

LEON S. AVAKIAN, INC. *Consulting Engineers*

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April 13, 2022

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

**Re: GSZ Realty, LLC (ZB#21/08)
505, 513, and 515 Highway 35; 1702 Monroe Ave
Block 808, Lots 5, 6, 7, and 8
D(3) Variance, Prelim/ Final Major Site Pan
Our File: NTBA 21-08**

Dear Mrs. Dickert:

Our office has received and reviewed new submission for the application for a conditional use variance and preliminary and final major site plan approval for the above referenced project. The following documents were reviewed:

- Preliminary and Final Major Site Plan, consisting of 17 sheets, prepared by Paul D. Mutch Jr., PE, of Stonefield Engineering and Design, dated March 24, 2021, last revised April 1, 2022.
- Boundary and Topographic Survey, consisting of two (2) sheets, prepared by Thomas F. Miller, PLS, of Stonefield Engineering & Design, dated last revised December 15, 2020.
- Tree Removal Permit Application dated April 9, 2021.
- Traffic & Parking Assessment Report, prepared by Matthew J. Seckler, PE, PP, PTOE, and John R. Corak, PE, of Stonefield Engineering and Design, LLC, dated March 24, 2021, revised on April 6, 2022.
- Environmental Impact Statement, prepared by Paul D. Mutch, Jr., PE, of Stonefield Engineering & Design, LLC, dated March 24, 2021.
- Stormwater Operations and Maintenance Manual, prepared by Paul D. Mutch, Jr., PE, of Stonefield Engineering & Design, LLC, dated March 24, 2021.
- Stormwater Management Report, prepared by Paul D. Mutch, Jr., PE, of Stonefield Engineering & Design, dated March 31, 2022.

- Architectural Plans, consisting of eight (8) sheets, prepared by Nastasi Architects, dated March 1, 2021, last revised April 8, 2022.
- Community Impact Statement prepared by Christine A. Nazzaro-Cofone, AICP, PP, of Cofone Consulting Group, LLC, dated May 2021.

1. **Site Analysis and Project Description**

The subject property, Block 808, Lots 5, 6, 7, and 8, consists of approximately 58,667 sq. ft. located on the west side of State Highway 35 between Monroe Avenue and West Bangs Avenue in the B-1 Town Commercial Zone District. The site is currently vacant with remnants of an old parking lot, and grassy areas. Commercial uses border the property to the east, across Route 35. Residential uses border the property to the north, south, and west, along Monroe and West Bangs Avenues.

The applicant is seeking conditional use variance and preliminary and final major site plan approval to construct a 3 and 4-story, 49,195 sq. ft. mixed use development on the site, consisting of 33 residential units and 4,100 sq. ft. of commercial space. The residential units will consist of 18 one-bedroom units and 15 two-bedroom units. Ancillary improvements will include 79 parking spaces, lighting, landscaping, stacked bike storage, and stormwater management. Access to the site is proposed via one (1) full movement driveway along West Bangs Avenue and one (1) full movement driveway along Monroe Avenue.

2. **Consistency with the Zone Plan**

The subject property is located in the B-1 Town Commercial Zone District. The B-1 Zone District is intended to serve the needs of specific surrounding residential neighborhoods by providing for retail sale and service uses. The need to complement and preserve the character of the surrounding residential neighborhoods is paramount. Permitted uses within the B-1 Zone District include furniture and home furnishing stores, electronics and appliance stores, musical instrument stores, sporting goods, hobby and book stores, food and beverage stores, health and personal care stores, clothing and clothing accessories stores, general merchandise stores, miscellaneous store retailers, credit intermediation and related activities, securities, commodity contracts, and other financial investments and related activities, insurance carriers and related activities, real estate, rental and leasing services, educational services, ambulatory health care services, social assistance, performing arts and related industries, food services and drinking places, personal laundry services, repair and maintenance, administrative and support services, professional, scientific and technical services, and funeral homes. Mixed use (residential over retail) is permitted as a conditional use within the zone district.

3. Conditions for Mixed Use

The proposed application must meet the following conditions as required for a mixed-use development in the B-1 Zone District:

- A. A minimum of 15 feet vegetative buffer and fencing has been provided along the eastern boundary of the site.
- B. Maximum Floor Area Ratio (FAR) is 0.60. The applicant is proposing a FAR of 0.84. **A d(4) variance is required.**
- C. Parking shall not be in Route 35 front yard area. The proposed development complies.
- D. Maximum front yard setback from Route 35: 20 feet. The proposed development is setback 20 ft. from Route 35.
- E. Minimum front yard setback from Bangs Avenue: 20 feet. The proposed development is setback 25 ft. from Bangs Avenue.
- F. Minimum front yard setback from Monroe Avenue: 20 feet. The proposed development is setback is 25 feet from Monroe Avenue.
- G. Minimum building setback from residential lot line: 40 feet. The building is setback 84.6 ft. from a residential zone
- H. Maximum percent building coverage: 35%. The applicant is proposing a building coverage of 28.8%.
- I. Maximum impervious coverage: 80%. The applicant is proposing an impervious coverage of 73.7 %.
- J. Maximum Building Height: 42 feet. The applicant is proposing a building height of 42 ft.

4. Other Ordinance Requirements

- A. Parking
 - 1) The Applicant meets the parking requirements for the Residential Site Improvement Standard (RSIS), the Townships Parking Regulations as per Table 4.2 and the required number of accessible spaces as per the Americans with Disabilities (ADA).
 - 2) Parking is prohibited within the front yard setback area. **The applicant is proposing one parking space on Monroe Avenue front yard, a waiver is needed.**
- B. Landscaping and Lighting
 - 1) As per §509H, 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 on center. This foundation planting requirement shall not apply to the sides of buildings that are directly abutting a public right-of-way. **The applicant is not proposing any foundation plantings. A waiver is needed.**

C. Drainage and Stormwater Management

- 1) The project site is 1.35 acres, the extent of land disturbance for construction is 1.53 acres. The project will create 1.02 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.
- 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 1.53 acres and accounts for 0.04 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 had previously 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 new submission is under review.**
- 4) 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.
- 5) 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.

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

- 6) In accordance with Ordinance 21-07, Section IV, Part 0, the Stormwater Management System Maintenance Manual shall address green infrastructure BMPs in regard to the maintenance of the pervious asphalt.
- 7) 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.
- d) Construction of the pervious pavement should not take place during rain or snow, when the subsoil is frozen, or when there is significant accumulation of sediment or debris. These conditions can permanently clog the pervious pavement.

5) **Required Proofs for Variance Relief**

D(4) Floor Area Ratio (FAR) Variance.

The application requires a d(4) use variance to permit an increase in the permitted floor area ratio.

- A. To meet the positive criteria for a d(4) variance, the applicant should prove the particular suitability of the site in accommodating the use, despite the increase in floor area ratio over what is permitted in the zone district.
- B. The negative criteria should focus on the impact of the deviation. The applicant must present evidence that the negative impacts of non-compliance with the permitted floor area ratio can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially **impair** the intent and purpose of the zone plan and zoning ordinance.

6. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. Testimony should be given as to any proposed signage and a detail of such should be provided.
- C. The applicant shall provide testimony on the location of the heating, air conditioning and other utilities being utilized.

D. Electrical vehicle parking spaces.

7. **Conditions of Approval**

- A. Freehold Soil Conservation District
- B. Monmouth County Planning Board
- C. NJDOT
- D. TNSA & NJDEP approval of proposed sanitary sewer system.
- E. Neptune Township Fire Official
- F. Neptune Township Sewer Department
- G. Neptune Township Tree removal fees
- H. The Applicant shall secure all county permits for road opening, water, sanitary sewer, gas and electric.
- I. Posting the performance guarantees and inspection fees
- J. Developer's Agreement
- K. Lot Consolidation
- L. Tax Assessor's approval of new lot number
- M. Tax Map revision fee

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.



Matt Shafai, P.E.
Board-Engineer



Jennifer C. Beahm, P.P.
Board Planner

MS:clb/sja/mcs

cc: Mark Kitrick, Esq., Board Attorney

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