

November 2, 2023

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
Amended Preliminary and
Final Major Site Plan Application
Lot 1, Block 701
Our File: NTPB 23-19**

Dear Board Members:

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

1. Submitted Documents

- Amended Preliminary & Final Major Site Plan for M & M Neptune LLC, Lot 1, Block 701 consisting of thirty three (33) sheets prepared by Jeffrey A. Martell, P.E. dated December 29, 2020, last revised July 28, 2023.
- 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 QuickChek consisting of four (4) sheets prepared by Gary Kliesch, AIA of gk+a Architects, PC, dated August 7, 2023, 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 August 7, 2023.
- Traffic Analysis Report for Lot 1, Block 701 prepared by Matthew J. Seckler, P.E., P.P., P.T.O.E, of Stonefield Engineering & Design, dated April 11, 2023, 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.

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

2. **Completeness Review**

- A. The Applicant has requested the following waivers under Ordinance 802.A and 812.02.
- 1) Ordinance Section 802.A.1 (Part 3) – Certificate of Ownership
Reasoning: M & M at Neptune, LLC is both the Applicant and Owner of the development.
 - 2) Ordinance Section 802.A. 10 – Proof of submission to CAFRA
Reasoning: The site is not located within the CAFRA jurisdiction.
 - 3) Ordinance Section 802.A.11 – Circulation Impact Study
Reasoning: No significant changes to the previously approved site circulation.
 - 4) Ordinance Section 802.A.12 – Community Impact Statement
Reasoning: Commercial Development and is not anticipated to impact community resources.
 - 5) Ordinance Section 812.02.B.14 – Offsite Drainage Plan
Reasoning: Original Stormwater Design complies with original approval.
 - 6) Ordinance Section 812.02.B.15 – Centerline Profiles
Reasoning: Amended application complies with original approval.
 - 7) Ordinance Section 812.02.B.13.i – Soil business including logs and water tables and Ordinance Section 802.A.Part B.16 – Unless the Township shall determine that a lesser number of boring logs is required or that some or all of the boring logs may be deferred to the final plan stage, the site plan shall be accompanied by a set of boring

logs and soil analyses for borings made in accordance with the following;, etc.

Reasoning: A waiver is requested from this item as geotechnical analyses have been previously conducted. Further geotechnical analysis is not required.

- 8) Ordinance Section 812.02.B.34 and Ordinance Section 802.A.Part B.30 – Developers of large uses such as shopping centers, multifamily dwellings, industrial parks, or other such uses proposed to be developed in stages shall submit Sectionalization and staging plan showing the following: etc.

Reasoning: This item is not applicable because the proposed development is to take place in one phase and therefore there will be no occupancy conflict.

- 9) Ordinance Section 802.A.Part B.19 – The location area, dimensions and proposed disposition of any area or areas of the site proposed to be retained as common open space, indicating the facilities to be provided in such areas.

Reasoning: There are no proposed areas to be retained as open space within the project scope. Not applicable.

3. **Site Analysis and Project Description**

- A. The subject property, known as Lot 1, Block 701 consisting of approximately 13.5 acres with frontage on New Jersey State Highway Route 35, Monmouth County Route 16 (Asbury Avenue) and the Asbury Park Circle.
- B. The Applicant **under Resolution No. 2022-01** 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 **approved development** will contain an 8,133 square foot retail building, with one (1) drive-through lane and one (1) bypass lane, a 20,442 square foot discount supermarket, a 3,316 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.

D. Under this application the Applicant seeks to amend the proposed convenience store to 5,670 square feet building footprint with five (5) new wall mounted signs. The surrounding parking lot will also be reconfigured.

4. **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.

5. **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 was approved for the following:

- 1) 8,133 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) Amended 5,670 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 originally approved at 4,500 square feet.
- 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).

6. **Variations 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 | 176.0 ft | |
| Minimum Combined Side Yard Setback | 60 ft | 368.3 ft | 176.0 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 | 38 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 - originally Approved under Resolution 2022-01
 N/A not applicable

Parking and Circulation Deviations

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

B. 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).

No proposed change under amended application.

- 2) In front of the convenience store 10 ft by 18 ft – A variance was granted to exceed the standard is required. **No change within the amended application.**

The convenience store is proposing a 10 ft. by 18 ft. space approved under Resolution 2022-01.

- C. 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.

The Applicant under the amended application proposes 205 spaces under the amended application.

- D. 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 has been granted.**

This has been eliminated under the amended application.

- E. 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 has been granted.**

The Applicant proposes to continue the design relief under this amended application around the convenience store.

- F. 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.**

The Applicant proposes to continue this design relief under the amended application.

- G. 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.**

The Applicant is providing additional sitting at the convenience store under the amended application.

- H. 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.**

The Applicant proposes to continue the design relief under the amended application.

- I. 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.

The Applicant will continue to need this relief under the amended application.

- J. 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 was granted a design waiver to exceed the standards. No change, the Applicant will continue to exceed the design standards under Resolution 2022-01 and will need relief under this amended application.

Site Deviations

- K. The Applicant proposes the following for wall-mounted signs under Ordinance 416.07.B Sections 1,2 and 3.

Single Tenant Structure

| Description | Required | Approved Supermarket | Approved Fast Food | Amended Convenience |
|-------------|-----------------------------------------------------------|----------------------|--------------------|---------------------|
| Size | 48 sf maximum or 1.2 sf for each lineal foot of wall face | 75.7 sf (V) * | Will comply | 57.7 sf (V) ** |

| | | | | |
|----------------------|-------|----------------|-------------|--------------------------|
| Mounting Height | 15 ft | 25.75 ft (V) * | Will comply | Above 15 ft (V **) |
| Quantity | 1 | Two (2) (V) * | Will comply | Five (5) (V) ** |
| Horizontal Dimension | 12 ft | 7.96 ft | Will comply | 17.75 ft (V) ** Qty 2 |

* (V) variance required approved under Resolution No. 2022-01

** (V) variance required under amended application

Signage Requirements – Convenience Store

| SIGNAGE REQUIREMENTS – CONVENIENCE STORE | | | | | | |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------|---------------------------------------------|
| CODE SECTION | REQUIRED | PROPOSED (CON-VENIENCE) SOUTH ELEVATION | PROPOSED (CON-VENIENCE) WEST ELEVATION | PROPOSED (CON-VENIENCE) NORTH ELEVATION | PROPOSED (GAS CANOPY) SOUTH ELEVATION | PROPOSED (GAS CANOPY) WEST ELEVATION |
| §416.07.B.1 | Wall mounted signs single tenant Size: 48 sf maximum, or 1.2 sf for each lineal foot of wall face that the sign is mounted on, whichever is less. Height: 15 ft maximum & not extend above parapet line. Quantity: 1 Horizontal Dim: 12 ft maximum | 57.7 SF (V) 22.67 FT (V) Two (V) 17.75 FT (V) | 57.7 SF (V) 22.67 FT (V) Two (V) 17.75 FT (V) | COMPLIES 20.33 FT (V) COMPLIES COMPLIES | COMPLIES COMPLIES COMPLIES | COMPLIES COMPLIES COMPLIES |
| §416.07.B.3(a) | Secondary wall-mounted sign permitted for buildings with side or rear façade, with maximum area of 50% primary building sign area | 57.7 SF (V) | 57.7 SF (V) | N/A | N/A | N/A |
| §416.07.B.3(b) | Secondary wall-mounted sign permitted for service stations, with maximum area of 50% of primary building sign area (sign may not face a residential use, or have changeable lettering) | N/A | 57.7 SF (V) | 35.5 SF (V) | N/A | N/A |
| §416.07.E.2 | Directional sign height: Maximum 3 ft | 3 FT | N/A | N/A | N/A | N/A |
| §416.07.E.3 | Directional signs setback: Minimum 0 ft | COMPLIES | N/A | N/A | N/A | N/A |

(V) variance required

N/A not applicable

Architectural Deviations

The Applicant requires relief from the following standards:

- L. 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. This design waiver was granted under the original application and will continue to need relief under this amended application.**

- M. 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
This design waiver was granted under the original application and will continue to need relief under this amended application.
- Retail: **Design waiver was required and granted Under Resolution 2022-01** for north & west Elevations
- Supermarket: **Design waiver was required and granted under Resolution 2022-01** for north & south elevation.
- Fast Food: **Design waiver was required and granted under Resolution 2022-01** for west and south elevations.

Multiple design waivers are required under this section of the ordinance for the amended convenience store application.

Landscaping Deviations

The Applicant requires relief from the following standards:

- N. 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 building frontages do not comply with the landscaping design standards. **Four (4) design waivers are required for the new proposed convenience store. No plantings are proposed.**

Sidewalk Deviations

The Applicant requires relief from the following standard:

- O. Ordinance Section 519.B.7 states – The following sidewalk widths for retail development shall be required:
- a) Along non-residential streets separated from the curb by at least 5 feet: 6 feet
 - b) Along non-residential streets adjacent to the curb: 8 feet
 - c) Between a main building entrance and its closest parking: 10 feet*
 - d) Where vehicles overhang the sidewalk: 6 feet
 - e) Within Parking areas: 4 feet
 - f) 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:

Amended convenience store – (6 feet) where 10 feet is required
(design waiver)

7. **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.

8. Site Plan Review

The Applicant shall provide updated testimony for the proposed convenience store.

A. **General Site Improvements**

- 1) 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. Traffic Circulation and Parking

- 1) The Applicant has provided an **amended** 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. **Updated testimony to be provided.**
- 2) The following peak trip generation is proposed for the development:

Originally Approved:

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

Amended

| Time of Day | Enter | Exit | Total |
|--------------------|--------------|-------------|--------------|
| Weekday Morning | 328 | 322 | 650 |
| Weekday Evening | 427 | 425 | 852 |
| Saturday Midday | 450 | 441 | 891 |

Testimony to be provided.

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

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:

Originally Approved:

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

Amended

| Time of Day | Enter | Exit | Total |
|-----------------|-------|------|-------|
| Weekday Morning | 91 | 85 | 176 |
| Weekday Evening | 128 | 126 | 254 |
| Saturday MIDDAY | 204 | 195 | 399 |

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

Amended

| Lane Group | Weekday Morning Peak Hour | | Weekday Evening Peak Hour | | Saturday Morning Peak Hour | |
|---------------|---------------------------|----------|---------------------------|----------|----------------------------|----------|
| | Previously Approved | Proposed | Previously Approved | Proposed | Previously Approved | Proposed |
| WB Left/Right | D (31.3) | D (34.5) | D (32.6) | E (35.6) | D (34.5) | E (37.7) |
| SB Left | A (9.9) | B (10.0) | A (8.9) | A (9.0) | A (9.3) | A (9.4) |

TABLE 6 – BUILD CONDITION (YEARLY AVERAGE)

| Lane Group | Weekday Morning Peak Hour | | Weekday Evening Peak Hour | | Saturday MIDDAY Peak Hour | |
|---------------|---------------------------|----------|---------------------------|----------|---------------------------|----------|
| | Previously Approved | Proposed | Previously Approved | Proposed | Previously Approved | Proposed |
| WB Left/Right | C (23.9) | D (25.7) | C (24.8) | D (26.4) | D (25.9) | D (27.7) |
| SB Left | A (9.4) | A (9.5) | A (8.6) | A (8.7) | A (9.0) | A (9.0) |

- 5) 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 | 8,133 | 33 | 33 |
| Convenience Store | 1 space per 200 sf | 5,670 | 29 | 39 |

| | | | | |
|-----------------|---------------------------|--------|-----|----------|
| | 1 space per each employee | 10 | 10 | |
| Shopping Center | 1 space per 250 sf | 20,442 | 82 | 97 |
| Restaurant | 1 space per 60 sf | 3,316 | 55 | 36 (V) * |
| | 1 space per each employee | 3 | 3 | |
| Total | | | 212 | 205 |

* variance previously approved under Resolution 2022-01

The Applicant has amended the application to provide 205 parking spaces, where 212 are required and 247 space overages is allowed.

C. Drainage and Stormwater Management

- 1) The project site is 13.5 acres, the extent of land disturbance for construction is 6.53 acres. The project will create 1.139 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 Applicant has provided the following amendments:

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:

The Applicant has provided the following amendments.

Originally Approved

| 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 - originally approved under Resolution 2022-01

Originally Approved

| 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 - originally approved under Resolution 2022-01

Originally Approved

| 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 – originally approved under Resolution 2022-01

Amended Proposed

| Stormwater Runoff Quantity | | | | |
|-----------------------------------|--------------------|----------------------|--------------------|--------------------|
| Rain Event | Existing Flow Rate | Required % Reduction | Required Flow Rate | Proposed Flow Rate |
| 2 year | 11.31 cfs | 50% | 5.66 cfs | 5.19 cfs |
| 10 year | 18.60 cfs | 25% | 13.95 cfs | 9.29 cfs |
| 100 year | 33.40 cfs | 20% | 26.79 cfs | 25.63 cfs |

| Total Groundwater Recharge | | | |
|-----------------------------------|-------------------|-------------------|---------------------|
| 2 Year Runoff | Required Recharge | Recharge Provided | Percent of Required |
| 4,591 cf | 5,050 cf | 10,713 cf | 212% |

- 2) The Deal Lake Watershed Plan outlines four (4) key design performance standards under Section 6.1 (Page 46-47)

The Application shall provide updated testimony.

- 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.

Under the amended application the Applicant provides 85.9%.

- 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.

Under the amended application the Applicant provides 212%

- 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.

D. Environmental Impact

- 1) The Applicant has provided a copy of the original report submitted under the prior approval. The minor changes in prior approval. The minor changes in the amended plans do not require any revisions to the original Environmental Impact Report.

E. Utilities

- 1) The Applicant shall provide updated testimony for the following proposed utility schematics for the convenience store.
- a) Domestic water service

- b) Gas service
 - c) Sewer service
- 2) The Applicant shall provide testimony and construction details with regard to housing for the domestic and fire backflow preventers for the convenience store.

9. **Condition of Approval**

The Applicant shall update the following approvals:

- A. Freehold Soil Conservation
- B. Monmouth County Planning Board
- C. New Jersey American Water
- D. Neptune Township Developers Agreement
- E. Neptune Township Sewer Department
- F. Neptune Township Fire Official

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

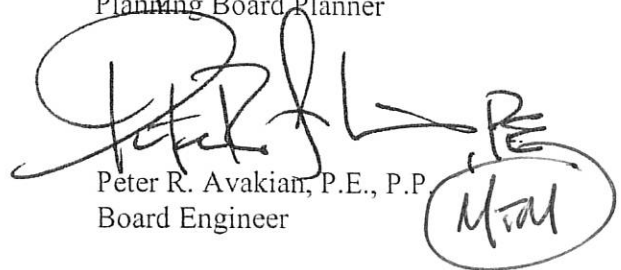
Should you have any questions or require additional information regarding this matter, please contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer Beahm, P.P.
Planning Board Planner



Peter R. Avakian, P.E., P.P.
Board Engineer

(Handwritten initials: PE, M&M)

MM/mcs

cc: Mark Kitrick, Esq. Board Attorney
Doug Wolfson ESQ, Applicant Attorney
Jeffrey A Martell, PE Applicant Engineer
M&M at Neptune LLC, Applicant

NTPB/23/23-19