

January 9, 2024

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

**Re: Pink Balloon, Inc.  
Preliminary & Final Major Site Plan  
Block 3601, Lot 4  
Our File NTPB 23-27**

Dear Board Members:

Our office received and reviewed an application for Preliminary & Final Major Site Plan approval in conjunction with the above referenced project.

**1. Submitted Documents**

- Preliminary and Final Site Plan for Pink Balloon, Inc. consisting of twelve (12) sheets prepared by David H. Boesch, LLA, of Nelson Engineering Associates, Inc., dated November 7, 2023, with no revision date.
- Traffic Impact & Parking Assessment for Proposed Cannabis Dispensary prepared by Justin Taylor, P.E. and John Pesce, P.E., of Dynamic Traffic, dated November 15, 2023 with no revision date.
- Drainage Study for Pink Balloon, Inc., prepared by Matthew R. DeBois of Nelson Engineering Associates, Inc., dated November 17, 2023, with no revision date.
- Survey of Property, consisting of one (1) sheet, prepared by Robert H. Morris, PLS, of Nelson Engineering Associates, Inc., dated February 16, 2023, with no revision date.
- Environmental Impact Assessment for Pink Balloon, Inc., Block 3601, Lot 4, prepared by Kyle Weise, of Trident Environmental, dated November 17, 2023, with no revision date.
- Architectural Plans for 3536 Route 66, Block 3601, Lot 4, prepared by Patrick M. Lesbirel, AIA, of Brick City Reconstruction, dated November 20, 2023, with no revision date.

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

2. **Completeness Review**

In accordance with the Major Site Plan and Major Subdivision Checklist, Ordinance Section 812.02 waivers have been requested from the following checklist by the Applicant. **Testimony to be provided.**

- A. Ordinance Section 812.02.B.7 – The boundary, nature and extent of wooded areas, swamps, bogs and ponds within the site and within two hundred (200') feet thereof and delineation of all wetlands areas soils as required by the New Jersey Department of Environmental Protection and the US Army Corps of Engineers. **The Applicant requests a waiver from offsite conditions.**
- B. Ordinance Section 812.02.B.8 – Existing and proposed manholes, sewer lines, fire hydrants, water lines, utility poles and all other topographic features of a physical or engineering nature with the site and within two hundred (200') feet thereof. **The Applicant requests a waiver from offsite conditions.**
- C. Ordinance Section 812.02.B.15 – If required by the Township Engineer, center line profiles of streets bordering the site, internal roadways, and major circulation aisles showing existing and final grades and slopes, and pipe sizes, type, inverts and grate or rim elevations of drainage and sanitary sewerage facilities.
- D. Ordinance Section 812.02.B.16.F – Certified soil tests as a basis for design standards for pavement, pipe, bedding, etc.

3. **Site Analysis and Project Description**

- A. The subject property, known as Lot 4, Block 3601 in Neptune Township consists of 0.90 acres (3,515 sq. ft.) with frontage on NJ State Highway Route 66.
- B. The Applicant proposes to demolish portions of the existing building and renovate the remaining space into a new one tenant space allocated for a cannabis retailer.
- C. The property is located in the C-1 Planned Commercial Development Zone. The C-1 Zone District provides for business uses appropriate to the Route 66 highway corridor.

4. **Zoning and Land Use Planning**

- A. A cannabis retailer is a permitted use in the C-1 Zone District.
- B. The bulk, area, and yard requirements of the C-1 Zone district as compared to the proposed development are as follows:

Description	Required	Existing	Proposed
Minimum Lot Area	2.5 ac	0.9 acres (NC)	0.9 acres (NC)
Minimum Lot Depth	600 ft.	372 ft. (NC)	372 ft. (NC)
Minimum Lot Width	500 ft.	181 ft.(NC)	181 ft. (NC)
Minimum Lot Frontage	500 ft.	209 ft.(NC)	209 ft. (NC)
Maximum Impervious Coverage	65%	36 %	58%
Minimum Improvable Area	84,900 sf	12,625 sq. ft.(NC)	12,625 sq. ft. (NC)
Minimum Improvable Diameter	189 ft.	90 ft. (NC)	90 ft. (NC)
Min. Front Setback	50 ft.	49 ft. (NC)	49 ft. (V)
Minimum Side Setback (one)	30 ft.	24 ft. (NC)	38 ft.
Minimum Side Setback (combined)	60 ft.	47 ft.(NC)	88 ft.
Minimum Rear Setback	40 ft.	(NA)	(NA)
Maximum Building Height	40 ft.	18.3 ft.	28.7 ft.
Maximum Building Stories	2 story	1 story	1 story
Maximum Building Coverage	30%	5.95 %	6.20 %
Maximum Floor Area Ratio	0.6	0.06	0.09

(V) Variance required      (NC) Existing Non-Conformity      (NA) Not applicable

- C. The subject application is proposing a front setback of 49 feet, whereas the minimum permitted is 50 ft.. **A variance is required.**
- D. There are a number of **existing non-conformities** related to the site. They are as follows:
  - 1) A minimum lot area of 2.5 acres is required, whereas 0.9 acres exists.
  - 2) A minimum lot depth of 600 feet is required, whereas 372 feet exists.
  - 3) A minimum lot width of 500 feet is required, whereas 181 feet exists.
  - 4) A minimum lot frontage of 500 feet is required, whereas 209 feet exists.
  - 5) A minimum improvable area of 84,900 square feet is required, whereas 12,625 square feet exists.
  - 6) A minimum improvable diameter of 90 feet is required, whereas 90 feet exists.

- 7) A minimum side setback (one side) of 30 feet is required, whereas 24 feet exists. **This will be eliminated.**
- 8) A minimum side setback (combined) of 60 feet is required, whereas 47 feet exists. **This will be eliminated.**

E. Signage

Freestanding Sign

Description	Required	Existing	Proposed
Area	52 sq ft	24 sq ft	51.7 sq ft
Sign Height	15 ft	4 ft	10.67 ft
Setback	8 ft	2 ft (NC)	2 ft (V)

(V) Variance required (NC) Existing Non-Conformity

Mounted Sign

Description	Required	Existing	Proposed
Area	34 sq ft	40 sq ft (NC)	48 sq ft (V)
Sign Height	8 ft	12 ft (NC)	13 ft (V)
Number of Signs	2	1	2
Horizontal Dimension	12 ft	20 ft (NC)	12 ft
Rear Building Sign Area	17 sq ft	(NA)	48 sq ft (V)
Rear Building Sign Height	8	(NA)	19.5 ft (V)

(V) Variance required (NC) Existing Non-Conformity (NA) Not applicable

F. Article IV – Zoning District Resolution

- 1) 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 sidewalks system. The Applicant does not propose sidewalk along the property frontage. **A variance is required.**

- 2) Ordinance Section 412.01

Unless otherwise specified in this Chapter, all accessory buildings and structures (principal or accessory) shall conform to the regulations and standards contained in this Land Development Ordinance which governs the principal building for the applicable zone district within which they are located.

The Applicant proposes the hot box structure to be located within the front yard. **A variance is required.**

- 3) Ordinance Section 412.7.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 (20%) percent. This restriction shall not apply to single-family dwelling units. The Applicant provides 41 parking spaces, where 14 are required and 17 space coverage is allowed. **A variance is required to exceed 20%.** The Applicant shall also address EV Make Ready parking spaces in accordance with the state requirements.
- 4) 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 Route 66. **A variance has been requested by the Applicant.** Under Ordinance No. 14-27 parking within the front yard is allowed.

G. Article V – Performance and Design Standards

- 5) Ordinance Section 502.B.4 states 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. The Applicant proposes a flat roof system for the existing one (1) story building. **A design waiver is required.**
- 6) Ordinance Section 503.B.1, 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 shall consist of a minimum ten (10) foot wide area surrounding all sides of a parking lot exposed to view. When such parking area is located on a tract adjacent to a residential district, such screening shall consist of a minimum six (6) foot-high visually impervious screen. The subject application does not meet this requirement along adjacent Route 66. The Applicant provides no buffer for the front parking area. **A design waiver is required.**
- 7) Ordinance Section 503.C.1 states that 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 al 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 is proposing no buffer along the south side of the loading area. **A design waiver is required.**

- 8) Ordinance Section 503.C.2, 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 is proposing a five-foot-wide buffer with 18" - 24" high plantings to the south of the proposing loading space. **A design waiver is required.**
- 9) Ordinance Section 505.B.4, the maximum driveway width for non-residential uses is 24 feet. The applicant is proposing a 30 ft. driveway along NJ State Highway 66. **A design waiver is required to exceed.**
- 10) Ordinance Section 505.B.5, driveway grades shall not exceed 6% at any point, whereas the Jumping Brook Road driveway grade exceeds 6.25%. **A design waiver is required.**
- 11) Ordinance Section 509.H, 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 (3) feet on center. The applicant is not proposing any foundation plantings on the southern side of the building. **A design waiver is required.**
- 12) Ordinance Section 509.I.3 states for parking lots containing sixteen (16) to ninety-nine (99) 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 abutting such island. The Applicant does not propose interior landscape within the parking lot. **A design waiver is required.**
- 13) Ordinance Section 509.I.3.(a) states the minimum width of planting islands shall be four (4) feet on the side of parking spaces six (6) feet between parking bays (head-to-head parking). If sidewalks are



incorporated through either the long sides of parking spaces, their width shall be added to these requirements. The Applicant does not propose any planting islands. **A design waiver is required.**

- 14) Ordinance Section 509.I.3(b), no more than eight (8) parking spaces shall be placed in one row of parking without an intervening landscape island, where the applicant is proposing twenty-two (22) and eleven (11) in one row. **A design waiver is required.**
- 15) Ordinance Section 511.A.2. states that safety lighting design shall employ motion sensors so that illumination occurs only when someone is in the immediate area. The site plan does not indicate that motion sensors are being used. **A design waiver is required or revise the plans to comply.**
- 16) Ordinance 511.A.(c) states that display, advertising and specialty lighting, excluding interior illuminated or backlit identification signage, shall be turned off at or before midnight. The plans do not indicated that the wall mounted sign will be turned off at or before midnight. **Testimony to be provided.**
- 17) Ordinance 511.C (Off-premise effects) states that any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premise effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets. **Testimony should be provided.**
- 18) Ordinance Section 511.D (Building-attached fixtures) states that 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 used on buildings, signs, parking areas, pedestrian walkways and other areas of site shall be the same or compatible. The use of high-pressure sodium lighting shall be prohibited for all fixtures. **Testimony should be provided.**

- 19) Ordinance Section 514.B.2 requires that parking lots 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 lot shall be located in a required front yard. The applicant is proposing parking areas within the front yard setback. Ordinance No. 14-27 eliminates parking within the front yard along State Highway Route 66. **Testimony to be provided.**
- 20) Ordinance Section 514.B.3, the minimum setbacks for buildings from driveways and parking spaces within the site shall be 10 feet for nonresidential developments, whereas the applicant is proposing a setback of three (3) feet along the northern side of the building. **A design waiver is required.**
- 21) Ordinance Section 515.A.2 requires that no refuse and recycling area may be located within the required principal building setback area. The Applicant proposes the refuse area within the side and rear yard setbacks. **A design waiver is required.**
- 22) Ordinance Section 519.B.1 requires sidewalks shall be required on both sides of the street for all major arterials, minor arterial roads, collector roads in association with non-residential development. The Applicant does not propose sidewalk along street frontages. **A design waiver is required.**
- 23) Ordinance Section 519.B.3 (b) in addition to required sidewalks along streets, commercial developments shall provide internal sidewalks creating convenient linkages between the commercial development and all surrounding streets, including residential streets. Internal sidewalks shall be provided linking such commercial development to adjoining non-residential developments. Cross-access easements shall be provided for such pedestrian linkages. The Applicant does not propose sidewalk along frontage or to adjoining commercial properties. **A design waiver is required.**
- 24) Ordinance Section 519.B.7(b), for sidewalk widths for retail development between a main building entrance and its closest parking, 10 feet is required. 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 5 feet for the proposed parking where 10 feet is required. **A design waiver is required.**



- 25) Ordinance Section 521.B.4, the exterior of a site with greater than 100 feet of street frontage shall provide decorative lampposts approximately 10 feet to 12 feet high, spaced at intervals of approximately 40 feet or 60 feet along or near all street lines and driveways. The Applicant does not propose street lighting. **A design waiver is required.**
- 26) Ordinance 523 requires street trees be installed on both sides of all public and private streets in accordance with an approved landscape plan. The Applicant does not propose street trees along the street frontage. **A design waiver is required.**

5. **Consistency with the Zone Plan and Conditional Use Requirements**

Ordinance No. 21-34 added Section 415.21 Cannabis Class Uses to the Neptune Township Land Use Ordinance. Cannabis Class uses, (other than Alternative Treatment Centers) shall be permitted in the C-1 Zoning District provided the following supplementary regulations are met:

- A. Hours of Operation: Cannabis Class uses are permitted the following hours of operation:
  - 1) Monday thru Saturday 9 AM to 10 PM;
  - 2) Sunday: Closed

*The Applicant should confirm the proposed business hours.*

- B. Location: The permitted location of such uses shall be in accordance with the current NJ State requirements in addition to the following:
  - 1) Located within the C-1 and LI Zoning Districts;
  - 2) Has frontage on Route 66, Asbury Avenue, Neptune Boulevard, or Route 18;
  - 3) Is not located less than 1,000 feet from a school or daycare on the same side or opposite side of the street.

*The Applicant meets all these requirements. The dispensary is located in the C-1 Zoning District with frontage on Route 66. The dispensary location and surrounding schools indicated that the closest school is located ±1,700 ft. away from the subject application. Testimony to be provided.*

- C. Permitted Classes of Licenses (as defined by the State of NJ). The following classes or combination of are permitted:

- 1) Class 1 – Cannabis Cultivator
- 2) Class 2 – Cannabis Manufacturer
- 3) Class 3 – Cannabis Wholesaler
- 4) Class 4 – Cannabis Distributor
- 5) Class 5 – Cannabis Retailer
- 6) Class 6 – Cannabis Delivery Service

*The proposed cannabis retailer and cannabis delivery service uses are permitted.*

- D. Quantity: The maximum permitted number of recreational cannabis retail establishments within the Municipality is three (3).

*At this time there is currently one (1) recreational cannabis retail establishment within the municipality. This would be the second.*

- E. Penalties: Refer to Land Development Ordinance Section 1105. *The Applicant should confirm that no cannabis consumption areas are proposed.*

6. **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), so 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.

7. **Site Plan Review**

A. **General Site Improvements**

- 1) The Applicant shall revise the coversheet to address the following:
  - a. The authorized agent for the Owner/Applicant notarized signature block should appear on the cover sheet.
- 2) 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.5 Windows

- The Architectural Plan shall address building windows.
- The ordinance states permitted retail and personal service business uses located in business districts may have large pane display windows on the ground level, provided that such window shall be framed by the surrounding wall and shall not comprise greater than seventy-five (75) of the total ground.
- The building utilizes clerestory windows

(4) 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.

(5) Ordinance Section 502.B.6 Entrances

- All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and other such elements.
- Any such elements utilized shall be architecturally compatible with the style materials, colors and details of such buildings.

(6) Ordinance Section 502.B.7 Physical Plant

- All air conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view for a minimum distance of 500 feet from the site.

**B. Traffic Circulation and Parking**

- 1) The Applicant has provided a Traffic Impact and Parking 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) It is noted that the Applicant’s Traffic Impact Assessment anticipates the following findings:

- The proposed 3,515 SF cannabis dispensary is anticipated to generate 27 additional entering trips and 26 additional exiting trips during the weekday morning peak hour, 41 additional entering trips and 40 additional exiting trips during the weekday evening peak hour, and 50 additional entering trips and 49 additional exiting trips during the Saturday midday peak hour as compared to the existing office use.
- Access to the site proposed to be maintained via the existing ingress driveway and existing egress driveway along Route 66, however the egress movements will be restricted to right turn out only.
- As proposed, the project’s internal circulation has been designed to provide for safe and efficient movement of the anticipated vehicle mix.
- The proposed parking supply and design is sufficient to support the projected demand and satisfies the ordinance requirements. **Testimony to be provided.**

3) The Applicant has provided following Trip Generation Comparison:

Land Use	AM PSH			PM PSH			Sat PSH		
	In	Out	Total	In	Out	Total	In	Out	Total
3,320 SF Office ( <i>Existing</i> )	4	1	5	1	4	5	1	1	2
3,515 SF Cannabis Dispensary	31	27	58	42	44	86	51	50	101
<b>Difference (Added Trips)</b>	+27	+26	+53	+41	+40	+81	+50	+49	+99

- The proposed redevelopment is anticipated to result in an additional trip generation of 53, 81 and 99 peak hours during the weekday morning, weekday evening and Saturday midday peak hours.

4) All proposed site triangles and associated easements shall comply with NJDOT standards.

- 5) The Applicant should be prepared to discuss the following:
  - a) Site deliveries unloading area and effects on traffic circulation and schedule time of deliveries and shipments within the drive-thru area.
  - b) Trash/recycling pick up
  - c) Hours of operation (9 am to 10 pm by ordinance) and number of parking spaces needed for staffing.
  - d) Security and safety, evening and night operations.
- 6) In accordance with Ordinance Section 412. 17 Table 4.2 the following spaces are required.

	Required	Square Footage on site	Required	Provided
<b>Retail</b>	1 space per 250 ft.	3,515	14	41

The Applicant exceeds the ordinance requirement.

- 7) The plans shall be submitted to the Neptune Township Fire officials to address the fire lanes, hydrant connections (if required) and directional markings.
- 8) The Applicant shall obtain a NJDOT Highway Access Permit addressing the proposed change of use.

**C. Grading and Stormwater Management**

- 1) The project disturbance is 0.90 acres and the Applicant does not exceed a quarter of an acre of new impervious (0.19 Ac) surfaces. The project is *not* considered a “Major Development” and will comply with the Standards for Soil Erosion and Sediment Control in New Jersey.
- 2) The Applicant shall provide testimony regarding compliance with performance standards and address water runoff impacts over land downhill from the site. The project is exempt from the NJDEP Best Management Practices threshold with regard to groundwater recharge and TSS removal.
- 3) The drainage system discharges to the Jumping Brook watershed, which contributes stormwater runoff to the Shark River. The Shark



River is classified as a category one water body. The Applicant shall address how the project will comply to preserve and maintain special water resources protection areas.

- 4) Under Ordinance Section 529.F.B.(3).c.(1), the Applicant complies with the 2, 10 and 100-year pre vs post construction stormwater runoff rates as follows:

**Existing Runoff**

	North Sub Watershed		South Sub Watershed	
	Peak Rate (cfs)	Total Volume (ft <sup>3</sup> )	Peak Rate (cfs)	Total Volume (ft <sup>3</sup> )
2 year	0.37	1,372	0.47	2,399
10 year	0.58	2,256	0.73	3,852
100 year	1.12	4,304	1.32	7,944

**Proposed Runoff**

	North Sub Watershed		South Sub Watershed	
	Peak Rate (cfs)	Total Volume (ft <sup>3</sup> )	Peak Rate (cfs)	Total Volume (ft <sup>3</sup> )
2 year	0.16	573	0	0
10 year	0.24	1,015	0.10	706
100 year	0.59	2,265	0.71	4,669

- 5) Per Ordinance 07-11 Section 530, the Applicant will be required to establish a maintenance fee for the Stormwater Management System. The fee is in accordance with the NJDEP’s Municipal Stormwater Management Resolution Program annual reporting and certification process.
- 6) The Applicant shall provide a Stormwater Operation and Maintenance Manual in accordance with NJDEP BMP standards and Neptune Township Ordinance Section 528.9.
- a) The following maps (11" x 17") shall be provided within the Maintenance Report:
- (1) Grading Plan
  - (2) Drainage and utility plan
  - (3) Landscape plan and details
  - (4) Soil erosion seeding notes
  - (5) Outlet control structure and trench details
- 7) Our office recommends the Applicant proposes a manufacture treatment device for total suspended solids prior to the underground recharge system for consideration of stormwater treatment to offset the proposed design. The Applicant propose numerous design waivers and variances request for the parking lot size.

D. **Utilities**

- 1) The Applicant shall provide 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.
- 3) The Applicant shall provide testimony and construction details with regard to housing for the domestic and fire backflow preventers. **A variance has been requested.**
- 4) 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 Statement". 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. Will the dumpster need to be more secure?
  - b) The site proposes to exceed the 20% rule for parking which will require the rear space of the lot. Within the EIS the site is located within the Piedmont Plains Landscape Region. The undeveloped rear portion of the site is Rank 2 within the habitat classification. The need for excess parking should be discussed.
- 2) The Applicant shall 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.

- a) As outlined with the EIS several undesirable environmental impacts are unavoidable during and after construction. They are as follows:
  - (1) The removal of natural land will eliminate wildlife habitat areas. That will result in the displacement of some species.
  - (2) Traffic conditions within the project area will increase during the construction and post-development phases of the project. Traffic obstructions may occur during the property's connection to public sewer and water.
  - (3) Locally, a slight increase in noise and air pollutants will be encountered because of site clearing and demolition, heavy machinery, construction, and increased traffic conditions.
  - (4) The infrastructure of Neptune Township will be tasked with an increased demand for public services (police and fire) and utilities for the site.
- 3) In accordance with Ordinance 07-11 Section 12, Section 509, "Planting sizes: Deciduous trees shall have a minimum caliper of three and one half (3.5.) inches at time of planting. Evergreen trees shall be a minimum of six (6) feet in height at time of planting. Low-growing evergreen shrubs shall be a minimum of two and one half (2 ½ ) feet in height at time of planting. Size of other plantings shall depend on setting and type of plant material." The plans shall be updated accordingly.
- 4) The Applicant shall provide testimony to address key elements of community impact with regards to facilities and fiscal impact.

**F. Lighting and Landscaping**

- 1) The following notes shall be added to the Lighting Plan:
  - a) Security lighting with timers 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. Note D has been added to sheet 9 of 18.
  - 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.
  - d) The following note shall be added to the Landscape Plan:  
“Per Neptune Township Ordinance Section 509.E, only nursery grown plant material shall be utilized.
- 2) A tree removal permit shall be obtained from the Township Conservation Officer prior to any tree removal. Applicant’s compliance with replacement tree requirements shall be provided during testimony.
  - 3) Street trees should be provided in accordance with Ordinance Section 523.
  - 4) Construction Detail
    - a) The landscaping table shall be revised to address fall planting hazard per Ordinance 509.G
    - b) The plans shall be revised to provide a light footing detail showing the height of lighting fixture in accordance with Ordinance Section 412.11.

**7. Conditions of Approval**

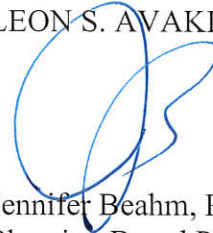
- A. NJDOT Roadway Dedication/Highway Access Permit
- B. Freehold Soil Conservation
- C. Monmouth County Planning Board
- D. New Jersey American Water
- E. Neptune Township Developers Agreement
- F. Neptune Township Sewer Department
- G. Neptune Township Tree Removal Permit/Replacement Tree Fees
- H. Neptune Fire Official
- I. The Applicant shall secure all municipal permits, for road opening, water, sanitary, gas and electric as required by the Township.
- J. Performance guarantees and engineering inspection fees
- K. Payment of Affordable Housing Contribution in accordance with Ordinance Section 1001.
- L. Title 39 – governing all motor vehicle operations within the site.

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

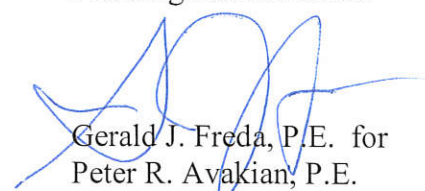
Should you have any questions regarding this matter, please do not hesitate to contact our office.

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.  
Planning Board Engineer

MM/mcs

cc: Kristie Dickert, Administrative Officer  
Mark Kitrick, Esq., Board Attorney  
Jennifer S. Krimko, Esq., Applicant's Attorney  
David Boesch, LLA, Applicant's Engineer  
Patrick Lesbirel, RA, Applicant's Architect  
NTPB/23-27b