

December 19, 2024

Neptune Township Planning Board  
25 Neptune Boulevard  
PO Box 1125  
Neptune, NJ 07754-1125

**Re: M&M at Neptune, LLC (Bojangles)  
Amended Preliminary and Final  
Major Site Plan Application  
Lot 1, Block 701  
Our File: NTPB 24-13**

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**

- ALTA/NSPS land title survey consisting of one (1) sheet prepared by David P. Aguanno, P.L.S., of Solstice Surveying, dated February 26, 2020, with no revision date.
- Amended preliminary & final major site plan consisting of twelve (12) sheets prepared by Pericles Stavridis, P.E., of EP Design Services, LLC, dated September 24, 2024, with no revision date.
- Architectural plans consisting of three (3) sheets prepared by HFA-AE, L.T.D., dated May 31, 2024, with no revision date.

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

**2. Site Analysis and Project Description**

- A. The subject property, known as Lot 1, Block 701, consisting of approximately 13.6 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 fast-food restaurant by reducing the approved 3,316 square foot building footprint to 2,895 square feet, with one (1) drive-through lane and one (1) bypass lane, three (3) wall mounted signs, and drive-through clearance bar and menu board/directional signs. The surrounding parking lot will also be reconfigured.

3. **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 include zone T-1, containing a mix of commercial and single-family residential uses.

4. **Zoning and Land Use**

- A. The property is located in the 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 originally approved under Resolution No. 2022-01 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 proposes the following amended site improvements:

- 1) Amended 2,895 square foot fast-food restaurant – 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.
- 2) The new fast-food restaurant is the only building currently proposed with this amended preliminary and final major site plan application.

D. The Applicant has indicated a conditional use is required for:

- 1) 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).

**5. Variances and Design Waivers**

A. The following table indicates proposed bulk variances:

C-1 District Bulk Standards

	<b>Required</b>	<b>Existing (Previously Approved)</b>	<b>Proposed</b>
Minimum Lot Area	2.5 acres	13.578 acres	No Change
Maximum Density	N/A	N/A	N/A
Maximum Floor Area Ratio	0.6	0.06	No Change
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 Ave.)	50 ft.	36.6 ft.	No Change

Minimum Front Yard Setback (Highway Int.)	50 ft.	39.6 ft.	No Change
Minimum Front Yard Setback (NJ RT 35)	50 ft.	50 ft.	No Change
Minimum Side Yard Setback	30 ft.	199.1 ft.	No Change
Minimum Combined Side Yard Setback	60 ft.	199.1 ft.	No Change
Minimum Rear Yard Setback	40 ft.	N/A	N/A
Maximum Percent Building Coverage	30%	6.09%	No Change
Maximum Percent Lot Coverage	65%	34.61%	No Change
Maximum Number of Stories	2 stories	1 story	No Change
Maximum Building Height	40 ft.	38 ft.	No Change
Minimum Improvable Lot Area	84,900 sf.	205,196 sf.	No Change
Minimum Improvable Area-Diameter of Circle (feet)	189 ft.	361.9 ft.	No Change

**N/A not applicable**

B. The property and proposed building have the following previously approved variances:

- 1) The minimum front yard setback permitted per the zoned district is 50 feet. The previously approved front yard setbacks along Asbury Avenue and Highway Interchange are 36.6 feet and 39.6 feet, correspondingly, which represent a previously approved variance.

**Variance Section 400 of the Land Use Ordinance**

C. 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 is proposing a standard parking space size of nine (9) feet in width by eighteen (18) feet in length, which conforms.

The Applicant is proposing a handicapped parking space size of eleven (11) feet in width by eighteen (18) feet in length with an adjacent five (5) foot access isle. An additional shared handicapped and EV parking space size of (8) feet in width and eighteen (18) feet in length adjacent to the five (5) foot access isle is also proposed. **Applicant to provide updated testimony.**

D. The following table indicates proposed signage variances:

Signage Requirements – Fast-Food Restaurant

SIGNAGE REQUIREMENTS – Fast-Food Restaurant						
CODE SECTION	REQUIRED	PROPOSED ENTRY ELEVATION	PROPOSED DRIVE-THRU ELEVATION	PROPOSED FRONT ELEVATION	PROPOSED REAR ELEVATION	PROPOSED DIRECTIONAL SIGN
§416.07.B.1	<b>Wall mounted signs single tenant</b>					
	<u>Size:</u> 48 sf maximum, or 1.5 sf for each lineal foot of wall face that the sign is mounted on, whichever is less.	COMPLIES	COMPLIES	COMPLIES	N/A	N/A
	<u>Height:</u> 8 ft maximum & not extend > 2 ft. above roofline.	21 FT (V)	21 FT (V)	19 FT (V)	N/A	N/A
	<u>Quantity:</u> 1 maximum <u>Projection:</u> 1 ft maximum	COMPLIES COMPLIES	COMPLIES COMPLIES	COMPLIES COMPLIES	N/A N/A	N/A N/A
§416.07.B.3(a)	<b>Secondary wall-mounted sign permitted</b> for buildings with side or rear façade, with maximum area of 50% primary building sign area	37.41 SF (V)	37.41 SF (V)	N/A	N/A	N/A
§416.07.E.2	Directional sign height: <u>Maximum:</u> 3 ft	N/A	N/A	N/A	N/A	COMPLIES
§416.07.E.3	Directional signs setback: <u>Minimum:</u> 0 ft	N/A	N/A	N/A	N/A	COMPLIES

(V) Variance required  
 N/A not applicable

- E. Ordinance Section 416.06.S states any sign not expressly permitted by this Chapter is prohibited.

The Applicant is proposing multiple freestanding signs not expressly permitted, including a drive-through clearance bar/menu board sign and a directional sign. **A variance is required.**

- F. Ordinance Section 416.07.B.1.(b), states mounting height is eight (8) feet maximum (including hardware) and not to extend more than two (2) feet above the roof line.

The Applicant’s plans indicate a mounting height of greater than eight (8) feet for all three (3) wall mounted signs proposed. **A variance is required.**

- G. Ordinance Section 416.07.B.3.(a), states business uses that have a side or rear building facade fronting on a parking lot or face a secondary street frontage may have a secondary wall-mounted sign not to exceed 50% of the area of the primary building sign. This provision shall not apply in situations where a parking lot is located between a building and a public street.

The Applicant's plans indicate that both secondary signs proposed are to exceed 50% of the area of the primary building sign. **A variance is required.**

**Design Waiver Section 500 of the Land Use Ordinance**

- H. Ordinance Section 511.A.2.(a), states security lighting design for commercial developments shall employ times 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.

No changes are proposed from the previously approved application.  
**Applicant to provide updated testimony.**

- I. Ordinance Section 511.A.2.(b) states safety lighting design shall employ motion sensors so that illumination occurs only when someone is in the immediate area.

No changes are proposed from the previously approved application.  
**Applicant to provide updated testimony.**

- J. Ordinance Section 511.G., Illumination for Parking, states parking lots shall be adequately illuminated for both motorists and pedestrians in accordance with Table 5.3

No changes are proposed from the previously approved application.  
**Applicant to provide updated testimony.**

- K. Ordinance Section 515.A.1., states 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 and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public right-of-ways. Buffering shall consist of a minimum four (4) foot wide area surrounding all sides of such facility exposed to view. If such facility is located on a site adjacent to a residential use or zone, such buffering shall consist of a minimum ten (10) foot area surrounding all sides of such facility exposed to view. Screening shall consist of a minimum six (6) foot-high masonry wall, solid wooden fence or accessory building with gates or doors and ramped access to facilitate the movement of bins or dumpsters. The base of such screen shall be planted with a minimum four (4) foot high evergreen hedge along the sides and rear of same.

The Applicant is proposing to amend the originally approved refuse area at the northwest side of the proposed structure with an eight (8) foot high fence and gate surrounding the refuse area. Plans indicate previously constructed areas are to be removed to allow for the construction of the newly amended area. **Applicant to provide updated testimony.**

**6. Site Plan Review**

**The Applicant shall provide updated testimony for the proposed fast-food restaurant.**

**A. General Site Improvements**

1) Architectural Design Standards

a) The Applicant shall provide testimony on the following building standards:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 was previously approved under Resolution No. 2022-01 with regards to traffic circulation and parking. The plans were reviewed and approved under the original application.
- 2) In accordance with Ordinance Section 412.17 Table 4.2 the following parking spaces are required:

	<b>Required</b>	<b>Square Footage on Site</b>	<b>Required</b>	<b>Provided</b>
Restaurant	1 space per 60 sf	Approved 3,316 Amended 2,895	58	36 (V) *
	1 space per each employee	3	3	

**\*Variance previously approved under Resolution 2022-01**



**A. Drainage and Stormwater Management**

- 1) The Applicant was previously approved under Resolution No. 2022-01 with regards to drainage and stormwater management. The plans were reviewed and approved under the original application. The project will 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.

**B. Utilities**

- 1) The Applicant shall provide updated testimony for the following proposed utility services for the fast-foot restaurant.
  - a) Domestic water service
  - b) Gas Service
  - c) Sewer Service
- 2) The Applicant shall provide testimony and construction details with regards to housing for the domestic and fire backflow preventers, if required.

**C. General Site Improvements**

- 1) 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) "Any existing sidewalk damaged during construction will be replaced by the Applicant as directed by the Township Engineer."
  - f) "During construction, the Applicant shall comply with solid waste, public health and noise codes."

8. **Conditions of Approval**

- A. New Jersey American Water
- B. Neptune Township Sewer Department


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 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.  
Planning Board Engineer

JOG  
cc: Heather Kepler, Board Administrator  
Kristie Dickert, Zoning Officer  
Mark Kitrick, Esq. Board Attorney  
Doug Wolfson, Esq., Applicant's Attorney  
Pericles Stavridis, P.E., Applicant's Engineer  
M&M at Neptune, LLC, Applicant (Bojangles)  
NTPB/24/24-13