

February 21, 2024

Neptune Township Planning Board
25 Neptune Boulevard
P.O. Box 1125
Neptune, NJ 07754-1125

**Re: Preliminary and Final Major Site Plan
Johnson's Restaurant Supply Inc.
Block 515, Lot 13
Our File NTPB 23-12**

Dear Board Members:

Our office received and reviewed an application for Preliminary and Final Major Site Plan approval in conjunction with the above referenced project.

1. Submitted Documents

- Minor Site Plan for Johnson's Restaurant Equipment Inc., Block 515, Lot 13, consisting of five (5) sheets prepared by Matthew R. Martin, P.E., of Scope Engineering Inc. Consulting Engineers, dated March 22, 2023, last revised December 4, 2023.
- Architecture Plans entitled "Renovations and Alterations for: Johnson's Restaurant Equipment & Design" Block 515, Lot 13 consisting of five (5) sheets prepared by Anthony J. Ercolino, AIA of Pasman Ercolino Architects, P.C., dated March 2, 2023, with no revision date.
- Environmental Impact & Drainage Summary for 1300 Corlies Avenue, Block 515, Lot 13, prepared by Matthew R. Martin, P.E., of Scope Engineering Inc., dated December 4, 2023, with no revision date.
- Traffic Summary Report for 1300 Corlies Avenue, Block 515, Lot 13, prepared by Matthew R. Martin, P.E., of Scope Engineering Inc., dated December 4, 2023, with no revision date.
- Demolition and Grading Plan for 1300 Corlies Avenue, Lot 13, Block 515, prepared by Matthew R. Martin, P.E., of Scope Engineering Inc., dated March 21, 2022, last revised June 2, 2022.

- Topographic Survey Lot 13 in Block 515 consisting of one (1) sheet prepared by Andrew R. Stockton, P.E. & P.L.S. of Scope Engineering Inc, dated April 30, 2022, last revised March 22, 2023.

We have completed our engineering and planning review of the submitted documents and offer the following comments:

2. Completeness Waiver Review

The Applicant has requested the following completeness waivers from the Township's Land Use Ordinance Completeness Checklist.

Testimony to be provided:

A. Ordinance Section 802.A.5 – Tree Removal Application

B. Ordinance Section 802.A.6 - Environmental Impact Statement

During Completeness Review, the Neptune Township professional staff recommended the Applicant submit information to explain the existing portion of the structure to be removed for soil remediation purposes and measures to replace portions of the building as indicated on the plans on the plans.

The Applicant has submitted an Environmental Impact Summary and demolition plan, however further testimony should be provided.

C. Ordinance Section 802.A.7 – Stormwater Management Report
(see below) Comment F

D. Ordinance Section 802.A.9 – Letter of Interpretation (LOI) NJDEP

E. Ordinance Section 802.A.11 – Circulation Impact Study

During the Completeness Review, the Neptune Township professional staff recommended the Applicant shall provide a brief summary outlining the average daily trips, number of employees, type of deliveries and the general site movement of vehicles for the proposed use.

The Applicant has provided a Traffic Summary Report, however further testimony should be provided.

F. Ordinance Section 812.02.B.13 (a through e) requires the traffic summary shall be accompanied by an onsite drainage plan prepared in accordance with the standards.

During the Completeness Review, the Neptune Township professional staff identified that the Applicant's development area discharges into Fletcher Lake. The Applicant's professionals have requested a waiver in accordance with Ordinance 11-47 which states that this section of the checklist is not required for a minor site plan. Due to the environmental issues, a brief report is recommended to address remediation impacts. This report shall be provided by a licensed professional engineer.

The Applicant has provided a drainage summary report however, additional testimony should be required.

- G. Ordinance Section 812.02.B.14 (a through e) requires the plan shall also be accompanied by an offsite drainage plan prepared in accordance with the standards.

During Completeness Review, the Neptune Township professional staff recommended the Applicant's development site discharges into Fletcher Lake. The Applicant's professionals have requested a waiver, under Ordinance 11-47. This is not required for a minor site plan. Due to the environmental issues, a brief report is recommended to be provided by a licensed professional engineer.

The Applicant has provide a drainage summary report.

- H. Ordinance Section 812.03.B.4

The tops of banks and boundaries of the floodways and flood hazard areas of all existing water courses, where such have been delineated or the limits of alluvial soils where the boundaries of floodways and hazard areas have not been determined, and/or such other information as may assist the Planning Board or Zoning Board of Adjustment in the determination of floodway and flood hazard area limits.

- I. Ordinance Section 812.03.B.7

The boundary, nature and extent of wooded areas, swaps, bogs and ponds within the site and within two hundred (200') feet thereof and delineation of all wetlands soils as defined by the New Jersey Department of Environmental Protection and the U.S. Army Corps of Engineers.

- J. Ordinance Section 812.03.D.13 – Site Plan

- K. Ordinance Section 812.03.D.17 – Scaled Key Map

3. Site Analysis and Projection Description

- A. The subject property, known as Lot 13, Block 515, consisting of 0.379 Ac. (16,504 sq. ft.) with frontages on NJ State Highway Route 33 and Ridge Avenue.
- B. The property is currently development with a one-story commercial building that is vacant. The building was formerly utilized as an autobody shop.
- C. Application for Minor Site Plan for building renovations to the existing structure includes the removal and replacement of a 2,536 sq. ft. (34.7%) portion of the building which is required to accommodate a NJDEP mandated soil remediation on the site.

Proposed renovations are for the Corporate Headquarters of Johnson's Restaurant Equipment Inc., and includes restaurant business support

services in the form of restaurant business supply and equipment, which will be displayed within the building.

4. **Zoning and Land Use**

- A. The property is located in the C-7: Route 35 Commercial Zone.
- B. The existing use is a former autobody shop.
- C. The proposed use will be a household appliance store. This use coincides with NAICS #449, furniture, home furnishings, electronics, and appliance retailers. Industries in the furniture, home furnishing, electronics, and appliance retailers subsector with fixed point-of-sale locations may operate from showrooms or other locations that have substantial areas for the presentation or demonstration of their products. Establishments in this subsector may provide incidental services, including interior decorating, product assembly, installation, or repair services.

5. **Variance and Design Waivers**

- A. Outlined in the table below are the proposed bulk conditions for the site:

Description	Required	Existing	Proposed
Minimum Lot Area	15,000 sf	16,504 sf	No change
Minimum Lot Width	100 ft.	123 ft.	No change
Minimum Lot Frontage	100 LF	109.18 LF	No change
Minimum Lot Depth	100 LF	129.41 LF	No change
Minimum Front Yard Setback	15 ft	18.8 ft	No change
Minimum Side Yard Setback	10 ft.	11.7 ft	No change
Maximum Floor Area Ratio	0.60	0.44	0.44
Maximum Percent Building Coverage	35%	44.3% (NC)	44.3% (NC)
Maximum Percent Lot Coverage	80%	89.1% (NC)	76.5%
Minimum Combined Side Yard Setback	25 ft.	(NA)	(NA)
Minimum Rear Setback	20 ft.	3.1 ft. (NC)	3.1 ft. (NC)
Maximum Building Height	48 ft.	17.83 ft.	25.68 ft.
Minimum Building Stories	3 stories	1 story	1 story
Minimum Improvable Lot Area	7,200 sf	8,823 sf	No change
Minimum Area Diameter	55 ft.	67 ft.	No change
Off-street Parking Spaces	24 spaces	9 spaces	7 spaces (V)
Loading	2 spaces	1 space	1 space (W)

(V) Variance Required (NC) Existing Non-Conformity (NA) Not Applicable (W) Waiver

The following italicized text is as outlined in the ordinances:

- B. *Ordinance Section 412.07 B.(c), chain link fences shall be prohibited in front yards in all zone districts.*

The Applicant is proposing a chain link fence in the front yard of Ridge Avenue. **Existing non-conformity.**

- C. *Ordinance Section 412.17 D. Table 4.2, parking regulations indicate that for office/flex space use the off-street parking requirement is 1 space per 800 square feet of gross floor area. The proposed site requires 9 off-street parking spaces.*

The Applicant proposes 7 off-street parking spaces which includes 1 ADA compliant space. **A variance is required.**

The Applicant shall address EV Make Ready parking spaces in accordance with the state requirement.

- D. *Ordinance Section 416.07.B.1.(a), the size of a wall mounted sign is 48 square feet, or one-and-five tenths (1.5) square feet for each lineal foot of wall face that the sign is mounted on, whichever is less. The permitted sign size is 48 square feet.*

The Applicant is proposing a sign size of 44 square feet, which conforms. The Applicant should provide a detail of the wall mounted sign. **Testimony to be provided.**

- E. *Ordinance Section 416.07.B.1.(b), the mounting height of 8 feet maximum (including hardware) and not to extend more than 2 feet above the roof line.*

The site plan scales a mounting height of 14 feet. The plans should be revised to indicate the actual proposed mounting height. **A variance is required.**

- F. *Ordinance Section 416.07.B.1 (d), the maximum horizontal sign dimension of 12 feet.*

The plan shows 22 feet for the primary sign along NJ State Highway 33. **A variance is required.**

- G. *Ordinance Section 416.07.B.3. (a), business uses that have a side or rear building façade fronting on a parking lot or face a secondary street frontage may have a secondary wall-mounted sign not to exceed 50% of the area of the primary building sign. This provision shall not apply in situations where a parking lot is located between a building and a public street.*

The sign on Ridge Avenue shows a wall mounted sign at 22 square feet, which conforms. The Applicant should provide a detail of the wall mounted sign. **Testimony to be provided.**

- H. *Ordinance Section 416.07.B.1.(e), the projection of a wall mounted sign is 1 foot maximum.*

The Applicant should provide a detail of the wall mounted sign to address compliance.

Article V – Performance and Design Standards

- I. *Ordinance Section 503 B.1., buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a parking lot exposed to view.*

The Applicant is proposing no buffer on the east side of the parking lot. **A design waiver is required.**

- J. *Ordinance Section 503 C.1., buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a loading area exposed to view. Where such loading area is located on a tract adjacent to a residential use or district, such buffering shall consist of a minimum twenty-five (25) foot wide area surrounding all sides of a parking lot exposed to view.*

The Applicant is proposing a buffer width of 5 feet for the residential use to the south. **A design waiver is required.**

- K. *Ordinance Section 503 C.2., screening shall consist of a minimum ten (10) foot high visually impervious screen. If such screen consists of a wall or fence, the buffer area between the wall or fence and the lot line shall be a minimum of ten (10) feet in width and shall also be extensively planted with both deciduous and evergreen trees.*

The Applicant is not proposing a 10 foot high screen or a ten foot minimum buffer width. **A design waiver is required.**

- L. *Ordinance Section 505 B.4. Table 5.2. driveways width requirements for warehouses and light industrial uses for one way traffic flow the minimum driveway width is 18 feet and maximum driveway width is 22 feet. For two-way traffic flow the minimum driveway width is 26 feet and maximum driveway width is 30 feet.*

The driveway widths for both driveways are approximately 53 feet on State Highway Route 33 and 45 feet on Ridge Avenue. **A design waiver is required.**

- M. *Ordinance Section 509, the landscaping plan shall be prepared by a New Jersey certified landscape architect. The landscaping plan provided was prepared by a Professional Engineer.*

The Applicant should revise the plans or a design waiver should be requested.

- N. *Ordinance Section 509.H, the base of all sides of a building shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of two (2) feet high at*

time of planting and spaced an average of three feet on center. This foundation planting requirements shall not apply to the sides of buildings that are directly abutting a public right-of-way.

No foundation plantings are provided. **A design waiver is required.**

- O. *Ordinance Section 509 I.1., the perimeter of all parking lots shall be setback from all rear and side lot lines by a minimum of ten (10) feet.*

The Applicant is proposing off-street parking approximately 5 feet from the lot line with Lot 12. **A design waiver is required.**

- P. *Ordinance Section 509 I.1.(a), side and rear yards shall be landscaped with a combination of evergreen shrubs and deciduous trees to form a screen a minimum of six (6) feet tall at the time of planting. Buffer tree spacing for foliage similar to the White Pine shall be five feet (5') on center and similar to the Arborvitae shall be three feet (3') on center.*

The Applicant is not proposing any landscaping along the south and west property line. **A design waiver is required.**

- Q. *Ordinance Section 511 A.2.(a), security lighting design for commercial developments shall employ timers on all or a portion of the site lighting that reduces the average illumination to the minimum requirements of this Ordinance within one hour after close of business or before midnight, whichever occurs earlier. Testimony to be provided.*

- R. *Ordinance Section 511 A.2., safety lighting design shall employ motion sensors so that illumination occurs only when someone is in the immediate area.*

The site plan does not indicate that motion sensors are being used. **A design waiver is required or revise the plans to comply.**

- S. *Ordinance Section 511 A.2. (c), display, advertising and specialty lighting, excluding interior illuminated or backlit identification signage, shall be turned off at or before midnight.*

The plans do not indicate that the wall mounted sign will be illuminated or backlit. **A design waiver is required or revise the plans to comply.**

- T. *Ordinance Section 511C., any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objective of these*

*specifications is to minimize undesirable off-premises effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets. **Testimony should be provided.***

- U. *Ordinance Section 511 D., light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of high-pressure sodium lighting shall be prohibited for all fixtures. **Testimony should be provided.***
- V. *Ordinance Section 515.B.2, a parking lot shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way can be minimized. No parking lot shall be located in a required front yard.*

Under Ordinance No. 14-27, parking with the front yard is allowed. **A design waiver has been requested by the Applicant.**

- W. *Ordinance Section 514.B.3, the minimum setbacks for buildings from driveways, parking spaces and private streets within the site shall be ten (10) feet for nonresidential developments. Standards relative to building setbacks from parking areas and streets in residential development are at Section 516. The provisions of this subsection are in addition to the yard setback requirements of Article IV, which shall additionally be complied with.*

The Applicant proposes 6 feet to the building. **A design waiver is required.**

- X. *Ordinance Section 515.A.1, all non-residential refuse and recyclable disposal collection areas shall be suitably buffered and screened to minimize the impacts of noise, odors, disposal and collection activities and views of collection bins and dumpsters. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public right-of-way. Buffering shall consist of a minimum four (4) foot wide area surrounding all sides of such facility or zone, such buffering shall consist of a minimum ten (10) foot area surround all sides of such facility exposed to view. Screening shall consist*

of a minimum of a minimum six (6) foot-high masonry wall, solid wooden fence or accessory building with gates or doors and ramped access to facilitate the movement of bins or dumpsters. The base of such screen shall be planted with a minimum four (4) foot high evergreen hedge along the sides and rear of same.

The Applicant provides a 7.9 foot buffer. **A design waiver is required.**

- Y. *Ordinance Section 515.A.2, all storage facilities shall be located in proximity to one another or may be combined in a single common facility. Such facilities shall be centrally located and convenient for the uses of the site. Designated recyclable storage facilities may be located inside a building. Such facilities shall not be located as to be visual focal points in courtyards or parking lots. Where located in a parking lot, such facilities shall not be permitted to be placed on the paved surface of the parking lot and shall be placed on a curbed area set back a minimum of two (2) feet from the curb edge of such parking lot. No refuse and recycling area may be located within a required principal building setback area.*

The Applicant proposes a 10 ft. by 10 ft. refuse area within the front setback. **A design waiver is required.**

6. Variance Proofs

- A. A number of "c" variances are required. There are two types of c variances with different required proofs.
- 1) Boards may grant a c (1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
 - 2) Boards may grant a c (2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court's ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c (2) variances, stating that "the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c (2) case, then will be the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.

- 3) The Applicant must also show proof of the negative criteria for "c" variances, which requires evidence that the variance conditions do not substantially impair the intent of the zone plan or ordinance, nor cause substantial impairment of the public good.

7. **Site Plan Review**

A. **Traffic Circulation and Parking:**

- 1) The Applicant's provided a circulation impact study and concluded that due to the limited size of the proposed building addition and dense commercially developed nature of the site, the proposed improvements on local traffic may be considered de minimis. The Applicant should provide testimony on the additional traffic from the addition.
- 2) The Applicant should be prepared to discuss the following:
 - a) Unloading area, effects on traffic circulation, schedule time of deliveries, and shipments.
 - b) Hours of deliveries
 - c) Type of delivery truck.
 - d) During delivery testimony should be provided whether or not trucks remain idle or is the engine is running.
 - e) Hours of operation
- 3) Site triangles and associated easements in accordance with the NJDOT and Monmouth County standards shall be shown on the plans. All proposed site triangles and associated easements will be required to comply with the Township of Neptune regulations in Ordinance Section 520.b Monmouth County and the NJDOT. Likewise, the Applicant shall address clear site triangles per Ordinance 505.B.8.

The plan shall address all driveways.

- 4) The plans shall be submitted to the Neptune Township Fire Official to address fire lanes, hydrant connections (if required) and directional markings.
- 5) In accordance with Ordinance Section 412.17 Table 4-2 the following spaces are required:

			Required
Office/Flex Space	1 space per 800 sf	$7,318 \text{ sf} / 800 = 9.1$ spaces	9
Total			9
Proposed			7

A variance is required.

B. Drainage and Stormwater Management

- 1) The site is not classified as a "major development" because the project does not disturb one or more acres of land and does not create one quarter acre or more of new impervious surfaces. The project is not a major development and does not require stormwater quantity reductions, stormwater quality and groundwater recharge.
- 2) The Applicant indicated the proposed improvements will not increase stormwater runoff from the site. **Testimony to be provided.**

C. Utilities

No new utilities are proposed with this Application. **Testimony to be provided.**

D. Environmental Impact

- 1) The Applicant is required to provide testimony for the Environmental Impact Statement in compliance with the Township of Neptune Land Development Ordinance No. 4-23; Section 2 entitled "Environmental Impact System". The Applicant shall provide testimony with regard to the following:
 - a) Testimony shall be provided to address recycling and solid waste disposal for the site.
- 2) The Applicant should also provide testimony to address related key elements of the Environmental Impact Ordinance Section 811.01 with regards to noise, lighting, air pollution and impacts of water quality from the proposed parking lot.
- 3) The Applicant shall provide testimony addressing ambient noise levels for the proposed operations adjacent to residential properties.
- 4) The Applicant shall provide testimony on the following environmental concerns:

- a) Environmental investigation of the site determined removal of several underground storage tanks from 1977, with groundwater contamination.
- b) Incident was reported to NJDEP under Case #19-07-29-1324-53 and program interest (PI) #008705.
- c) Provide testimony on demolition and remediation process and what measures will be taken to ensure no negative impacts downstream.

E. **Community Impact Statement**

- 1) The Applicant shall provide testimony to address key elements of the community impact with regards to facilities and fiscal impact.
- 2) The Applicant indicates due to the limited nature of the proposed addition, the project will have a positive impact on the current tax base for the Township with regard to municipal tax revenues versus cost. **Testimony should be provided.**

F. **Lighting**

- 1) The Applicant shall provide testimony to address existing and proposed site lighting.
- 2) The Applicant shall address decorative lampposts in accordance with Ordinance Section 521.B.4.
- 3) The following notes shall be added to the Plan:
 - a) The use of high-pressure sodium lighting shall be prohibited for all fixtures.
 - b) All lighting shall provide for non-glare lights focused downward.
- 4) The Applicant shall shield all parking lot lighting spillage from adjacent properties. **Testimony to be provided.**

G. **Landscaping**

- 1) The Applicant shall address existing and proposed landscaping. **Testimony to be provided.**

- 2) The following notes shall be added to the Landscape Plan:
 - a) "Only nursery-grown plant material shall be utilized" per Ordinance Section 509.E.
 - b) "All landscaped areas shall be well maintained and kept free of all debris, rubbish, weeds, tall grass, other overgrown conditions and the storage of any equipment or materials" per Ordinance 509.E.
 - c) "The developer shall be required to replace dead or dying plant material for a period of two zoning permits for occupancy and shall post a maintenance guarantee for such pursuant to Article X of this ordinance" per Ordinance Section 509.F.
 - d) "All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth is not intrusive to underground utilities.

H. General Site Improvements

- 1) The Applicant shall revise the coversheet to address the following:
 - a) Per Ordinance 812.02.B.16 – Please provide a signature block for Chairperson, Administrative Officer and Board Engineer.
- 2) The following General Notes shall be added to the plan:
 - a) "All proposed improvements are in accordance with ADA requirements."
 - b) "All construction shall be in accordance with Neptune Township Design Standards and Details."
 - c) "No soil shall be removed from the site without the written approval of the Director of Engineering and Planning."
 - d) "All proposed utilities shall be placed underground"
 - e) "Any existing sidewalk damaged during construction will be replace by the Applicant as directed by the Township Engineer."
 - f) "During construction, the Applicant shall comply with solid waste public health noise codes."

8. Conditions of Approval

- A. NJDEP – Environmental Remediation
- B. Monmouth County Planning Board
- C. Neptune Township Developers Agreement
- D. Neptune Fire Official
- E. Performance guarantees and engineering inspection fees
- F. Payment of Affordable Housing

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant.

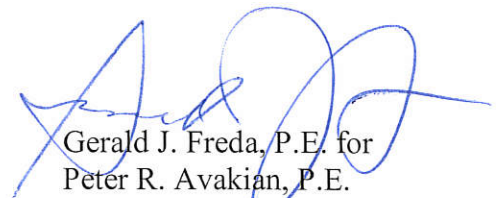
Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer Beahm, P.P.
Planning Board Planner



Gerald J. Freda, P.E. for
Peter R. Avakian, P.E.
Planning Board Engineer

MM:mcs

cc: Kristie Dickert, Administrative Officer
Mark Kitrick, Esq., Board Attorney
Matthew R. Martin, P.E., Applicant's Engineer
Anthony Pagano, Esq., Applicant's Attorney
Donald Passman, AIA, Applicant's Architect
Joseph Marchese, Johnson's Restaurant Supply Inc.

NT/PB/23/23-12a