

**NEPTUNE TOWNSHIP PLANNING BOARD
RESOLUTION NO. 24-14**

**RESOLUTION OF THE NEPTUNE TOWNSHIP PLANNING BOARD,
TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, STATE OF NEW
JERSEY APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN, WITH
MINOR SUBDIVISION BULK VARIANCES AND ASSOCIATED WAIVERS TO
3501 RT 66 LLC FOR PROPERTY LOCATED AT 3501 STATE ROUTE 66,
ALSO KNOWN AS BLOCK 3903 LOTS 12 & 13 AS DESIGNATED ON THE
MUNICIPAL TAX MAP FOR THE TOWNSHIP OF NEPTUNE**

WHEREAS, the applicant, 3501 RT 66 LLC, has made application to the Township of Neptune Planning Board for a preliminary and final major site plan with minor subdivision bulk variances and associated variances and waivers to property known as Block 3903 Lots 12 and 13 as illustrated on the Tax Map of the Township of Neptune; and

WHEREAS, such proof of publication of notice of hearing as may be required by the New Jersey statutes and municipal ordinance requirements has been furnished; and

WHEREAS, public hearings were held concerning the application on May 22, 2024 at the Municipal Building in the Township of Neptune and testimony and exhibits were presented on behalf of the applicant, the applicant being represented by Patrick McAuley, Esquire, and all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Township of Neptune Planning Board having considered said application, testimony and exhibits submitted, and listened to the applicant's testimony, and after having received information from its professional staff, the Township of Neptune Planning Board does hereby make the following findings of fact and law:

- A. The subject property is known as Lots 12 and 13, Block 3903, (formerly Block 10017, Lots 6, 7 & 8) consisting of 2,063,759 square feet or 47.377 acres with frontage on Green Grove Road and NJ State Highway Route 66.
- B. The property is currently developed and contains two commercial office structures that have been vacant for approximately 20 years.
- C. The Applicant is proposing the following:

- a. Warehouse on Proposed Lot 12.01

The warehouse would be used as a storage, distribution, and logistics center. It would have a footprint of $\pm 251,022$ square feet, consisting of $\pm 237,022$ square feet of warehouse space and $\pm 14,000$ square feet of office space. The warehouse would include 32 loading docks, 25 trailer parking spaces, 144 non-trailer parking spaces, and other appurtenances. A loop road surrounding the warehouse would provide driveways to Route 66. The warehouse would also be enveloped by landscaping that includes both trees and a berm to serve as a buffer between the warehouse and the surrounding area.

- b. Retail Space on Proposed Lot 13.01

The retail space would have a footprint of $\pm 15,000$ square feet fronting on Route 66. It would be served by 100 parking spaces and would be connected by driveways on both Route 66 and Green Grove Road. The current plan indicates nine (9) proposed individual retail spaces.

- c. Municipal Park on Proposed Lot 13.02

The park would be for the use and enjoyment of the surrounding community and the public at large and be no less than 79,000 square feet (approximately 1.8 acres). It would be served by five parking spaces and contain a playground area and adjacent picnic area. The Applicant would also install an improved, 6-foot-wide walkway along Green Grove Road for access to the park, along with landscaping, lighting, and seating.

- D. Under this application the Applicant proposes the following subdivision of Lots 12 & 13:

Existing Area

Lot	Area (sq ft)	Area (ac)
12	506,964	11.638
13	1,556,821	35.740
Total	2,063,782	47.378

Proposed Area Summary

Lot	Area (sq ft)	Area (ac)
12.01	1,637,472	37.591
13.01	347,227	7.971
13.02	79,083	1.1815
Total	2,063,782	47.378

- E. The new lots will be utilized as follows:

Lot	Use
12.01	Warehouse
13.01	Retail
13.02	Public Park

- F. In addition to the minor subdivision the following easements will be created for access, storm water features, and utilities:

- a. Lot 12.01

- i. Proposed pedestrian access easement to Neptune Township area = 10,681 sq ft or 0.245 ac.
 - ii. Proposed emergency access easement to Neptune Township area = 972 sq ft or 0.022 ac.
- b. Lot 13.01
 - i. Common access drive easement for Lot 13.02 utility and emergency access to Lot 12.01 area = 31,115 sq ft or 0.714 ac.
 - ii. Proposed pedestrian access easement to Neptune Township area = 2,235 sq ft or 0.051 ac.
 - iii. Proposed 6 ft wide pedestrian access easement to Neptune Township area 144 sq ft or 0.003 ac.
 - iv. Common access drive easement for Lots 12.01 and 13.02 area = 6,708 sq ft or 0.154 ac.
- c. Lot 13.02
 - i. Proposed utility easement to Lot 12.01 and 13.01 area = 2,382 sq ft or 0.055 ac.

G. Proposed lot and block numbers have been assigned by the Neptune Township Tax Assessor.

H. Ordinance Section 512.B – requires as part of the minor subdivision, metal alloy pins of a permanent character shall be installed at all lot corners of all approved lots. The plan shall be revised to reflect this requirement.

I. If the Applicant is proposing to perfect this subdivision by deed, the deeds and easement descriptions shall be reviewed and approved by the Board Attorney and Engineer prior to filing.

J. As outlined in the table below are the proposed bulk conditions for the site:

Item	Required/ Allowed	Proposed	Regulation Reference	Condition
Principal Use	General Warehousing	General Warehousing	Redevelopment Plan Section VII	(C)
Min. Lot Area	2.5 ac	37.59± ac	Redevelopment Plan Section VII	(C)
Max. Floor Area Ratio	1.0	0.31	Redevelopment Plan Section VII	(C)
Min. Lot Width	500 ft	1,057.2 ft	Redevelopment Plan Section VII	(C)
Min. Lot Frontage	500 ft	1,057.2 ft	Redevelopment Plan Section VII	(C)
Min. Lot Depth	600 ft	1,522 ft	Redevelopment Plan Section VII	(C)
Min. Front Yard Building Setback	30 ft	110 ft	Redevelopment Plan Section VII	(C)
Min. Side Yard Building Setback	50 ft	50.6 ft	Redevelopment Plan Section VII	(C)
Min. Combined Side Yard Building Setback	50 ft	376.5 ft	Redevelopment Plan Section VII	(C)
Min. Rear Yard Building Setback	40 ft	1,022.2 ft	Redevelopment Plan Section VII	(C)
Max. Building Coverage	30%	15.3%	Redevelopment Plan Section VII	(C)
Max. Lot Coverage	65%	29.3%	Redevelopment Plan Section VII	(C)
Max. Number of Stories	3	1	Redevelopment Plan Section VII	(C)
Max. Building Height	50 ft		Redevelopment Plan Section VII	(C)

(C) Compliant (V) Variance Required (NC) Existing Non-conformity (NA) Not Applicable

Item	Required/ Allowable	Proposed	Regulation Reference	Condition
Principal Use	Retail stores	Retail Stores	404.04.B	(C)
Accessory Use	Parking for Principal Use	Parking for Principal Use	404.04.D	(C)

Min. Lot Area	2.5 ac	7.97 ac	404.04.E	(C)
Max. Floor Area Ratio	0.8	0.10	Ordinance No. 16-20	(C)
Min. Lot Width	500 ft	1,548.7 ft	404.04.E	(C)
Min. Lot Frontage	500 ft	1,562.6 ft	404.04.E	(C)
Min. Lot Depth	600 ft	219 ft	404.04.E	(V)
Min. Front Yard Building Setback	50 ft	119 ft	404.04.E	(C)
Min. Side Yard Building Setback	30 ft	146.7 ft	404.04.E	(C)
Min. Combined Side Yard Building Setback	60 ft	1,222. ft	404.04.E	(C)
Min. Rear Yard Building Setback	40 ft	40 ft	404.04.E	(C)
Max. Building Coverage	30%	4.3%	404.04.E	(C)
Max. Lot Coverage	65%	26.4%	404.04.E	(C)
Max. Number of Stories	2	1	404.04.E	(C)
Max. Building Height	40 ft	26.3 ft	404.04.E	(C)
Min. Improvable Lot Area	84,900 sf	91,444 sf	404.04.E	(C)
Min. M.I.A. Diameter of Circle	189 ft	159 ft	404.04.E	(V)

(C) Complaint (V) Variance Required (NC) Existing Non-conformity (NA) Not Applicable

K. Ordinance Section 412.06.A states no non-residential driveway shall be located within ten (10) feet of an existing adjacent residential property nor within five (5) feet of any other property line unless otherwise regulated in this Chapter.

The Applicant proposes a commercial driveway on Lot 13.01 with a zero setback from adjacent Lots 12.01 and 13.02. Two variances are required.

L. Ordinance Section 412.06.D states no driveway shall serve any use other than the permitted use on the lot upon which the driveway is located.

The Applicant proposes common access driveway located on Lot 13.01 to serve adjacent Lots 12.01 and 13.02. Two variances are required.

- M. Ordinance Section 412.17.F states for uses 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. The restriction shall not apply to single-family dwelling units.

The Applicant proposes 15,000 sq ft of retail space for proposed Lot 13.01. Under Table 4.2 Parking Regulations, retail sales and service requires one (1) space per 250 sq ft of gross floor area, $(15,000 \text{ sq ft} / 250 = 60 \text{ spaces})$. The ordinance requires 60 spaces with a maximum of 72 spaces $(60 \times 0.20 = 12)$. The Applicant proposes 100 spaces which exceeds the 20% rule. A variance is required. The Applicant has reduced the number of spaces to 89.

- N. Ordinance Section 412.12.B states loading space dimensions – standard institutional and light industrial/warehouse loading spaces shall measure at least fifteen (15) feet wide by sixty (60) feet long, with a height clearance of not less than twenty (20) feet. All other loading spaces shall measure at least fifteen (15) feet wide by forty-five (45) feet long, with a height clearance of not less than fifteen (15) feet.

The Applicant proposes loading space at 13.5 feet by 60 feet for Lot 12.01. A variance is required.

O. Ordinance Section 412.11 states lighting shall be provided by fixtures with a mounting height not more than fourteen (14) feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.

The applicant proposes a light fixture of 2 feet in height for Lot 12.01. A variance is required.

P. Ordinance Section 421.D.(a) states within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions:

a. Construction on steep slopes of fifteen (15%) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulation:

i. A maximum of thirty (30%) percent of the total lot area, in this slope category may be used for construction purposes;
and,

The Applicant requires the following variances:

Lot	Required	Proposed	Compliance
12.01	30%	39.8%	Variance
13.01	30%	64.4%	Variance

Q. Ordinance Section 421.D.1.(b) states within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions:

- a. Construction on steep slopes of fifteen (15%) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulation:

- i. Construction shall not result in the creation of critical slope areas.

The Applicant requires the following variances:

Lot	Required	Proposed	Compliance
12.01	No	Yes	Variance
13.01	No	Yes	Variance

- R. Ordinance Section 421.D.2 states within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions:

- a. No construction shall be permitted in critical slope areas (slopes of twenty-five (25%) percent or greater) unless all of the following criteria are met:
- i. The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard;
- ii. The total area of removal or disturbance of vegetation in the critical slope area of the lot is not greater than twenty-five (25) square feet;
- iii. The increase in impervious cover in the critical slope area of the lot is no greater than twenty-five (25) square feet;

- iv. The construction does not include the removal of any tree, having a diameter at point of measurement greater than eighteen (18) inches;
- v. The Applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.

The Applicant requires the following variances:

Lot	Required	Proposed	Compliance
12.01	0 sq ft	13,694 sq ft	Variance
13.01	0 sq ft	12,533 sq ft	Variance

- S. Ordinance Section 421.G.1 states maximum height of structural retaining wall – the maximum height of any structural retaining wall, section of the structural retaining wall, or tier of a structural retaining wall, shall be no greater than eight (8) feet, unless in a front yard setback area, in which case the maximum height shall be no greater than four (4) feet.

The Applicant requires the following variances:

Maximum Retaining Wall Height

Lot	Required	Proposed	Compliance
12.01	8 ft	10 ft	Variance
13.01	8 ft	5.1 ft	Complies

Maximum Retaining Wall Height in Front Yard Setback

Lot	Required	Proposed	Compliance
12.01	4 ft	7.6 ft	Variance
13.01	4 ft	4.5 ft	Variance

- T. Ordinance Section 421.G.4 states any combination of structural retaining wall(s), and a safety fence shall not exceed twelve (12) feet.

Lot	Required	Proposed	Compliance
12.01	12 ft	14 ft	Variance
13.01	12 ft	9.1 ft	Complies

- U. Ordinance Section 421.H.1 states location of structural retaining walls – a structural retaining wall (top or bottom) shall be located no closer to a property line than the height of the wall or wall segment closest to the property line, and the Applicant’s engineer shall certify that a failure of the structural retaining wall will not have an adverse impact on any adjoining property or public right-of-way.

The Applicant requires the following variances:

Lot	Required	Proposed	Compliance
12.01	Height of retaining wall	0 ft	Variance
13.01	Height of retaining wall	0 ft	Variance

The Applicant proposes structural retaining walls along the common access roads between the various three lots.

- V. Ordinance Section 505.B.4 states design standards – the following standards shall be used to prepare and review any development plan that involves the construction of a new driveway or the expansion or repair of an existing driveway.

- a. Width. The width of driveways shall be based on the following:

Land Use Type	On Way Traffic		Two Way Traffic	
	Min. Width	Max. Width	Min. Width	Max. Width
Single & Two- Family Dwellings	9 ft	18 ft	9 ft	18 ft
Townhouses & Apartments	15 ft	18 ft	18 ft	22 ft
All Other Residential	10 ft	15 ft	18 ft	20 ft
Nonresidential Uses	15 ft	18 ft	20 ft	24 ft
Warehouse & Light Industrial Uses	18 ft	22 ft	26 ft	30 ft

For Lot 13.01, the ordinance requires two-way traffic for non-residential uses to be set at 20 feet minimum width and 24 feet maximum width. The Applicant proposes 24 feet and 36.3 feet. Two design waivers are required.

W. Ordinance Section 509.I.1.(a) states parking and landscaping – the interior area of all parking lots shall be landscaped to provide visual relief from the undesirable and monotonous appearance of extensive parking areas, and to provide shading that will reduce solar heat gain to both the surface of the parking lot and vehicles parked thereon. Such landscaped areas shall be provided in protected planting islands or peninsulas within the perimeter of the parking area and shall be placed so as not to obstruct the vision of motorists. The area and types of plantings shall be provided based on the number of parking spaces in the lot, as follows (see also Appendix E):

- a. For parking lots with one hundred (100) or more 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. Planting

islands in such parking lots shall conform to the following requirements:

- i. 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.

For Lot 12.01, the ordinance requires diamond-shaped tree islands utilized between head-to-head parking bays with a minimum size diamond-shaped tree island of 36 square feet. The Applicant proposes different style islands within the parking lot, (pill shape). A design waiver is required.

X. Ordinance Section 509.I.4(b) states for parking lots with one hundred (100) or more 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. Planting islands in such parking lots shall conform to the following requirements:

- a. A landscaped island strip with a minimum width of four (4) feet shall be placed at the end of each row of parking.

For Lot 12.01, the ordinance requires separate entrances and exits for parking areas with more than twenty-five (25) spaces. Under the developer's agreement, access for the site was established. A design waiver is requested.

Y. Ordinance Section 514.B.1 states design standards – the following standards shall be used to prepare and review any development plan that involves the construction of a new parking lot or loading areas or repair of an existing parking lot or loading area.

- a. Layout. All parking lots and loading areas shall be designed for the safety, control, efficient movement and convenience of motor vehicle circulation within a site. Traffic circulation shall be designed to minimize the use of aisles serving parking areas as access drives. For all uses except single family dwellings, parking lots or individual spaces shall be prohibited within front yard areas. For nonresidential uses, parking areas with more than twenty-five (25) spaces shall have separate entrances and exits, where possible.

For Lots 12.01 and 13.01 the ordinance requires separate entrances and exits for parking areas with more than twenty-five (25) spaces. Under the developer's agreement, access for the site was established. A design waiver is required.

- Z. Ordinance Section 519.B.3(a) states in general, sidewalks shall be placed in the right-of-way, parallel to the street unless an exception has been permitted to preserve topographical or natural features, or to provide visual interest, or unless the Applicant shows that an alternative pedestrian system provides equally safe and convenient circulation. Sidewalks may be placed in a public access easement adjoining the right-of-way in order to provide sufficient room for various functions within the right-of-way, as follows:

- a. In commercial areas, the sidewalk area may abut the curb incorporating additional width for street furniture such as bus stops and shelters, planters, signage, benches, street tree planting holes and grates, newspaper vending machines, traffic control devices, light

poles and similar items, provided as such items may not be set back more than four (4) feet from the curbline. A continuous clear pedestrian passageway of seven and one half (7 ½) feet in width is to be maintained when such items are utilized.

The Applicant requires the following design waivers:

Maximum Setback of Street Furniture from Curbline

Lot	Required	Proposed	Compliance
12.01	4 ft	10 ft	Design Waiver
13.01	4 ft	11.3 ft	Design Waiver
13.02	4 ft	(NA)	(NA)

(NA) Not Applicable

Minimum Clear Passageway in Front of Street Furniture

Lot	Required	Proposed	Compliance
12.01	7.5 ft	6 ft	Design Waiver
13.01	7.5 ft	6 ft	Design Waiver
13.02	7.5 ft	(NA)	(NA)

(NA) Not Applicable

AA. Ordinance Section 519.B.1 states sidewalks – the following section provides standards for sidewalk placement and minimum sidewalk widths. The Board of Jurisdiction may require wider sidewalk widths where anticipated pedestrian traffic volumes would necessitate additional capacity. Calculations of required sidewalk widths that differ from the standards as set forth herein shall be made using the Highway Capacity Manual, latest edition, published by the Transportation Research Board.

- a. Sidewalks shall be required on both sides of the street for all major arterials, minor arterial roads, collector roads and local roads in association with nonresidential development.

For Lot 13.01, the ordinance states sidewalk shall be provided for both sides of the roadway. Under the development agreement the common access road will have only sidewalk on one side. A design waiver is required.

BB. The following Section 519.B.7 states the following sidewalk widths for retail development shall be required:

- a. Along nonresidential streets separated from the curb by at least 5 feet:
6 feet
- b. Along nonresidential 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 area: 4 feet
- f. Between buildings: 6 feet

*This width may be reduced to six (6) feet provided an area of at least four (4) feet in width is provided at all building foundations for landscaping.

For Lot 13.01, the ordinance states that sidewalk width between retail and the parking shall be ten (10) feet. The Applicant proposes nine (9) feet for the front parking along the retail building. A design waiver is required.

CC. On May 31, 2024, a technical review meeting was held with the Applicant's engineer to discuss the Planning Board comments at the May 22, 2024 meeting relating to the referenced project. In this meeting, the Applicant agreed to address the Board's comments and provide additional information through revisions to the site plan drawings.

The following major changes were made to the site plan drawings:

- a. The northern portion of the eastern driveway connection to Routw 66, which services the retail portion of the development, was realigned in order to bend westward toward the eastern portion of the retail parking area. This realignment eliminates the previously proposed driveway crossing adjacent to the park that pedestrians traveling between the public park and retail areas would need to traverse. A crosswalk at the remaining drive aisle crossing adjacent to the retail, which is preceded by a series of two stop signs, will enable pedestrians to safely cross at this location. The new driveway geometry also enables a reduction in proposed grade from 7% to 6%.
- b. The realignment of the eastern driveway connection to Route 66 required a reconfiguration of the retail parking lot. The number of parking spaces supporting the retail portion of the development was reduced from 100 to 89 parking spaces.
- c. There were previously three freestanding signs proposed along Route 66, with one in support of the warehouse building, and two in support of the retail building. One of the proposed retail signs has been eliminated in order to demonstrate compliance with the maximum number of freestanding signs permitted on one lot.
- d. An additional 5 parking spaces were added in support of the public park, bringing the total number of parking spaces for the public park to 10 parking spaces.

- e. The walkway within the public park was widened from 5 feet to 6 feet.
- f. Traffic calming devices in the form of two speed humps are proposed along the service driveway that parallels the public park. Additional traffic calming devices along Green Grove Road are subject to future coordination with the Township DPW and Township Committee.
- g. All previously proposed black chain link fence on the proposed warehouse, retail, and public park properties has been modified to be split rail fence with mesh.
- h. Trash compactor bays for the warehouse building are now depicted on the plans, along with an additional trash enclosure, which is proposed to be land-banked and constructed if needed by the Township and/or warehouse tenant(s).
- i. The light fixture mounting heights within the loading dock area of the warehouse building have been reduced from 25 feet to 20 feet. This is the lowest height achievable that still maintains safe lighting levels within the loading dock area. All other light fixture mounting heights throughout the rest of the proposed warehouse, retail, and public park properties remain at a maximum of 14 feet.

The following variances and design waivers have been eliminated:

- 1. Proposed Lot 12.01 (Warehouse):
 - i. Section 412.07.B.2.(c) – chain link fence permitted within the front yard (variance)

- ii. Section 503.B.1 – minimum parking lot buffer area width
(waiver)
- iii. Section 515.A.1 – minimum trash enclosure buffer width
(waiver)

2. Proposed Lot 13.01 (Retail)

- i. Section 412.07.B.2.(c) – chain link fence permitted within
the front yard (variance)
- ii. Section 416.07.A.1 – maximum number of freestanding
signs per lot (variance)
- iii. Section 505.B.5 – maximum driveway grade (waiver)
- iv. Section 503.B.1 – minimum parking lot buffer area width
(waiver)
- v. Section 503.C.1 – minimum loading buffer area width
(waiver)

3. Proposed lot 13.02 (Public Park)

- i. All variance and design waiver requests associated with
proposed Lot 13.02, which contains the public park, have
been eliminated. There were previously 10 variance requests
and 5 design waiver requests associated with proposed lot
13.02. In accordance with Section 103 of the Township of
Neptune Land Development Ordinance, any Township-
owned use, either existing or proposed, shall not be subject to
the provisions of the Land Development Ordinance. The

public park property is proposed to be dedicated to the Township of Neptune.

Public Hearing on May 22, 2024

DD. The Applicant's attorney, Mr. McAuley, gave a brief overview of the application, the Applicant's reason for filing same and the requested relief.

EE. The Board heard testimony from Gregory Williams ("Mr. Williams"), Manager of Cardinal Point Management LLC, which is an investment firm affiliated with the Applicant. Mr. Williams was duly sworn to provide fact testimony in support of the application.

FF. Mr. Williams testified that Cardinal Point Management is a fully integrated commercial real estate investment and management firm focused on value add and development of real estate. Mr. Williams testified that the site has been blighted for several years and the Applicant is very excited to be moving forward with the proposed redevelopment which is a great project for the community. The vacant office building was a major factor that gave rise to the Property previously being designated by the Township as an area in need of redevelopment and the Township's adoption of the Block 3903 Route 66 Redevelopment Plan..

GG. The Board heard testimony from the Applicant's Engineer, John Cote, P.E. ("Mr. Cote"), of Langan, who was duly sworn and qualified to provide expert testimony in support of the application.

HH. Mr. Cote testified regarding the existing conditions on the Property. The Property is approximately 47 acres located at the corner of Route 66 and

Green Grove Road. Mr. Cote testified the Property is currently developed with the aforementioned vacant office building. Mr. Cote also testified concerning the proposed site layout and various other features of the warehouse facilities on proposed Lot 12.01, the retail facilities proposed for development on proposed Lot 13.01 and the facilities proposed for the development of the park on proposed Lot 13.02.

II. Mr. Cote testified concerning the intended more limited access to and from Green Grove Road than existed for the office building, the location and features of the existing driveways from Route 66 and the proposed changes thereto as well as the major access permit issued by NJDOT to the Applicant.

JJ. Mr. Cote explained why certain checklist waivers were required and why the “c” variances requested in the Application were being requested.

KK. Mr. Cote also testified concerning the location and layout of the small-scale bioretention and infiltration basins and the large-scale infiltration basin for water quantity and quality on the Property.

LL. Mr. Cote also testified concerning the existing and proposed landscaping features at the Property.

MM. Mr. Cote also testified concerning the lighting proposed throughout the site including in the parking and loading areas as well as the entrance and exit driveways and the sidewalk proposed along Green Grove Road from the northern end of the Property to the proposed Park.

NN. The Board then heard testimony from the Applicant's Traffic Engineer, Alan Lothian, P.E., ("Mr. Lothian") of Langan, who was duly sworn and qualified to provide expert testimony in support of the application.

OO. Mr. Lothian testified regarding the traffic study prepared for the application. The study reviewed the site location and sampled traffic volumes on surrounding roads.

PP. Due to the lateness of the hour, the Board determined to adjourn, and the Application was carried by motion of the Board to be continued at the Planning Board meeting scheduled for June 26, 2024.

QQ. In response to questions from the Board, the Board Planner, Jennifer Beahm and Board Engineer, Gerald Freda, Mr. Cote indicated that the plans would be reviewed further with the Applicant and with the Board Planner and Board Engineer, for purposes of considering changes to the site plan related to the layout of the easternmost of the two driveways for access to and from the Property and Route 66.

RR. By letter dated June 13, 2024 to the Planning Board, from Langan, the Applicant supplemented its Application with drawings responsive to the Board Planner's and Board Engineer's requests for consideration of an alternate site plan layout relating to the issues raised during the May 22 hearing concerning the design of the easternmost driveway to and from Route 66, as well as changes related to a reduction in the number of "c" variances and design waivers requested based, in part, upon a concurrence between the Applicant and the Township's professionals during conferences among them

concerning miscellaneous ordinance interpretation reevaluations, including the applicability of Neptune Township Land Use Ordinance Section 103 exempting the proposed park on Lot 13.02 from such variances. The supplement to the Application included the following all dated June 13, 2024:

- a. Exhibit EX04 - Alternative Zoning Tables;
- b. Exhibit EX05A through EX05C – Alternative Overall & Partial Site Plans
- c. Exhibit EX06 – Alternative Truck Circulation Plan
- d. Exhibit EX07 – Alternative Firetruck Circulation Plan

Public Hearing on June 26, 2024

SS. The Board heard further testimony from Applicant's Engineer, John Cote who was re-called to testify after having previously been sworn and qualified as an expert on May 22. Mr. Cote testified as to the exhibits provided identifying the changes to the layout of the easternmost driveway to and from Route 66 being turned to the west to tie directly into the retail parking lot and reducing the retail parking to 89 spaces as a result. Mr. Cote testified to the reductions in the variances and waivers associated with the revised plans and coordination with the Township's professionals.

TT. The Board heard further testimony from Applicant's Traffic Engineer, Alan Lothian, who was re-called to testify after having previously been sworn and qualified as an expert on May 22. Mr. Lothian testified to the off-site roadway network, the truck routes identified in his prior testimony and the

adequacy of the Route 34 portion of the truck route considerations requested by the Township's professionals.

UU. The Board then heard testimony from the Applicant's Planner, Gregory Woodruff, P.P. ("Mr. Woodruff") of Langan, who was duly sworn and qualified to provide expert testimony in support of the application and in support of the variances requested.

VV. Mr. Woodruff testified concerning the variances requested while classifying them in three groups which he described as: (i) stormwater and slopes; (ii) physical site planning /layout; and (iii) parking, loading and traffic flow. With regard to those three classifications, he discussed the following variances within those three classifications, as follows:

1. Stormwater and Slopes

a. Lot 12.02, Warehouse Lot

i. Max percentage disturbance of total lot area consisting of 15% to 25% slopes (Twp Code § 421.D.1(a)), 30% permitted, 39.8% proposed.

ii. Creation of critical slopes (>25%) during construction (Twp Code § 421.D.1.(b)), not permitted, proposed.

iii. Max area of disturbance of critical slope areas (>25% slopes) (Twp Code § 421.D.2) 0 SF permitted, 13,964 sf proposed.

iv. Max retaining wall height (Twp Code § 421.G.1), 8' permitted, 10' proposed.

- v. Max retaining wall height in the front yard setback (Twp Code § 421.G.1), 4' permitted, 7.6' proposed.
 - vi. Max combined retaining wall and safety fence height (Twp Code § 421.G.4), 12' permitted, 14' proposed.
 - b. Lot 13.01 Retail Lot
 - i. Max percentage disturbance of total lot area consisting of 15% to 25% slopes (Twp Code § 421.D.1(a)), 30% permitted, 64.4% proposed.
 - ii. Creation of critical slopes (>25%) during construction (Twp Code § 421.D.1.(b)), not permitted, proposed.
 - iii. Max area of disturbance of critical slope areas (>25% slopes) (Twp Code § 421.D.2) 0 SF permitted, 12,533 sf proposed.
 - iv. Max retaining wall height in the front yard setback (Twp Code § 421.G.1), 4' permitted, 4.5' proposed.
 - v. Minimum retaining wall setback from property lines (Twp Code § 421.H.1), height of retaining wall required, 0' proposed.
- 2. Physical Site Planning/Layout
 - a. Parking/Loading/Driveways (Lot 12.02, Warehouse Lot)
 - i. Min/max warehouse driveway width (Redevelopment Plan Chapter VIII) – 35-80 feet permitted; 30-70 ft proposed.

- ii. Minimum loading space size (Twp Code § 412.12.B) - 15 FT x 60 FT permitted; 13.5 FT x 60 FT proposed.
- b. Max light fixture mounting height (Lot 12.02, Warehouse Lot)
 - i. (Twp Code § 412.11), 14' permitted, 20' proposed (in limited locations)
- c. Lot Area (Lot 13.01, Retail Lot)
 - i. Min lot depth (Twp Code § 404.04.E) – 600' permitted, 219' proposed.
 - ii. Min MIA diameter of circle (Twp Code § 404.04.E), 189 SF, 159 SF proposed.
- 3. Parking, Loading and Traffic Flow
 - a. Driveways and Parking (Lot 13.01, Retail Lot)
 - ii. Driveway shall not serve use other than permitted use on lot upon which the driveway is located (Twp Code § 412.06.D) – driveway serves to access all uses.
 - iii. Provided parking for nonresidential use not permitted to exceed minimum required by more than 20% (412.17.F), parking does exceed by more than 20% (89 spaces provided verses 72 spaces permitted).

WW. Mr. Woodruff also testified concerning the justification for each of the foregoing. Further, Mr. Woodruff opined that the variances are warranted under the MLUL because the Application promotes purposes (a) and (g) of

Section 2 of the MLUL (N.J.S.A. 40:55D-2), noting those purposes and how the variances promote them, as follows:

1. Purposes of Zoning

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare. Mr. Woodruff noted that the variance relief allows for a balanced variety of uses on the site, incorporating specific safety features such as stormwater management features, and other site attributes that contribute to public health, safety and general welfare.
- b. Provide sufficient space in appropriate locations for a variety of uses, according to environmental requirements to meet needs of NJ citizens. Mr. Woodruff noted that the variance relief allows for the productive reuse of the underutilized site into a modern warehouse, retail and public park.

XX. Mr. Woodruff also testified the variance relief satisfy the negative criteria of the MLUL at N.J.S.A. 40:55D-70, because there is no substantial impact on public good, noting:

- a. Subdivision with proposed lot sizes will allow for effective redevelopment, balancing multiple redevelopment plan use goals on a currently underutilized site while minimizing impacts on western wetlands.

- b. Proposed retaining wall designs allow for compliant stormwater design to comply with current stormwater management rules, while working within the constraints of existing easements on the property and overall site layout considerations.
- c. Parking and loading design across lots minimizes impervious surface while also contributing to good mixed-use design principles to allow for the efficient function of all uses and hopefully the effective activation of the retail uses proposed.
- d. The lighting has been specifically designed to provide safe and effective lighting levels in all areas of the site, with a limited need for pole height variance only in the truck court where it will be screened from off-site view or impact.

YY. Mr. Woodruff further testified that the variances sought in connection with the Application further the purposes of the MLUL because the proposed uses are compliant with and in furtherance of Redevelopment Plan goals and objectives, as follows:

- a. The proposed uses are permitted uses under the Redevelopment Plan;
- b. (Objective 1) Promote a balanced variety of residential, commercial, industrial, recreational, public, and conservation land uses – Variance relief allows for subdivision into multiple uses to provide commercial, industrial and recreational/public opportunities.

- c. (Objective 2). Promote aesthetic and site improvements in the Township's major commercial and industrial areas. Variance relief allows for significant site improvements and aesthetic improvements including landscaping and a public park.

WHEREAS, following the testimony at the June 26 hearing and questions from the Board, the public was given the opportunity to ask questions of each witness, provide comments and present testimony but no individuals requested to be heard.

ZZ. During the public portion, no members of the public appeared to testify.

Based upon the foregoing, the Board finds that the requested amended major site plan approval, requested minor subdivision approval, bulk variances both C(1) and C(2) and associated waivers conform with the requirements of the Neptune Zoning Ordinance and because the application promotes the purposes (a) and (g) of Section 2 of the MLUL (N.J.S.A 40:55D-2) such approvals can be granted without substantial impact to the intent or purposed of the Neptune Master Plan and Zoning Ordinance and without substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Neptune, on the 28th day of August 2024 that the applicant's request for preliminary and final major site plan, minor subdivision, bulk variances and associated waiver approvals be approved subject to the conditions set forth below; and

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded to the Planning Board Secretary, to the applicant's attorney, the Township Clerk and the Building Department.

BE IT FURTHER RESOLVED, that notification of this favorable approval be published in an official newspaper of the Township of Neptune, by the applicant.

BE IT FURTHER RESOLVED, that this approval is subject to the following conditions:

1. The applicant shall secure any and all NJDOT permits if required.
2. The applicant shall comply with all representations made before the Planning Board, by its attorney and its expert.
3. If required, applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the “Soil Erosion and Sediment Control Act”.
4. All materials, methods of construction and detail shall be in conformance with the current engineering and building requirements of the Township of Neptune, which are on file in the office of the Township Engineer.
5. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Township of Neptune Planning Board for approval of that change.
6. Applicant shall resubmit this entire package for re-approval should there be a deviation from the terms and conditions of this resolution, or the documents

submitted as part of this application, all of which are made a part hereof and shall be binding upon the applicant.

7. Applicant shall provide a statement from the Township of Neptune Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.
8. Prior to the issuance of a construction permit, the applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.
9. Applicant shall post an inspection bond with the Township Clerk in an amount to be determined by the Board Engineer.
10. No soil shall be removed from the site without the written approval of the Director of Engineering and Planning.
11. If applicable, applicant must comply with the new COAH ordinance for the building improvements in question.
12. Unless specifically modified herein, the applicant shall comply with all terms and conditions of all prior resolutions of the Township of Neptune Planning Board regarding this application.
13. The applicant shall reimburse the Township of Neptune Planning Board for all professional fees expended or to be expended with regard to this application.
14. The applicant shall comply with all provisions of the engineering and planning reports of Leon S. Avakian, Inc. dated June 25, 2024.

15. Storm Water Management System to be approved by the Planning Board Engineer, approval contingent upon securing NJDEP approval, if required by law.
16. The Applicant shall request approval from the Neptune Township Committee that speed bumps be added to the site (see paragraph CC.(f) above).
17. There will be 89 parking spaces provided for the retail space on Proposed Lot 13.01.
18. Fencing will be split rail with a wire mesh.
19. There shall be a total of 2 sign monuments with one on each frontage.

MOTION TO ADOPT & MEMORALIZE:

Offered By: Dyese Davis

Seconded By: Bryan Acciani

ROLL CALL ON VOTE

Robert Lane, Jr. N/A

Keith Cafferty N/A

Richard Culp YES

Bryan Acciani YES

Richard Ambrosio YES

Lisa Boyd YES

Dyese Davis YES

Bishop Paul Brown YES

Richard Schlossbach (Alt. 1) N/A

Roslyn Hurt-Steverson (Alt. 2) N/A

CERTIFICATION

I hereby certify that this is a true copy of a resolution of the Township of Neptune Planning Board adopted on August 28, 2024.



Kristie Dickert, Administrative Officer
Neptune Township Planning Board