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# FRIERI LAW GROUP LLC

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ATTORNEYS AT LAW

JOHN R. FRIERI  
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777 WALNUT AVENUE  
CRANFORD, NEW JERSEY 07016  
(908) 653-1441

OF COUNSEL  
MICHAEL P. BONNER

FAX: (908) 653-9101  
law@frierilaw.com

January 24, 2024  
*via email & regular mail*

Board of Adjustment  
Neptune Township  
2201 Heck Avenue  
Neptune, NJ 07753  
Attn: Monica Kowalski, Board Atty  
Kristie Dickert, Admin. Officer

RE:   Applicant:   Meadowbrook Associates, L.P.  
      Property:    3526 Highway 33  
                  Block: 3102, Lot 2  
      Application: #ZB23/15

Dear Ms. Kowalski & Ms. Dickert:

This office represents the Applicant, Meadowbrook Associates, L.P. in connection with the above-referenced application for the above-referenced property. A Development Application, together with a Sign (Zoning Permit) application, with attendant plans and supporting documents, were submitted via correspondence dated November 10, 2023. Several submission waivers were requested as part of the submission, and a Waiver Hearing is scheduled for February 6, 2024.

During the review process this office received a completeness review from Matt Shafai, Board Engineer, indicating that potentially variances were needed for the proposed signage. In subsequent phone conversations (by this office and Applicant's Professional Planner, Nick Graviano) with Mr. Shafai, and Ms. Jennifer Beahm, Board Planner, it was agreed that Applicant is merely re-facing the previously approved freestanding pylon sign, and no variance relief is required. In addition, Applicant submitted for approval to replace existing façade signage, all of which appears to be ordinance compliant.

By this correspondence, this office requests, on behalf of the Applicant, that the sign package to the extent same is compliant be approved. Applicant, operating his business without signage is at a competitive disadvantage, and will remain so until the conclusion of the Waiver and full application hearings, which would leave the Applicant in a difficult position for possibly several more months.

Copies of the sign package and related documents previously submitted are enclosed herewith. Kindly advise if the Applicant's signage application can be handled independently from, and prior to, the full application

I look forward to hearing from you, and thank you for your courtesy and consideration. Should you require additional or different information, please do not hesitate to contact this office.

Very truly yours,

*/s/ Michael P. Bonner, Esq.*

Michael P. Bonner, Esq.

MPB/

*Enclosures*

cc: client  
professional team



*Where Community, Business & Tourism Prosper*

*Land Use Board Office – Board of Adjustment*

*Memo from the Desk of Kristie Dickert*

*732-897-4162 ext. 204*

*[KDickert@neptunetownship.org](mailto:KDickert@neptunetownship.org)*

**Date:** December 12, 2023

**To:** Jennifer Beahm, Board Planner  
Matt Shafai, Board Engineer  
Monica C Kowalski, Attorney

**Re:** **RESUBMISSION FOR COMPLETENESS DETERMINATION**  
Meadowbrook Associates, LP (Valvoline)  
ZB23/15 – **Use Variance & Bulk Variances**  
Block 3102, Lot 2 – 3526 Highway 33

\*\*\*\*\*

Enclosed herein please find a resubmission for completeness review of an application submitted by Michael P. Bonner, Esq. on behalf of his clients Meadowbrook Associates, LP (Valvoline) for possible Use Variance and Bulk Variances on the above referenced lots.

Please review for completeness and advise by **January 19, 2024**. If application is not complete please formulate a deficiency letter by this date.

**Please include fee calculations with complete/incomplete determination. They have only submitted \$1,500.00 in escrow and have not submitted any application fees as of yet.**

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AMY E. GASIOROWSKI

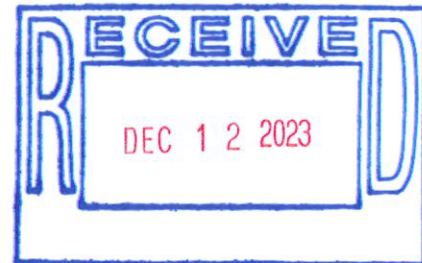
777 WALNUT AVENUE  
CRANFORD, NEW JERSEY 07016  
(908) 653-1441

OF COUNSEL  
MICHAEL P. BONNER

FAX: (908) 653-9101  
law@frierilaw.com

December 6, 2023  
*via email & regular mail*

Board of Adjustment  
Neptune Township  
2201 Heck Avenue  
Neptune, NJ 07753  
Attn: Kristie Dickert, Admin. Officer  
Monica Kowalski, Board Atty  
Matt Shafai, Board Engineer  
Jennifer Beahm, Board Planner



RE: Application: ZB#23/15  
Applicant: Meadowbrook Associates, L.P.  
Property: 3526 Highway 33  
Block: 3102, Lot 2

Dear all:

This office is in receipt of correspondence from the Board Engineer dated November 28, 2023 which indicates the above-referenced Application has been determined to be incomplete.

Regarding the contents of said correspondence, please note the following (*numbered paragraphs refer to the numbered paragraphs of Mr. Shafai's correspondence*):

1. Our planner, Nick Graviano, disagrees with the characterization of the required relief as a d(2) variance, however we would suggest a conference call to discuss the appropriate relief. As indicated in the Application documents, an amendment to the prior resolution would seem appropriate, permitting two different operators of the uses permitted by the existing d(1) variance. Following our conference, the Application can be amended, as necessary.

2. Our understanding is that the pylon (freestanding) sign was previously approved; our application does not require additional relief as to the dimensions of same. The façade is being changed to reflect the new tenant. Copy of sign info, originally submitted, is annexed hereto.

3. The Zoning Permit was denied, and all signage information was submitted as part of this Application in the event bulk relief is necessary. Copy of sign info and denial attached.

4. Submitted as part of original submission; copy attached.

5, 6 & 7. Waivers were requested, based upon the fact that no changes are being made to the site plan previously approved. Applicant requests a waiver hearing/conference to discuss.

Thank you for your courtesy and consideration, I look forward to hearing from you.

Very truly yours,

*/s/ Michael P. Bonner, Esq.*

Michael P. Bonner, Esq.

MPB/

*Enclosures*

cc: client  
professional team



Fee Date: 11/16/2023

Check #: 6915

Cash: 0

**ZONING REVIEW**

ID: 563652886

Date: 11/16/2023

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](http://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:** 3526 HIGHWAY 33 **Block:** 3102 **Lot:** 2 **Zone:** C-5
2. **Applicant Name:** Meadowbrook Associates **Phone No.** (860)244-9310 **Fax No.**  
**Applicant's Address:** 8 Two Mile Rd. Farmington, CT 06032  
**Email:**
3. **Property Owner Name:** 1019 OLD CORLIES AVENUE, L.L.C. **Phone No.** **Fax No.**  
**Property Owner's Address:** 79 ROUTE 520 SUITE 200 ENGLISHTOWN, NJ 07726  
**Email:**
4. **Present Approved Zoning Use of the Property:**
5. **Proposed Zoning Use of the Property:**
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.**
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:**

11/16/2023 The applicant did not provide a complete zoning permit application demonstrating compliance with the Board of Jurisdiction resolution and/or the Neptune Township Land Development Ordinance requirements, whichever takes precedence. The applicant omitted the appropriate construction plans and surveys/site plans.

This zoning permit application is denied without referral to the Board of Jurisdiction, as the applicant did not provide the appropriate plans demonstrating compliance/noncompliance with the Board of Jurisdiction resolution and/or the Neptune Township Land Development Ordinance requirements, whichever takes precedence.

The applicant did not provide the appropriate number of plans, therefore no copies are being returned to the applicant.

Please note, photoshopped pictures do not constitute valid construction plans.

**Status**

Approved ☐ Denied ☒

**Referrals**

Construction ☒ HPC ☐ Engineering ☐ Planning Board ☐ Zoning Board ☐ Mercantile ☐ Code Enforcement ☐



VIOC | Neptune, NJ

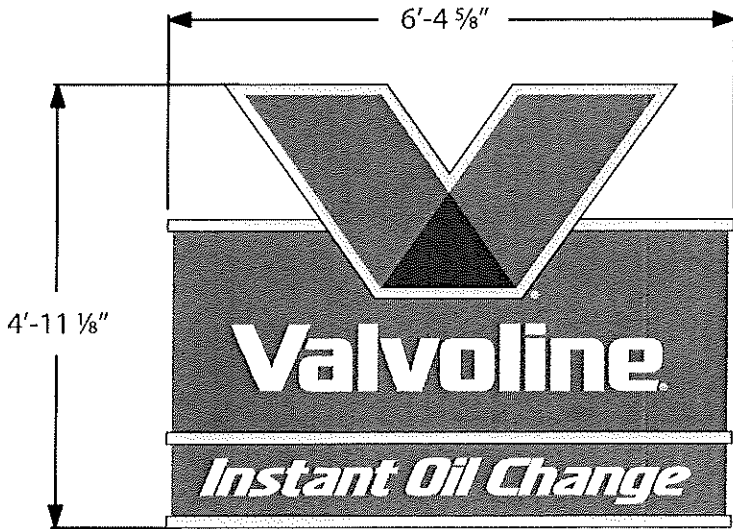
NOTE: Renderings below utilize sample dimensions.



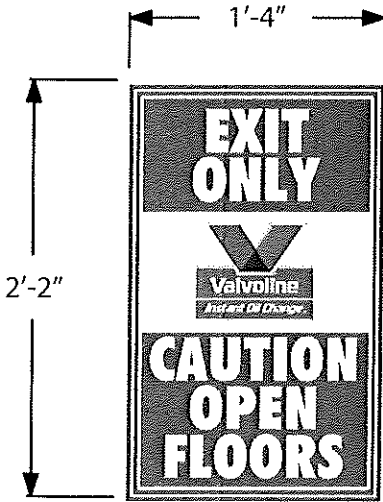
EXISTING SIGNAGE




PROPOSED SIGNAGE



QTY 1: 31.3 SqFt Flat Wall Sign




QTY 1: EXIT ONLY Bay Sign



**FAIRMONT**  
 SIGN COMPANY

3750 East Outer Drive  
 Detroit, MI 48234  
 t: 313.368.4000 f: 313.368.9335  
[www.fairmontsign.com](http://www.fairmontsign.com)

Client:



Neptune, NJ

Date:

8/14/23

File:

Accounts/Valvoline/VIOC/  
Neptune, NJ

Designer:

RNB

Scale:

NA

Job#	Sheet#
00000	1 of 3

Revision #	Date:
2	9-6-23

Revision Description:

Customer Approval:

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ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION



**VIOC | Neptune, NJ**

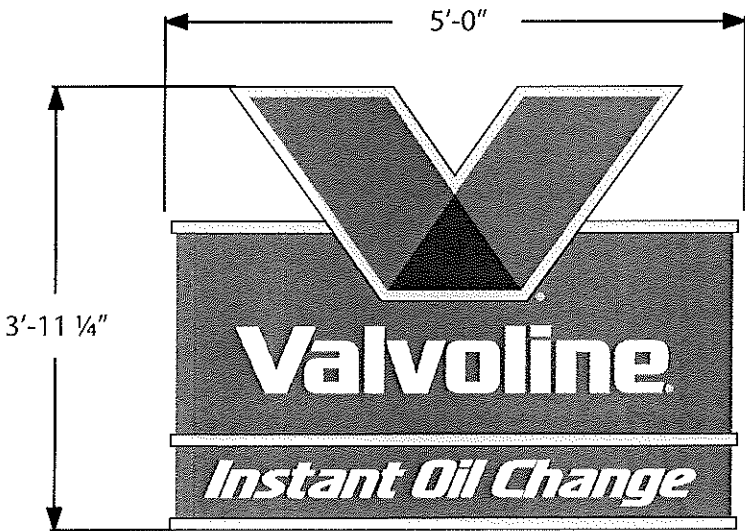
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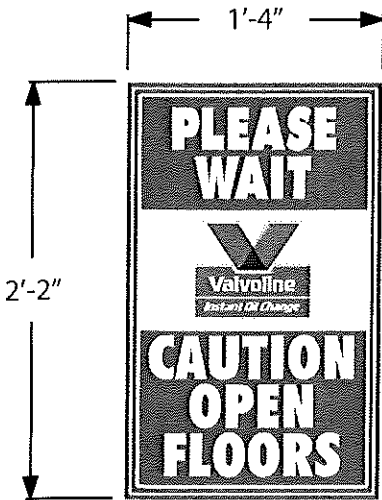
EXISTING SIGNAGE



PROPOSED SIGNAGE



QTY 1: 19.6 SqFt Flat Wall Sign



QTY 1: PLEASE WAIT Bay Sign



3750 East Outer Drive  
 Detroit, MI 48234  
 t: 313.368.4000 f: 313.368.9335  
 www.fairmontsign.com

Client:



Neptune, NJ

Date:  
 8/14/23

File:  
 Accounts/Valvoline/VIOC/  
 Neptune, NJ

Designer:  
 RNB

Scale:  
 NA

Job# Sheet#  
 00000 2 of 3

Revision # Date:  
 2 9-6-23

Revision Description:

Customer  
 Approval:

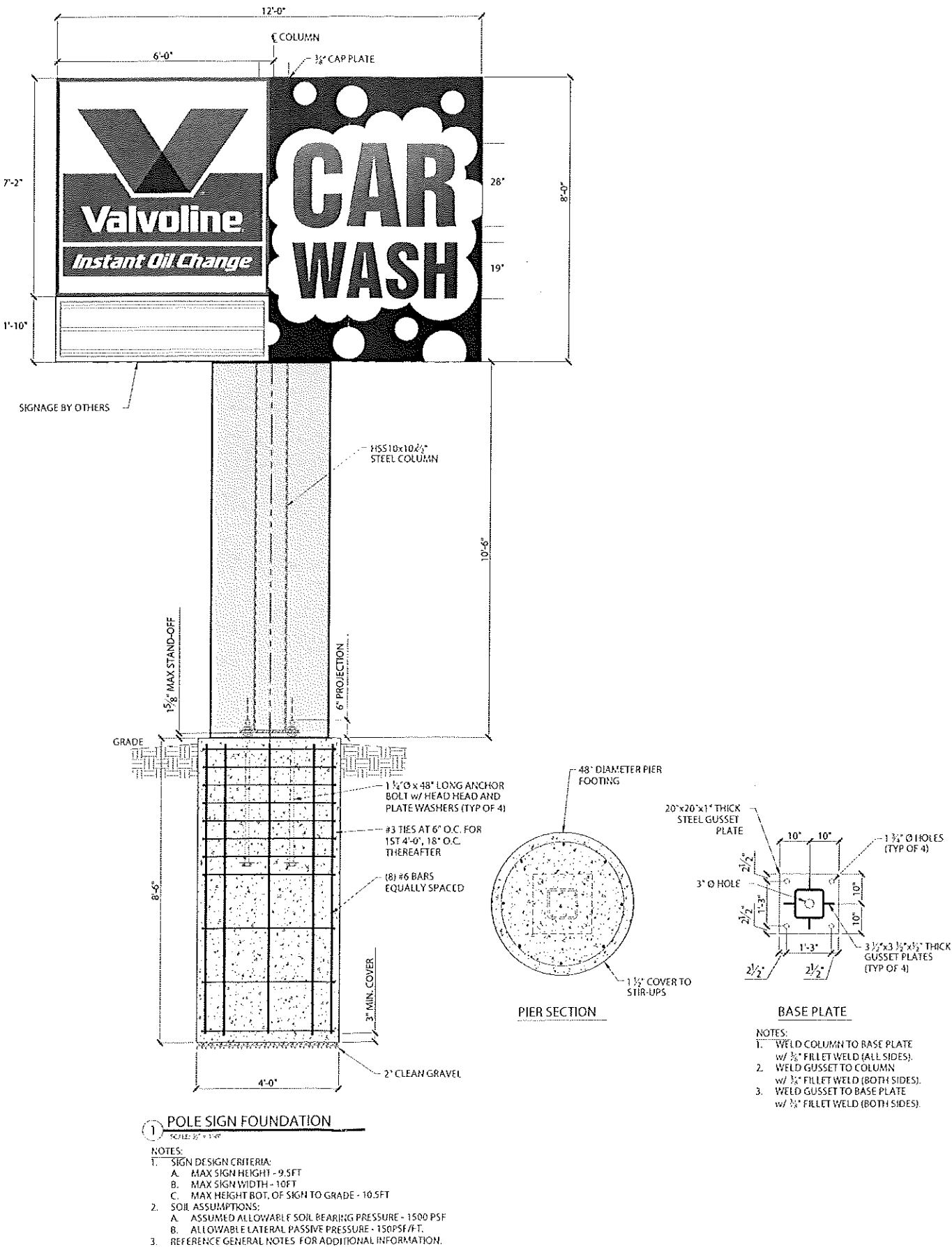
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 FIELD VERIFIED PRIOR TO  
 INSTALLATION

NOTE: Renderings below utilize sample dimensions.

QTY 1: New Pylon Cabinet and Shroud



3750 East Outer Drive  
Detroit, MI 48234  
t: 313.368.4000 f: 313.368.9335  
www.fairmontsign.com

Client:



Neptune, NJ

Date:  
8/14/23

File:  
Accounts/Valvoline/VIOC/  
Neptune, NJ

Designer:  
RNB

Scale:  
NA

Job# Sheet#  
00000 3 of 3

Revision # Date:  
2 9-6-23

Revision Description:

Customer  
Approval:

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UNLESS OTHERWISE NOTED, ALL COLORS PORTRAYED ARE REPRESENTATIVE ONLY.

ALL DIMENSIONS TO BE  
FIELD VERIFIED PRIOR TO  
INSTALLATION

# GENERAL NOTES

1. THIS DRAWING REFLECTS A TOPOGRAPHICAL SURVEY BY ENR CONSULTING, LLC, 147 UNION AVENUE, ROCKEFELLER, NEW JERSEY 08066, DATED 11/15/16, REVISED 11/1/17.
2. APPLICANT/OWNER: 1019 OLD CORLIES ROAD, LLC, 70 ROUTE 520, ENCLICHTON, NJ 07112.
3. PARCEL: BLOCK 10015, LOT 2, 1019 OLD CORLIES ROAD, NEPTUNE TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY.
4. ZONING: ZONE C-5, EXISTING USE: RESIDENTIAL, PROPOSED USE: CAR WASH (NOT PERMITTED), OL CHANGE FACILITY (NOT PERMITTED).

5. BLOCK REQUIREMENTS	REQUIRED C-5 ZONE	EXISTING	PROPOSED
MIN. LOT AREA	52,000 SF	42,484 SF (23.9 AC) (1)	42,484 SF (23.9 AC) (1)
MIN. FRONTAGE	N/A	N/A	N/A
MIN. LOT FRONTAGE			
MIN. LOT WIDTH	200'	226.61'	225.91'
MIN. LOT DEPTH	200'	135.67' (3)	136.67' (3)
MIN. FRONT YARD	200'	214.75' (3)	214.75' (3)
MIN. SIDE YARD	45'	144.1'	55.4'
MIN. SIDE YARD (CONCRETE)	45'	26.21' (3)	78.55'
MIN. SIDE YARD (WOOD)	45'	141.65'	125.5'
MIN. REAR YARD	45'	N/A	N/A
MIN. REAR YARD (CONCRETE)	45'	<30'	<30'
MIN. BUFFER AREA	378'	5,341 (2,247 SF)	13,136 (4,650 SF)
MIN. LOT COVERAGE (TOTAL)	65%	11.77% (4,994.23 SF)	63.76% (27,299 SF)
MIN. FLOOR AREA RATIO	0.60	0.03 (1,244 SF)	0.11 (4,650 SF)
MIN. IMPERVIOUS LOT AREA	18,500 SF	17,762 SF (3)	17,762 SF (3)
OFF-STREET PARKING SPACES	10	N/A	11
LOADING SPACES	0	0	0
SCALES			
EXISTING	N/A	1 @ 24.5'	
WALL MOUNTED	N/A	1 @ 39.5', 1 @ 42.5'	
USE OR USES	RESIDENTIAL	CAR WASH AND DRIVE EXPRESS	

6. EXISTING NON-CONFORMANCE: N/S = NOT SPECIFIED, N/A = NOT AVAILABLE, (1) = VARIANCE, (2) = ELIMINATES EXISTING NON-CONFORMANCE.
7. PARKING REQUIREMENTS PER ORDINANCE SECTION 112.17: 112.17.1 MINIMUM PARKING SPACE SIZE: 11' x 18' 112.17.2 NO PARKING PERMITTED WITHIN 15 FEET OF SIDEWALK (4) 112.17.3 MINIMUM NUMBER OF PARKING SPACES REQUIRED: 50,011 NO PARKING IN FRONT YARD SETBACK (4) 112.17.4 AUTOMOBILE REPAIR: 2 SPACES PER BAY, CAR WASH: 5 STANDING SPACES FOR EACH LANE AND 1 PARKING SPACE PER EMPLOYEE (2) BAY/2 SPACES/EMPLOYEE (STANDING/WORKER) = 12 SPACES REQUIRED, 11 SPACES PROVIDED + 1 STANDING SPACE FOR CAR WASH.
8. DRAINAGE: 112.18.1 NO NON-RESIDENTIAL OPERATIONS SHALL BE LOCATED WITHIN TEN (10) FEET OF AN EXISTING ADJACENT RESIDENTIAL PROPERTY NOR WITHIN FIVE (5) FEET OF ANY OTHER PROPERTY UNLESS AN OFFENSE RESULTED IN THIS CHAPTER. 112.18.2 LEADING REQUIREMENTS SECTION 112.18.1 & 8.0: ONE (1) LEADING SPACE REQUIRED FOR A BUILDING BETWEEN 12,001 SF AND 23,999 SF. (NONE REQUIRED) MINIMUM LEADING SPACE SIZE: 10' W x 45' L x 10' H. NO LEADING SHALL BE PERMITTED IN A FRONT YARD.
9. BUFFER REQUIREMENTS PER ORD. SECT. 503: NON-RESIDENTIAL USES TO A RESIDENTIAL USE: 10 FT. REQUIRED N/A. HEIGHT OF 6 FT. AT TIME OF PLANTING (COMPLEX).
10. SITE TRIANGLES PER ORD. SECT. 503.
11. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO HAVE SURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR IMPROVEMENT SHALL BE UNDERTAKEN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS IN ALL OF THE PERMITTING AGENCIES.
12. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.
13. THE SOIL REPORT AND RECOMMENDATIONS SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/CONSTRUCTION MANAGER OF ANY DISCREPANCIES BETWEEN SOILS REPORT & PLANS, ETC.
14. SITE CLEARING SHALL INCLUDE THE REMOVAL OF ALL UNDERGROUND FUNDS, PIPES, WELLS, ETC.
15. THE PROPERTY SURVEY SHALL BE CONSIDERED A PART OF THESE PLANS. THE CONTRACTOR SHALL NOTIFY ENGINEER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE PERFORMED DUE TO DISCREPANCIES OR ERRORS SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.

ISSUED FOR CONSTRUCTION

**Dynamic**  
Engineering Consultants, PC

1904 Main Street  
Lakewood, NJ 07719  
T: 732.974.0198 - F: 732.974.3521  
www.dynamicpc.com

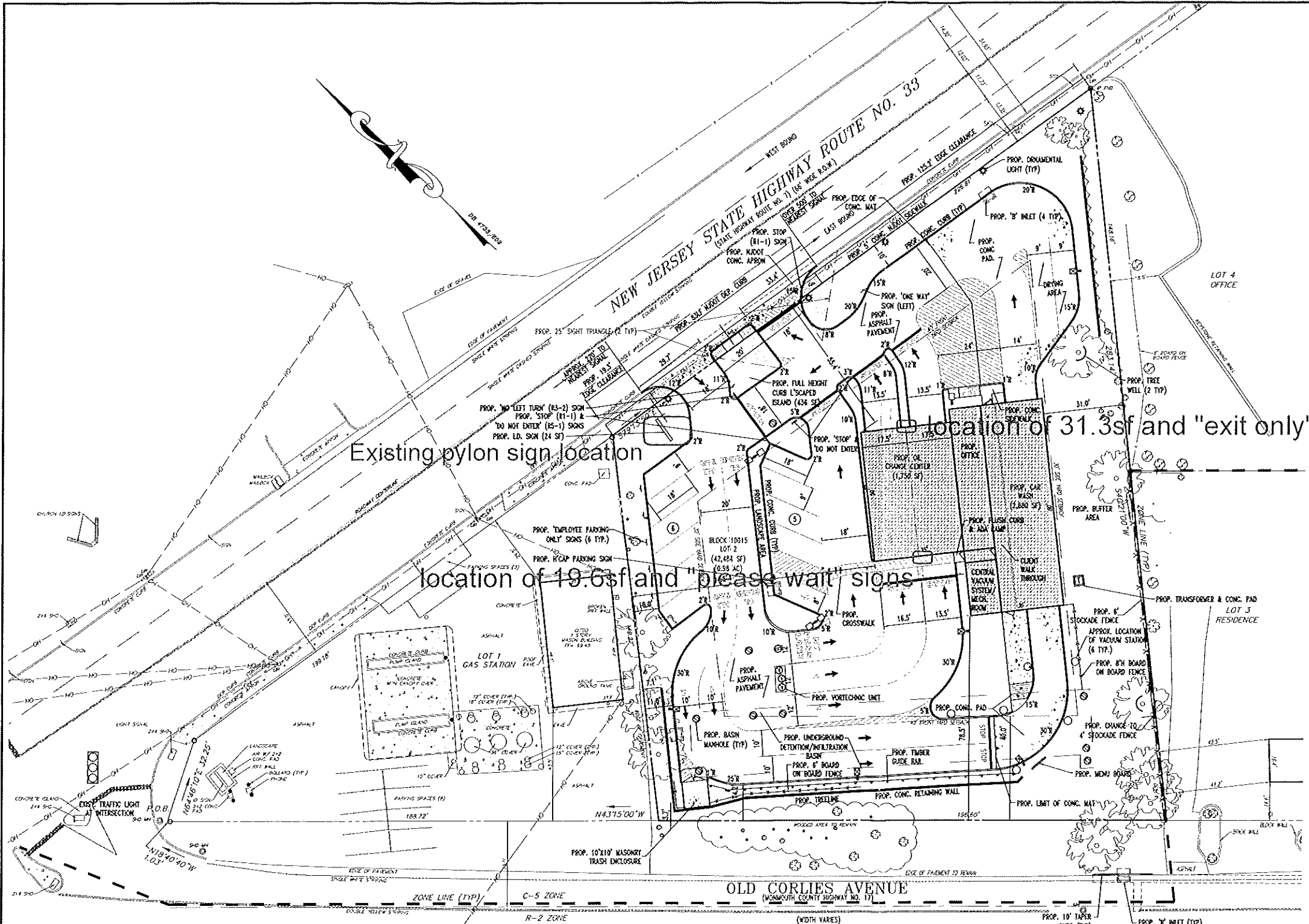
## SITE PLAN

PROJECT: PRELIMINARY AND FINAL SITE PLAN  
1019 OLD CORLIES ROAD, LLC  
PROPOSED CAR WASH & SERVICE CENTER  
BLOCK 10015, LOT 2, 1019 OLD CORLIES ROAD, NEPTUNE TOWNSHIP, MONMOUTH COUNTY, NJ

ASB NO: 00333-05-005 DATE: 8/31/06  
DRAWN BY: MAM SCALE: 1" = 20'  
DESIGNED BY: DM  
CHECKED BY: JAP  
CONSTRUCTION CHECK: DATE  
CONSTRUCTION CHECK: DATE

J.D. SPALT J.A. PALUS  
PROFESSIONAL ENGINEER  
NEW JERSEY LICENSE NO. 41815

3  
OF 12



## SIGNAGE TABLE

REQUIRED	PROPOSED
PRESTRESSING SPACES TYPE A	24 SF MIN. HEIGHT: 8' MIN. SETBACK: 5' MIN. HORIZONTAL: 5'
WALL MOUNTED SIGNS (MATH-TWENTY)	ONE (1) SIGN PER SIGN MIN. AREA: 12 SF PER LINEAR FOOT OF SIGN FRONTAGE OR 48 SF (WHICHEVER IS LESS)
INDIVIDUAL CAR WASH: (12'x12') = 144 SF OR WASH: (12'x12') = 144 SF MIN. HEIGHT: 8' MIN. SETBACK: 5' MIN. HORIZONTAL: 5'	ONE (1) CAR WASH SIGN @ 33 SF ONE (1) CAR WASH SIGN @ 42 SF ONE (1) CAR WASH SIGN @ 255 SF ONE (1) CAR WASH SIGN @ 42 SF
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LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
PETER R. AVAKIAN, P.E., P.L.S., PP  
MEHRYAR SHAFAT, P.E., PP  
GREGORY S. BLASH, P.E., P.P., CPWM  
LOUIS J. LOBOSCO, P.E., P.P.  
GERALD J. FREDA, P.E., P.P.  
JENNIFER C. BEAHM, PP, AICP  
CHRISTINE L. BELL, PP, AICP  
SAMUEL J. AVAKIAN, P.E., P.L.S., P.P.

November 28, 2023

Mrs. Kristie Dickert, Administrative Officer  
Zoning Board of Adjustment  
Neptune Township  
P.O. Box 1125  
Neptune, NJ 07754-1125

Re: Meadowbrook Assoc, LP, Valvoline (ZB#23/15)  
3526 Highway 33  
Block 3102, Lot 2  
Use & Bulk Variances  
Our File: NTBA 23-27

Dear Mrs. Dickert:

We have received and reviewed an application for the above referenced project. Based upon the submission, we find the application **INCOMPLETE** at this time. Pursuant to section 802 of the Township's Land Development Ordinance, the following additional information is required before a hearing can be scheduled.

1. The Applicant is proposing to replace and enlarge an existing sign for a non-confirming use of "Carwash & Auto Lube" which will require a D-2 Use Variance for expansion of a pre-existing non-confirming use.

The Applicant is requesting a Use Variance for amending the previously approved use for one (1) owner for 2 uses to two (2) owners for each use. This does not require a "D" Variance.

The application should be revised to reflect the corrected D-2 Use Variance as note here.

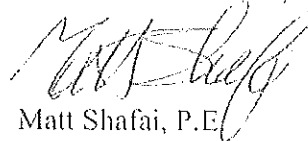
2. Bulk Variance is also required for size of the free standing sign and other secondary signs if required
3. Zoning Determination on all proposed signs is required.
4. Submission of a Plot Plan, indicating the locations and sizes of all signs and its conformance with the Ordinance

5. Current survey of the property
6. Community Impact Statement
7. Posting of the required fees

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

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.  
Board Engineer

MS/mcs

Attachment

cc: Monica Kowalski, Esq., Board Attorney

Jennifer Beahn, P.P., Board Planner

Michael A. Ferri, Applicant

Michael P. Bonner, Esq., Applicant's Attorney

NTBA/23/23-27



## COMPLETENESS CHECKLIST for USE and/or BULK VARIANCES

§802B. Completeness Checklist for Use Variance and Bulk Variance Request. (Last revised by Ordinance No. 13-17.)

*Prior to the issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:*

- | C                        | I                                   | N/A                      | W*                                  |  |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | 1. Twenty-five (25) copies of completed and signed application form, which must include the following:   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Applicant's name, address, telephone number, facsimile number and e-mail address.  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Property Owner's name, address, telephone number, facsimile number and e-mail address.   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Applicant's interest in the property.  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Name, address, telephone number, facsimile number and e-mail address of the Applicant's attorney (if represented), and any and all other professional representatives.   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Street address of property under consideration.  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Tax Block and Lot numbers of property.   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Zoning District in which property is located.  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Description of the property.   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Description of the proposed development.   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Type of application (i.e., Use Variance or Bulk Variance). see Supplemental Information for explanation  |
|                          |                                     |                          | <input type="checkbox"/>            | Identification of subject property's Special Flood Hazard Area Zone. <span style="float: right;">waiver requested<br/>no change from prior approval</span>   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Executed copy of "Authorization & Consent Form" Part C.  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Executed copy of "Certificate of Ownership" Part D, if applicable.   |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Executed copy of "Certificate of Corporation/Partnership", if applicable.  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Verification of taxes paid (this will be further verified by the Administrative Officer).  |
|                          |                                     |                          | <input checked="" type="checkbox"/> | Executed copy of "Escrow Agreement" Part E.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Twenty-five (25) copies of the property deed(s).  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Twenty-five (25) copies of the Zoning Permit denial.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Required plans, folded, no larger than 30" x 42".   |
|                          |                                     |                          |                                     | <b>PLEASE NOTE:</b> Only folded plans will be accepted, and all submitted plans must be to scale.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | b. Five (5) copies of site plans/construction plans with initial submission and with each subsequent submission, for completeness review.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | c. Once the application is deemed complete, twenty (20) additional full-sized paper site plans/construction plans, plus one (1) reduced-size paper copy of the plans (no larger than 11" x 17"), and one (1) CD containing the plans in .pdf format. |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Six (6) copies of Tree Removal Application package in accordance with §525 (if applicable).   |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Community Impact Statement (for Use Variance only).   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | 7. Application Fee \$_____ Escrow Deposit \$_____ in accordance with schedule.   |

**PLEASE NOTE:** Application Fee and Escrow Deposit must be paid in separate checks.

\*Applicant requests review of application to determine relief;  
and has submitted \$1,500.00 Escrow for review and will submit application fees and additional escrows as needed

\*Any request for a waiver must include a written explanation for the request.

See attached Supplemental Information for explanation of waivers requested



**The information below roughly outlines the steps involved in processing an application for a Use and/or Bulk Variance:**

After you submit your application, fees, and supporting documents, your application will be reviewed for completeness. At that time, you will receive notification advising you whether your application is "complete". If your application is deemed "incomplete", you will be asked to provide the additional information as outlined in the notification. If your application is deemed "complete", you will receive a letter advising you of your scheduled hearing date.

When you receive your hearing letter, it will include further instructions regarding the process necessary to notify the public of your application, and the notice requirements for the newspaper.

**PLEASE NOTE:** *It is helpful to the Board that you provide as much detailed information as possible regarding your proposal. Recent photographs of the entire structure/property, clearly showing front, sides and rear, are strongly suggested.* In general, the Board can make its decision at the first meeting/hearing unless the Applicant has failed to provide sufficient information.

Once the Board has rendered a decision, a resolution will be prepared indicating the variance has been granted or denied; this resolution will be memorialized at the next scheduled meeting/hearing. Approximately two (2) to five (5) days after the memorialization of the resolution, it will be mailed to you or to your attorney (should you be represented by an attorney).

Following memorialization, you will be required to publish a "Notice of Decision" in the Township-approved newspaper – The Coaster, 111 Main Street, Asbury Park, NJ 07719. When placing your ad, you must request an "Affidavit of Publication", the original "Affidavit of Publication" of your notice must be submitted to the Board Office once the Notice has been published.

Please be aware that any objector to your approval/denial has up to forty-five (45) days after your notice is published in the newspaper to file an appeal of the decision of the Board.

Please note that application fees are not refundable whether your application has been approved or denied; however, any unused portion of your escrow deposit will be refunded to you. A written request for such refund must be received by the Board Office in order to begin the refund process.

Should you have any questions or require assistance with the application process, please contact the Board Office either by phone (732-897-4162 .x. 204), or by email ([kdickert@neptunetownship.org](mailto:kdickert@neptunetownship.org)).

**§ 1000 Application and Escrow Fees**

**A. Fee schedule.** Every application for development shall be accompanied by a check payable to the municipality in accordance with the following schedule:

**TABLE 10.1: APPLICATION FEES**

Type of Application				Administrative Fee
Appeals and Interpretations				\$100.00
Appeal to Governing Body				\$250.00
Conceptual/Informal Reviews				\$50.00
Bulk Variances	Residential			\$100.00
	Nonresidential			\$250.00 per variance
Use Variances				\$750.00
Conditional Use				\$500.00
Subdivision	Minor			\$750.00
	Major	Preliminary		\$750.00 plus \$75.00 per lot.
		Final		\$500.00 plus \$40.00 per lot.
Site Plan	Minor Site Plan			\$500.00
	Major Site Plan	Residential	Prelim	\$750.00 plus \$60.00 per dwelling unit
			Final	50% of Preliminary
		Non-residential	Prelim	\$1,500.00 plus \$50.00 per acre, plus \$0.08 per square foot of proposed building area.
			Final	50% of preliminary
General Development Plan				\$2,000.00
Certified List per MLUL 40:55D-12c.				\$10.00 or \$0.25/name, whichever is greater
Special Meeting				\$1,500.00
Resubmission or Revision Fee				\$100.00 or 40% of original fee, whichever is greater
Tax Map Revisions				\$300.00 plus \$25.00 per lot or unit.
Zone Change Request				\$250.00
Appeal to the Township Committee				\$250.00
Tree Removal Permit				For new residential building lots, \$25.00 dollars per tree, up to a maximum of \$300.00 per lot; For all other properties, \$25.00 per tree up to a maximum of \$600.00 for each acre.
Zoning Permit				\$35.00
Historic Preservation Commission Certificate of Appropriateness				\$10.00
Certification of Pre-existing Nonconforming Use (from Administrative Officer or Zoning Board of Adjustment)				\$100.00 per use.
Research Letter (from Administrative Officer)				\$75.00
Extension of Approvals				\$250.00
Soil Removal				\$100.00 per lot.
Historic Preservation Commission Demolition (partial or total)				\$25.00

**TABLE 10.2: ESCROW FEES**

Type of Application				Escrow
Appeals and Interpretations				\$750.00
Conceptual/Informal Board Review				\$750.00
Conceptual/Informal Technical Review				\$1,500.00 submitted with application
Bulk Variances	Residential			\$200.00
	Residential Requiring Engineering Review			\$750.00
	Nonresidential			\$1,250.00
Use Variances				\$1,500.00
Conditional Use				\$2,000.00
Subdivision	Minor			\$4,500.00
	Major	Preliminary		0-5 lots - \$4,500 6-24 lots - \$6,000 25-100 lots - \$8,000 101+ - \$10,000
		Final		50% of Preliminary
Site Plan	Minor Site Plan			\$1,500.00
	Major Site Plan	Residential	Prelim	\$2,500.00 plus \$25.00 per dwelling unit
			Final	50% of preliminary
		Non-residential	Prelim	\$2,500.00 plus 0-5,000 sf -\$1,500.00 5,001-10,000 sf - \$3,500.00 10,001 - 25,000 sf -\$6,500.00 25,001-75,000 sf -\$8,500.00 75,000 sf + - \$10,000.00
				Final
General Development Plan				Same as Preliminary Site Plan
Certified List				None
Special Meeting				\$500.00
Resubmission or Revision Fee				40% of original fee.
Administrative Approval of Changes				\$500.00 per change.
Appeal to the Township Committee				None
Issuance of a Permit in Certain Areas				\$200.00
Tree Removal Permit				\$500.00
Zoning Permit/Certificate of Appropriateness				None
Historic Preservation Commission Demolition				\$1,800.00
Review of Architectural elevations by Township Architect (if required by Planning or Zoning Board Officials)				\$1,500.00
Certification of Pre-existing Nonconforming Use (from Administrative Officer or Zoning Board of Adjustment)				None
Extension of Approvals				\$1,000.00
Treatment Works Approval				\$500.00
Soil Removal				\$100.00 for review of an application by the Township Engineer and inspection of the site, plus \$0.05 per sq. foot of area disturbed due to the removal of soil
Plot Plan/Grading Plan and As-built Survey Review				\$750.00 per lot

**B. Purpose of fees.** The application charge is a flat fee to cover direct administrative expenses and is non-refundable. The escrow account is established to cover the costs of professional services including engineering, legal, planning and other expenses connected with the review of the submitted materials. In accordance with N.J.S.A. 40:55D-53 and N.J.S.A. 40:55D-53.1, sums not utilized in the review process shall be returned to the applicant upon written request. If additional sums are deemed necessary, the applicant shall be notified by certified mail or personal service of the required additional amount and shall add such sum to the escrow. Payment shall be due from the applicant within fifteen (15) days of receipt of the notice. If payment is not received within fifteen (15) days, the applicant shall be considered to be in default, and such default may be grounds for denial of the application.

**C. More than one request.** Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

**D. Costs of review and inspection.** Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree in writing to pay all reasonable costs for the municipal inspection of the constructed improvements. All such costs for review and inspection must be paid before any construction permit is issued and all remaining costs must be paid in full before any occupancy issued or bonding is released.

**E. Court reporter.** If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the municipality shall be at the expense of the applicant who shall arrange for the reporter's attendance. The municipality provides for the tape recording of the proceedings before the Board.

**F. Waiver of fees for affordable housing.** Notwithstanding any other provision of this Ordinance, a waiver of municipal subdivision and site plan application fees, and zoning permit fees may be granted by the approving municipal agency for all housing units being provided by the applicant for low and moderate income families.

## APPLICATION for USE and/or BULK VARIANCES

### TYPE OF VARIANCE REQUESTED:

- ☒ Bulk Variance (front, side/rear setback, other) – Specify: \_\_\_\_\_  
Continuation of existing variances only; no new variances: undersized lot, lot frontage, lot depth, minimum improvable area, parking in front yard setback & fence height  
See attached Supplemental Information
- ☐ Bulk Variance (lot coverage): \_\_\_\_\_
- ☒ Use Variance (proposal not permitted in zone): continuation of existing use variance; see Supplemental Information for details
- ☐ Appeal/Interpretation of Decision: \_\_\_\_\_
- ☒ Other - Specify: \_\_\_\_\_  
interpretation of prior resolution of approval or, alternatively, amendment of the prior approval resolution ZBA #06-17

1. Property Address: 3526 Highway 33
2. Block: 3102 Lot: 22
3. Property is located in C-5 Zoning District, according to Neptune Township Land Development Ordinance.
4. Name of Applicant: Meadowbrook Associates L.P., a Massachusetts limited partnership  
Mailing Address: 8 Two Mile Road, Farmington, CT 06032  
Phone #: 860-244-9310 Fax #: N.A. Cell #: [REDACTED]  
E-mail Address: maferri@synpower.net
5. Name of Owner: 1019 Old Corlies Avenue, LLC  
Mailing Address: 79 Route 520, Suite 200, Englishtown, NJ 07726  
Phone #: 732-922-2999 Fax #: Cell #:   
E-mail Address:
6. Interest of Applicant, if other than Owner: tenant
7. Name of Contact Person: Michael A. Ferri  
Mailing Address: 8 Two Mile Road, Farmington, CT 06032  
Phone #: 860-244-9310 Fax #: Cell #: [REDACTED]  
E-mail Address: maferri@synpower.net
8. Applicant's Attorney: Michael P. Bonner Company: Frieri Law Group, LLC  
Mailing Address: 777 Walnut Avenue, Cranford, NJ 07016  
Phone #: 908-653-1441 X105 Fax #: 908-653-9101 Cell #:   
E-mail Address: mike@frierilaw.com
9. Applicant's Engineer: Company:   
Mailing Address:   
Phone #: Fax #: Cell #:   
E-mail Address:
10. Applicant's Architect: Company:   
Mailing Address:   
Phone #: Fax #: Cell #:   
E-mail Address:
11. Applicant's Surveyor: Company:   
Mailing Address:   
Phone #: Fax #: Cell #:   
E-mail Address:
12. Applicant's Planner: Nick Graviano, PP, AICP Company: Graviano & Gillis Architects & Planners, LLC  
Mailing Address: P.O. Box 3341, Long Branch, NJ 07740  
Phone #: 732-816-4151 Fax #: Cell #:   
E-mail Address: ngraviano@gmail.com

**DESCRIPTION OF PROPERTY** (e.g., Single Family Dwelling, Commercial/Retail):

Existing use of property: Car Wash and Automobile Lube Express Facility  
Proposed use of property: same; no change from existing  
Special Flood Hazard Area: waiver requested; no change from prior approval

**PRINCIPAL USE:**

No change to existing; see attached Supplemental Information for description of the proposed use of the subject property

	REQUIRED and/or PERMITTED	EXISTING	PROPOSED
LOT SIZE			
LOT COVERAGE			
BUILDING COVERAGE			
BUILDING HEIGHT			
FRONT SETBACK			
REAR SETBACK			
SIDE SETBACK			
COMBINED SIDE SETBACK			

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

ACCESSORY (if applicable): N.A.

	REQUIRED and/or PERMITTED	EXISTING	PROPOSED
LOT SIZE			
LOT COVERAGE			
BUILDING COVERAGE			
BUILDING HEIGHT			
FRONT SETBACK			
REAR SETBACK			
SIDE SETBACK			
COMBINED SIDE SETBACK			

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

**8. Have there been any previous applications to the Planning Board or Board of Adjustment involving these premises?**

☒ YES ☐ NO

If YES, please give date(s): Application Number: ZBA #06-17

Result of decision: use variance granted together with continuation of bulk variances; no new variances being requested

**9. Justification/reason(s) for variance(s) requested.** (Be as specific as possible; attach additional sheets if necessary.):

See attached Supplemental Information



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:

Waiver requested; see attached Supplement Information

- Twenty-five (25) copies of a completed application form, inclusive of any supporting information.
- 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 §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~~

Meadowbrook Associates L.P.  
by: Michael J. Ferri, General Partner

( INSERT APPLICANT'S NAME )

deposes and says that all the above statements are true.

  
( ORIGINAL SIGNATURE OF APPLICANT TO BE NOTARIZED )

Michael J. Ferri, General Partner

( PRINT NAME OF APPLICANT )

Sworn and subscribed before me this

3 day of November, 2023

  
( SIGNATURE OF NOTARY PUBLIC )

[ NOTARY SEAL ]  
Lucia M. Clark  
Notary Public, State of Connecticut  
My Commission Expires April 30, 2026

**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 in the Township of Neptune,  
(INSERT PLANNING BOARD or BOARD OF ADJUSTMENT)

State of New Jersey, County of Monmouth, I/We, 1019 Old Corlies Avenue, LLC,  
(INSERT PROPERTY OWNER'S NAME(S))

with mailing address of 79 Route 520, Suite 200, Englishtown, NJ 07726,  
(INSERT PROPERTY OWNER'S MAILING ADDRESS)

of full age being duly sworn according to oath depose(s) and say(s):

"I/We am/are the Owner(s) of the subject property in connection with this application

designated as Block(s) 3102 Lot(s) 2,

also known as 3526 Highway 33  
(INSERT PHYSICAL ADDRESS OF SUBJECT PROPERTY)

I/We authorize Meadowbrook Associates L.P.  
(INSERT NAME OF OWNER(S)' REPRESENTATIVE APPEARING BEFORE THE BOARD)

to appeal to the Planning Board/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 the decision of the Planning Board/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).

1019 Old Corlies Avenue, LLC  
by: Felix Bruselovsky, Managing Member

by: \_\_\_\_\_

(ORIGINAL SIGNATURE OF APPLICANT TO BE NOTARIZED)  
Meadowbrook Associates L.P. Owner  
by: Michael J. Ferri, General Partner

  
(ORIGINAL SIGNATURE OF APPLICANT TO BE NOTARIZED)

Sworn and subscribed before me this

3 day of September, 2023

  
(SIGNATURE OF NOTARY PUBLIC)

Tricia M. Clark  
Notary Public, State of Connecticut  
My Commission Expires April 30, 2026

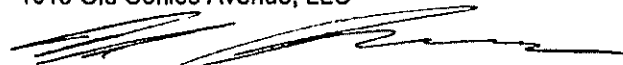
**SITE VISIT AUTHORIZATION OF PROPERTY OWNER**

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

1019 Old Corlies Avenue, LLC

Date: 10/25/23

by:



(SIGNATURE OF PROPERTY OWNER)

**STATEMENT FROM TAX COLLECTOR**

Block: 3102 Lot: 2

Property location: 3526 Highway 33

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 professional services which may include engineering, planning, and/or architectural services, and any other expenses incurred in connection with the review of this application before the Planning Board/Board of Adjustment.

The amount of the Escrow deposit will be determined by the Neptune Township Land Development Ordinance §1000 - Application and Escrow Fees, 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; in such cases, the Applicant will be notified of any anticipated charges and the amount of the additional 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, the Applicant will be considered to be in default, and such default may jeopardize further appearance before the Board, and delay any and all pending approvals and the issuance of building permits. Continued failure to submit requested funds will result in legal action against the property.

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 \$1000 - Application and Escrow Fees, and agree to all conditions listed.

Name of Applicant: Meadowbrook Associates L.P.  
(PLEASE PRINT)

Property Address: 3526 Highway 33

Block: 3102 Lot: 2

Applicant: Meadowbrook Associates L.P.  
by: Michael J. Ferri, General Partner  
(PRINT NAME)

  
(SIGNATURE OF APPLICANT)

Date: \_\_\_\_\_

Owner: 1019 Old Corlies Avenue, LLC  
by: Felix Bruselovsky, Managing Member  
(PRINT NAME)

  
(SIGNATURE OF OWNER)

Date: 11/8/23

**SUPPLEMENTAL INFORMATION  
ZONING BOARD APPLICATION  
ZONING BOARD OF NEPTUNE**

\* \* \*

**Meadowbrook Associates, L.P.  
("Applicant")**

**1019 Old Corlies Avenue, LL  
("Property Owner")**

\* \* \*

**3526 Highway 33, Neptune, NJ  
Block: 3102; Lot 22 ("Property")**

**ZONING DATA/PRE-EXISTING VARIANCES:**

	REQUIRED D-5 ZONE	EXISTING	PROPOSED
MAX LOT AREA	50,000 SF	42,454 SF (0.55 AC) (E)	42,454 SF (0.98 AC) (E)
MAX DENSITY	N/A	N/A	N/A
MAX LOT FRONTAGE			
MIN LOT FRONT 33	200'	225.5'	225.8'
OLD CORLIES AVENUE	200'	198.65' (F)	198.65' (F)
MAX LOT WIDTH	200'	197' (F)	197' (F)
MAX LOT DEPTH	225'	211.75' (E)	211.75' (E)
MAX FRONT YARD			
MIN FRONT 33	40'	144.1'	55.4'
OLD CORLIES AVENUE	40'	202' (E)	78.50"
MAX LOT YARD	30'	45.03'	31'
MAX SIDE YARD (GARAGED)	0'	141.03'	125.5'
MAX REAR YARD	45'	N/A	N/A
MAX BLDG HEIGHT	30'	<30'	<33'
MAX NUMBER OF STORES	2	2.5 (E)	1
MAX BLDG COVERAGE	20%	5.31% (2,267 SF)	10.24 (4,630 SF)
MAX LOT COVERAGE (TOTAL)	65%	11.75% (4,928.23 SF)	63.76% (27,029 SF)
MAX FLOOR AREA RATIO	0.60	0.03 (1,148 SF)	0.11 (4,630 SF)
MAX IMPERVIOUS LOT AREA	19,500 SF	11,762 SF (E)	12,762 SF (E)
MIN-REQUIRED PARKING SPACES	10	N/A	11
LOADING SPACES	0	0	0
POOL			
POOL-DECKING		N/A	1 @ 24 SF
WALL MOUNTED		N/A	1 @ 39 SF, 1 @ 42 SF
MAX GR LOTS		<30% MIN	ONE W/31,201 HUY EXISTING

E. EXISTING NON-CONFORMANCE N/A - NOT SPECIFIED N/A - NOT APPLICABLE (V) - VARIANCE (EUP) EXEMPTS EXISTING NON-CONFORMANCE

6. PARKING REQUIREMENTS PER ORDINANCE SECTION 412.17
  - 412.17 B. MINIMUM PARKING SPACE SIZE SET. X 18 FT.
  - 412.18 - NO PARKING PERMITTED WITHIN A FRONT YARD SETBACK (V)
  - 412.17 C. MINIMUM NUMBER OF PARKING SPACES REQUIRED
  - 500 FT. NO PARKING IN FRONT YARD SETBACK (V)

MINIMUM SETBACK: 2 SPACES PER DAY  
 CAR WASH: 5 STAGING SPACES FOR WASHING DAY AND 1 PARKING SPACE PER EMPLOYEE  
 (2 BAYS/2 SPACES/BAY)(6 EMPLOYEES)(1 SPACE/EMPLOYEE) = 10 SPACES REQUIRED  
 11 SPACES PROPOSED + STAGING FOR CAR WASH

7. TREES/PLANTS
  - 412.08 A. NO NEW-BEFOREHAND TREES SHALL BE LOCATED WITHIN 10' (10' 0000) OF AN EXISTING NEIGHBORING PROPERTY LINE WITHIN 10' (5' 0000) OF ANY OTHER PROPERTY UNLESS OTHERWISE SPECIFIED IN THIS CHAPTER.
8. LOADING REQUIREMENTS SECTION 412.12 A & B.
  - ONE (1) LOADING SPACE REQUIRED FOR A BUILDING BETWEEN 10,001 SF AND 25,000 SF. (NONE REQUIRED)
  - MINIMUM LOADING SPACE SIZE: 15'W X 45'L X 15'H.
  - NO LOADING SHALL BE PERMITTED IN A FRONT YARD.
9. BUFFER REQUIREMENTS (PER ORD. SECT. 503)
  - NON-RESIDENTIAL USED TO A RESIDENTIAL USE 10 FT. REQUIRED N/A
  - HEIGHT OF 6 FT. AT TIME OF PLANTING. (COMPLIES)
10. SITE TRAVELS PER ORD. SECT. 504
11. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL NEIGHBORING TERMS AND AGREEMENTS HAVE BEEN OBTAINED. NO CONSTRUCTION OR REDEMPTION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS BY ALL OF THE PERTINENT AGENCIES.
12. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.
13. THE SOILS REPORT AND RECOMMENDATIONS SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER CONSTRUCTION NUMBER OF ANY DISCREPANCY BETWEEN SOILS REPORT & PLANS, ETC.
14. SITE CLOSING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND TANKS, PIPES, VALVES, ETC.
15. THE PROPERTY SURVEY SHALL BE CONSIDERED A PART OF THESE PLANS.
16. ALL DIMENSIONS SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE PERFORMED DUE TO DISCREPANCIES OR ERRORS SHOWN ACCORDING TO THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.

## Re: COMPLETENESS CHECKLIST; EXPLANATION FOR REQUEST:

All submission waivers being requested are justified, as the underlying plans previously approved by the Zoning Board (ZBA #06-17) are not being changed, aside from the modifications to existing facade signage and the approved pylon sign. No bulk variances nor design waivers are being requested by the Applicant. The only issue to be resolved relates to an existing use variance and whether same is limited to the joint operation of the two existing (approved) uses on the subject property are prohibited by the existing resolution. Or, whether a new use variance and/or expansion of the existing use variance is to be approved by the Board. The information contained on the plans, survey and subject property owner's deed is not relevant to the decision to be made by the Board, on this application. In addition, all of the foregoing was reviewed in connection with the prior application, and remains unchanged.

## STATEMENT IN SUPPORT OF APPLICATION:

The within Application involves a request to review the underlying Zoning Permit Denial and seeks a clarification or, alternatively, an amendment to the language of the resolution of approval for Application: ZBA #06-17 ("Resolution"), which granted Use (d(1)) Variance approval together with continuation of certain dimensional (Bulk) Variances, new Bulk Variances and Design Waivers. If the foregoing is not amenable to the Board, then Applicant seeks the grant of



a new "d" variance, and continuation or expansion of the existing "d" variance. Other than the possibility of the new "d" variance, no variances or design waivers are being requested hereby.

The Property is located at 3526 Highway 33, known and designated as Block: 3102 (formerly Block 10015); Lot 2 on the Tax Maps of the Township of Neptune. The Property is currently operated with a full-service Car Wash and automobile lube express businesses; the uses will not change. The uses were not permitted uses in the C-5 Zone where the Property is located, at the time the underlying application was filed, the Resolution adopted and Zoning Permit denied. The Resolution granted a Use Variance for use and development of the Property, "... AS A FULL SERVICE CAR WASH **AND** AUTOMOBILE LUBE EXPRESS FACILITY..." [cap's in original; emphasis provided.

As memorialized in the Resolution (see Zoning Chart above), the approval of the plans and underlying application included continuation of certain pre-existing non-conforming conditions (existing bulk variances) for: undersized lot, lot frontage and lot depth; in addition, approval was granted for the following new bulk variances: minimum improvable area, parking in front yard setback, and fence height in front yard; also, Design Waivers were permitted, as follows: no sidewalk on Corlies Avenue, parking in front setback, plans to show 2 front yards (no rear yard on Corlies Avenue, foundation plantings relief, parking area setback, and street lighting on Corlies Avenue. Applicant seeks to continue all previously granted relief, and is making no changes to the site or the structures thereon; no new plans have been, or are being, prepared. Applicant will utilize the portion of the structure designed and built for the "automobile lube express business" as a tenant of the Property owner. The only change, for which Applicant has included a separate application, is to modify the existing signage onsite to reflect the name of Applicant's business.

The Applicant's position, that denial of the underlying zoning permit application, though technically in accordance with the provisions of the Resolution, negates the effect of the prior approval which permitted a single "d" variance, in that the Property owner desires to lease the portion of the Property where the quick lube shop" is operated and brought a nationally recognized brand name operator, under the mistaken belief that he could lease the "approved "Lube Express" portion of the Property:

- While the Resolution reads as if only one "d" variance was granted, it clearly contemplated two separate uses: "Car Wash" and "Lube Oil Change facility" (see the above cited quotation from the Resolution),
- The Resolution acknowledged the Applicant's planner's testimony (§9) describing 2 separate business operations,

- In §12.f.ii. of the Resolution the Board, in its "findings of fact" the Zoning Board recognized that "*oil change*" is a permitted use in certain zones, other than the C-5 Zone, but that "*car wash*" is not permitted in any zone; a clear indication that there are 2 separate uses on the subject Property,
- The current Neptune Land Use recognizes the uses of "*Automatic Car Washes*" and "*quick lube shops*" (within the description of the "*automotive service station*" use); both uses being permitted in various zones in the Township,
- Although language is included in the Resolution indicating that the Property owner is to operate both businesses, In the "Additional Conditions" of the Resolution there is no mention that approval was conditioned upon operation of the two business as a single use,
- The architectural design of the Property, clearly creates two separate spaces for the operation of the business, with separate offices and restrooms,

The position of the Applicant is consistent with the intent and purposes of the Master Plan and the provisions of the Land Use Ordinance of the Township of Neptune (as recognized in the Resolution), in that Applicant seeks to continue an existing previously approved business, which business operation is identical to the business being replaced, except that it involves a name change to a reputable and recognized national brand name. Previously granted use variances, bulk variances and design waivers should be continued since the bases for the prior relief remains unchanged, no additional relief is being requested hereby unless the Board deems it necessary to grant a second 'd' variance, and the benefits outweigh any detriment. For the foregoing reasons, the Applicant respectfully requests that this Application be granted.