

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 21-47

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON PILGRIM PATHWAY AND WEBB AVENUE AND REMOVING RESIDENT ONLY HANDICAPPED PARKING ZONES ON ATLANTIC AVENUE, BEACH AVENUE AND INSKIP AVENUE

Approved on First Reading: November 8, 2021

Approved, passed and adopted on final reading: November 22, 2021

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 21-48

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING THE NO PARKING ZONE ON THE EAST SIDE OF BENSON AVENUE BETWEEN MAIN AVENUE AND BROADWAY

Approved on First Reading: November 8, 2021

Approved, passed and adopted on final reading: November 22, 2021

NOTICE  
ORDINANCE NO. 21-50  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of November, 2021, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 6th day of December, 2021, at 7:00 p.m. at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted under legal notices in the Agenda and Minutes section of the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 21-50

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, SECTION 4-4 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "SOLICITOR, CANVASSER, PEDDLER, HAWKER, ITINERANT MERCHANT OR TRANSIENT VENDOR"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled "Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor" is hereby amended as follows:

§4-4 Solicitor, Canvasser, Peddler or Hawker.

§4-4.1 Purposes.

The purposes of this Section are to (1) deter the use of peddling or soliciting to gain access to homes or other premises for criminal purposes; (2) maintain peace, comfort, quiet and privacy for residents of Neptune of Neptune Township while balancing the same against the opportunity for peddlers and solicitors to exercise their rights of free speech; (3) discourage unethical, dishonest and illegal business practices; (4) prevent dishonest solicitation of funds; (5) protect the safety and welfare of the inhabitants of Neptune Township as well as peddlers and solicitors engaged in such activities within Neptune Township and (6) preserve the safety and order in and about the streets, sidewalks, businesses and public areas in Neptune Township.

§4-4.2 Definitions.

Canvasser. See definition of Solicitor below.

Commercial. Shall mean pertaining to or engaging in commerce, or prepared, done or acting with the sole emphasis on salability or profit. The term commercial shall not include charitable or political speech.

Individual. Shall mean any natural person.

Merchandise. Shall mean all goods, wares, magazines, subscriptions, periodicals, printed material, all types of orders or contracts for services, home improvements or alterations and anything that may be sold or distributed shall be considered "merchandise" for purposes of this Section.

Non-profit Organization. Shall mean (1) any organization tax-exempt under Section 501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not qualified under Section 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statues, whose primary purpose is to benefit the school-age children of Neptune Township, including but not limited to schools, school clubs and

organizations, cub scouts, boy scouts, brownies, girl scouts and similar youth groups; (4) any organizations whose primary purpose is to advocate for religious or political causes, whether or not qualified under Section 501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; and (5) any department within Neptune Township's municipal government structure, including but not limited to the Police Department and any volunteer Fire, or First Aid Company that is located in, has substantial membership from, or serves Neptune Township.

Peddler. Shall mean any person who goes from house to house or place to place by any means of conveyance by carrying or transporting merchandise for the purpose of selling or delivering the merchandise to customers. The term "Peddler" shall include the words, Hawker, Huckster and shall also include a person who from time to time offers merchandise for sale from one or more fixed locations out of doors, when merchandise is displayed or stored in a motor vehicle located on the property, whether the property is owned by the person or by others.

Person. Shall mean and include any natural person, canvasser, peddler, hawker, firm, partnership, corporation, organization, club, limited liability company, or association or any principal agent, employee or representative thereof.

Solicitor. Shall mean an individual who goes from house to house or from place to place by any means of conveyance, soliciting or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or service and whether or not he/she is collecting in advance for payments on such sales or orders. The word "Solicitor" shall also mean any individual who goes from house to house or from place to place for the purpose of obtaining contributions or subscriptions or who does research analysis, makes surveys or opinion polls, obtains rating data or similar information, distributes advertisements or handbills of a commercial nature or who engages in any similar work which involves a door-to-door or place-to-place activity. The word "Solicitor" shall also include the word "Canvasser."

#### §4-4.3 License Required.

It shall be unlawful for any solicitor, canvasser, peddler or hawker, as defined in this Section to engage in any such business or operation in the Township without first obtaining a license thereof in compliance with the provisions of this Section, and adhering to the regulations set forth in this Section and carrying the license upon their person or displaying the license in a conspicuous place at all times during the conduct of the licensed activity.

- a. Such license shall expire on the next March 30<sup>th</sup> after issuance, unless sooner, suspended or revoked.
- b. Any licensee who fails to renew a license by March 30<sup>th</sup> shall not be permitted to operate until said license is renewed and approved.

#### §4-4.4 Application for License.

All applicants or licensees attempting to apply for or renew a license must complete an application form prescribed by the Mercantile Registration Office, which shall include the following information:

- a. Applicant's name, permanent address, local address (if different from permanent address) and telephone number;
- b. Name and address of the organization or person(s) on whose behalf soliciting or peddling is being made, together with telephone numbers;
- c. A description of the nature of merchandise to be sold;
- d. Motor vehicle registration number, make and model of any motor vehicle used by the applicant in connections with his/her activity;
- e. Applicant's government issued photo identification, which the Mercantile Office will photocopy and attach to the application;
- f. If the applicant is an agent, employee or representative, he/she shall attach to the application a letter from the person or organization for whom the applicant works or represents, authorizing the applicant to act as its agent, employee or representative and assuming responsibility for the applicant's conduct;
- g. The length of time for which the right to do business is desired and the days of the week and the hours of the day in which the business will be conducted;
- h. The source of supply of the goods or property or services proposed to be sold, where such goods, services or products are located and the method of delivery;
- i. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or violation of any Municipal Ordinance other than traffic violations, the nature of the offense and the punishment or penalty assessed therefore;
- j. All applicants selling merchandise subject to sales tax shall submit a copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the applicant to collect sales tax. Certificates shall not be required for the sale of property exempt from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2;
- k. Pay the non-refundable license fee of \$100.00 per solicitor, canvasser, peddler or hawker;
- l. Submit 2 – 2x2 passport sized photos;
- m. The applicant shall obtain a background check by the designated vendor approved by the Neptune Township Police Department;
- n. Persons may not operate until the application has been approved by the Neptune Township Police Department and issued by the Mercantile Office;

- o. Licenses are not transferable between solicitor, canvasser, peddler or hawker;
- p. Any veteran who holds a special County License issued under the laws of the State of New Jersey, shall be exempt from securing a license as provided herein for hawking and peddling, but shall be required to comply with, all other provisions of this Section applicable including but not limited to § 4-4.4 (c) & (d).

#### §4-4.5. Exempt Persons and Organizations.

- a. Any person, organization, society or association desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization at any place or places within the Township, said persons or organizations shall be exempt from §4-4 and will not have to file any sworn application in writing either for notification purposes or seeking a license, if said person or organization falls under the following categories:
  - 1. Any charitable, religious, patriotic, political or philanthropic purpose.
  - 2. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.
  - 3. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or created under Title 15A of New Jersey Statutes.
  - 4. Persons delivering goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
  - 5. Federal Census takers and polls or surveys taken pursuant to Federal, State or Local Law.
  - 6. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant to N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.
  - 7. Halloween trick or treaters.
  - 8. It shall be unlawful for any person under the age of 18 to solicit under this Section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years of age or older.

#### §4-4.6 Approval or Rejection of Applications.

- a. Following the filing of a complete application and payment of the License Fee as set forth in §4-4.4 to the Mercantile Registration Office, the Mercantile Office shall forward the application to the Chief of Police, who shall, as soon as practicable but no later than 30 days after the applicant is fingerprinted, make such investigation within the limits of the resources available to the Chief, which may include background checks, statements made in the application and the business responsibility and character of the applicant or any employee or agent who shall engage in the licensed activity, for the protection of the public good. Where sufficient cause is shown therefore, the Chief of Police shall have such additional time as may be reasonable necessary to make the investigation.
- b. If, as a result of such investigation, the character or business responsibility of the applicant or any employee or agent who shall engage in the licensed activity is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and the reasons therefore and return the application to the Mercantile Office. The Chief of Police may disapprove an application if such disapproval is based on one or more of the following findings with respect to the applicant:
  1. Conviction of any crime, disorderly person's offense or petty disorderly person's offense involving deceptive business practices or fraud, or a violation of any ordinance enacted in any municipality concerning peddling, solicitation or hawking.
  2. Record of breaches of peddling, solicitation or hawking merchant contracts.
  3. Fraud, misrepresentation or false statements contained in the application for license.
  4. In the absence of such findings, the Chief of Police shall find the applicant satisfactory and shall endorse his approval on the application and return the application to the Mercantile Office.

#### §4-4.7 Rules and Regulations.

Every person, individual, partnership, corporation, limited liability company, association, society, association or organization to which a license is issued under the terms of this Section shall be governed by the following rules and regulations:

- a. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same;
- b. No person subject to the provisions of this Section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1 pm through 5 pm Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township of Neptune;
- c. No person subject to the terms of this Section shall enter or attempt to enter the lands of any resident in the Township of Neptune without an express invitation

from the occupant of the residence;

- d. No person subject to the terms of this Section shall conduct themselves in such a manner as to become objectionable to or annoy an occupant of any residence;
- e. Licensees are required to exhibit their Certificate of License at the request of any citizen or member of the Police Department;
- f. No person shall sell anything other than such commodities described in his/her application;
- g. No person shall hawk, peddle or canvass unless they have in their possession a valid State License, issued pursuant to Title 45, New Jersey Statutes Annotated, and his/her registration card;

#### §4-4.8 Record of Violations.

The Chief of Police shall report to the License Officer all convictions for violations of this Section and the License Officer shall maintain a record for each license issued and record reports of violations therein.

#### §4-4.9 Causes of Revocation of License.

- a. Licenses issued under provisions of this Section may be revoked by the Neptune Township Mercantile Officer and/or Neptune Township Police Department after notice and hearing for any of the following causes:
  - 1. Fraud, misrepresentation or a material incorrect statement(s) contained in the application for license
  - 2. Fraud, misrepresentation or a material incorrect statement made in the course of carrying on his/her business as a canvasser, peddler or hawker under this Section;
  - 3. Any violation of this Section;
  - 4. Conviction of any crime or misdemeanor;
  - 5. Conducting the business of a canvasser, peddler or hawker, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- b. Such Notice of Revocation shall be mailed to the Licensee at the address listed on the Licensee's application or amendment thereto no later than five (5) days prior to the date set for hearing by postage prepaid, or shall be delivered by the Police Department in the same manner as a Summons at least three (3) days prior to the date set for said hearing.
- c. Appeals of any said revocation, or denial or rejection of an application shall be submitted in writing no later than fifteen (15) days from the date of mailing of the

Notice of Revocation or denial or rejection. Said requests will be received by the Business Administrator, Chief of Police and the Mercantile Registration Officer, where a hearing may be requested by the Licensee.

§4-4.10 No Applicability to Delivery of Goods in Regular Course of Business.

This Chapter shall not affect any person engaged in delivering wares, goods or merchandise or other articles or things in the regular course of business, to the premises of the person ordering or entitled to receive the same.

§4-4.11 Violations and Penalties.

- a. Any person violating the terms of this Ordinance shall be punishable as follows:
  1. First offense: A fine of \$500.00;
  2. Second offense: A fine of \$1,000.00 and suspension for obtaining a Mercantile License for five (5) years;
  3. Third or subsequent offense: A fine of \$1,500.00 and/or up to 90 days in jail and/ or a period of community service of not more than 90 days, or a combination thereof.
  4. In the event that an offense is a continuing one, then each day, or portion of a day, such offense continues shall be deemed a separate and distinct offense and shall be punishable as such as provided herein.
  5. No person convicted on a third or subsequent offense shall be entitled to a new license for a period of seven (7) years from the third or subsequent offense.

§4-4.12 – §4-4.20 are hereby rescinded.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrell,  
Municipal Clerk



NOTICE  
ORDINANCE NO. 21-51  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of November, 2021, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 6th day of December, 2021, at 7:00 p.m. at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted under legal notices in the Agenda and Minutes section of the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 21-51

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE TO ADD SECTION 4-5  
TO BE ENTITLED "MOBILE FOOD VENDORS"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, is hereby amended to add Section 4-5 of the Code of the Township of Neptune to be entitled "Mobile Food Vendors" as follows:

§4-5 Mobile Food Vendors.

§4-5.1 Purpose.

The purpose of this Section is to regulate and license Mobile Food Vendors who are anyone who sells food or beverages from a vehicle such as a truck, van or pushcart, whether such food or beverages are prepared on site or prepared elsewhere and transported to the site of the sale.

§4-5.2 License Required; Renewal; Number of Licenses Limited; Restrictions.

- a. No person shall conduct, operate or maintain a mobile food vendor establishment without first obtaining a License to do so issued by the Mercantile Registration Officer upon payment of the sum of \$300.00 per year or a fraction of a year per vehicle to be operating and \$50.00 per operator. Such License shall expire on the next March 30<sup>th</sup> after issuance, unless sooner, suspended or revoked. Renewals of any License shall not be issued after May 30<sup>th</sup> of the renewal year. Any Licensee who fails to renew a License by March 30<sup>th</sup> shall not be permitted to operate until said License is renewed within the grace period as set forth herein;

- b. The number of Licenses which may be issued to Mobile Food Vendors shall not exceed twenty-five (25) Licenses. In the event that a License is revoked or if it is not renewed after May 30<sup>th</sup> of the renewal year, then any such License may be issued to an applicant for such License on a first-come-first-served basis. The Mercantile Registration Office shall maintain a waiting list for such revoked or non-renewed Licenses and shall notify the person at the top of the list that such a License is available;
- c. Mobile Food Vendors shall affix to the vehicle or pushcart a copy of the License issued by the Mercantile Registration Office, Sanitary Health Certificate issued by the Monmouth County Health Department, the Certificate of Registration issued by the New Jersey Division of Taxation, and shall have displayed prominently on or adjacent to the doors of the vehicle, a placard or lettering with the name and address of the owner, lessee and/or lessor of the vehicle. Said information shall be in letters and numbers no less than three (3) inches in height in accordance with N.J.S.A. 39:4-46;
- d. Mobile Food Vendor Licenses are not transferable between vehicles or operators;
- e. All fees must be paid at the time of application and are not refundable.

#### §4-4.3 Application Process.

- a. All applicants or licensees attempting to apply for or renew a License must complete an application/reapplication form prescribed by the Mercantile Registration Office, pay the License Fee prescribed and provide proof of the following:
  - 1. Certificate of Registration issued by the NJ Division of Taxation;
  - 2. 2 – 2" x 2" passport sized photos;
  - 3. Proof of ownership or rental of an approved vehicle or pushcart;
  - 4. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized Mobile Food Vendor vehicles;
  - 5. Proof of motor vehicle insurance per N.J.S.A. §39:6B-1, if the Mobile Food Vendor operates from a motor vehicle, in addition to proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage;
  - 6. A satisfactory inspection report issued no more than thirty (30) days prior to a License being issued or renewed;
  - 7. The applicant shall obtain a vendor background check by the designated vendor approved by the Neptune Township Police Department;
  - 8. Mobile Food Vendors may not operate until the application has been approved by the Neptune Township Police Department and License

issued by the Mercantile Office.

§4-5.4 Operation Requirements for Mobile Food Vendors.

- a. All mobile food vendors shall provide trash and recycling receptacles, and shall collect all trash and debris within twenty-five (25) feet before leaving their site. Collected trash must not be deposited in public trash receptacles;
- b. No mobile food vendor shall occupy the sidewalk, i.e., park a motorized vehicle in the street and dispense food from the sidewalk or set up a pushcart on the sidewalk and dispense food in the street. Operation shall be from the street. Operation on any sidewalk shall be prohibited;
- c. New or replacement mobile food vendor trucks, vans, pushcarts or other mobile food vendor vehicles shall be inspected by the Department of Health before operating. No changes shall be made to approved Mobile Food Vendor trucks, vans, pushcarts or vehicles without re-inspection by the Department of Health, and all Certifications of Approval must be visible to the public;
- d. No mobile food vendor shall serve food or drink to a motorist or occupant of a vehicle blocking the passage of traffic;
- e. No mobile food vendor shall occupy street space blocking the passage of traffic;
- f. All mobile food vendors' vehicles and pushcarts shall be self-contained, no cooler is to be placed on streets or sidewalks;
- g. No mobile food vendor shall provide in-truck or in-vehicle dining services or sidewalk tables and chairs;
- h. Grills, generators or other items related to mobile food vendor operations shall be physically attached to the vehicle or pushcart;
- i. Mobile Food Vendors must have a portable water tank/sink for handwashing attached to their vehicle as per N.J.A.C. 8:24-5.3;
- j. All motorized vehicles must abide by all existing traffic and parking regulations;
- k. All Mobile Food Vendors shall not be permitted to operate and shall be off the streets and sidewalks of the Township of Neptune during the period from 9 pm to 9 am daily;
- l. All Mobile Food Vendors' units must be on wheels and mobile;
- m. No Mobile Food Vendors' vehicle shall be left unattended for any reason on the streets or sidewalks of the Township of Neptune;
- n. No Mobile Food Vendor shall set up, maintain or permit the use of tables, create, carton or other device to increase the selling or display capacity of his or her unit or motor vehicle. There shall be no stacking of items to be sold upon any sidewalk or street. All materials and/or merchandise must be located solely on

the vending unit;

- o. No Mobile Food Vendor shall use any device which produces a loud or raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public while stopped;
- p. Any Mobile Food Vendors' vehicle operating within the Township of Neptune shall not remain in any fixed location for more than five (5) minutes from its last sale to any patron. When operating within the Township, such mobile food vending units shall park only in areas where automobiles are permitted to park and shall begin the sale of foodstuffs with 5 minutes of the time it so parks and shall leave that location within five (5) minutes of its last sale to pedestrian patrons using the food service;
- q. All Mobile Food Vendors shall display, in clear view of all patrons, pricing for all products offered for sale;
- r. All equipment, including the vehicle which is used by mobile food vendors, shall be subject to proof of inspection upon application for a license from a qualified equipment and motor vehicle inspection garage or service indicating that the motor vehicle and all equipment is in compliance with applicable State Motor Vehicle Statutes.

#### §4-5.5 Use of Streets by Mobile Food Vendors.

- a. No Mobile Food Vendors shall operate upon private property. No owner or person in control or in possession of private property shall permit any Mobile Food Vendors to be operated upon said property.
- b. No Mobile Food Vendors shall operate in any area where parking of motor vehicles is prohibited, restricted or regulated. Such areas shall include, but not be limited to, sidewalks, bus stops, taxi stands, fire hydrants, parking metered areas, loading zones, areas where parking is prohibited, such as from the corner of an intersection as indicated by curb markings, areas reserved for physically handicapped motor vehicle operators, crosswalks, driveways and any other areas so restricted, prohibited or regulated for the parking of motor vehicles.

#### §4-5.6 License Revocation or Suspension.

- a. The License of a person who violates any provision of this Chapter may be revoked or suspended immediately upon violation. A notice shall be mailed and will contain the specific provisions of this Chapter which has been violated and the specifications which shall constitute the violation. Licenses may be revoked or suspended for any violation of this Chapter or for any repeated violations thereof. Any License of a Mobile Food Vendor whose License has been revoked shall not be qualified to receive a new License or have said License restored to said person;
- b. Any Mobile Food Vendor who is charged with a violation shall have the right to be represented by an attorney and said facts shall be stated on the notice served

upon said Mobile Food Vendor;

- c. Any Mobile Food Vendor whose License has been revoked or suspended shall have a right to appeal such revocation or suspension to the Business Administrator and a representative from the Neptune Township Police Department.

#### §4-5.7 Violations and Penalties.

- a. Any person violating the terms of this Ordinance shall be punishable as follows:
  1. First offense: A fine of \$500.00;
  2. Second offense: A fine of \$1,000.00 and suspension for obtaining a Mercantile License for five (5) years;
  3. Third or subsequent offense: A fine of \$1,500.00 and/or up to 90 days in jail and/ or a period of community service of not more than 90 days, or a combination thereof;
  4. In the event that an offense is a continuing one, then each day, or portion of a day, such offense continues shall be deemed a separate and distinct offense and shall be punishable as such as provided herein;
  5. No person convicted on a third or subsequent offense shall be entitled to a new license for a period of seven (7) years from the third or subsequent offense.
- b. In addition to the penalties set forth herein, any person operating as a Mobile Food Vendor who violates any provisions of this Ordinance, the vehicle, cart or establishment which is being operated as such shall be impounded by the Neptune Township Police Department. In the event that any such vehicle is impounded, the vehicle, cart or truck may be redeemed by the person upon payment of the cost of impounding and the storage charges established by Municipal Ordinance. Said storage charge and costs of impounding shall be the same as are established for the impounding of motor vehicles.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE  
PUBLIC NOTICE  
NOTICE OF PENDING CAPITAL ORDINANCE NO. 21-52 AND SUMMARY**

The capital ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Neptune, in the County of Monmouth, State of New Jersey, on November 22, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, on December 6, 2021 at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full capital ordinance will be available at no cost and during regular business hours at the Office of the Clerk for the members of the general public who shall request the same. The summary of the terms of such capital ordinance follows:

**Title:** CAPITAL ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE TOWNSHIP'S MUNICIPAL COMPLEX, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$360,000 FROM THE TOWNSHIP'S RECEIPT OF FUNDS FROM THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND TO PAY FOR THE COST THEREOF

**Purpose(s):** Appropriating the amount of \$360,000 for the construction and installation of improvements to the Township's Municipal Complex to enhance the safety of the general public and Township employees, including, but not limited to, the construction of a second drive-up window for customer transactions at the municipal building, and construction within the municipal offices intended to accommodate social distancing and reduce the potential of disease transmission among Township employees and the general public, and all as shall be more particularly described in documents on file in the Office of the Engineer of the Township

**Appropriation:** \$360,000 from the Township's receipt of funds from the Coronavirus State and Local Fiscal Recovery Fund

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**RICHARD J. CUTTRELL,  
Clerk of the Township of Neptune**

NOTICE  
ORDINANCE NO. 21-53  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of November, 2021, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 6th day of December, 2021, at 7:00 p.m. at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are



Public Works And Sewer	6:30 a.m.– 3:00 p.m.	8-1/2	1/2 hr. period	2
Mon.–Sun.				
Custodians*	24 hours daily	8-1/2	1/2 hr. break	2
Emergency Medical Services	24 hours daily	13 to 14	1/2 hr. period	3
Police Civilians	6:30 a.m.– 4:30 p.m.	8	1 hr. period	2
Police / Jailers /	24 hours daily		1/2 hr. break	0
Library	In accordance with schedule established by the Library Trustees			
Recreation	Same as Administrative Departments, but may Flex schedule to accommodate program activities.			

#### 9-3.4 Changes in Work Period; Authorized in Advance.

Any permanent change in the standard hourly work period must be authorized in advance by the Township Committee. Regular assigned shifts, for all employees, with the exception of Emergency Medical Service Technicians employees, shall not be altered on less than seventy-two (72) hour notice except in the event of an emergency declared such by the Business Administrator.

The Township retains the right at its discretion to temporarily change the work week by notifying the employee under the following formula:

- a. Seventy-two (72) hour notice for a five (5) day change.
- b. Ten (10) working days notice for a six (6) to twenty (20) day change.
- c. Fifteen (15) working days notice for a twenty-one (21) to sixty (60) day change.
- d. Twenty (20) working days notice for a permanent change.

The employee may waive the notice requirement. (Ord. No. 1035 A. III § 4; New)

#### 9-3.6 Emergency Closings; Compensation When Employee Sent Home.

In the event that an emergency or inclement weather necessitates the closing down of any operation of the Township, all permanent, full-time employees with the exception of essential employees such as Police



Officers and Emergency Medical Service Technicians employees, affected by the closing and who have started their assigned work period shall be paid their normal compensation for that day as if they had performed the normal work assignment. All casual or permanent part-time employees shall not be compensated except for those hours actually worked.

### 9-3.7 Emergency Closings Before Work; Alternate Day of Work May Be Required.

In the event of an emergency, as determined by the Business Administrator, any employee who is advised not to report to work will be paid for the day, up to two (2) days per calendar year. Employees who are deemed as essential employees by the Business Administrator and are required to work and who do work or employees who are not otherwise notified not to report and who do work, will receive compensatory time off for each hour worked with a minimum of two (2) hours and a maximum of eight (8) hours. Any additional days of emergency which occur within a calendar year and results in an employee being advised not to report, the employee may charge his/her time off to any time on the books, defined as sick time or comp time. This section shall not apply to Police Officers nor Emergency Medical Services employees.

## 9-4 HOLIDAYS.

### 9-4.1 Holidays Enumerated.

The following days will be considered as holidays for all eligible Township permanent, full-time employees:

New Year's Day, Martin Luther King's Day, President's Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Friday after Thanksgiving and Christmas Day. A "floating holiday" may be observed on another date as approved by the Business Administrator in cooperation with the leadership of the bargaining unit(s) representing administrative and public works employees. It is clearly understood that casual employees shall not receive holiday pay. All Township permanent, full-time employees except members of the Police Department, Communications Operators, Emergency Medical Technicians and Custodial staff shall have the holidays enumerated in this section off with regular pay. Members of the Police Department, Communications Operators, Emergency Medical Technicians and Custodial staff are required to work a full workweek as scheduled by their supervisor, department head or by the Business Administrator and will receive compensation in lieu of time off as set forth in the negotiated agreements between the Township and their respective bargaining units. It is clearly understood that casual employees shall not receive holiday pay, with the exception of Emergency Medical Technician's (EMT's) who work on township holidays will be compensated at time and one-half; When a holiday as set forth in subsection 9-4.1 hereof occurs during an employee's vacation, said holiday shall not be charged as a vacation day. It is clearly understood that casual employees shall not receive holiday pay, except as described above for EMTs.

### 9-4.5 Compensatory Time for Work Required on Holidays.

- a. When a permanent full-time employee other than members of the Police Department, Communications Operators, Emergency Medical Service Technicians and Maintenance staff, is required to work on a holiday in order to maintain certain services, the employee shall be allowed compensatory time off as near to the holiday as can be arranged between the employee and the department head or supervisor. Where the department head or supervisor recommends that the employee be paid compensation in lieu of compensatory time off, the compensation shall be paid at the rate of one and one-half (1 1/2) times the individual's standard hourly pay for each additional hour worked.

### 9-4.6 Personal Days.

Probationary or permanent full-time employees with the exception of Emergency Medical Technicians and those employees with a bargaining unit or individual employment contract, shall be entitled to four (4) personal days in each twelve (12) month period beginning on the employees' first anniversary date. Probationary or permanent part-time employees are eligible on a prorated basis. Personal days shall not be accumulated nor shall the personal days be taken on a day immediately prior to or on the day immediately after a holiday or vacation day nor shall payment be made for unused personal days at the end of the year. It is understood that

casual employees are not eligible for this benefit. Employees with bargaining unit contracts and/or employment agreements will receive personal days as described therein. Full time Emergency Medical Service Technicians will receive thirty-two (32) hours of personal time and may utilize same as described herein.

Personal days may be used for personal, business, household or family matters described below:

- a. Personal business means an activity that requires the employee's presence during the work day and is of such a nature that it cannot be attended to at a time outside of the work day.
- b. Personal, household, or family matters refer to those situations where an employee's absence from duty is necessary for the welfare of the employee or his/her family. Written request for a personal day shall be made to the department head or supervisor seventy-two (72) hours prior to such leave, unless under emergency conditions it may be granted on request by the department head or supervisor. The prior notification time may be waived in the sole discretion of the Business Administrator under emergency circumstances.

The Business Administrator may deny such request when in his/her sole judgment it will leave the remaining work force below a sufficient number to operate or when the request does not meet the criteria set forth above.

**9-5.9 Meals During Emergency Overtime.**

Whenever an employee is entitled to emergency overtime as defined in subsection 9-5.5 hereof, the department supervisor shall designate the time when an emergency employee shall take a meal break and the meal break shall not exceed once for every four (4) hours of emergency overtime. The department supervisor also shall designate a convenient location within the Township for the feeding of emergency personnel and the Township shall pay to the proprietor thereof, an allowance in accordance with the following schedule:

Breakfast.....	\$ 8.00
Lunch.....	10.00
Dinner.....	15.00

**9-6 ABSENCES, LEAVES AND VACATIONS.**

**9-6.1 Types of Absences.**

Absences from duty shall be classified as sick leave, leave of absence with pay, leave of absence without pay, military leave or vacations and shall be so noted on the employee's time report or such other report as may be directed by the Business Administrator. Sick leave is covered in Section 9-7.

**9-6.2 Leave of Absence Without Pay.**

With the exception of leaves specifically granted by Federal and/or State law, a leave of absence without pay for a period of time not to exceed ten (10) work days per year, may be granted by the Business Administrator upon a written request from the employee to the Business Administrator and shall be recorded as directed by the Business Administrator.

**9-6.2a Leave of Absence With Pay.**

The Business Administrator may place an employee on a leave of absence with pay in circumstances necessitated to protect the Township from potential liability. In situations where such a leave is granted for more than five (5) days, the Business Administrator shall present the reason therefor to the Township Committee who may authorize a leave of absence with pay in excess of five (5) days.

**9-6.4 Death in Family; Leave of Absence With Pay.**

- a. In the case of death in the immediate family, an employee shall be granted leave and suffer no loss of regular straight time pay from the day of death, up to and including the day of the funeral not to exceed

twenty-six (26) hours for Emergency Medical Service Technicians and four (4) work days for all other employees not covered by a collective bargaining unit agreement or individual employment contract..

- b. Immediate family shall be defined as the employee's spouse, and the employee's or his/her spouse's child, stepchild, mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister, grandparents, step-grandparents, son-in-law, stepson-in-law, daughter-in-law, stepdaughter-in-law, grandchildren and step-grandchildren This section shall also apply to those family members who regularly reside in the employee's household.
- c. Reasonable verification of the event may be required by the Township.
- d. Such bereavement leave is not in addition to any holiday, day off, vacation leave, or compensatory time off falling within the time of the bereavement.
- e. An employee may make a request to the Business Administrator for time off to attend a funeral separate and distinct from bereavement leave. Such request, if granted by the Business Administrator, shall be charged at the option of the employee as a personal day, vacation day or against accumulated compensatory time off.

#### 9-6.7 Vacation Allowances.

Permanent full-time officers and employees shall receive vacation with pay for each twelve (12) month period in accordance with the following schedule:

- a. From the beginning of the second year of service through the fifth (5th) year of service - ten (10) working days.
- b. From the beginning of the sixth (6th) year of service through the tenth (10th) year of service - fifteen (15) working days.
- c. From the beginning of the eleventh (11th) year of service through the fifteenth (15th) year of service - twenty-two (22) working days.
- d. From the beginning of the sixteenth (16th) year of service through the twentieth (20th) year of service - twenty-four (24) working days.
- e. From the beginning of the twenty-first (21st) year of service - twenty-eight (28) working days.

Probationary or permanent part-time employees are eligible on a prorated basis. No employee shall accumulate vacation benefits those months in which said employee is not performing his/her assigned work assignment.

Emergency Medical Service Technicians shall receive vacation with pay in accordance with the following schedule:

- a. From the beginning of the second year of service through the fifth (5th) year of service – eighty (80) hours.
- b. From the beginning of the sixth (6th) year of service through the tenth (10th) year of service – ninety-six (96) hours.
- c. From the beginning of the eleventh (11th) year of service – one hundred-twenty (120) hours. .

#### 9-6.23 Compensation for Federal/State Certifications.

Employees who attain certain Federal/State Certifications by passing a Federal/State examination and that is directly related to their current position, pre-approved by the Business Administrator will receive a stipend in an amount of one thousand (\$1,000.00) dollars unless otherwise specified by collective bargaining agreement. The number of Certifications Stipends will be limited to a maximum of two (2) per employee, unless additional stipends are approved by the Business Administrator. The list of approved eligible certifications will be

available in the Office of the Business Administrator. This will not include certifications that are required to hold a specific position.

## **9-9 RETIREMENT BENEFITS.**

### **9-9.1 Applicable Retirement Plans.**

All Township employees enrolled in the New Jersey Public Employee's Retirement System, the Police and Firemen's Retirement System of New Jersey or any other retirement plan authorized by the New Jersey Division of Pensions and Benefits, shall be subject to the requirements and provisions of the respective plans.

### **9-9.4 Application for Retirement Benefits.**

An employee having completed the required number of years of service, and having attained the specified age, under a State authorized retirement program or is retired on approved disability, shall apply for retirement as provided by the Plan and State Law. Said retirees who have completed twenty-five (25) years of continuous service to the Township of Neptune, will be provided with hospitalization benefits for the employee and his/her dependents under the New Jersey State Health Benefits Program in accordance with State of New Jersey Statute Chapter 88. In the event the Township changes insurance carriers, substantially similar benefits will be provided.

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This Ordinance shall be published and shall take effect following adoption and approval, all as required by and in accordance with the law.

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 21-54  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 22nd day of November, 2021, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 20th day of December, 2021, at 7:00 p.m. at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted under legal notices in the Agenda and Minutes section of the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 21-54

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR AREAS ALONG ROUTE 66 IDENTIFIED AS BLOCK 3903, LOTS 12 and 13 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE, HAVING BEEN MERGED INTO A SINGLE LOT KNOWN AS LOT 12, LOCATED IN THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1, et seq. (the "Act"), authorizes the governing body to adopt by ordinance redevelopment plans for areas in need of redevelopment or rehabilitation; and

WHEREAS, on November 16, 2020, the Township Committee of the Township of Neptune (the "Township Committee") adopted Resolution #20-360, which authorized and directed the Township of Neptune Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether certain areas along Route 66 identified as Block 3903, Lots 12 and 13 on the Tax Map of the Township of Neptune, having been merged into a single lot known as Lot 12, qualify as an area in need of redevelopment (non-condemnation) pursuant to the statutory criteria within the Act; and,

WHEREAS, Jennifer C. Beahm, PE, PP, CME, CPWM of Leon S. Avakian Inc. Consulting Engineers conducted an investigation and prepared a report entitled "Area in Need of Redevelopment Investigation Report" (the "Study") pertaining to those certain areas along Route 66 identified as Block 3903, Lots 12 and 13 on the Tax Map of the Township of Neptune, having been merged into a single Lot known as Lot 12 and informally referred to as the Continental Data Building Site Study Area (the "Study Area"), on which the Planning Board conducted a public hearing on January 27, 2021 to provide an opportunity for extensive public comments; and,

WHEREAS, at the Planning Board Hearing, Christine Bell, PP, AICP of Leon S. Avakian Inc. Consulting Engineers presented the Study and the findings thereof, concluding that the Study Area met the criteria for an area in need of redevelopment under N.J.S.A. 40A:12A-5(b) and N.J.S.A. 40A:12A-3; and,

WHEREAS, following the public hearing regarding the Study, on February 24, 2021, the Planning Board adopted Resolution #21-05 recommending that Block 3903, Lots 12 and 13 on the Tax Map of the Township of Neptune, having been merged into a single Lot known as Lot 12, be designated by the Township Committee as a non-condemnation area in need of redevelopment; and,

WHEREAS, on March 22, 2021, the Township Committee adopted Resolution #21-144 which designated the areas along Route 66 identified as Block 3903, Lots 12 and 13 on the Tax Map of the Township of Neptune, having been merged into a single Lot known as Lot 12, as a non-condemnation area in need of redevelopment; and,

WHEREAS, thereafter, a Redevelopment Plan was prepared by Leon S. Avakian Inc. Consulting Engineers entitled "Amended Block 3903 Redevelopment Plan" (the "Redevelopment Plan" or the "Plan") which Plan was posted on the Township's website on or about October 11, 2021 for the purpose of soliciting comments from the public as to the nature and effect of the Plan; and,

WHEREAS, at a public meeting of the Township Committee on November 22, 2021, the Township Committee adopted Resolution # 21-404 referring the Redevelopment Plan to the Planning Board for review and recommendation pursuant to N.J.S.A 40A-12A- 7; and,

WHEREAS, on \_\_\_\_\_, 2021, the Planning Board issued a report and adopted Resolution #21-\_\_\_ memorializing its findings for the information and review of the Township Committee (the "Planning Board Resolution"), which Resolution sets forth the determination of the Planning Board that the Redevelopment Plan (the "Plan") is substantially consistent with the Neptune Township Master Plan; and,

WHEREAS, the Planning Board Resolution further sets forth that the Plan has been designed so as to effectuate the goals and objectives of the Neptune Township Master Plan and it is recommended that the Township Committee adopt the Plan; and,

WHEREAS, the Township Committee has reviewed the report of the Planning Board and the Planning Board Resolution regarding the Redevelopment Plan; and,

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, that:

SECTION 1.

1. The Township Committee has reviewed the Amended Block 3903 Redevelopment Plan and has solicited the comments of the public by, *inter alia*, posting the Redevelopment Plan on the Township's website and holding a public hearing concerning the same.
2. The Township Committee has received and given due consideration to the comments and recommendation of the Planning Board regarding the Redevelopment Plan.
3. The Township Committee has weighed the comments of the Planning Board against the overall redevelopment and planning goals and objectives of the Township and has determined that adopting and implementing the Redevelopment Plan is in the best interest of the Township.

4. The Township Committee has further determined that the Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7 and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
5. The Amended Block 3903 Redevelopment Plan is hereby adopted and shall supersede the existing zoning requirements for said area as described in the Redevelopment Plan.
6. The Neptune Township Zoning Map is hereby amended to show Block 3903, Lot 12 as being located within the Amended Block 3903 Redevelopment Area and subject to the requirements of the adopted Redevelopment Plan.

#### SECTION 2.

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance.

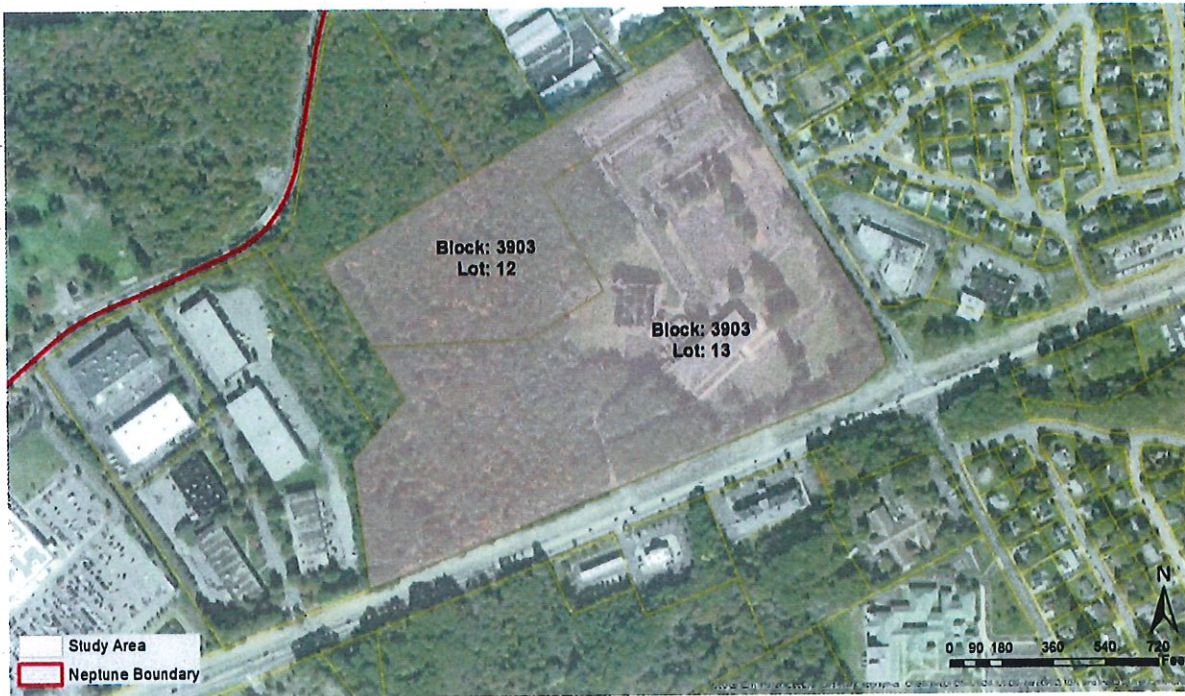
#### SECTION 3.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

#### SECTION 4.

This Ordinance shall be published and shall take effect following adoption and approval, all as required by and in accordance with the law.

Richard J. Cuttrel,  
Municipal Clerk



**Draft**  
**Redevelopment Plan**  
**Block 3903, Lot 12**  
**Township of Neptune**  
**Monmouth County, New Jersey**  
**Adopted:**

Prepared by:

**LEON S. AVAKIAN INC.**  
CONSULTING ENGINEERS

788 Wayside Road  
Neptune, New Jersey 07753  
(732) 922-9229



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**ACKNOWLEDGEMENTS**

**Mayor and Committee**

Mayor Dr. Michael Brantley  
Deputy Mayor Nicholas Williams  
Committeeperson Keith Cafferty  
Committeeperson Robert Lane Jr.  
Committeeperson Tassie York

**Planning Board**

Bishop Paul Brown, Chairman  
Mayor Dr. Michael Brantley  
Committeeperson Keith Cafferty  
John Bonney  
Richard Ambrosio, Environmental Commission  
Dyese Davis, Vice Chairperson  
Richard Culp  
Bryan Acciani  
Lisa Boyd  
Deion Johnson, Alternate  
Mark Kitrick., Board Attorney  
Peter Avakian, PE, PP, PLS, Board Engineer  
Jennifer Beahm, PP, AICP, Board Planner  
Kristie Dickert, Board Secretary

**Township Administrator**

Vito Gadaleta

## I. Background Information

The Township of Neptune has a land area of 8.67 square miles, of which, 8.2 square miles of it is land and 0.5 square miles (5.7%) of it is water. The Township is situated in the central easternmost part of Monmouth County, stretching from the Atlantic Ocean west to the Garden State Parkway. The southern border is the Shark River estuary, along with Neptune City and Wall Township, and the northern border is with the city of Asbury Park and Ocean Township.

The Township was formed in 1879, which is now comprised of several neighborhoods including Ocean Grove, Shark River Hills, Mid-Town, Bradley Park, the Gables, Seaview Island and West Neptune. Neptune Township is accessible from Garden State Parkway exits 100 and 102, with State Highways 18, 33, 35, 66 and 71 within its borders. Additional access is also available by New Jersey Transit trains (Bradley Beach/Neptune Station), major bus routes and local taxi service, and by ride sharing available through mobile applications such as Uber and Lyft. The Township is home to Jersey Shore Medical Center, the Regional Trauma Center for Central Jersey.

Since the road constructions in the early 20<sup>th</sup> century and transportation and infrastructure improvements over the years, the number of residents in Neptune began to rise. The construction of the Garden State Parkway between 1946 and 1957 resulted in significant population gains Neptune Township, with its greatest increase in population of 57.8 percent occurring between 1950 and 1960. Its second largest increase occurred between 1960 and 1970, with a population increase of 29.7 percent. The population has remained relatively unchanged since this time.

Neptune Township mainly consists of low and moderate density single-family homes, along with commercial areas concentrated west and north along the Tinton Falls Borough and Ocean Township municipal boundaries. The Township also contains environmentally sensitive areas, including several wetlands located throughout the municipality. As highlighted in its Master Plans and Reexamination Reports, Neptune Township has been approaching "build-out" with few remaining vacant developable lots, and both the 2009 Reexamination Report and the 2011 Master Plan highlight the importance of maintaining open space and creating better open space linkages. This established development pattern suggests that the Township's future land use planning issues will revolve primarily around the community's response to redevelopment of existing sites, rehabilitation, and/or adaptive reuse of existing buildings and sites.

As of the 2019 American Community Survey 5-year estimates, there were 27,563 people, a 1.35% decrease since its 2010 population. There were 11,402 households, 6,945 families residing in the Township. The racial makeup of the Township was 55.0% (15,158) white, 34.4% (9,482) black or African American, 0% Native American, 2.4% (672) Asian, 3.7% (1,014) from other races, and 4.5% (1,228) two or more races. Hispanic or Latino of any race were 10.6% (2,918) of the population. In the Township,



Figure 1. Municipal Boundaries

the population was spread out with 17.0% under the age of 18, 8.8% from ages 18 to 24, 24.5% from ages 25 to 44, 30.2% from ages 45 to 64, and 19.8% who were 65 years of age or older. The median age was 44.9 years. There were 11,402 households in Neptune Township, out of which 20.2% (2,299) had children under the age of 18 living with them, 12.5% (1,426) were married couples living together, 5.8% (663), 1.8% (210) had a male householder with no spouse present, and 0% were non-families. In the Township 32.8% of householders are living alone and 14.8% had someone living alone who was 65 years of age or older. The average household size was 2.4 and the average family size was 3.0.

The 2019 American Community Survey 5-year estimates showed that median household income was \$76,463 and the median family income was \$100,738. The per capita income for the Township was \$41,107 and about 7.7% of families were below the poverty line, including 15% of those under age 18 and 10.4% of those age 65 or over.



0 125 250 500 Feet

Map A  
**Continental Data Building  
 Redevelopment Area**  
 Neptune Township, NJ

LEON S. AVAKIAN, Inc.  
 Consulting Engineers

Source: NJGIN Parcel Data

Figure 2 Redevelopment Area

## II. Basis for the Plan

This Redevelopment Plan has been prepared for an area that has been designated in need of redevelopment without condemnation for Block 3903, Lot 12 and 13 (in tax records, these lots have been merged into a single lot known as Lot 12). The redevelopment area is a corner lot with approximately 1,950 feet of frontage on Route 66 and 1,270 feet of frontage on Green Grove Road, located in the C-1 Planned Commercial Development Zone District. The lot has remained vacant for the past 20 years, with the exception of temporary uses. Currently, the lot is developed with two connected commercial office structures with associated parking in the eastern portion of the lot. The western portion of the site remains wooded and precluded from development due to the presence of several environmentally sensitive features including Jumping Brook, an area of wetlands, and threatened species habitat.

A variety of land uses surround the redevelopment area. West of Green Grove Road, the uses around the redevelopment area and across Route 66 are generally commercial or industrial in nature. Land use patterns are strikingly different east of Green Grove Road, across the street from the redevelopment area, where single-family homes located in the R-2 Low Density Single-Family Residential Zone are the predominate use on both sides of Route 66. The Green Grove school is located within one of the residential neighborhoods across Route 66, and township-owned vacant conservation land comprised of wetlands is located directly north of the redevelopment area. Additional commercial uses located in the C-1 and C-3 Zones are also located north, past the wetland area.

The Mayor and Committee for the Township of Neptune requested the Planning Board conduct an investigation study to determine if Block 3903, Lot 12 met the criteria as an area in need of redevelopment (Resolution No. 2020-360). The Planning Board considered at a Public Hearing the findings of a report titled "Area in Need of Redevelopment Investigation Report" (the "Study") pertaining to those certain areas along Route 66 & Green Grove identified as Block 3903, Lot 12 and adopted a resolution which endorsed the findings of the Redevelopment Study and recommended to the Township Committee that the Amended Study Area be designated as an "area in need of redevelopment." The Mayor and Committee declared an area in need of redevelopment on March 22, 2021, Resolution No. 2021-05.

### III. Required Components of the Redevelopment Plan:

N.J.S.A 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, redevelopment, or rehabilitation of the Redevelopment Area sufficient to indicate the following:

1. Its relationship to definite local objectives as to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of which decent, safe, and sanitary dwelling units affordable to displace residents will be available to them in the existing local housing market.
4. An identification of any property with the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to:
  - a) The master plans of contiguous municipalities;
  - b) The master plan of the county in which the municipality is located;
  - c) The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985,c.398 (C.52:18A -196 et al.)
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.
8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair

Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

- c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.
- d. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.
- e. Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a redevelopment plan or revision or amendment thereof, shall review the report of the planning board and may approve or disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following the recommendations. Failure of the planning board to transmit its report within the required 45 days shall relieve the governing body from the requirements of this subsection with regard to the pertinent proposed redevelopment plan or revision or amendment thereof. Nothing in this subsection shall diminish the applicability of the provisions of subsection d. of this section with respect to any redevelopment plan or revision or amendment thereof.
- f. The governing body of a municipality may direct the planning board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area. After completing the redevelopment plan, the planning board shall transmit the proposed plan to the governing body for its adoption. The governing body, when considering the proposed plan, may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership and shall record in its minutes the reasons for each amendment or revision. When a redevelopment plan or amendment to a redevelopment plan is referred to the governing body by the planning board under this subsection, the governing body shall



be relieved of the referral requirements of subsection e. of this section.

#### IV. Redevelopment Goals

The purpose of this plan is to provide certain development criteria that is cohesive with the varying adjacent land uses and with the goals and objectives of the 2009 Reexamination Report, the 2011 MasterPlan, and the 2016 Monmouth County Master Plan. This plan seeks to create an area comprising of compatible uses with those of the C-1 Zone and with the overall development along Route 66.

#### V. Redevelopment Objectives

The Township is looking to promote development that would support the goals and objectives of the 2011 Master Plan. The objectives for this Redevelopment plan are to:

1. Promote a balanced variety of residential, commercial, industrial, recreational, public, and conservation land uses.
2. Promote aesthetic and site improvements in the Township's major commercial and industrial areas.
3. Guide the development and redevelopment of the remaining large parcels and scattered vacant sites within neighborhoods to ensure proposed uses support existing uses without adverse impacts in terms of land use compatibility, traffic, economic and aesthetic impacts.
4. Provide a balanced land use pattern that preserves residential neighborhoods, strengthens the vitality of commercial districts, preserves parks and open spaces, protects environmentally sensitive natural features, accommodates community facilities, and enables local and regional circulation.
5. Encourage the adaptive reuse of the Township's older building stock.
6. Preserve, upgrade, and increase the vitality of existing commercial areas in an appropriate manner, while being sensitive to adjacent and existing uses.

#### VI. Definitions

Refer to Volume II Land Development Ordinance, Article II Definitions, of the Township of Neptune's General Ordinance for all definitions related to this redevelopment plan.

#### VII. Existing Zoning

The properties identified in the redevelopment area are all located within the C-1 Planned Commercial Development Zone and the Hospital Support Overlay. Refer to Volume II Land Development Ordinance Article IV Zoning District Regulations, of the Township of Neptune's General Ordinance for all requirements related to the existing zoning of the redevelopment area. It is the intention that this Redevelopment Plan supersede the General Ordinance requirements. However, in the instance where the regulations are silent the requirements of the General Ordinance will still govern.

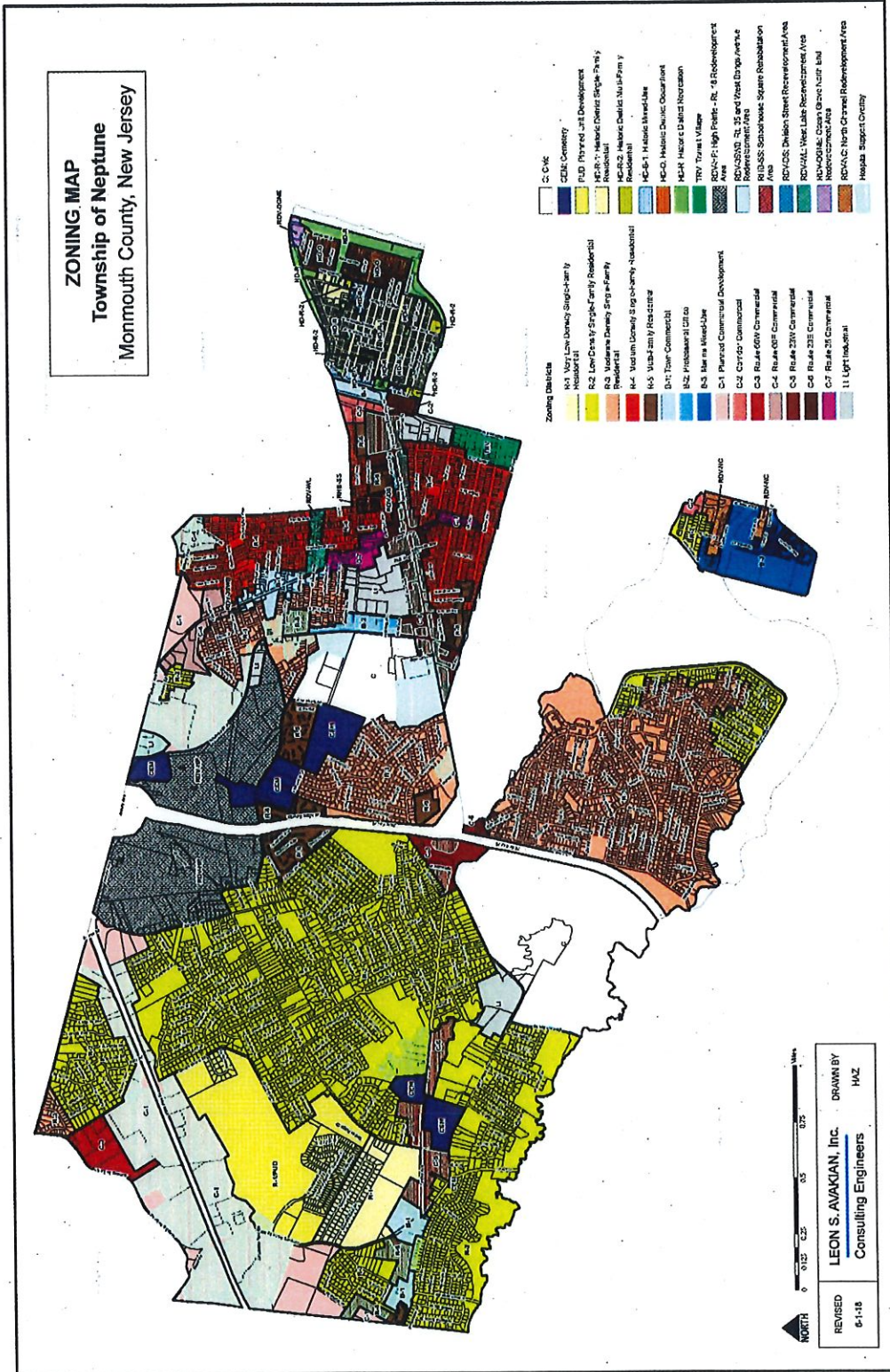


Figure 3. Township of Neptune Zoning Map

VIII. Use and Bulk Requirements

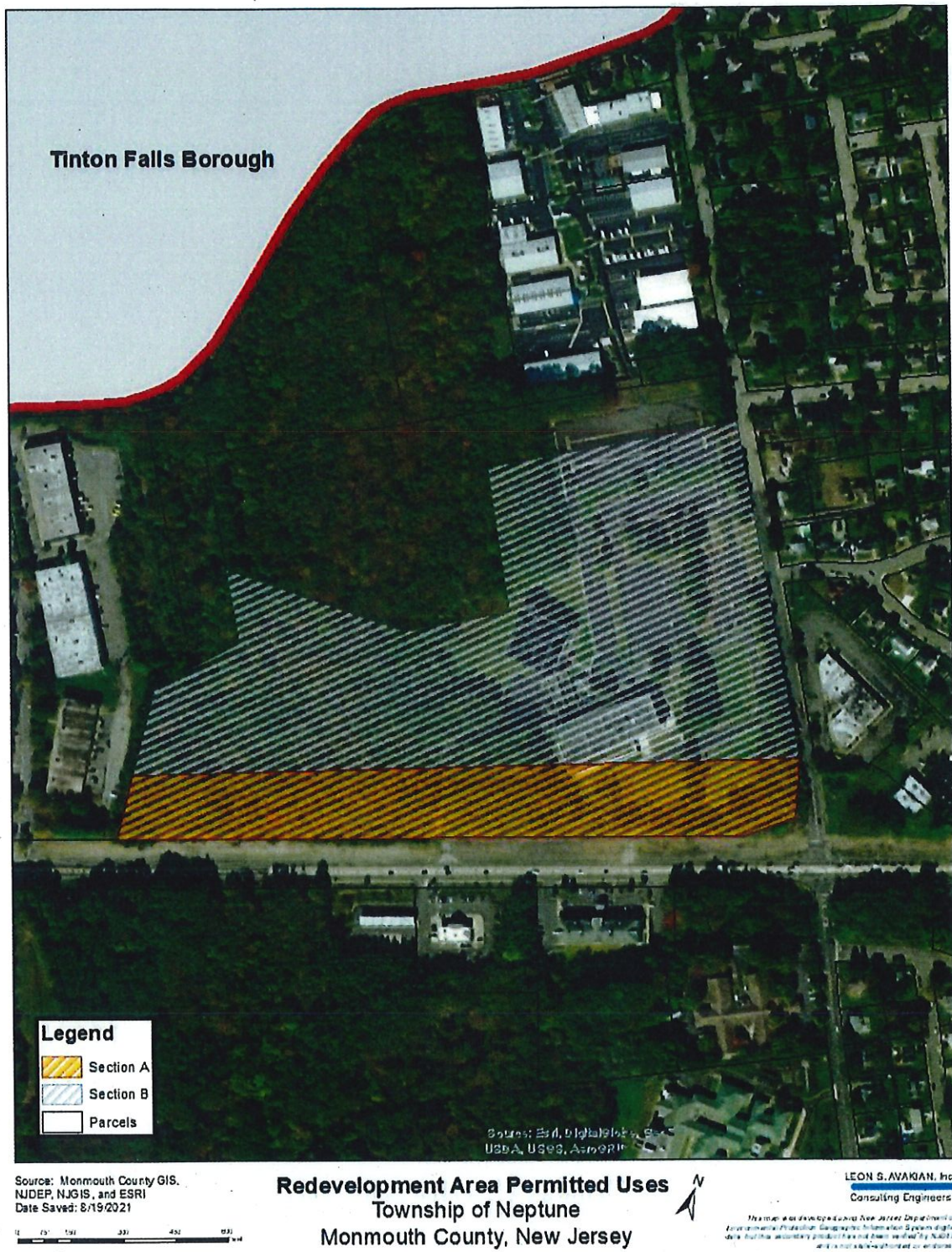


Figure 4. Redevelopment Area Permitted Uses

**PERMITTED LAND USES:**

The land uses permitted within the Redevelopment Area are listed below. Any land use that is not specifically included as a permitted use is prohibited unless determined by the Township Committee to be equivalent to a listed permitted use and consistent with the purposes and goals of this Plan:

**Section A:**

The portion of the site located along Route 66 (indicated in orange on Figure 4, above) will be governed by the requirements of §404.04 C-1 Planned Commercial Development Zone District and §424 H-S Hospital Support Zone Overlay. Permitted uses in this portion of the site will be those uses permitted in the C-1 Zone and the Hospital Support Zone Overlay. Section A shall be a minimum of 15,000 square feet. Infrastructure in the form of roadways and stormwater management facilities may be shared between Section A and Section B. The area, yard and building requirements of these zone districts will govern Section A as well.

**Section B:**

Permitted Uses for the portion of the site along Green Grove Road (depicted in gray on Figure 4, above):

NAICS Code	NAICS Descriptor
111419	All other Food Crops Grown Under Cover (including facilities for licensed cannabis cultivation)
311	Food Processing Facilities
311412	Frozen Specialty Food Manufacturing
311812	Commercial Wholesale bakeries
312120	Brewery
312140	Distiller
323111/ 323113	Other Commercial Printing
323120	Prepress Services
325320/327110	All other miscellaneous chemical product and prep manufacturing
325411	Medicinal and Botanical Manufacturing
334419/ 335999	Other Electronic Component Manufacturing
334220	Radio, TV Broadcast & Wireless Communications Equipment
334512	Automatic Environmental Control Manufacturing
339112	Surgical and Medical Instrument Manufacturing
339116	Dental Laboratories
424590	Other Farm Product Raw Material Merchant Wholesalers (facilities for licensed cannabis packaging)
424590	All Other Good Crops Grown Under Cover (vertical farming)
424810	Beer and Ale Merchant Wholesalers
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers
44111	New Car Dealers

4412	Other Motor Vehicle Dealers
4413	Automotive Parts, Accessories, and Tire Stores
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supplies Dealers
445	Food and Beverage Stores
446	Health and Personal Care Stores
446199	Medical equipment and supplies stores
44711	Gasoline Stations with Convenience Stores
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Musical Instrument, and Book Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers
453998	All other miscellaneous store retailers except tobacco stores
493110	General Warehousing and Storage
493120	Refrigerated Warehousing and Storage
493190	Other Warehousing and Storage
511	Publishing Industries (except Internet)
512	Motion Picture and Sound Recording Industries
512240/ 512110	Film and Sound Recording Studios
518	Data Processing, Hosting, and Related Services
518210	Data Center
519	Other Information Services
522	Credit Intermediation and Related Activities
524	Insurance Carriers and Related Activities
531	Real Estate
5321	Automotive Equipment and Rental Leasing
5322	Consumer Goods Rental
541	Professional, Scientific, and Technical Services
541380	Testing Laboratories
541511	Custom Computer Programming Services
541512	Computer Systems Design Services
541513	Computer Facilities Management Services
541519	Other Computer Related Services
541711/541712	Research Laboratory
551	Management of Companies and Enterprises
561	Administrative and Support Services
6115	Technical and Trade School

6116	Other Schools and Instruction
611620	Sports & Recreation Instruction
621	Ambulatory Health Care Services (Includes physician's and dentist's offices, outpatient care, etc)
622110	General Medical and Surgical Hospitals
6241	Individual and Family Services
621493	Freestanding Ambulatory Surgical and Emergency Care Center (urgent care facilities)
623110	Nursing Homes (nursing care facilities (skilled nursing facilities))
623312	Assisted Living Facilities for the Elderly (Assisted Living Facilities)
623311	Assisted living facilities with on-site nursing facilities
62410	Community Food Services
624120	Adult Day Care Facilities (adult care centers)
6243	Vocational Rehabilitation Services
6244	Child Day Care Services
711	Performing Arts, Spectator Sports, and Related Industries
712	Museums, Historical Sites, and Similar Institutions
713	Amusement, Gambling, and Recreation Industries
713940	Fitness and Recreational Sports Centers (indoor/outdoor recreation facilities)
72111	Hotels (except Casino Hotels) and Motels
722	Food Services and Drinking Places (except Mobile Food Services)
811181	Automotive Oil Change and Lubrication Shops
811192	Car Washes
8114	Personal and Household Good Repair and Maintenance
8121	Personal Care Services
812910	Pet Care (except Veterinary) Services
81292	Photofinishing
8132	Grantmaking and Giving Services
8133	Social Advocacy Organizations
8134	Civic and Social Organizations
8139	Business, Professional, Labor, Political, and Similar Organizations
92	Public Administration

**BULK REQUIREMENTS:**

1. Minimum Lot Area: 2.5 acres
2. Minimum Lot Width: 500 feet
3. Minimum Lot Frontage: 500 feet
4. Minimum Lot Depth: 600 feet

- |   |         |
|---|---------|
| 5. Minimum Front Yard Setback:          | 30 feet |
| 6. Minimum Side Yard Setback:           | 50 feet |
| 7. Min. Combined Side Yard Setback:     | 50 feet |
| 8. Minimum Rear Yard Setback:           | 40 feet |
| 9. Maximum Building FAR:                | 1.0     |
| 10. Maximum Percent Building Coverage:  | 30%     |
| 11. Maximum Percent Total Lot Coverage: | 65%     |
| 12. Maximum Number of Stories:          | 3       |
| 13. Maximum Building Height:            | 50 feet |

**SIGNAGE**

Permitted Signage will be on a per use basis, at the discretion of the Township Redevelopment Committee.

**DESIGN STANDARDS:**

1. A 70 foot buffering zone, which may include detention basins, sound berms, or landscaping is required when loading areas are directly adjacent to residential zones.
2. Nonresidential driveways are permitted to be 20 feet minimum and 25 feet maximum, while warehouse driveways are permitted to be 35 feet minimum and 80 feet max.
3. No access from any use within Section B shall be permitted onto Green Grove Road. All access is required to utilize a driveway out to State Highway 66.
4. Landscaping islands are required every 8-parking space. If landscaping islands are not reasonably practicable in a parking area, the same calculated number of plantings are permitted to be relocated to the perimeter of the parking lot, driveway or truck court area.
5. Pedestrian access to the front portion of the site will be via a controlled crosswalk at the Princeton Avenue intersection to sidewalk on the west side of Green Grove Avenue.
6. A minimum sidewalk width of 5 ft. is required for warehouse uses.
7. All development must meet the design standards set forth in Article V, §502 Architectural Design Standards of the Township's Land Development Ordinance.

## IX. Consistency with Other State and Local Plans and Regulations:

### **STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

In reviewing the New Jersey State Development and Redevelopment Plan Volumes 1-4, the following information pertains to goals and policies for a program of rehabilitation which discusses the development and redevelopment policies.

While a small portion of the Township is designated as a County Park, the majority of Neptune is designated as a Planning Area 1 (PA1) or Metropolitan Planning Area in the State Development and Redevelopment Plan. This is the most urban of the State's five (5) planning area classifications, and communities with this designation generally exhibit mature settlement patterns with a diminished supply of vacant land. In established communities such as Neptune, and other municipalities located proximate to the Township, the reuse of existing properties will be the major form of new construction. The land use policy objectives of Metropolitan Planning Areas are to:

- (1) Promote redevelopment and development in cores (i.e., downtowns) and neighborhoods through cooperative regional efforts.
- (2) Promote diversification of land use, including housing where appropriate in single use developments, and enhance their linkages to the rest of the community.
- (3) Ensure efficient and beneficial utilization of scarce land resources to strengthen its diversification and compact nature. Consequently, the Township's Master Plan recognizes this designation and will support the intent and principles of the State Plan. Further, the overall objectives and policies of the Neptune Master Plan shall be consistent with these goals.

The Redevelopment Plan helps advance these land use policy objectives and encourages the provision of diverse and compatible land uses, especially through the redevelopment of the current abandoned building. The Redevelopment Plan is in conformance with the State Development and Redevelopment as well as the Monmouth County Cross Acceptance Report.

### **MONMOUTH COUNTY MASTER PLAN**

Monmouth County adopted a new Master Plan in 2016. The 2016 Land Use Element of the Monmouth County Master Plan designates the Township of Neptune as a Suburban Area, as well as a Priority Growth Investment Area (PGIA), which are areas with either existing or planned infrastructure that lend to development and redevelopment opportunities. The Township also has areas designated as Priority Growth – Reinvestment Area/Site (PG-RAS), which are areas where more intense or significant development, redevelopment, revitalization, and hazard mitigation investments are highly encouraged. The Master Plan theme is focused on redevelopment, revitalization, and rediscovery, recognizing many county municipalities have an established physical form and character that they now seek to maintain and/or enhance it in a time characterized by limited growth and constrained public finance. The Redevelopment plan furthers this general theme and aligns with the following relevant goals and objectives of the County Master Plan:



1. Promote in-fill development and the adaptive reuse of substandard, underutilized, or abandoned structures that complement or improve adjacent land uses and support or enhance neighborhood character resulting in healthier places to live, work, learn, and recreate.
2. Encourage the redevelopment and revitalization of highway commercial corridors that incorporate multi-purpose uses, higher design standards, are located outside Special Flood Hazard Areas (SFHA) and improve circulation both on and off-site.
3. Encourage development of a high quality, diversified tax base to provide superior economic resiliency when confronted with unanticipated changes in the overall economy.
4. Support policies and investment in priority growth areas and locations that promote safe, healthy, sustainable, and resilient communities.

The Redevelopment Plan encourages the redevelopment and reuse of vacant structures to further economic development, especially along the heavily-trafficked highway commercial corridor of Route 66. The creation of new commercial space will expand employment opportunities, improve business investment, and add value to Neptune Township's and Monmouth County's tax base. Through economic revitalization and the creation of diverse and compatible land uses, the Redevelopment Plan will enhance the overall quality of life in Monmouth County.

Given Monmouth County's overall focus on redevelopment, revitalization, and rediscovery, and as seen by the relevant goals and objectives identified above, the Redevelopment Plan is consistent with the goals, objectives and policies stated in the Monmouth County Master Plan.

#### **TOWNSHIP OF NEPTUNE PLANNING DOCUMENTS**

The Township of Neptune has previously emphasized establishing a balance of uses that benefit the residents and visitors of Neptune Township, protect environmentally sensitive features, are compatible with nearby land uses from other municipalities, and that align with the goals and objectives of the Monmouth County Master Plan. These initiatives are reflected in and are consistent with the following relevant goals and objectives from the 2009 Reexamination Report and the 2011 Master Plan as they pertain to this redevelopment plan:

#### **2009 REEXAMINATION REPORT, DRAFT**

1. Promote a balanced variety of residential, commercial, industrial, recreational, public, and conservation land uses.
2. Guide the development and redevelopment of the remaining large parcels and scattered vacant sites within neighborhoods to ensure proposed uses support existing uses without adverse impacts in terms of land use compatibility, traffic, economic and aesthetic impacts.
3. Promote the preservation of natural systems and environmentally sensitive areas, particularly wetland, woodland, coastal, flood hazard and aquifer recharge areas.
4. Reclaim underutilized and/or constrained parcels for productive use.

## **2011 COMPREHENSIVE MASTER PLAN**

5. Promote a balanced variety of residential, commercial, industrial, recreational, public, and conservation land uses.
6. Promote aesthetic and site improvements in the Township's major commercial and industrial areas.
7. Guide the development and redevelopment of the remaining large parcels and scattered vacant sites within neighborhoods to ensure proposed uses support existing uses without adverse impacts in terms of land use compatibility, traffic, economic and aesthetic impacts.
8. Promote the preservation of natural systems and environmentally sensitive areas, particularly wetland, woodland, coastal, flood hazard and aquifer recharge areas.
9. Provide a balanced land use pattern that preserves residential neighborhoods, strengthens the vitality of commercial districts, preserves parks and open spaces, protects environmentally sensitive natural features, accommodates community facilities, and enables local and regional circulation.
10. Encourage the adaptive reuse of the Township's older building stock.
11. Preserve, upgrade, and increase the vitality of existing commercial areas in an appropriate manner, while being sensitive to adjacent and existing uses.
12. Promote the establishment of a hospital support zone proximate to Jersey Shore University Hospital, while maintaining adequate buffering to preserve existing residential neighborhoods.

This Redevelopment Plan furthers the identified goals, objectives, and principals of Neptune's planning documents.

## **NEIGHBORING COMMUNITIES PLANNING DOCUMENTS**

The municipalities sharing boundaries with Neptune are Wall Township, Tinton Falls, Ocean Township, Asbury Park, Bradley Beach, Avon By The Sea, Neptune City, and Belmar Township. The zoning and land uses that have been adopted for lands bordering Neptune Township in Neptune City, Avon By The Sea, and Bradley Beach appear to be consistent with the planning principles that have been adopted for proximate areas of Neptune. In sum, these areas have been zoned for residential and commercial uses, which are consistent with the lands within Neptune that border these municipalities.

## **X. Affordable Housing Units Inventory**

Currently, there are no housing units affordable to low and moderate income households to be removed as a result of implementation of the redevelopment plan.

## **XI. Implementation Tools**

### **1. REDEVELOPMENT POWERS**

The designation of this Redevelopment Plan as a "Non-Condensation Redevelopment Plan" deliberately excludes the exercise of the taking of property by eminent domain. One of the redevelopment policies of the

Township is that the present owners of property in designated redevelopment parcels be given every opportunity to participate in the redevelopment program through the reinvestment, rehabilitation, and/or redevelopment of their properties in accordance with the land uses and building and design requirements of this Plan. To that end, the present property owners of properties within the Redevelopment Area are encouraged to present their own proposals for redevelopment in accordance with this Plan.

**2. REDEVELOPER DESIGNATION BY TOWNSHIP COMMITTEE – REDEVELOPMENT AGREEMENT**

In order to assure that the vision of this Redevelopment Plan and the redevelopment agreement(s) will be successfully implemented in an effective, comprehensive and timely way, and in order to promptly achieve the public purpose goals of the Plan, the Township Committee, acting as the Redevelopment Entity, will select one or more redeveloper(s) in the area governed by this Redevelopment Plan. Any party not specifically designated as the “redeveloper” and a party to a redevelopment agreement with the Township, shall not have the standing to proceed before the Planning Board for site plan or other approvals.

3. All designated redeveloper(s) will be required to execute a Redevelopment Agreement satisfactory to and authorized by the Township Committee. The Township may seek to enter into a Conditional Designation and Interim Cost Agreement to provide for the identification of issues to be negotiated before the redeveloper is designated and a redevelopment agreement is executed. Such CDICA may provide for sufficient escrows to defer some, or all of the expenses and costs incurred by the Township, including staff costs and the costs of professional consultants retained by the Township in connection with the negotiation of the redevelopment agreement.

The Township may also seek to negotiate the reimbursement by the redeveloper of some or all of the costs incurred by the Township in undertaking the redevelopment process.

### **3.1. PROCEDURAL AND SUBSTANTIVE STANDARDS FOR REDEVELOPER DESIGNATION**

- A. The procedural and substantive standards described here will guide redeveloper selection. The Township Committee reserves all options available to it under the Local Redevelopment and Housing Law to designate one or more redevelopers to execute redevelopment agreements to implement this Plan. It may determine to issue Requests for Proposals for one or more parcels in the redevelopment area, or it may at any time, entertain unsolicited proposal(s) from a prospective redeveloper(s) for redevelopment of one or more parcels.
- B. The selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Township as deemed appropriate.):
  - a. Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of dwelling units, if any, retail and or commercial uses, parking, traffic circulation, flood mitigation, landscaping, open space, sustainability elements, construction schedule, including estimated pre-construction time period to secure permits and approvals, and other elements are consistent with the objectives and standards of this Redevelopment Plan.
  - b. Documentation evidencing the financial responsibility and capability of the proposed redeveloper with respect to carrying out the proposed redevelopment, including but not limited to: type of legal entity, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, financing plan, and financial profile of the redeveloper entity and its parent, if applicable.

### **3.2. TOWNSHIP COMMITTEE REVIEW BEFORE APPLICATION TO THE PLANNING BOARD**

The Township Committee, or its designee, shall review and approve, in a manner consistent with this Redevelopment Plan and all proposed redevelopment projects within the Redevelopment Area to ensure that such project(s) is consistent with the Redevelopment Plan and any relevant Redeveloper Agreement(s). Such review shall occur prior to the submission of an application for approval of the redevelopment project(s) to the Planning Board. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan and the redevelopment agreement.

### **3.3. PLANNING BOARD REVIEW PROCESS**

After the Township Committee review process noted above is completed, all development applications shall be submitted to the Township of Neptune Planning Board through the standard site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the Township Committee as a redeveloper(s),

a redevelopment agreement has not been fully executed and the development application has not been approved by the Township Committee, its staff or consultant.

#### **4. DEVIATIONS/VARIANCES**

The Neptune Township Planning Board, at the time of site plan review and without formal amendment to this Plan, may approve minor modifications from the bulk standards set forth herein if deemed to be in the interest of project implementation and in furtherance of the Route 66 Redevelopment Plan. Any material deviations from the uses provided and the overall goals of the Redevelopment Plan shall be by formal amendment to the Redevelopment Plan adopted by the Township Committee in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

#### **5. SEVERABILITY**

If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

#### **6. ADVERSE INFLUENCES**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

#### **7. RELOCATION REQUIREMENTS**

Implementation of this Redevelopment Plan may require the displacement and relocation of businesses located within the Redevelopment Area. At the time of property acquisition, the actual extent of displacement will be confirmed, and if it is necessary, a Workable Relocation Assistance Plan will be prepared and submitted to the New Jersey Department of Community Affairs for approval. The Township will comply with the requirements of the New Jersey State relocation statutes and regulations as applicable and will provide all benefits and assistance required under applicable law.

#### **8. CERTIFICATES OF COMPLETION**

Upon completion of a project, the developer shall submit for a Certificate of Completion.

## **9. PROCEDURES FOR AMENDING THE PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law.

## **10. LAND USE MAP AMENDMENTS**

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Township Land Use Map to ensure consistency between the two documents.

## **11. REDEVELOPMENT PLAN DURATION**

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Area and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Summit Common Council.