

Neptune Township
25 Neptune Blvd.
Neptune, New Jersey 07753
732-988-5200 ext. 278 Fax 732-988-4259
www.neptunetownship.org



Application # ___ / ___ / ___
Date Filed ___ / ___ / ___
Hearing Date ___ / ___ / ___

Application for Use and/or Bulk Variances

Type of Variance Requested:

- Bulk Variance [front, side/rear setback, other] Specify n/a
- Bulk Variance [Lot Coverage] _____
- Use Variance [proposal not permitted in zone] Digital Menu Boards; conditional use variance from 415.08D2 as to number of signs
- Appeal/Interpretation of Decision Request for bulk variances on development standards not identified or defined
- Other, Specify _____

1. Property Address: 9 Highway 35
2. Block 1004 Lot 6
3. Property is located in C-6 Zoning District according to the Neptune Twp. Land Ordinance.
4. Name of applicant: Jim McFarland, State Permits, Inc.
Mailing address: P.O. Box 171 Commercial Point, OH 43116
Phone # 614-674-1956 Fax # n/a Cell # 614-674-1956
E-mail address: jim@permit.com
5. Name of owner: McDonald's Real Estate Company
Mailing address: 110 N Carpenter St. Chicago, IL 60607
Phone # n/a Fax # n/a Cell # n/a
E-mail address: n/a
6. Name of contact person: Jim McFarland
Mailing address: same as above
Phone # same Fax # same Cell # same
E-mail address: jim@permit.com
7. Interest of applicant, if other than owner: To facilitate the process of variance approval on behalf of owner to install digital menu boards

Detailed Information:

- Existing use of property: Fast Service Restaurant with Drive Thru
- Proposed use of property: same use with digital menu boards
- Special Flood Hazard Area: none

Principal Use:

	Required and/or Permitted	Existing	Proposed
Lot Size			no change
Lot Coverage			no change
Building Coverage			no change
Building Height			no change
Front Setback			no change
Rear Setback			no change
Side Setback			no change
Combined Side Setback			no change

(If multiple lots and/or buildings, please attach additional detailed listing)

Accessory: (If Applicable)

	Permitted	Existing	Proposed
Lot Size			n/a
Lot Coverage			n/a
Building Coverage			n/a
Building Height			n/a
Front Setback			n/a
Rear Setback			n/a
Side Setback			n/a
Combined Side Setback			n/a

(If multiple lots and/or buildings, please attach additional detailed listing)

8. Has there been any previous applications involving these premises Yes No
- If so when Resolution ZBA #11/21
- Result of decision approved to construct two (2) internally illuminated menu boards not to exceed 43.66 SF each

9. Justification/Reason(s) for variance(s) requested [be as specific as possible attach additional sheets as necessary]
See attached.

10. If a Zoning denial has been received as part of this application, please attach.

The required submission for all applications to be complete is twenty-five (25) copies of completed application form inclusive of any supporting information; and twenty-five (25) copies and one (1) CD* of survey and/or plan(s) with one (1) additional copy of survey and/or plan(s) on 11" x 17" sheet(s).

* See Section 802B. Completeness Checklist for Use Variance and Bulk Variance Request for details on submission requirements.

AFFIDAVIT OF APPLICATION

State of New Jersey
County of Monmouth

James McFarland
James D. McFarland
(Insert Applicant's Name)

being of full age, being duly sworn according to

Law, on oath depose and says that all the above statements are true.

James D. McFarland
(Original Signature of Applicant to be Notarized)

James D. McFarland
(Print Name of Applicant)

Sworn and subscribed before me this
14 day of April, 2020

Paul W. Wolfe
Signature of Notary Public



PAUL W. WOLFE
NOTARY PUBLIC
NOTARY SEAL - OHIO
Expires
APR 14, 2020



BRUNSWICK WEST, INC.

LICENSED LAND SURVEYORS

219 1/2 SOUTH MAIN STREET FLEMINGTON, NEW JERSEY 08822
PHONE (908) 284-0888 FAX (908) 284-2818

Legal Description

N/F Matthew Loring

Block 1004 Lots 6 & 7

Neptune Township-Monmouth County, NJ

Beginning at a point at the intersection of the northwesterly line of Oriole Road (50' R.O.W.) with the southwesterly line of Hoover Road (60' R.O.W.) and thence,

1. Along the northwesterly line of Oriole Road, S. 17 degrees 30 minutes 00 seconds W. 95.00' to an iron pipe and thence,
2. N. 72 degrees 30 minutes 00 seconds W. 125.00' to an iron pin with cap and thence,
3. N. 17 degrees 30 minutes 00 seconds E. 105.86' to an iron pin with cap in the southwesterly line of Hoover Road and thence,
4. Along the same S. 67 degrees 32 minutes 00 seconds E. 125.47' to the point or place of beginning.

The above described lands are known as Lots 6 & 7 in Block 1004 as shown on the current Official Tax Maps of the Township of Neptune. Premises also known as Lots 6 & 7 in Block "F" as shown on a certain map entitled "Map of Colonial Terrace, Subdivision of Plot 2 Section 1", filed in the Monmouth County Clerk's Office on 7/29/1952 as Case No. 10-25.

Premises more commonly known as 300 Hoover Road.

The above description is in accordance with a survey prepared by Brunswick West, Inc. dated 3/20/2006 as File No. 06.0402.

Richard S. Zinn, NJLS
License #34888

RICHARD S. ZINN
N.J.L.S. 34888



011606

MAY 05 2006
Deed

4

This Deed is made on May 2, 2006

BETWEEN

PETER M. DIGIOVANNI and BARBARA M. DIGIOVANNI, husband and wife

whose post office address is
300 Hoover Road, Neptune, New Jersey

COUNTY OF MONMOUTH	
CONSIDERATION	377,500
RTF	2,999 add'l RTF
DATE	5/2/06 BY NS

referred to as the Grantor,
AND
MATTHEW LORING, Single

whose post office address is
about to be 300 Hoover Road, Neptune, New Jersey

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of THREE HUNDRED SEVENTY SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$377,500.00) The Grantor acknowledges receipt of this money.

2. **Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of Neptune
Block No. 1004 Lot No. 6 & 7 Qualifier No. Account No.
 No property tax identification number is available on the date of this Deed. (Check Box if Applicable.)

3. **Property.** The Property consists of the land and all the buildings and structures on the land in the Township of Neptune County of Monmouth and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof. (Check Box if Applicable.)

INTENDED to be the same premises conveyed to Grantors herein by Deed from Saul W. Sabin, single and Karen M. Sabin, single, dated December 8, 1993 and recorded in the Monmouth County Clerk's Office on December 14, 1993 in Deed Book 5271 at Page 529.

CLAIRE FRENCH, CTY CLK
MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER
2006068889

RECORDED ON

May 08, 2006

3:41:01 PM

BOOK=OR-8561

PAGE=6191

Total Pages: 4

REALTY TRANSFER FEES \$2,999.00

COUNTY RECORDING FEES \$70.00

TOTAL \$3,069.00

Not Certified Copy

Prepared by: (print signer's name below signature)

Peter B. Grimm, Esq.

(For Recorder's Use Only)


The street address of the Property is:
300 Hoover Road, Neptune, New Jersey


4. **Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. **Signatures.** The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)

Witnessed By:


Peter M. DiGiovanni (Seal)


Peter B. Grimm
Attorney at Law of New Jersey


Barbara M. DiGiovanni (Seal)

(Seal)

STATE OF NEW JERSEY, COUNTY OF MONMOUTH
I CERTIFY that on May 2, 2006

SS.

Peter M. DiGiovanni and Barbara M. DiGiovanni, husband and wife

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

(a) was the maker of this Deed;

(b) executed this Deed as his or her own act; and,

(c) made this Deed for \$ 377,500.00

as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

RECORD AND RETURN TO:
Richard J. Pepsny, Esq.
2005 State Highway 35
Middletown, New Jersey 07748

RJR

(Print name and title below signature)

Peter B. Grimm
Attorney at Law of New Jersey





State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
 (C.55, P.L. 2004)

GIT/REP-3
 (11-04)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s)

PETER M. DIGIOVANNI and BARBARA M. DIGIOVANNI, husband and wife

Current Resident Address: 30 Shindler Court, Neptune NJ 07753 (Barbara Di Giovanni)

Street: 400 DEAL LAKE DR APT. 4-B ASBURY PARK, N.J. 08712
 City, Town, Post Office State Zip Code

PROPERTY INFORMATION (Brief Property Description)

Block(s)	Lot(s)	Qualifier	
1004	6 & 7		
Street Address:			
300 HOOVER ROAD			
City, Town, Post Office		State	Zip Code
NEPTUNE		NJ	07753
Seller's Percentage of Ownership	Consideration	Closing Date	
100%	\$677,500.00	5/2/2006	

SELLER ASSURANCES (Check the Appropriate Box)

- I am a resident taxpayer of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
- The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
- I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
- Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
- Seller is not individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
- The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
- The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

5/2/2006

Date

5/2/2006

Date

[Signature]

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Barbara M. Di Giovanni

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

COMMUNITY IMPACT STATEMENT ITEM #6 AND APPLICATION ATTACHMENT ITEM #9

9. Justification/Reason(s) for variance(s) requested.

The applicant requires d(1) use variance relief for the proposed digital menu boards, as well as d(3) conditional use variance relief from ordinance section 415.08D2 to permit more than two internally illuminated menu boards. While the proposed digital menu boards are not interpreted as internally illuminated signs, it is clear the ordinance regulates the number of signs, so the applicant seeks relief in that regard.

As to the use variance to permit the proposed digital menu boards, the applicant must satisfy both the positive and negative criteria, including satisfaction of the enhanced quality of proof required by the Court's decision in Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987), proof that shows the variance is not inconsistent with the intent and purpose of the zone plan and zoning ordinance and reconciles the governing body's omission of the use as one permitted in the zone district in the first place.

For the positive criteria, it can be said the grant of the use variance promotes the public welfare because the site is particularly suited to the proposed digital menu boards. The menu boards are associated with an existing permitted drive-thru restaurant and will replace the existing internally illuminated menu boards. They represent a better alternative to the existing menu boards in that they better address glare issues but also make the ordering process more efficient. They are designed to function specifically for the existing drive through restaurant and are therefore uniquely suited to site and use.

Grant of the use variance also promote the purpose of New Jersey Municipal Land Use Law which include:

Purpose 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. ***Grant of the variance for the digital menu boards provides a clearer, more efficient ordering system for the customer. Especially in this period of time with COVID-19 concerns and increased use of drive through facilities, the digital menu boards also allow for better relay of menu and order information to the customer. With some menu information changing from time to time, including special offerings but also modification to offerings like all-day breakfast, the digital menu boards allow for safe modification of information presented, eliminating the need to physically change internal boards that are part of the current menu displays. This is safer for employees.***

Purpose I – To promote a desirable visual environment through creative development techniques and good civic design and arrangement. ***The new digital menu boards are smaller than those that exist on the site today, and total sign area will be reduced even though the number of signs is increasing. The digital menu boards respond to ambient illumination and adjust according to brightness outside, better addressing concerns over glare. The smaller digital menu boards will fit better with the site and will have less visual impact for customers and surrounding sites.***

Addressing the negative criteria, the grant of the variance to permit digital menu boards will not represent a substantial detriment to surrounding properties. The new digital menu boards are proposed in the same location as the existing internally illuminated menu boards. They are positioned as not to produce undue glare that would impact adjacent properties and respond better to glare concerns as illumination is controlled relative to ambient light. The overall size of signage is being reduced, which will have a positive impact overall. Given the technology utilized and the positioning of the proposed digital menu boards, the impact of the grant of the variance will not be substantial, particularly considering they are replacing existing internally illuminated menu boards.

As to the enhanced quality of proof required under *Medici v BPR Co.*, the grant of the variance is not inconsistent with the intent and purpose of the zone plan and zoning ordinance. The Township's 2012 Master Plan set forth a number of goals and objectives that are promoted by the grant of the variance, including:

1. To advance the purposes of the Municipal Land Use Law as contained in N.J.S.A. 40:55D-2. ***As stated, the grant of the variance advances two purposes of the Municipal Land Use Law.***
5. Promote aesthetic and site improvements in the Township major commercial and industrial areas. ***The use of digital menu boards will better address aesthetics and represent an improvement over the current internally illuminated menu boards.***
10. Provide adequate community facilities and services in order to enhance the quality of life for existing and future Township residents and respond to changing demographics. ***The use of digital menu boards enhances the customer experience and provides a more efficient ordering process. In the current environment of COVID-19, much of restaurant business has transitioned to pick-up, delivery and drive through ordering. This service is essential for those that may rely on this restaurant for food.***

Reviewing the purpose and intent of the land development ordinance as set forth in section 102, they largely mirror the purposes of the Municipal Land Use Law and the goals and objectives of the Master Plan. Overall, the grant of variance is not inconsistent with the intent and purpose of the ordinance and in fact is designed to carry out some of those purposes.

The Board can reconcile the grant of the variance in this specific case based on the fact that digital menu boards are something not widely used at the time the master plan and ordinance was drafted. Their widespread implementation is a relatively new phenomenon that is gaining more currency in the digital age. Further reconciliation comes in the fact that digital menu boards represent a better option than static internally illuminated menu boards, as they better address glare concerns and provide a more efficient and accurate ordering process for the consumer.

Regarding the d(3) conditional use variance relief necessary due to the number of signs proposed, the standards are slightly different than those applicable to the d(1) use variance for the digital menu boards. The standards for review are derived from the case *Coventry Square v. Westwood Zoning Bd. Of Adjustment*, 138 N.J. 285, 293-294 (1994). In this case, the Court found that an applicant for conditional use variance relief's inability to comply with one or more of the conditions contained in the ordinance "need not materially affect the appropriateness of the site for the conditional use". The Court enumerated standards that focus on the effect the deviations from the conditional use standards have on the continued suitability of the site for the use for the positive criteria, and the affect the deviations have on surrounding properties and reconciling the intent of imposing the standard for the negative criteria.

For the positive criteria, the same purposes of the Municipal Land Use Law cited above for the use variance are applicable. The site remains suitable for the use despite the increase in the number of menu-related signs as the overall sign area is reduced, and the result will be a more efficient ordering process to the benefit of the customer.

As to the negative criteria, the increase in the number of signs will not have a substantial impact on surrounding properties, as they are positioned in a way that they are not largely visible to surrounding properties and the overall area of signage is reduced despite the increase in the number of signs. The grant of the conditional use relief can be reconciled with the governing body's intent of limiting the number of signs given the reduction in overall sign area and improvements to efficiency in the ordering and delivery process gained.

03/18/20

Waiver Request from item #4a to be replaced with NSN 6151 Site Plan New Drive Thru Equipment.

Please accept this request to waive the requirement for a current signed and sealed survey prepared by a new Jersey Licensed Professional Land Surveyor, instead, allow us to present the 11x17 Site Plan of the drive thru lanes illustrating the location of the desired 2 menu boards and 2 pre-browse boards. There are no site changes to footprint, parking or additional graphics, only the inclusion of an additional "pre-browse" board at the drive thru.

**OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER**
[Original signatures only - copies will not be accepted]

IN THE MATTER BEFORE THE Zoning Board of Adjustment
(Insert Planning Board or Zoning Board of Adjustment)

IN THE TOWNSHIP OF NEPTUNE, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, McDonald's Real Estate Company, WITH MAILING ADDRESS OF
(Insert Property Owner's Name)

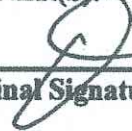
110 N Carpenter St., Chicago, IL 60607 OF FULL AGE BEING DULY
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH
THIS APPLICATION DESIGNATED AS BLOCK(S) 1004 LOT(S) 6
ALSO KNOWN AS 9 Hwy 35 Neptune Township, NJ
(Insert physical address of the subject property)

I/WE AUTHORIZE Brian Wolfson of council and Jim Kyle, planner
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF NEPTUNE FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL SHALL BE BINDING UPON ME/US AS IF SAID APPEAL HAS BEEN BROUGHT AND PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S)

 as Senior Counsel of McDonald's Real Estate Company
(Original Signature of Owner to be Notarized) **SIG**

(Original Signature of Owner to be Notarized) **SIG**

Sworn and subscribed before me this
26th day of February, 20 20


Signature of Notary Public





Fee Date: 11/04/2019
Check #: 369
Cash: 0

ZONING PERMIT

ID: 551731760

Date: 11/13/2019

Fee: \$ 35.00

PROPOSED WORK

- | | | |
|---|---|--|
| <input type="checkbox"/> Adding a New Use to a Property | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Private Garage |
| <input type="checkbox"/> Air Condensor Unit(s) | <input type="checkbox"/> Interior Remodel - Comm / Res | <input type="checkbox"/> Residential Addition |
| <input type="checkbox"/> Commercial Addition | <input type="checkbox"/> New Accessory Structure | <input checked="" type="checkbox"/> Signs |
| <input type="checkbox"/> Continuing/Changing Use | <input type="checkbox"/> New Commercial Business | <input type="checkbox"/> Solar |
| <input type="checkbox"/> Deck/Balcony | <input type="checkbox"/> New Ownership of Property/Business | <input type="checkbox"/> Storage Shed |
| <input type="checkbox"/> Driveway / Sidewalk / Apron | <input type="checkbox"/> New Residence | <input type="checkbox"/> Swimming Pool/Hot Tub |
| <input type="checkbox"/> Fence/Retaining Wall | <input type="checkbox"/> Porch | <input type="checkbox"/> Zoning Determination |
| <input type="checkbox"/> Other: _____ | | |

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at www.neptunetownship.org/departments/land-use.

ALL APPLICATIONS WITHIN THE HISTORIC DISTRICT REQUIRE HPC APPROVAL.

**IF ANY OF THE REQUESTED INFORMATION IS SUBMITTED INCOMPLETE,
THEN THIS APPLICATION SHALL BE RETURNED UNPROCESSED.**

1. **Location of property for which zoning permit is desired:**

Street Address: 9 HIGHWAY 35 **Block:** 1004 **Lot:** 6 **Zone:** C-6

2. **Applicant Name:** MCDONALD'S REAL ESTATE COMPANY **Phone No.** **Fax No.**

Applicant's Address: 110 N Carpenter St Chicago, IL 60607

Email:

3. **Property Owner Name:** Jim Farland **Phone No.** (614)674-1956 **Fax No.**

Property Owner's Address: P.O. Box 171 Commercial Point, OH 43116

Email: jmcfaland@zoingresources.com

4. **Present Approved Zoning Use of the Property:** Conditional Drive Thru Restaurant

5. **Proposed Zoning Use of the Property:** Conditional Drive Thru Restaurant

6. **Describe in detail the activity or activities you are proposing. If you are proposing construction, then describe in detail the dimension and setbacks. If you are proposing a use, then describe the proposed use.**

"Remove and replace Drive-Thru Menu-Boards and Pre-Browse Board 15 ft from Menu-Board (see drawings). Addition of 1 Pre-Browse Board in second lane 15ft from Menu-board (see drawings)."

7. **Has the above referenced premises been the subject of any prior application to the ZONING BOARD OF ADJUSTMENT or PLANNING BOARD?**

Yes No If Yes, state date:

Board: Resolution # (if any): (submit a copy of the Resolution)

8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:

Building Coverage: 0

Lot Coverage: 0 (Please include calculations)

40:55D-68.3. Penalty for false filing. Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing. any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

-----FOR OFFICE USE-----

Zoning Review Notes:

11/13/2019 The property is located within the C-6 Zoning District. The present approved zoning use of the property is a Conditional Drive-Through Restaurant.

The applicant describes the proposed work in detail:

"Remove and replace Drive-Thru- Menu-Boards and Pre-Browse Board 15ft from Menu-Board (see drawings).

Addition of 1 Pre-Browse Board in second lane 15ft from Menu-board (see drawings)."

The applicant indicates the premises has been subject prior application to the Zoning Board of Adjustment. The applicant provided copies of the Board approved resolution without signed plans. The most recent resolution indicated ZBA#11/21 indicates McDonald's USA, LLC received variance for the Drive thru Area. The applicant did not submit a copy of the Board approved signed site plans and construction plans with this zoning permit application. Per exhibit F, attached to ZBA#11/21, McDonald's USA, LLC was approved to construct two (2) internally illuminated menu boards not to exceed 43.66 SF each within building envelope.

The applicant did not submit the required surveys/site plans with this zoning permit application clearly displaying the existing and proposed conditions, drawn to scale. Unable to ascertain if the proposed menu boards are within the building envelope. Planning Board review and approval is required.

The applicant did not submit the required construction plans with this zoning permit application clearly displaying the existing and proposed conditions. The submitted photos and diagrams (not to scale) do not constitute construction plans. Planning Board review and approval is required.

The applicant is proposing three (3) digital menu boards, opposed to the Board approved two (2) internally illuminated menu boards. Planning Board review and approval is required.

There are presently digital menu boards on the premises. There are no zoning approvals on file.

DRIVE-THROUGH RESTAURANTS:

Per Land Development Ordinance section 415.08-D:

Drive-through restaurants may be permitted in the B-1, C-1, C-2, LI, PUD, and C-6 Zone Districts when authorized as a conditional use by the Planning Board in accordance with the following conditions:

[NOTE: The C-6 Zone has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

Drive-through areas.

A minimum of seventy-five (75) feet of queuing space shall be provided on-site, as measured from an ordering area.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The applicant did not submit surveys/site plans. The applicant s submitted "New Drive-Thru Equipment Plan" is not to scale, and barely legible. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment review and approval is required.

One (1) internally lit preview board not to exceed twelve (12) square feet and one (1) internally lit menu board not to exceed forty-two (42) square feet in area may be provided within the building envelope. Any and all attached advertising is inclusive of the square footage.

ZONING NOTES:

- The applicant is proposing more than one (1) digital preview board. The applicant did not submit the required construction plans draw to scale as indicated on the zoning permit application information sheet. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

- The applicant is proposing more than one (1) digital menu board. The applicant did not submit the required construction plans draw to scale as indicated on the zoning permit application information sheet. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. It is unknown if the preview board and menu board are located within the building envelope. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

A "bail-out" lane shall be provided to allow cars in queue to freely move through the site.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The applicant did not submit surveys/site plans. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

No loudspeaker shall be permitted at yards that abut a residential zone district or residential property line.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The applicant did not submit surveys/site plans displaying compliance with this requirement. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

No drive-through area located within 150' of a residential zone district or residential property line shall be in use past 11:00 P.M. or before 7:00 A.M.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The applicant did not submit surveys/site plans displaying compliance with this requirement. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

A pedestrian area located in the vicinity of a drive-through facility shall be clearly delineated by raised sidewalk areas, painted crosswalks, distinct paving materials or any combination thereof. Appropriate signage alerting motorists to pedestrian areas shall be provided.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The applicant did not submit surveys/site plans displaying compliance with this requirement. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

The applicant does not display compliance with the Land Development Ordinance.

Zoning Board of Adjustment approval is required.

Status

Approved

Denied

Referrals

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement



McDonald's Corporation
110 N Carpenter St
Chicago, IL 60607-2101
nelson.jenig@us.mcd.com

February 26, 2020

Jim McFarland
PO Box 171
Commercial Point, OH 43116

RE: Outdoor Digital Menu Board Program

Dear Jim McFarland,

In connection with the ODMB Program, enclosed please find the original counterparts for the following site:

L/C	NSN	Documents
029-0293	6151	Permit Apps (3)

If you have any questions, please email me at nelson.jenig@us.mcd.com. Your immediate attention to this matter is greatly appreciated.

Sincerely,
McDONALD'S CORPORATION

A handwritten signature in cursive script that reads "Nelson Jenig".

Nelson Jenig
Legal Assistant Consultant, US Legal Team

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Township of Neptune Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: 2/26/2020



as Senior Counsel of
McDonald's Real Estate Company

Signature of Property Owner

STATEMENT FROM TAX COLLECTOR

Block _____ Lot _____

Property Location _____

Status of municipal taxes _____

Status of assessments for local improvements _____

Date: _____

Authorized Signature of Tax Collector

Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Land Use Board.

The amount of the Escrow Deposit will be determined by the Neptune Township Land Development Ordinance, section 1000 Application and Escrow Fee, Table 10.02 Escrow Fees.

It is the policy of Neptune Township that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion; applicant will be notified of any anticipated charges and the amount of the deposit required.

Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board of hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of Neptune Township's Section 1000, Application and Escrow Fees and agree to all conditions listed.

Name of Applicant: Jim McFarland
[please print]

Property Address: 9 Hwy 35 Block 1004 Lot 6

Applicant's Name: Jacob Steinfink
[Print Name]

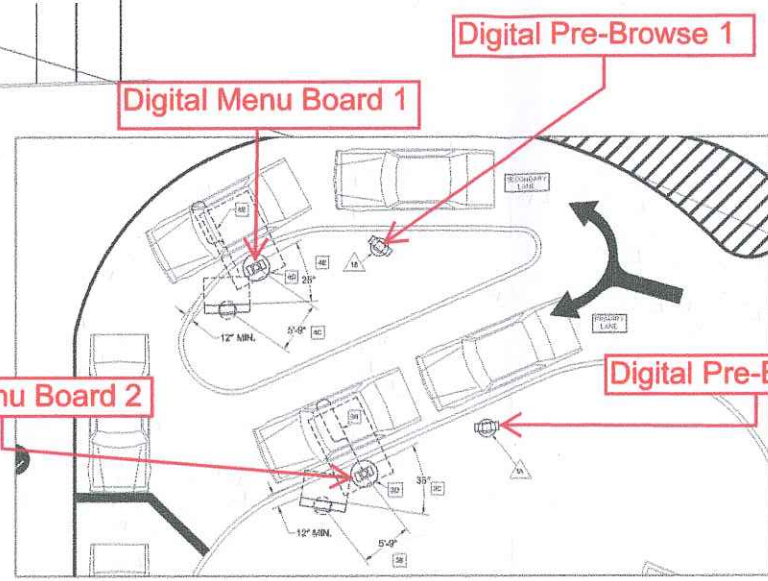
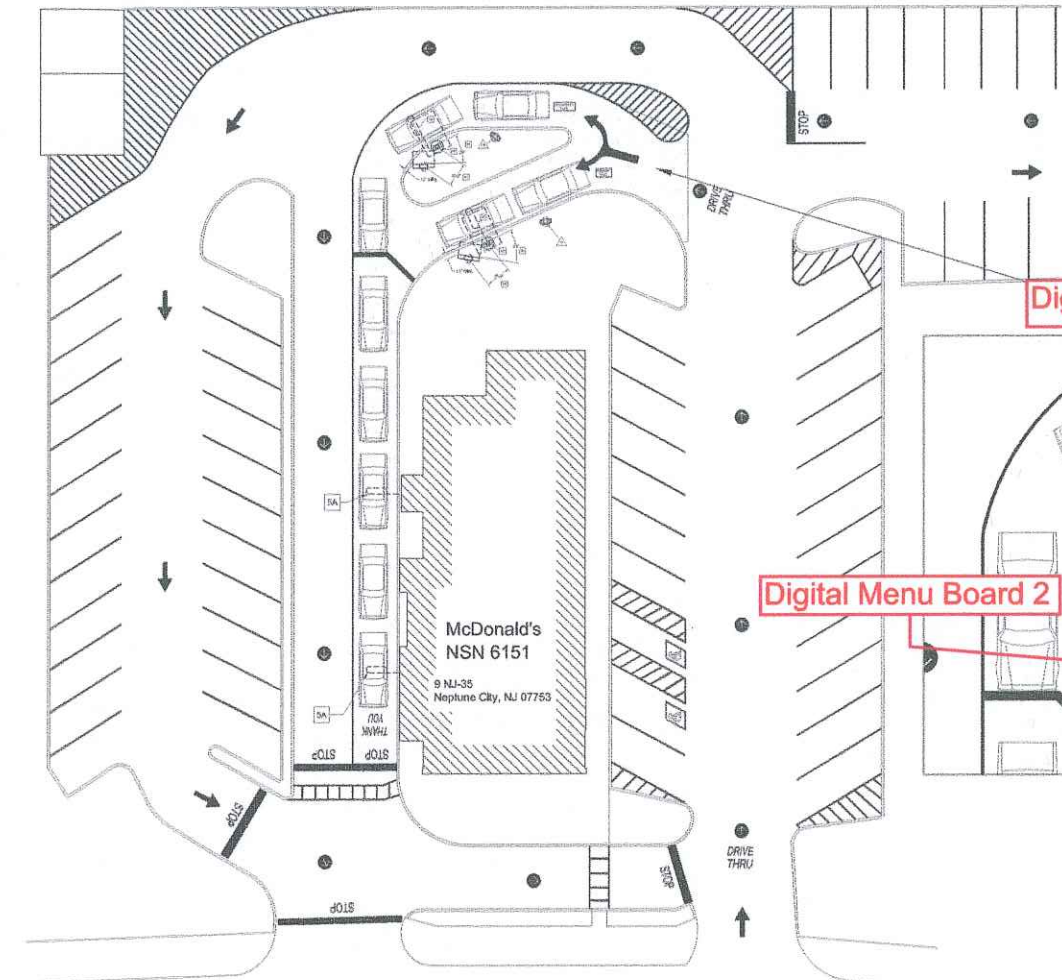
[Signature]
[Signature of Applicant]
as Senior Counsel of
McDonald's Real Estate Company

Owner's Name: Jacob Steinfink
[Print Name]

[Signature]
[Signature of Owner]
as Senior Counsel of
McDonald's Real Estate Company



Date: 2/26/2020



SIDE BY SIDE DRIVE-THRU STANDARD 10 FEATURES:

- 1. SIDE BY SIDE DRIVE-THRU STANDARD 10 EQUIPMENT:**
- 1A PRE-BROWSE BOARD MUST BE 12" FROM FACE OF CURB (18" TO 24" PREFERRED). THE DISTANCE BETWEEN THE PRIMARY CANOPY AND PRE-BROWSE BOARD IS TO BE 15' AS MEASURED ALONG THE FACE OF THE CURB. THIS IS MEASURED FROM THE CENTER OF THE PRE-BROWSE BOARD FOUNDATION TO THE CENTER OF THE CANOPY FOUNDATION. THE ANGLE (APPROXIMATELY 50°) OF THE PRE-BROWSE BOARD SHOULD MAXIMIZE VISIBILITY TO THE SECOND CAR FROM THE CANOPY.
 - 1B PRE-BROWSE BOARD MUST BE 12" FROM FACE OF CURB (18" PREFERRED). THE DISTANCE BETWEEN THE SECONDARY CANOPY AND PRE-BROWSE BOARD IS TO BE 15' AS MEASURED ALONG THE FACE OF THE CURB. THIS IS MEASURED FROM THE POINT PERPENDICULAR TO THE CENTER OF THE PRE-BROWSE BOARD FOUNDATION TO THE POINT PERPENDICULAR TO THE CENTER OF THE CANOPY FOUNDATION. THE ANGLE OF THE PRE-BROWSE BOARD SHOULD MAXIMIZE VISIBILITY TO THE SECOND CAR FROM THE CANOPY (APPROXIMATELY 35°).

SIDE BY SIDE DRIVE-THRU STANDARD

- 1. SIDE BY SIDE DRIVE-THRU STANDARD A CURBING DETAILS:**
- 1A DRIVE-THRU LANES BOUND BY CURB ON BOTH SIDES ARE TO BE 12'-0" LANES BOUND BY CURB ON ONE SIDE AND PAINTED STRIPING ON THE OTHER SIDE ARE TO BE A MIN. OF 10'-0".
 - 1B THE MIN. RADIUS FOR ALL INSIDE/DRIVER'S SIDE DRIVE-THRU CURBING IS 20'-0" TO INSIDE OF CURB.
 - 1C PRIMARY LANE CURBING SHOULD BE AS STRAIGHT AS POSSIBLE (RIVING, THE BETTER).
 - 1D FULL LENGTH OF THE CURBED ISLAND SHOULD BE 35'-45". THE LENGTH OF THE ISLAND FROM THE CANOPY ALLOWS FOR THREE CARS IN THE SECONDARY LANE, TWO IN THE PRIMARY LANE AND ONE AT THE COMMITMENT POINT.
 - 1E THE ISLAND WIDTH SHOULD BE 6'-0" AT THE WIDEST POINT (FACE OF CURB TO FACE OF CURB).
 - 1F THE RADIUS FOR THE ISLAND TIP SHALL BE 1'-6".
- 2. SIDE BY SIDE DRIVE-THRU STANDARD PAVEMENT MARKINGS:**
- 2A 6" WIDE YELLOW PAINT STRIPE TO SPAN OUTER EDGE OF THE ENTIRE DRIVE-THRU LANE.
 - 2B DOUBLE-HEADED ARROW PAVEMENT MARKING. STANDARD STRIPING MARKINGS ARE 7'-0" SHAFT, 7'-0" ARROW STEM AND 3'-0" FOR THE ARROW HEAD, TIP OF ARROW HEAD TO BE LOCATED AT CENTER OF EACH LANE.
 - 2C MERGE POINT IS LOCATED WHERE TWO VEHICLES LEAVING EACH CANOPY SIMULTANEOUSLY MEET. THE MERGE POINT STRIPING IS TO BE LOCATED BY OFFSETTING THE INNER PRIMARY LANE BACK OF CURB 9'-0" AND OFFSETTING THE OUTER LANE STRIPING 8'-0". AT THE INTERSECTION OF THESE OFFSETS, A 6" YELLOW STRIPE IS TO BE MARKED PERPENDICULAR TO THE OUTER LANE AS WELL AS THE INNER PRIMARY LANE.
 - 2D THE WORDS "THANK YOU" ARE TO BE PLACED 8" FROM THE EDGE OF THE YELLOW STRIPE TO THE BOTTOM OF THE WORD "YOU".
 - 2E THE 8" YELLOW STRIPE IS TO BE PLACED 40'-0" FROM THE CENTER LINE OF THE OPEN PRESENT WINDOW AND IS FOR PARKING CARS THAT ARE WAITING FOR ORDERS.

3. SIDE BY SIDE DRIVE-THRU STANDARD EQUIPMENT POSITIONING FOR PRIMARY LANE:

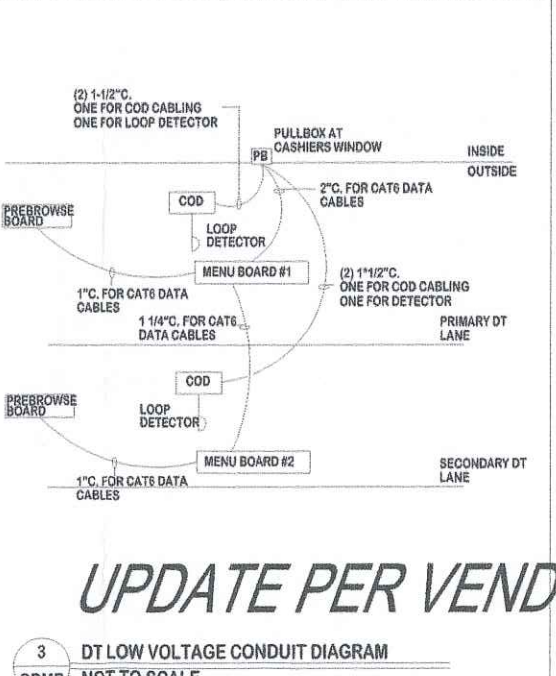
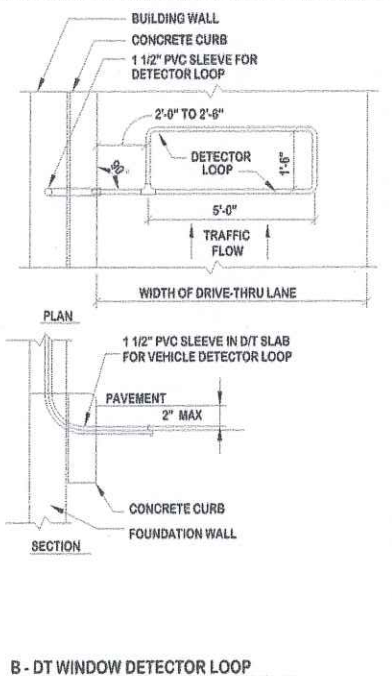
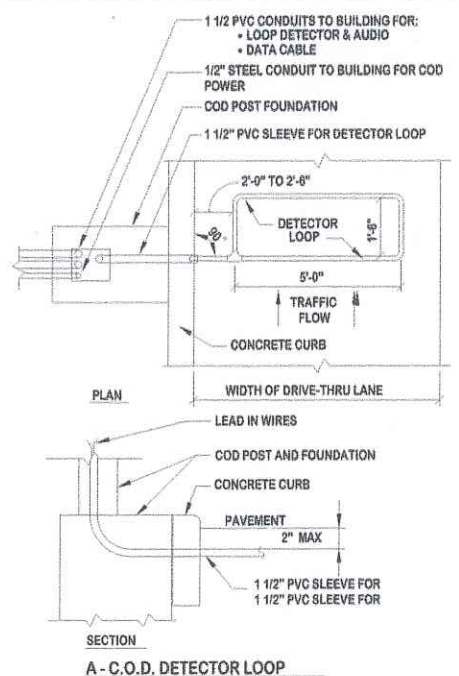
- 3A MIN. 60'-0" (45', 60'-65') LINEAR DISTANCE BETWEEN THE CENTER LINE OF THE CANOPY FACE AND THE CENTER LINE OF THE OPEN ORDER BOOTH WINDOW AS MEASURED ALONG THE CENTER LINE OF THE LANE. THIS MAY ONLY BE INCREASED IN 20'-0" INCREMENTS (±5' FOR 80', 100' AND 120') TO A MAX. OF 120'. 100'-0" IS OPTIMAL.
- 3B THE CENTER OF THE PRIMARY MENU BOARD FOUNDATION SHALL BE 5'-9" (5'-0" MIN. AND 6'-0" MAX.) FROM THE CENTER OF THE CANOPY FOUNDATION, WITH THE END CAP OF THE PRIMARY MENU BOARD NOT LESS THAN 12" FROM FACE OF CURB.
- 3C THE PRIMARY MENU BOARD SHOULD BE AT AN ANGLE OF APPROXIMATELY 25° TO 35° ANGLE (35° PREFERRED) FROM A VEHICLE POSITIONED AT THE CANOPY AND WITH 100% VISIBILITY.
- 3D AUGER "MCDONALD'S ORDER HERE CANOPY" CANOPY FOUNDATION TIGHT AGAINST BACK OF CURB. SEE MANUFACTURER/LOCAL SPECIFICATIONS FOR DETAILS.
- 3E A SINGLE BOLLARD SHOULD BE POSITIONED AT THE CORNER OF THE BUILDING ON THE DRIVE-THRU SIDE. IT SHOULD BE FLUSH AGAINST THE BUILDING AND FACE OF THE BOLLARD SHOULD BE TIGHT AGAINST THE BACK OF THE CURB.
- 3F AUGER "MCDONALD'S GATEWAY" SIGN FOUNDATION TIGHT AGAINST BACK OF CURB. SEE MANUFACTURER/LOCAL SPECIFICATIONS FOR DETAILS.
- 3G THE DISTANCE BETWEEN THE TIP OF THE CURBED ISLAND AND THE CENTER LINE OF THE PRIMARY CANOPY MUST BE 15'-0". THIS MEASUREMENT IS TAKEN PARALLEL TO THE INSIDE CURB FACE OF THE PRIMARY LANE.
- 3H THE PRIMARY LANE DETECTOR LOOP SHOULD BE PERPENDICULAR TO THE CENTER OF THE PRIMARY CANOPY.

4. SIDE BY SIDE DRIVE-THRU STANDARD EQUIPMENT POSITIONING FOR SECONDARY LANE:

- 4A TO POSITION THE SECONDARY CANOPY, DRAW AN ARC WITH A 14' RADIUS THAT IS CENTERED FROM THE MIDPOINT OF THE ISLAND TIP. THEN OFFSET THE FACE OF THE CURB BY 24" TO DETERMINE THE LOCATION OF CENTER OF FOUNDATION OF THE SECONDARY CANOPY.
 - 4B WHEN THE SECONDARY CANOPY IS LOCATED 14'-0" FROM THE TIP OF THE CURBED ISLAND, THE LOOP DETECTOR IS TO BE 2'-0" FORWARD OF THE CANOPY CENTER LINE WITH THE LOOP FACING FORWARD AND THE DETECTOR LOOP PERPENDICULAR TO THE SECONDARY CANOPY WHEN POSSIBLE.
 - 4C THE CENTER OF THE SECONDARY MENU BOARD FOUNDATION SHALL BE 5'-9" (5'-0" MIN. AND 6'-0" MAX.) FROM THE CENTER OF THE CANOPY FOUNDATION, WITH THE END CAP OF THE SECONDARY MENU BOARD NOT LESS THAN 12" FROM FACE OF CURB.
 - 4D AUGER "MCDONALD'S ORDER HERE CANOPY" CANOPY FOUNDATION TIGHT AGAINST BACK OF CURB. SEE MANUFACTURER/LOCAL SPECIFICATIONS FOR DETAILS.
 - 4E THE SECONDARY MENU BOARD SHOULD BE AT AN ANGLE OF APPROXIMATELY 25° FROM A VEHICLE POSITIONED AT THE CANOPY AND WITH 100% VISIBILITY.
 - 4F "ANY LANE, ANY TIME" BOLLARD SIGN MUST BE A MIN. OF 1'-6" FROM FACE OF CURB AT THE BEGINNING OF THE LANDSCAPE ISLAND. BOLLARD SIGN IS TO BE ORIENTED AT AN ANGLE OF 90° FROM THE CURB.
- 5. SIDE BY SIDE DRIVE-THRU STANDARD DETECTOR LOOP:**
- 5A DETECTOR LOOPS SHALL BE LOCATED AT THE CENTER OF THE OPENING WINDOW AT THE CASH AND PRESENT BOOTHS.

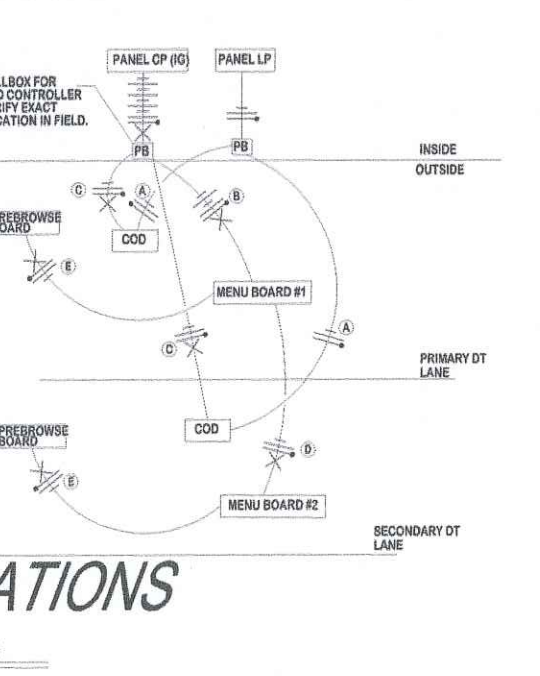
NOTES

1. VERIFY CONDUIT SIZES AND LAYOUT WITH DETECTOR LOOP MANUFACTURER.
2. CENTER VEHICLE DETECTOR LOOP IN DRIVE THRU LANE. INSTALL PER MFR. RECOMMENDATIONS.
3. NO STEEL (REBAR OR ELECTRICAL WIRE) SHALL BE USED WITHIN 2' OF LOOP.
4. DETECTOR LOOP MANUFACTURERS: DETECTOR LOOPS MAY BE BY ONE OF THE FOLLOWING COMPANIES OR EQUAL.
3M: 1-800-328-0033
HME: 1800-848-4488
5. DETECTOR LOOP MATERIAL: PVC TUBING 1/2" I.D., 100 PSI LOOP MADE FROM ONE LENGTH OF THIN FOURTEEN GAUGE STRANDED WIRE. LEAD-IN IS PRE TWISTED AT FACTORY.
6. DETECTOR LOOP CONSTRUCTION: FORMED WITH ONE CONTINUOUS LENGTH OF PVC WITH NO SHARP CORNERS AS DETAILED. WIRE LOOPED, FORMED, & PIGTAILED AS DETAILED.



NOTE:

- * VERIFY EXACT CIRCUITS QUANTITIES OF CIRCUITS WITH PANEL SCHEDULES AND MANUFACTURERS INSTALLATION INSTRUCTIONS.
 - FOR EXISTING LOCATIONS:
 - * VERIFY EXISTING CP PANEL HAS AMPACITY AND SUFFICIENT SPARESPACE FOR TWO (2) NEW 20A/1P CIRCUITS. UPGRADE CP PANEL TO 42 CIRCUITS IF NECESSARY.
 - * VERIFY EXISTING PULLBOXES ARE SIZED FOR NEW CONDUIT ROUTING. MODIFY PULLBOXES IF NECESSARY.
- A) 2#12 & 1#12 GND. TO LP-1 FOR COD CANOPY LIGHTING.
- B) 4#12 & 1#12 GND & 1#12 ISOLATED GND. TO CP FOR ISOLATED GROUND POWER TO MENUBOARDS AND MEDIA PLAYERS.
- C) 2#12 & 1#12 GND & 1#12 ISOLATED GND. TO CP FOR ISOLATED GROUND POWER TO COD'S. EACH COD SHALL BE ON ITS OWN SEPARATE CIRCUIT.
- D) 2#12 & 1#12 GND & 1#12 ISOLATED GND. TO CP FOR ISOLATED GROUND POWER TO MENUBOARDS AND MEDIA PLAYERS.
- E) 2#12 & 1#12 GND & 1#12 ISOLATED GND. TO CP FOR ISOLATED GROUND POWER FOR PRESHELL BOARDS AND MEDIA PLAYER.



2 DETECTOR LOOP DETAILS
ODMB NOT TO SCALE

B - DT WINDOW DETECTOR LOOP

3 DT LOW VOLTAGE CONDUIT DIAGRAM
ODMB NOT TO SCALE

4 DRIVE THRU POWERDIAGRAM
ODMB NOT TO SCALE

SHEET NO. ODMB DRIVE-THRU DETAILS
 TITLE McDonald's NSN 6151 Site Plan
 DESCRIPTION New Drive-Thru Equipment Plan
 SITE ID 0072
 SITE ADDRESS 9 NJ-35 - Neptune City, NJ 07763
 DRAWN BY INKA
 BTU ISSUE DATE N/A
 REVIEWED BY N/A
 DATE ISSUED N/A
 PREPARED FOR McDonald's USA, LLC
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REV	DATE	MISC. UPDATES

UPDATE PER VENDOR SPECIFICATIONS