

James W. Manning, Jr., Mayor  
Randy Bishop, Deputy Mayor  
Dr. Michael Brantley  
Thomas J. Catley  
Mary Beth Jahn



*Where Community, Business & Tourism Prosper*  
**Planning Board**

Philip D. Huhn, M.P.A., CPM  
Business Administrator  
Richard J. Cuttrell, R.M.C.  
Municipal Clerk  
Michael J. Bascom, C.M.F.O., C.F.C.  
Chief Financial Officer  
Economic Development Director

James Mowczan, Chair  
Almerth Battle, Vice Chair  
Leon S. Avakian, P.E., Board Engineer  
T&M Assoc., Board Planner  
Mark G. Kitrack, Esq., Board Attorney  
Nancy E. Abbott, Administrative Officer

Lonnie Addison  
Richard Ambrosio  
Deputy Mayor Randy Bishop  
Mel Hood  
Mary Beth Jahn  
Warren Lapp  
Joseph Shafto  
Alternates:  
Todd Puryear  
Denis McCarthy

July 31, 2007

Mr. Richard W. Hogan, J.D.  
79 Main Avenue  
P.O. Box 577  
Ocean Grove, NJ 07756

RE: RYAL Holdings LLC - Reso No. 07-28 - Major Site Plan Approval  
3324 Route 33 ~ Block 7013, Lot 8

Dear Mr. Hogan:

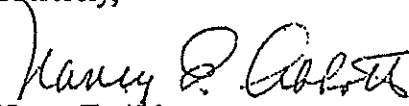
Enclosed please find two certified copies of the above referenced resolution which was memorialized by the Neptune Township Planning Board at a meeting on July 25, 2007, granting Major Site Plan approval.

It will be necessary for you to publish the decision of the Planning Board in one of the official newspapers and return the original Affidavit of Publication to this office; a sample notice is enclosed for your convenience.

Once you have complied with all conditions of your resolution, you will be notified by the Planning Board Engineer, Leon S. Avakian, of any additional submissions that may be required. If appropriate, the Board Engineer will be requested to calculate the proper fees covering a Developer's Agreement and COAH (Affordable Housing Contribution) to be deposited by you to the Township Clerk.

If you have any questions regarding this matter, please feel free to contact the writer at 732-988-5200, ext. 224.

Sincerely,

  
Nancy E. Abbott  
Administrative Officer

Enc.

cc: Leon S. Avakian, Inc., Planning Bd. Engineer  
T&M Associates, Planning Bd. Planner  
G. Anthony, Twp. Attorney  
R. Cuttrell, Municipal Clerk  
R. Gardella, Director of Engineering & Planning  
Neptune Township Tax Assessor  
~~Tom Ross, Applicant~~  
R.C. Associates, Applicant's Engineer

**NEPTUNE TOWNSHIP PLANNING BOARD  
RESOLUTION NO. 07-28**

**RESOLUTION OF THE NEPTUNE  
TOWNSHIP PLANNING BOARD,  
TOWNSHIP OF NEPTUNE, COUNTY  
OF MONMOUTH, STATE OF NEW  
JERSEY APPROVING MAJOR SITE  
PLAN AND VARIANCE APPROVAL  
FOR RYAL HOLDINGS LLC TO  
DEMOLISH AN EXISTING  
STRUCTURE AND CONSTRUCT A  
TWO STORY MEDICAL OFFICE  
BUILDING LOCATED AT 3324  
HIGHWAY 33, ALSO KNOWN AND  
DESIGNATED AS BLOCK 7013, LOT 8  
AS DESIGNATED ON THE  
MUNICIPAL TAX MAP FOR THE  
TOWNSHIP OF NEPTUNE.**

WHEREAS, the applicant, Ryal Holdings LLC, has made application to the Township of Neptune Planning Board for a major site plan and variance approvals to demolish an existing structure and construct a two story medical office building for premises known as Block 7013, Lot 33, 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 April 25, 2007, May 23, 2007 and June 27, 2007 in the municipal building in the Township of Neptune and testimony and exhibits were presented on behalf of the applicant 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 located on the eastbound side of Route 33 approximately 1,500 feet west of Locust Street in the C-5 zone. The site contains approximately 1.50 acres. The surrounding area contains a mix of commercial and residential uses. Contiguous zoning is C-5 (Route 33 West-commercial) east and west of property and R-2 (low density residential) north and south.
- B. The site currently has two (2) separate points of entry. One (1) access/egress point to the property will be provided from Route 33. The rear of the property is constrained by existing wetlands.

C. The property is currently used for a landscape maintenance business, which is not permitted or conditional use in the C-5 zone in which it is located. The proposed use is a permitted use in the C-5 zone.

D. The applicant is proposing to demolish all existing structures and construct a 13,500 square foot office building and parking lot, along with stormwater management and collection facilities.

E. Ordinance Section 412.12 requires that one (1) loading berth be provided. Since the applicant is not proposing a loading berth, a variance is required. Additionally, the applicant seeks the following waivers:

1. Foundation plantings on all sides of the building;
2. Required landscape islands in parking space rows;
3. Parking lots in front yard areas;
4. Sidewalk installation along street frontage.

F. In support of this application the following exhibits were presented:

- i. Site Plan, marked as A-1.
- ii. Architectural renderings, marked as A-2.
- iii. Floor Plan of building, marked as A-3.

iv. Revised Site Plan, marked as A-4.

v. Revised Architectural Plans, marked as A-5.

G. Providing expert testimony on behalf of the applicant was Raymond Carpenter, P.E. He testified that the project require parking in the front since the rear of the site is wetlands. Fifty (50) feet of buffer is proposed to the rear. Two (2) drainage basins are proposed, one for the parking lot and one for the building. The applicant will provide a sand filter and will comply with the recommended cleaning and maintenance schedule. The sand will be replaced every five years. Additionally, the applicant will install a retaining wall along the easterly and westerly property lines and around the perimeter of the sand filter basin with a vinyl picked fence around the basin.

This will be designed with the approval of the Board Engineer. Board on board fencing will be installed on easterly property line. Additional landscaping will be provided on southerly property line.

H. Mr. Carpenter testified the building will be a two-story building built with limited combustible materials. The 13, 500 sq. ft. building will have a full fire alarm system. There will be a depressed island in the front to allow for

easier access for fire trucks. Interior stairways will be on both sides of the building.

I. Mr. Carpenter further stated that fifty (50) parking spaces will be provided which five (5) more than is required by ordinance. Access drive in center of property will make easier access for fire trucks. There will be a 1 inch curb on the island to accommodate turning of emergency vehicles.

J. No one from public testified at the application hearings.

K. Based upon the foregoing, the Board finds that the requested major site plan, bulk variances and waivers approval conforms with the requirements of the Neptune Zoning Ordinance and can be granted without substantial impact to the intent or purpose 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 27th day of June 2007 that the applicant's request for bulk variances, waivers and major site plan be approved subject to the conditions set forth below; and

**BE IT FURTHER RESOLVED**, that a copy of the Resolution be forwarded by 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 approved 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 comply with all representations made before the Planning Board, by its attorney and its expert.
2. 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".
3. 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.

4. 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.
5. Applicant shall resubmit this entire proposal 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.
6. 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.
7. 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 Planning Board Engineer.
8. Applicant shall post an inspection bond with the Township Clerk in an amount to be determined by the Planning Board Engineer.
9. No soil shall be removed from the site without the written approval of the Director of Engineering and Planning.



10. New Jersey Department of Transportation approval required.
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 extended or expended with regard to this application.
14. The applicant shall comply with all the provisions of the engineering reports of Peter Avakian, P.E. dated April 17, 2007 and May 18, 2007 and the planning reports dated April 17, 2007 and May 21, 2007 prepared by Martin Truscott, P.P. unless modified herein.
15. The applicant shall adhere to all of the Neptune Township Fire Prevention requirements imposed by Mr. Kenneth Northrup, Fire Official, pursuant to his letter of June 20, 2007.

**MOTION TO APPROVE:**


Offer By: Warren Lapp      Second By: Randy Bishop  
Those voting "Yes": A. Battle; R. Bishop; M. Hood; M. Jahn;  
W. Lapp; J. Mowczan; J. Shafto; D. McCarthy  
Those voting "No": R. Ambrosio  
Those Absent: L. Addison; T. Puryear

**MOTION TO ADOPT & MEMORIALIZE:**

Offer By: Alma Battle      Second By: Mary Beth Jahn  
Those voting "Yes": A. Battle; M. Hood; M. Jahn; W. Lapp; J. Mowczan;  
J. Shafto; D. McCarthy  
Those voting "No": None  
Those Ineligible: R. Ambrosio; T. Puryear  
Those Absent: L. Addison; R. Bishop

**CERTIFICATION**

*I hereby certify that this is a true copy of a resolution of the Township of Neptune Planning Board adopted on July 25, 2007.*

  
Nancy E. Abbott, Administrative Officer  
Neptune Township Planning Board

