

January 3, 2024

Neptune Township Planning Board
P.O. Box 1125
Neptune, NJ 07754-1125

**Re: Fulfill Food Bank
Preliminary and Final Major Site Plan
Lot 1, Block 2301
Our File NTPB 23-26**

Dear Board Members:

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

1. **Submitted Documents**

- Preliminary & Final Major Site Plan prepared for Block 2301, Lot 1, 3300 Route 66 consisting of twelve (12) sheets prepared by Christopher M. Bednarski, P.E., of InSite Engineering, LLC, dated May 10, 2023, last revised October 20, 2023.
- A Circulation Impact Study narrative prepared by Christopher M. Bednarski, P.E., of InSite Engineering, LLC, dated October 20, 2023, with no revision date.
- Community Impact Statement prepared by Christopher M. Bednarski, P.E., of InSite Engineering, LLC, dated October 20, 2023, with no revision date.
- Environmental Impact Statement for Fulfill Food Bank, Block 2301, Lot 1, prepared Christopher M. Bednarski, P.E., of InSite Engineering, LLC, dated Octobe 20, 2023, with no revision date.
- Stormwater Management Report for Fulfill Food Bank, Block 2301, Lot 1, prepared by Christopher M. Bednarski, P.E., of InSite Engineering, LLC, dated May 10, 2023, last revised October 20, 2023.
- Architectural Plan for Fulfill Food Bank, Block 2301, Lot 1, consisting of three (3) sheets, prepared by Roberto Martinez, RA, of Redcom Design & Construction, LLC, dated May 17, 2023, with no revision date.

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

2. **Completeness Review**

A. In accordance with the Development Application Completeness Checklist, Ordinance Section 812.A, the Applicant shall address the following items:

- Ordinance Section 812.02.B.1(b) – please submit copy of the survey entitled:

“InSite Surveying, LLC, entitled “Boundary Partial Topo Survey, Block 2301, Lot 1, 3300 Route 66”, being dated 03/17/23, last revised 9/18/23.”

3. **Site Analysis and Project Description**

A. The property is known as Lot 1 in Block 2301 consisting of approximately 7.21 acres and is a corner lot. The lot has frontages along Wayside Road and New Jersey State Highway Route 66.

B. The lot consists of a one and a half story building and parking lot.

C. The Applicant proposes to construct a 10 foot by 220 building addition, 65 foot by 78 foot freezer building addition, 28 foot by 91 foot building addition with drive through vehicles. Other improvements include repaving and striping the existing parking lot, walkway modification, expansion of existing parking lot, adding electric vehicle charging stations and replacing the exterior lighting.

4. **Surrounding Uses**

Properties surrounding the site are zoned C-1 Planned Commercial Development, R-2 Low Density Single Family Residential, and RDV-HP High Pointe Route 18 Redevelopment Area.

5. **Zoning and Land Use**

A. The property is located in the C-1 Planned Commercial Development Zone. The existing use, the Food Bank of Monmouth and Ocean Counties “Fulfill” is a permitted use in the zone district. The existing surface level parking is permitted accessory use.

- B. 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.
- C. Under this application, the Applicant is seeking preliminary and final site plan approval.
 - 1) Proposed 43,315 square foot food warehouse and 11, 331 square foot office food bank is permitted under Ordinance Section 404.04.B., Number 99 (civic & social organizations) and is amended under Ordinance No. 14-26, Section 1.B NAICS code 6242 Community food and Housing, Emergency and Other Relief Services.

6. Variances and Design Waivers

- A. The subject property is situated within the C-1 Planned Commercial Development Zone. The table below summarizes the zone and bulk requirements for the property.

Description	Required	Existing	Proposed
Minimum Lot Area	2.5 ac	7.21 ac	No change
Minimum Lot Width	500 ft.	2,064.7 ft	No change
Minimum Lot Frontage	500 ft.	2,064.7 ft.	No change
Minimum Lot Depth	600 ft.	824.2 ft.	No change
Minimum Front Yard Setback (NJ Route 66)	50 ft.	74.4 ft.	No change
Minimum Front Yard Setback (Wayside Road)	50 ft.	61.1 ft.	No change
Minimum Rear Yard Setback	40 ft.	132.8 ft.	No change
Minimum Side Yard Setback	30 ft.	387.6 ft.	No change
Maximum Building Height (Feet)	40 ft.	34.63 ft.	No change
Maximum Building Coverage	30%	12.7%	15.3%
Maximum Impervious Coverage	65%	36.8%	40.1%
Minimum Improvable Area (M.I.A.)	84,900 sf.	223,400 sf.	No change
Minimum MIA Diameter Circle	189 ft.	>189 ft.	No change
Maximum Building Height (Stories)	2	1 ½	No change
Maximum Floor Area Ratio	0.60	0.13	0.17

(NA) not applicable

Parking, Driveway & Landing Compliance

Description	Required	Existing	Proposed
Stall Size	9 x 18 ft	9 x 18 ft	9 x 18.2 ft
Number of Parking			
Warehouse/Distribution	18 spaces	85 spaces (NC)	90 spaces
Office	38 spaces		

Maximum Number of Parking	< 120%	85 spaces	90 spaces (V)
Minimum Aisle Width	24 ft	23.8 ft (NC)	No change
Minimum Warehouse Driveway Width (two way)	26 ft	28.9 ft	No change
Maximum Warehouse Driveway Width (two way)	30 ft	54.41 ft (NC)	No change
Minimum Front Yard Setback	15 ft	>15 ft	No change
Minimum Side Yard Parking Lot Setback	10 ft	193.3 ft	No change
Minimum Rear Yard Parking Lot Setback	10 ft	40.5 ft	No change
Minimum Parking Lot Setback to Building	10 ft	17.3 ft	25 ft
Minimum Warehouse Loading Berths	4	4	5

B. Ordinance Section 412.06.E requires a barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both a parking lot within the site and from the Township sidewalk system. The Applicant does not propose walkway access to the proposed public sidewalk. **Existing non-conformity.**

C. Ordinance 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) Parking stalls 9 ft by 20 ft
- 2) Parking stalls 9 ft by 18.2 ft

A variance is required to exceed the standard.

D. Ordinance 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 90 parking spaces, where 56 are required and 34 space overage is allowed. **A variance is required.**

E. Ordinance Section 502.B.1.(a) requires building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than fifty (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 Applicant proposes two

(2) additions with approximately 78 ft and 220 feet long walls without any projections or recesses. **A design waiver is required.**

- F. Ordinance Section 503.C.1 states – Loading Area – 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 existing loading areas. **A design waiver is required.**

- G. Ordinance Section 503.C.2 requires 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. The Applicant does not provide landscaping around the proposed loading area. **A design waiver is required.**
- H. Ordinance Section 505.B.4, Table 5.2 states – The minimum driveway width for non-residential use is 26 feet (warehouse). The Applicant proposes 23.8 feet. The existing driveway width is 23.8 feet, which represents an **existing non-conformity.**
- I. Ordinance Section 505.B.4, Table 5.2 states – The maximum driveway width for non-residential use is 30 feet (warehouse). The Applicant proposes 54.41 feet. The existing driveway width is 54.41 feet, which represents an **existing non-conformity.**
- J. Ordinance Section 509.H requires foundation plantings at the base of all sides of a building excluding sides of a building directly abutting a public right-of-way. The Applicant does not propose landscaping. **A design waiver is required.**
- K. Ordinance Section 509.I.3.(b) states no more than eight (8) parking spaces shall be placed in one row of parking without an interviewing landscape

island. The south side of the parking lot proposes eleven (11) spaces with no island. **A design waiver is required.**

- L. 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.**
- M. Ordinance Section 511.E.3. states that (all other zones) Old Town A850 luminaire with metal halide ballast per Sternberg Lighting Catalog, or functional and aesthetic equivalent. The Applicant does not propose street lighting. **A design waiver is required.**
- N. Ordinance Section 514.N.9 (Aisle Dimensions) – Table 5.5 allows for a minimum aisle width (Perpendicular Parking) of 24 feet. The Applicant proposes 23.8 ft. **A design waiver is required.**
- O. Ordinance Section 519.B.2 requires all lots shall have private walkway access to a public sidewalk in the right-of-way. Such access shall be designed for the safety, control, efficient movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Township. The Applicant does not propose walkway access to public sidewalk via parking lot driveway. **A design waiver is required.**
- P. Ordinance Section 521.B.3 requires a barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both a parking lot within the site and from the Township sidewalk system. Such walkway system shall promote pedestrian activity both within the site itself and throughout the community by its integration with the Township sidewalk system. Walkways shall be a separate pleasant route for users that will promote enjoyment of the site and encourage incidental social interaction among pedestrian. The Applicant does not propose a walkway to the building. **A design waiver is required.**
- Q. Ordinance Section 521.B.4 requires the exterior of a site with greater than 100 feet of street frontage shall provide decorative lampposts approximately 40 to 60 feet along or near all street lines and driveways. The Applicant does not provide street lighting. **A design waiver is required.**

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 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 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 the site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent to 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 Applicant shall revise the coversheet to address the following:
 - a) The signature block for the Planning Board Secretary shall be revised to read Administrative Officer.

- b) The authorized agent for the Owner/Applicant notarized signature block should appear on the cover sheet.
- 2) The following General Notes shall be added to the plan:
 - a) “All proposed improvements are in accordance with 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) “During construction, the Applicant shall comply with solid waste, public health and noise codes.”
 - 3) The following Temporary Construction notes shall be added to sheet:
 - a) “Temporary trailers may be used only during the construction phase of the development. All material storage and construction office trailers must be removed if not site work or construction activity has occurred on-site for forty-five (45) days or more, or if construction activity has substantially slowed.”
 - b) “Construction trailers must be removed upon the completion of or final occupancy of the new structure(s).”
 - c) “Trailers for the disposal of materials or for the storage of materials and supplies not related to the construction on job undertaken shall be subject to the provisions of Ordinance 07-25 Sections 412.21 G through L.
 - 4) Ordinance Section 515.A.1 – requires all non-residential refuse and recyclable disposal collection areas shall be suitably buffered and screened to minimize the impacts of noise, odors, disposal and collection activities and views of collection bins and dumpsters. Buffering shall consist of a minimum 4-foot-wide area surrounding all sides of such facility exposed to view. The Applicant did not indicate any existing or proposed refuse and/or recyclable disposable area. **Testimony should be provided.**

- 5) The Applicant shall provide testimony with regards to signage under Ordinance 416. The plan indicates no new signage is proposed. **Testimony should be provided.**

B. Traffic Circulation and Parking

The Applicant has to provide a traffic study in accordance with Section 811. The Applicant shall provide testimony with regards to the following:

- 1) The Applicant should be prepared to discuss the following:
 - a) Trash/recycling pick-up
 - b) Hours of service and number of parking spaces needed for staff.
 - c) The Food Bank's need for the additional thirty-four (34) spaces.
 - d) Truck and food deliveries, need for pull through addition. Trucks normally enter along Wayside Road.
 - e) Seasonal traffic lining up along Route 66 for food distribution and long traffic lines within Route 66 shoulder.
 - f) Event traffic and number of families utilizing drive thru services.
- 2) Ordinance Section 412.17.D. Table 4.2 – parking regulations require one (1) space per 2,500 square feet of gross floor area (warehouse) and one (1) space per 300 square feet of gross area (office). By the Applicant's calculations fifty six (56) spaces are required. Currently eighty five (85) spaces exist which conforms. The Applicant is proposing ninety (90) parking spaces, which exceeds the Ordinance Section 412.17F. The parking lot includes three (3) ADA parking spaces and EV spaces. The Applicant shall testify on the number of EV spaces needed and the location of the EV spaces.
- 3) The plans shall be submitted to the Neptune Fire Official to address fire lanes, hydrant connections (if required) and directional markings.
- 4) All proposed site triangles and associated easements shall comply with Neptune Township design standards under Ordinance Section 520.B.

C. **Grading and Stormwater Management**

- 1) The project disturbance is less than one (1) acre, and the Applicant does not exceed a quarter of an acre of new impervious surfaces. The project is exempt from the NJDEP Best Management Practices threshold with regard to groundwater recharge and TSS removal. The Applicant has provided a detention basin system to address the proposed improvements.
- 2) The increase in stormwater runoff due to the creation of new the impervious surface will be mitigated by a piping collection system. The Applicant shall address additionally discharge into the existing system. **Testimony to be provided.**
- 3) The following table is for pre- and post- development stormwater runoff rates:

Design (Year)	Existing Peak Flows (cfs)	Proposed Peak Flows (cfs)
2	8.7	9.5
10	13.6	14.8
100	30.7	32.5

Testimony should be provided.

- 4) The Applicant shall address the following design concerns:
 - a) Testimony shall be provided to address the condition of the existing infiltration basin.
 - b) Design calculations shall be provided showing the existing system has the capacity to handle the building additions and the increase in flow.
 - c) Please provide maintained logs for the existing basin.
 - d) The Applicant shall provide testimony relative to the control of existing stormwater runoff and the potential impact on existing downstream properties.
 - e) Our office recommends all onsite inlets be updated to ECO grate inlets to control floatable debris into stormwater drainage system.
 - f) The plans shall be revised to provide additional detail information of the existing piping and drainage system.

- 5) The Applicant shall provide a stormwater maintenance manual for the existing system 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

- 6) 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 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. Environmental Impact

- 1) The Applicant shall address related key elements of the Environmental Impact ordinance requirements with regards to noise, lighting, air pollution and impacts of water quality from the proposed parking lot improvements.

- 2) A tree removal permit shall be obtained from the Township Conservation Officer prior to any tree removal. The Applicant's compliance with replacement tree requirements shall be provided during testimony.

- 3) Inlet protection shall be provided for the existing inlet within the proposed construction area, to provide protection from the situation during site construction activities.

E. **Lighting and Landscaping**

- 1) The Applicant shall address existing and proposed site lighting. **Testimony to be provided.**
- 2) The following note shall be added to the Lighting Plan:
 - a) Ordinance Section 511.A.2.(a) states that security lighting design for commercial developments shall employ timers on all or a portion of the site lighting that reduces the average illumination to the minimum requirements of this ordinance within one hour after close of business or before midnight, whichever occurs earlier. The plan indicates lights specified on this plan shall be fully illuminated one-half hour before sunset, until last employee leaves for closing. **The Applicant should provide testimony.**
 - b) Ordinance Section 511.D., states that (building-attached fixtures), 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. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of high-pressure sodium lighting shall be prohibited for all fixtures. The Applicant is proposing wall mounted lighting on the existing building detail of this lighting should be provided. **Testimony should be provided.**
 - c) All lighting shall provide for non-glare lights focused downward.
 - d) The Applicant shall shield all parking lot lighting spillage from adjacent properties in accordance with Ordinance Section 511.A.2.

F. **Utilities**

- 1) The Applicant shall address existing utility services for the building. All services shall be shown on the plans.
- 2) The Applicant shall provide testimony and construction details with regards to housing for the domestic and fire backflow preventers, if required.

- 3) In accordance with Ordinance Section 526, all utility services shall be placed underground.

9. **Conditions of Approval**

- A. Freehold Soil Conservation District
- B. Monmouth County Planning Board
- C. Neptune Township Developer's Agreement
- D. Neptune Fire Official
- E. Performance Guarantees and Engineering Inspection Fees
- F. Title 39 – governing all motor vehicle operation within the site
- G. Filing of Deeds for Sight Triangle

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant.

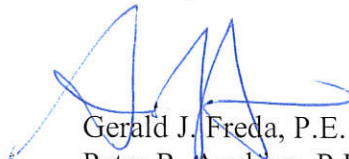
Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer Beahm, P.P.
Planning Board Planner



Gerald J. Freda, P.E. for
Peter R. Avakian, P.E., P.P.
Planning Board Engineer

MM/mcs/cmp
cc: Kristie Dickert, Administrative Officer
Mark Kitrick, Esq., Board Attorney
Jennifer Krimko, Esq., Applicant's Attorney
Christopher M. Bednarski, P.E., Applicant's Engineer
NT/PB/23/23-26a