

**BOROUGH OF NEPTUNE CITY
MONMOUTH COUNTY, NJ
LAND USE BOARD
DEVELOPMENT APPLICATION**

- Kevin Kelly - 732-489-0819
Ed Kelly - 732-489-0817
1. Applicant's Name Kelly Acres, Inc. t/a Kelly's Corner Tavern Phone Ed Kelly - 732-489-0817
Mailing Address 43 Laird Avenue, Neptune City, NJ 07753 Email irisheyess317@aol.com
2. Present Owner Same as Applicant Phone _____
Mailing Address _____ Email _____
3. Attorney Represent Applicant Jeffrey P. Beekman, Esq.
Firm Name The Beekman Law Firm, LLC Phone 732-774-8262 x107
Mailing Address 47 Main Avenue, PO Box 395 Email Jeffrey.Beekman@Beekmanlaw.com
Ocean Grove, NJ 07756
4. Licensed NJ Engineer, Surveyor, Architect or Planner Preparing Maps
Patrick Ward, PE & PP
Firm Name InSite Engineering LLC Phone 732-531-7100
Mailing Address 1955 Route 34, Suite 1A Email patrick@insiteeng.net
Wall, NJ 07719
5. Interest of Applicant if other than Owner: N/A
6. Application for (check appropriate):
Bulk Variance Yes ***Site Plan** Yes
Use Variance _____ ***Subdivision** _____
Interpretation _____ **Minor** _____
Conditional Use _____ **Preliminary Major** _____
Other (specify) _____ **Final Plat** _____
***Site Plan Exemption** _____
***3 copies of checklist is required**
7. Address of Premises Affected by Application: 43 State Highway 35, Neptune City, NJ 07753
Known as: Block 30 Lot(s) 5.01
Tax Map sheet(s) 6 Zone(s) C (Commercial) Zone
Ownership of Adjacent Property? (if yes, indicate each block(s) and lot(s): No

8. LOT DIMENSIONS:

Existing	Zoning Requirements
Frontage <u>45.98</u> ft.	<u>100</u> ft.
Front Yard Width <u>Variable</u> ft.	_____ ft.
Depth <u>Variable</u> ft.	_____ ft.
Area <u>55,733 sq.' (1.279 acres)</u> sq.ft.	<u>10,000</u> sq.ft.

9. SUBJECT BUILDING LOCATION:

	Existing	Proposed	Zoning Requirements
Front Setback	<u>Variable-More than 25</u> ft.	<u>Variable-More than 25</u> ft.	<u>25'</u> ft.
Side Yard Setback	<u>More than 10/25</u> ft.	<u>More than 10/25</u> ft.	<u>10' one side/25' combined</u> ft.
Rear Yard Setback	<u>.76 to shed</u> ft.	<u>.76 to shed/6.99 to bldg</u> ft.	<u>30'</u> ft.
Height	<u>15.8</u> ft.	<u>15.8</u> ft.	<u>30</u> ft.
Coverage	<u>89.5*</u> %	<u>89.5*</u> %	<u>70</u> %
Useable Floor Area	_____ sf.	_____ sf.	_____ sf.

*Existing Condition that was subject to the review of prior Planning Board application per the attached Resolutions of Approval

10. Accessory Uses:	Existing	Proposed	Zoning Requirements
Describe Use	Shed		
Rear Yard Setback	.76 ft.	.76 ft.	No Change ft.
Side Yard Setback	ft.	ft.	ft.
Story & Height	ft.	ft.	ft.

11. Existing Use: Restaurant & Auto Detail Existing

Proposed Use: Restaurant & Auto Detail to Remain- Applicant proposes building addition to restaurant to make existing tented space into year round permanent structure
Standard Industrial Classification Code: N/A

12. Permission Requested to: Erect ☒ Alter ☒ Convey _____ Move _____
Use _____ Demolish _____ Subdivide _____ Other _____

Descriptive Explanation: Applicant's outdoor patio to be altered to change existing and approved tented space to be enclosed with 4-season space with permanent roof and garage doors. The existing tents will be removed and the total square footage of the covered patio area will be slightly reduced

13. List Variances or Interpretation Requests (include zoning ordinance section numbers and brief description of each Variance requested): Ordinance Section 139

14. Subdivisions and Site Plans (indicate the applicable): Site Area 55,733 (1.279 Acres)
Number of Lots 1 Number of residential Units 0
Number of Nonresidential buildings 2 + accessory Sq. footage of each As per plans
Nonresidential buildings Restaurant as to be modified; accessory structures, including shed;
auto detail building with no changes proposed; No changes proposed to existing parking. The basic conditions as proposed have been previously reviewed and approved by the Neptune City Planning Board except for the more permanent, roofed addition that is proposed. There is no expansion to the existing restaurant space on the site with what is proposed.

15. DISCLOSURE STATEMENT

Applicant is a Corporation ☒ Partnership _____ Individual _____

Pursuant to N.J.S. 40.55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate Applicant or 10% interest in any partnership Applicant must be disclosed. In accordance with N.J.S. 40.55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the Applicant followed up in the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attached pages as necessary to fully comply).

Name	<u>Edward Kelly</u>	Address	<u>43 Laird Avenue,</u>
Interest	<u>Greater than 10%</u>		<u>Neptune City, NJ 07753</u>
Name	<u>Kevin Kelly</u>	Address	<u>43 Laird Avenue,</u>
Interest	<u>Greater than 10%</u>		<u>Neptune City, NJ 07753</u>

16. PROPERTY INFORMATION

Restrictions, covenants, easements, association by-laws existing or proposed on the property:
Yes (attach copies) _____ No ☒ Proposed No

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Applicant requests waivers of any and all checklist items, or completeness items to the extent not provided. Applicant will generally accept and post-application professional review report requirements to be satisfied as a condition of approval, to the extents same are agreed to and accepted at any public hearings.

17. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant or that I am an Officer of the Corporate Applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership Applicant. (If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

_____ day of August, 2022

NOTARY PUBLIC

Jeffrey P. Beekman, Esq., Attorney at Law of New Jersey

SIGNATURE OF APPLICANT

18. I certify I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the Applicant.

(If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

_____ day of August, 2022

NOTARY PUBLIC

Jeffrey P. Beekman, Esq., Attorney at Law of New Jersey

SIGNATURE OF APPLICANT

19. STATEMENT OF TAX COLLECTOR

Status of Municipal Taxes Paid Through _____

Status of Assessments for Local Improvements _____

Dated _____

Authorized Signature

Office Use Only

Application# _____ Received By: _____ Date: _____
Completeness Reviewed By: _____ Date Application Deemed Complete: _____
HEARING DATE: _____ TIME EXTENSION: _____
Board Action: ☐ Approved _____ Denied _____ Date: _____
Resolution Adopted on: _____ Maps Signed On: _____

FEES PAID

Administration _____	18 Copies of plans _____
Escrow-Professional _____	18 Copies of survey _____
Other _____	3 copies of checklist _____
	18 Copies of Zoning Application _____
	18 Copies of Zoning Determination _____
	Other _____

COMPLETENESS CHECKLIST

This checklist is provided to applicants to assist in the determination of whether the application is complete, as required by N.J.S.A. 40:55-D1103 of the Municipal Land Use Law. The applicant must complete this check list and submit it at the time of the initial application.

APPLICANT NAME Kelly Acres, Inc. t/a Kelly's Corner Tavern

BLOCK NO. 30

LOT NO. 5.01

To be
Checked by
Applicant

Yes No N/A

- | | | | | |
|-----|--|-----|-----|-----|
| 1. | Proper fees & completed application forms | (X) | () | () |
| 2. | A current Boundary & Site Survey prepared by a Licensed Surveyor
This survey shall show all metes & bounds, all existing structures &
paved areas | (X) | () | () |
| 3. | Title Block, Name, Address & Title of Person Preparing Plan | (X) | () | () |
| 4. | Name, Address of the Owner & Applicant | (X) | () | () |
| 5. | Date, Scale & North Arrow | (X) | () | () |
| 6. | The Zoning Map in which the site is located, any contiguous zone boundary
Lines, all lot lines & property owners & addresses, lot & block numbers within
200' radius | (X) | () | () |
| 7. | Key map showing all intersections & roads within 500 feet of the
property | (X) | () | () |
| 8. | All Existing & Proposed Variances Noted | (X) | () | () |
| 9. | Table of Zoning Requirements with all Existing & Proposed Information
Including Variances | (X) | () | () |
| 10. | Dimensions of the lot, setback lines for the front, side & rear yards, kinds
& locations of fences | (X) | () | () |
| 11. | Significant existing physical features including streams, water courses,
Swamps, tree liens, etc. | (X) | () | () |
| 12. | All existing & proposed improvements | (X) | () | () |
| 13. | Preliminary architectural floor plans & at least two elevations showing
the proposed exterior finish materials | (X) | () | () |
| 14. | Boring logs & soil data, if required | () | () | (X) |
| 15. | Method of solid waste storage & disposal - Will remain the same as existing | () | () | (X) |

- | | | | | |
|-----|---|-----|-----|-----|
| 16. | Grading plans | () | () | (X) |
| 17. | Environmental Impact Statement | () | () | (X) |
| 18. | Soil Erosion & Sediment Control Plan | () | () | (X) |
| 19. | Any easement or deed restrictions | () | () | (X) |
| 20. | Lighting & landscaping plans, including the location of existing trees & tree masses. Only trees over 6" in diameter are required to be shown | () | () | (X) |
| 21. | Drainage report | () | () | (X) |
| 22. | Written request for waivers from any of the above requirement | (X) | () | () |
| 23. | Prepared place for the signature of the Land Use Board Chairman, Secretary & Engineer | (X) | () | () |

The list above indicates the general requirements for information necessary for an application to be considered reasonably complete and sufficient for review by the Board. For further information, refer to Chapters 111 & 115 and other applicable Chapters of the Borough ordinance. Failure to meet these requirements on the submitted drawings will result in delay of deeming the application complete.

AFFIDAVIT OF COMPLETENESS

I/we, the undersigned, certify that this application fully complies with all standards and the requirements contained in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq. and amendments thereto and the current Zoning Ordinance of the Borough of Neptune City. I/we further certify that all information contained herein is complete and accurate to the best of my/our knowledge.

Kelly Acres, Inc. t/a Kelly's Corner Tavern
Applicant/Owner Name (Print or Type)

Jeffrey P. Beekman, Esq., Attorney at Law of New Jersey
Professional's Name (Print or Type)

Edam Kelly 8-4-22
Signature Date
Edam Kelly

[Signature] 8/4/22
Signature/Seal & License No. Date

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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

August 30, 2022

Land Use Board
Borough of Neptune City
106 W. Sylvania Avenue
Neptune City, NJ 07753

**Re: Kelly Acres, Inc.
Block 30, Lot 5.01
Our File: NCPB 22-04**

Dear Board Members:

We have received and reviewed an application for a site plan with variances in connection with the above referenced project and report as follows:

1. Documents Submitted

- a) Two (2) sheets of site plan drawings entitled "Proposed Building Addition at Kelly's Tavern" prepared by Patrick R. Ward, P.E., P.P. of Insite Engineering, dated August 1, 2022.
- b) Two (2) sheets of Architectural drawings entitled "Proposed Expansion Plans" prepared by Stephen J. Carlidge, AIA, of Shore Point Architecture, P.A., dated July 28, 2022.
- c) One (1) sheet "Boundary and Topographic Survey" prepared by Justin J. Hedges, P.L.S., dated March 7, 2022, last revised on June 27, 2022.

2. Zoning and Land Use

- a) The property is located in the Commercial (C) Zone District and it contains an auto detailing building with garages and a restaurant.
- b) The Applicant is proposing a 1,255 SF building addition to the restaurant replacing the two (2) existing tents over the existing outdoor bar/restaurant.

The Applicant should address any changes to existing seats, tables, bar, etc. in the outside area.

3. **Bulk Variances**

- a) The Ordinance requires a minimum rear yard setback of 30 feet. The existing restaurant has a 1.04' and 0.76' setbacks (existing variance conditions) and the proposed patio has a 6.25' rear yard setback. **A variance is required.**
- b) The Ordinance 139-60.B permits expansion of a non-conforming structure if the expansion conforms with all setback requirements. The proposed expansion requires a rear yard setback variance. **A variance from Ordinance 139-60.B will be required.**
- c) The Zoning Table on the drawings should be revised to include the variances.

4. **Site Plan Review**

- a) The drawings should be consequently numbered (i.e. sheet 1 of 2, sheet 2 of 2, etc.)
- b) Any changes to the outside parking area should be addressed.
- c) Hours of outdoor business operation and any changes should be addressed.

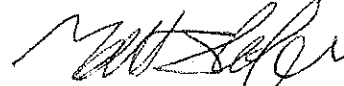
5. The following conditions apply to this application:

- a) Freehold Soil Conservation District Permit if area disturbed exceeds 5,000 square feet.
- b) Monmouth County Planning Board Approval or Letter of Exemption.

Should you have any questions regarding this matter, please call my office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E., P.P.
Board Engineer

MS/mcs

cc: Greg Vella, Esq.
Jeffrey Beekman, Esq.
Patrick Ward, P.E.
Kelly Acres, Inc.

NCPB/22/22-04

① PROPOSED PLAN ②

4.

2022-06

PROPOSED EXPANSION PLANS

SCALE: AS SHOWN

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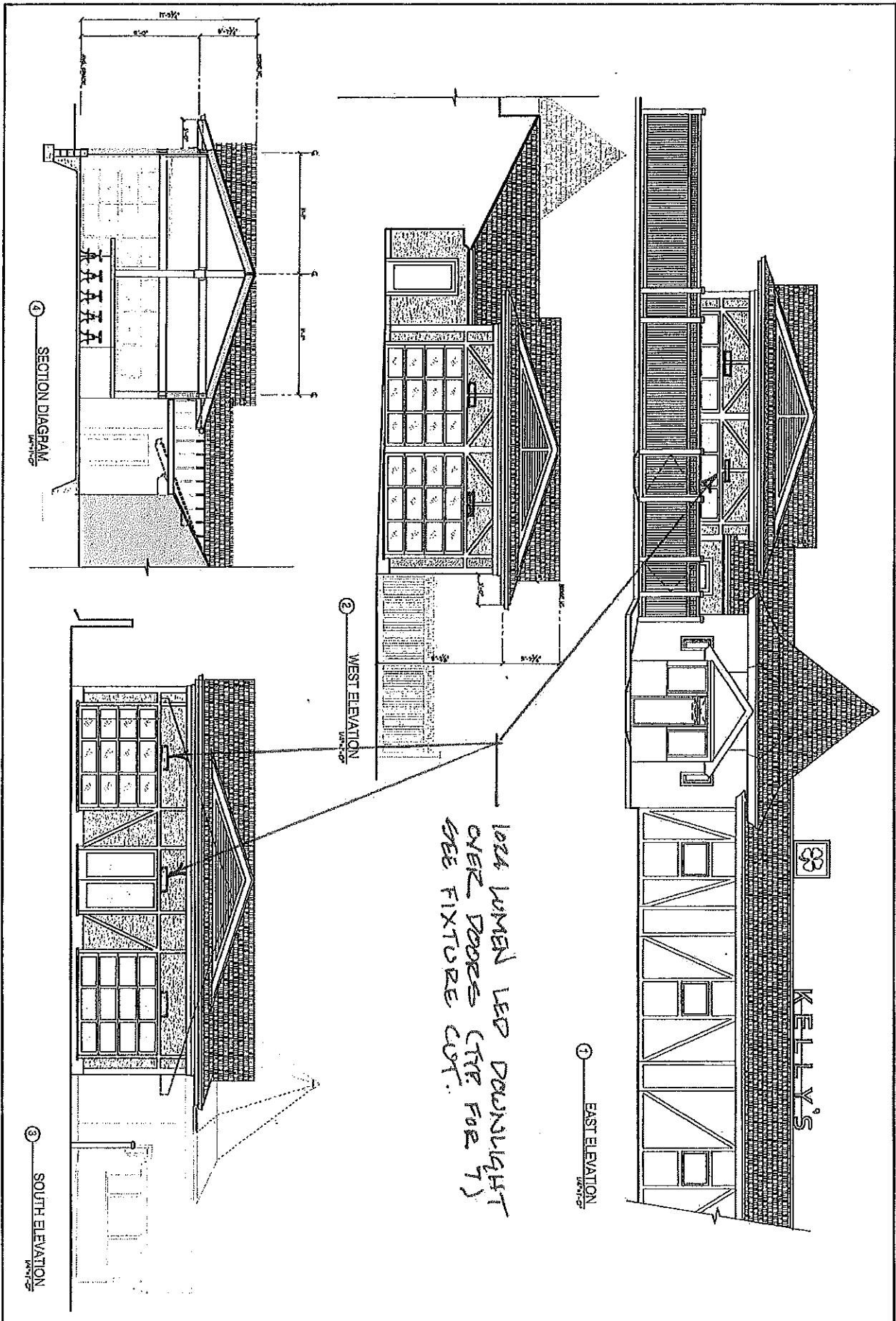
SHORE POINT
ARCHITECTURE, PA

108 South Elm Street, Ocean Grove, New Jersey 07756
P. 732.774.6900 F. 732.774.7230 www.thegrovearch.com


 Stephen J. Hall
 President & CEO
 JALCO # 00000001

KELLY'S CORNER TAVERN

43 HIGHWAY 35, REPTURE CITY, NJ
B.O.C. 31 LOT 301



LED wall luminaire - light output on one side

BEGA

Application

This LED wall mounted luminaire has light output in one direction. Arranged individually or in groups, it is a great design element for a host of lighting applications. Downward orientation only.

Materials

Luminaire housing and constructed of die-cast marine grade, copper free (<0.3% copper content) A360.0 aluminum alloy

Matte safety glass

High temperature silicone gasket

Mechanically captive stainless steel fasteners

NRTL listed to North American Standards, suitable for wet locations

Protection class IP65

Weight: 4.2 lbs

Electrical

Operating voltage 120-277VAC

Minimum start temperature -20°C

LED module wattage 15.4W

System wattage 20.5W

Controllability 0-10V, TRIAC, and ELV dimmable

Color rendering index Ra > 80

Luminaire lumens 1024 lumens (3000K)

LED service life (L70) 60,000 hours

LED color temperature

☐ 4000K - Product number + K4

☐ 3500K - Product number + K35

☐ 3000K - Product number + K3 (EXPRESS)

☐ 2700K - Product number + K27

☐ Amber - Product number + AMB

Wildlife friendly amber LED - Optional

Luminaire is optionally available with a narrow bandwidth, amber LED source (585-600nm) approved by the FWC. This light output is suggested for use within close proximity to sea turtle nesting and hatching habitats.

Electrical and control information may vary from standard luminaire.

LED module wattage 12.0W (Amber)

System wattage 15.0W (Amber)

Luminaire lumens 243 lumens (Amber)

BEGA can supply you with suitable LED replacement modules for up to 20 years after the purchase of LED luminaires - see website for details

Finish

All BEGA standard finishes are matte, textured polyester powder coat with minimum 3 mil thickness.

Available colors ☐ Black (BLK) ☐ White (WHT) ☐ RAL:
☐ Bronze (BRZ) ☐ Silver (SLV) ☐ CUS:

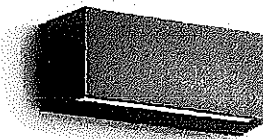


LED wall luminaire - light output on one side

	LED	A	B	C
22360	15.4W	12 1/2"	4"	4"

BEGA 1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 info@bega-us.com

Due to the dynamic nature of lighting products and the associated technologies, luminaires data on this sheet is subject to change at the discretion of BEGA North America. For the most current technical data, please refer to bega-us.com
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43 NJ-35

Neptune City, New Jersey

Google



ZONING COMPLIANCE CHART

C (COMMERCIAL) ZONE

RESTAURANT: PERMITTED (USE RC ZONE REQUIREMENTS)

AUTO DETAIL: NOT PERMITTED

(N)

ORD SECTION	STANDARD	REQUIRED (RC)	EXISTING	PROPOSED	COMPLIES
139 ATTACH 1	MIN. LOT AREA (SF)	10,000	55,733 (1.279 AC)	NO CHANGE	YES
139 ATTACH 1	MIN. LOT FRONTAGE (FT)	100	45.98	NO CHANGE	NO
139 ATTACH 1	PRINCIPAL BUILDING				
139 ATTACH 1	MIN. FRONT YARD SETBACK - RESTAURANT	25	N/A	NO CHANGE	YES
139 ATTACH 1	BOSTON ROAD (FT)	25	43.2	NO CHANGE	YES
139 ATTACH 1	ROUTE 35 (FT)	25	N/A	N/A	-
139 ATTACH 1	OAK TERRACE (FT)	25	87.0	NO CHANGE	YES
139 ATTACH 1	MIN. FRONT YARD SETBACK - AUTO DETAIL	25	63.0	NO CHANGE	YES
139 ATTACH 1	BOSTON ROAD (FT)	25	N/A	N/A	-
139 ATTACH 1	ROUTE 35 (FT)	25	87.0	NO CHANGE	YES
139 ATTACH 1	OAK TERRACE (FT)	25	63.0	NO CHANGE	YES
139 ATTACH 1	MIN. REAR YARD SETBACK - RESTAURANT (FT)	30	0.76 (0 TO ATTACHED SHED)	NO CHANGE	(N)
139 ATTACH 1	MIN. REAR YARD SETBACK - RESTAURANT ADDITION (FT)	30	N/A	NO CHANGE	(N)
139 ATTACH 1	MIN. REAR YARD SETBACK - AUTO DETAIL (FT)	30	46.1	NO CHANGE	YES
139 ATTACH 1	MIN. SIDE YARD SETBACK - RESTAURANT	10	148.4	115.53	YES
139 ATTACH 1	ONE SIDE (FT)	10	N/A	N/A	-
139 ATTACH 1	BOTH SIDES (FT)	25	10.2	NO CHANGE	YES
139 ATTACH 1	MIN. SIDE YARD SETBACK - AUTO DETAIL	10	10.2	NO CHANGE	YES
139 ATTACH 1	ONE SIDE (FT)	25	N/A	NO CHANGE	YES
139 ATTACH 1	BOTH SIDES (FT)	30	15.8	NO CHANGE	YES
139 ATTACH 1	MAX. BUILDING HEIGHT - RESTAURANT (FT)	30	13.5	NO CHANGE	YES
139 ATTACH 1	MAX. BUILDING HEIGHT - AUTO DETAIL (FT)				
139-24	ACCESSORY BUILDING-SHED				
139 ATTACH 1	ALLOWABLE YARD LOCATION	SIDE/REAR	REAR	NO CHANGE	YES
139 ATTACH 1	MAX. BUILDING HEIGHT (FT)	15	(a)	NO CHANGE	YES
139 ATTACH 1	MAX. BUILDING HEIGHT (STORIES)	1	1	NO CHANGE	YES
139 ATTACH 1	LOT COVERAGE				
139 ATTACH 1	MAX. LOT COVERAGE (%)	70	89.5	NO CHANGE	NO

- (N) EXISTING NON-CONFORMITY
 (E) EXISTING VARIANCE
 (V) PROPOSED VARIANCE
 (W) PROPOSED WAIVER
 (A) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE
 (I) KOI POND AREA IS INCLUDED IN IMPERVIOUS COVERAGE
- (I) IMPROVED CONDITION
 (X) VARIANCE / NON-CONFORMITY ELIMINATED
 (N) - NOT APPLICABLE
 N/A - NOT SPECIFIED