. The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.

BE IT FURTHER RESOLVED, by the Board of Adjustment of the Township of Neptune that the following be and are hereby GRANTED:

The applicant is GRANTED Conditional Use Approval and Preliminary and Final Site Plan Approval for the proposed improvements, which include, but are not limited to, installing 431 feet of new 6-foot-high chain link fencing, and the in-kind replacement of 72 feet of existing chain link fencing, and installing security gates. The Applicant is also proposing the removal of an existing asphalt driveway and associated curbing to be replaced with a buffer of native trees and indigenous, non-invasive vegetation. At this location, the Applicant is granted a variance for an accessory structure in the front yard with approximate dimensions of 15 feet by 12 feet to house a booster pump system. An existing gravel driveway to the north will also be replaced with native trees and indigenous, non-invasive vegetation and a new access driveway installed to improve access, which will include grading for proper drainage in addition to 51 feet of new

concrete curbing. Overall, there will be a net decrease of 1,574 sq ft of impervious coverage associated with the proposed project.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

(1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:

a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
b. MONMOUTH COUNTY PLANNING BOARD;
c. FIRE MARSHALL;
d. BOARD OF HEALTH;
e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
g. BOARD OF ADJUSTMENT PLANNER (Per Report)
h. BOARD OF ADJUSTMENT ENGINEER (Per Report);
i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
m. APPLICANT MUST SATISFY AND PAY FOR ANY TAX MAP REVISION FEE AS A CONDITION OF APPROVAL FOR ANY AND ALL SUBDIVISIONS OR OTHERWISE AS MAY BE DEEMED NECESSARY FOR RESOLUTION COMPLIANCE.

(2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

ROLL CALL VOTE:

THOSE IN FAVOR: Barbara Bascom, Brittany Dremluk, Shawn Weston, Naomi Riley, Danny Lynn, Lisa DiPace and William Frantz.

THOSE OPPOSED: None

ABSENT:

ABSTAINED:

MEMORIALIZATION VOTE:

THOSE IN FAVOR: Brittany Dremluk, Shawn Weston, Naomi Riley, and Lisa DiPace

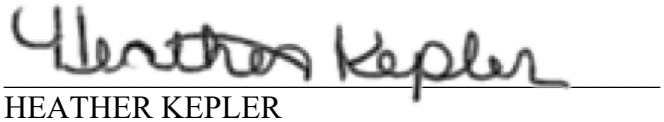
THOSE OPPOSED:

ABSENT: Barbara Bascom, Danny Lynn, and William Frantz

ABSTAINED:

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Neptune at its meeting on October 7, 2026 and memorialized at the meeting held on November 4, 2026, 2026.

Date:



HEATHER KEPLER
Administrative Officer of the
Zoning Board of Adjustment.
Township of Neptune.