

Bishop Paul Brown, Chair
Dyese Davis, Vice Chair
Bryan Acciani
Richard Ambrosio
Mark G. Kitrick, Esq.
Peter R. Avakian, PE
Jennifer C. Beahm, PP, AICP



John Bonney
Lisa Boyd
Dr. Michael Brantley, Committeeman
Keith P. Cafferty, Deputy Mayor
Richard Culp
Roslyn Hurt-Steverson (Alt. 2)

Office of the Neptune Township Planning Board
2201 Heck Avenue, PO Box 1125
Neptune, New Jersey 07753
732-897-4162 Ext. 204
kdickert@neptunetownship.org

August 1, 2022

Mark A. Steinberg, Esq.
2300 State Highway 66
PO Box 925
Neptune, NJ 07754

**Re: Resolution #22-12 Granting Minor Subdivision Approval
Heathrow Exchange, LLC & Shark River Hill Estates
Block 5303, Lots 15, 16, 19, & 20 – Neptune Township**

Dear Mr. Steinberg,

Enclosed please find three (3) certified copies of the resolution adopted by the Planning Board at their June 22, 2022 meeting, and memorialized on July 27, 2022 in connection with the above-referenced application.

Please review the contents of the resolution carefully, and if you have any question or concerns, please contact me immediately. Also, note that you have 190 days from the date of memorialization for you to prefect your subdivision by deed or map.

Therefore, please submit your deed, deed descriptions, and a reduced copy of the final map (or 8 final maps if filing by map) to be reviewed by the Board Engineer, Peter Avakian, PE for compliance. Upon approval by the Board Engineer, your deeds/maps will be signed by the appropriate parties prior to your filing with the County.

Please be advised that pursuant to the Resolution of the Planning Board, you are required to publish "Notice of the Decision" in one of the official newspapers in the municipality, namely the "The Asbury Park Press or the New Coaster", and return the original affidavit of publication to the Planning Board Office.

A sample of the notice is enclosed for your assistance.

If you have any questions regarding this matter, please feel free to contact me and I will be glad to assist you.

Sincerely yours,

Kristie Dickert, Administrative Officer
Neptune Township Planning Board

Enclosures

cc: LSAvakian (Via e-mail)
CME Associates (Via e-mail)
Mark Kitrick, Esq. (Via e-mail)

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Board File PB20/03

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(SAMPLE ONLY, PLEASE MODIFY TO SUIT YOUR APPLICATION)

Notice of Decision
Township of Neptune Planning Board

Notice is hereby given that pursuant to the requirements of the Land Use Ordinance of the Township of Neptune, the Neptune Township Planning Board has **[granted/denied]** the application submitted by:

[name of applicant – developer]

for property located at _____
[property address – physical location]

also known as Tax Block(s) _____ Lot(s) _____

The determination of the Neptune Township Planning Board is on file at the Planning Board Office located at 2201 Heck Avenue, Neptune NJ 07753, and is available for inspection during regular business hours of 9:00 AM to 3:00 PM Monday through Friday in the office of the Administrative Officer to the Planning Board.

This notice is given pursuant to R.S. 40:55D-15.

Date: _____
[signature of applicant, attorney, or developer]

**NEPTUNE TOWNSHIP PLANNING BOARD
RESOLUTION NO. 22-12**

**RESOLUTION OF THE NEPTUNE TOWNSHIP PLANNING BOARD
GRANTING MINOR SUBDIVISION WITH BULK VARIANCES APPROVAL
FOR HEATHROW EXCHANGE LLC AND SHARK RIVER HILL ESTATES
THE PREMISES DESIGNATED AS BLOCK 5303 LOTS 15, 16, 19 & 20. AS
REFLECTED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF
NEPTUNE**

WHEREAS, application having been made by Heathrow Exchange LLC and Shark River Hill Estates to the Neptune Township Planning Board seeking Minor Subdivision Approval with Bulk Variances for the premises known as Block 5303 Lots 15, 16, 19 & 20 as reflected on the official tax map of the Township of Neptune; and

WHEREAS, the applicant submitted a development application, along with various site plan drawings, surveys, reports, letters and other documents more specifically described in the review reports of Leon S. Avakian, Inc. dated October 26, 2020 and June 8, 2022; and

WHEREAS, the property in question is being submitted for approval for Minor Subdivision with Bulk Variances and the Applicant being represent by Mark Steinberg, Esq.; and

WHEREAS, such proof of publication of notice for the hearings as may be required by the New Jersey statutes and municipal ordinance requirements has been furnished and;

WHEREAS, public meetings were held on August 26, 2020 (waiver hearing), October 28, 2020 (hearing), September 22, 2021 and June 22, 2022 and;

1. The Minor Subdivision application consists of four existing lots, Lot 15, 16, 19 & 20 in Block 5303. The property is 32,632 square feet with frontages on Park Place, Valley Road and Valetta Place (unimproved).
2. The Applicant is proposing lot consolidation to create two single-family lots. A Final Minor Subdivision Plan must be provide meeting all conditions of the approval.
3. The Applicant shall confirm that the lots are serviced by municipal water and sanitary sewer services. The Applicant does not propose any Right-of-Way improvements with this application.
4. The Applicant Commenced their application with a waiver hearing, which resulted in a Completeness Waiver Hearing Report dated August 26, 2020.
5. The property is located in the R-2 Low Density Residential Zone.

Description	Required	Proposed Lot 19.01	Proposed Lot 20.01
Minimum Lot Area	10,000 sf	17,270 sf	15,362 sf
Minimum Lot Width	100 ft	75ft (V)	50ft (V)
Minimum Lot Frontage	100 ft	75ft (V)	50ft (V)
Minimum Lot Depth	100 ft	197ft	197ft
Minimum Front Yard Setback	25 ft	25ft	25ft
Minimum Side Yard Setback	10ft	10ft	10ft
Minimum Total Side Yard Setback	25ft	25ft	25ft
Maximum Rear Yard Setback	30ft	30ft	30ft
Maximum Building Coverage	40%	40%	40%
Maximum Lot Coverage	40%	40%	40%
Maximum Building Height	2 ½ stories 35 ft	2 ½ stories 35 ft	2 ½ stories 35 ft
Minimum Improvable Area	2,400 sf	8,896 sf	6,958 sf
Minimum Diameter of Circle	32 ft	70 ft	62 ft
Maximum Density	4.3 DU/AC	2.67 DU/AC	2.67 DU/AC

(V) Variance Required

6. Detached single-family residences are permitted uses within the R(2) Low Density Residential Zone.
7. The Applicant requests lot width and frontage variances for both lots under this application.
 - a. Both lots will front on Park Place
 - b. Lot 20.01 will have 102 feet of frontage on Park Place and 50 feet of frontage on unimproved Valetta Place. Variance for frontage on Valetta Place is required.
 - c. Lot 20.02 will have 75 feet of frontage on Park Place and 100 feet of frontage on unimproved Valetta Place. Variance for frontage on Park Place is required.
8. After the September 22, 2021, The Board Engineer's office requested the applicant address the following environmental issues;
 - a. Freehold Soil Erosion Control
Applicant has prepared and submitted a soil erosion and sediment control plan, and received a Final Report of Compliance, dated October 4, 2021.
 - b. Grading Permit Application
Applicant has prepared and submitted a Township grading permit application and received a demolition permit for removal of an existing masonry garage. No change in grade is proposed.
 - c. Tree Removal Permit
Applicant has prepared and submitted a Township Tree Removal Permit Application. The Applicant proposed to remove 2 trees 6" to 12" caliper; and 1 tree 12" to 18" caliper, as a condition of minor subdivision approval, as noted on the plot plan drawing.
 - d. Applicant has received a TAW (Transition Area Waiver) -Averaging Plan Permit from NJDEP dated March 10, 2022. This permit allows for the

reduction of wetlands transition area by 1945 sq. ft., and compensation by 2,138 sq.ft.

A conversation easement line must be delineated on the minor subdivision plat, monumented in the field, and said easement filed with the Monmouth County Clerk's office. All conditions of the permit must be compiled with.

9. Applicant must comply with the following Township, State and Federal regulations governing construction in a Special Flood Hazard Area:

- a. In accordance with the Preliminary Flood Insurance Rate Map dated January 30, 2015, the proposed improvements are within Zone AE, elevation 10 feet above mean sea level (NAVD 1988).
- b. However, the Township of Neptune building code requires that structures located in a flood zone in Neptune Township shall be raised to 12 feet minimum above sea level to the first floor elevation.
- c. In accordance with Ordinance Section 19-5.2.a.1, new construction and substantial improvements of any residential structure within any Advisory Hazard Zones V and A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the advisory base flood elevation or advisory two-tenths (0.2%) percent annual chance flood elevation, whichever is more restrictive.
- d. The Applicant proposed to elevate the finished floor of the two proposed dwellings to 16.8 feet, which complies with the ordinance requirements. The Applicant proposed to elevate the basement elevation to 7.8 feet. These elevations are located below the base flood elevation and must be constructed in accordance with the Township Ordinance requirements.

WHEREAS, the Township of Neptune Planning Board having considered said application, testimony and exhibits submitted, and listened to the Applicant's testimony, and after having received information from its professional staff, the township of Neptune Planning board does hereby make the following findings of fact and law:

- a. The following exhibits were submitted into evidence:
 - Four photographs of site marked as A-1 through A-4.
- b. David Boesch, testified in support of the application. Mr. Boesch is the Project Manager for this development. The minor subdivision will create two lot subdivisions. Newly created, lot 19.01, has more than double of the minimum lot approvable area, Lot 20.01 have 50% greater than approvable lot area. The first floor for Lot 20.01 will be 4 feet above flood hazard elevation. The commercial garage has been removed. The Applicant has already received an NJDEP Transition Area Waiver Permit, a Freehold Soils Permit, and a Demolition Permit.
- c. Alison Coffin, PP, testified as an expert in the field of Planning, She stated that the variance relief for this subdivision was for lot width and frontage. The variances qualify under the C-2 standard since the application advances the purposes of zoning and the benefits outweigh the detriments. She further testified that the subdivision dramatically reduces impervious coverage. The subdivision does not produce any detriment to the health and safety of the public. The use is permitted and advances the goals of the Master Plan.
- d. No one from the public appeared to testify during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Planning Board, on the 27th day, of July 2022 that the Applicant's request for a Minor Subdiviosn approval be approved; and

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded to the Planning Board Secretary, to the Applicant's attorney, the Township Clerk and the Building Department.

BE IT FURTHER RESOLVED, that notification of this favorable approval be published in an official newspaper of the Township of Neptune, by the applicant.

BE IT FURTHER RESOLVED, that this approval is subject to the following conditions:

1. The Applicant shall comply with all representations made before the Planning Board, by its attorney and its expert
2. If required, Applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the "Soil Erosion and Sediment Control Act".
3. All materials, methods of construction and detail shall be in conformance with the current engineering and building requirements of the Township of Neptune, which are on file in the office of the Township Engineer.
4. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the Applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans

approved by this Board, the Applicant must reapply to the Township of Neptune Planning Board for approval of that change.

5. Applicant shall resubmit its entire package for re-approval should there be a deviation from the terms and conditions of this resolution, or the documents submitted as part of this application, all of which are made a part hereof and shall be binding upon the Applicant.
6. Applicant shall provide a statement from the Township of Neptune Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.
7. Prior to the issuance of a construction permit, the Applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.
8. Unless specifically modified herein, the Applicant shall comply with all terms and conditions of all prior resolutions of the Township of Neptune Planning Board regarding this application.
9. The Applicant shall reimburse the Township of Neptune Planning Board for all professional fees expended or to be expended with regard to this application.
10. The Applicant shall comply with all the provisions of the engineering and planning report of Peter Avakian, P.E., and Jennifer Beahm, dated October 26, 2020 and June 8, 2022 unless modified herein.
11. The subdivision map shall be approved by the Planning Board Engineer and Planning Board Attorney prior to recording.

12. The Applicant shall comply with the applicable Neptune Township tree planting ordinance.
13. The Conservation Easement shall be marked by a split rail fence and monuments.
14. The Applicant shall place a note on the map designating rear yard restrictions.
15. The Conservation Easement shall include transition averaging.

MOTION TO ADOPT & MEMORALIZE:

Offered By: Bishop Paul Brown

Seconded By: Bryan Acciani

ROLL CALL ON VOTE:

Bryan Acciani **YES** Richard Ambrosio **N/A** John Bonney **N/A**

Dr. Michael Brantley **N/A** Lisa Boyd **YES** Keith P. Cafferty **Absent**

Richard Culp **YES** Dyese Davis **N/A** Bishop Paul Brown **YES**

VACANT (Alt 1) **N/A** Roslyn Hurt-Steverson (Alt 2) **N/A**

CERTIFICATION

I hereby certify that this is a true copy of a resolution of the Township of Neptune Planning Board adopted on July 27, 2022.



Kristie Dickert, Administrative Officer
Neptune Township Planning Board