

LAND USE BOARD

BOROUGH OF NEPTUNE CITY, NEW JERSEY

**RESOLUTION APPROVING AMENDED SITE PLAN
FOR BLOCK 75, LOT 17, UNION AND THIRD AVENUES**

Mr./Ms. R. Reynolds offered the following Resolution and moved its adoption, seconded by Mr./Ms. P. Gerand.

WHEREAS, TFH Publications Inc. ("Applicant") is the occupant of property owned by Neptune City Stores, LLC, known as Block 75, Lot 17 on the Tax Map of the Borough of Neptune City, located at Union and Third Avenues in the Borough of Neptune City, New Jersey; and

WHEREAS, the premises are located in the Commercial (C) zone; and

WHEREAS, TFH Publications Inc. has submitted a development application to the Land Use Board of the Borough of Neptune City seeking approval for amended site plan; and

WHEREAS, the applicant was represented by Russell S. Burnside, Esq.;

WHEREAS, the Board heard the testimony of Glen S. Axelrod, president of TFH Publications and David H. Boesch of Nelson Engineering; and

WHEREAS, the following exhibits were admitted into evidence in this application;

1. Application dated August 24, 2004;
2. Affidavit of Service on August 27, 2004;
3. Affidavit of Publication on August 30, 2004;
4. "Amended Final Major Site Plan" prepared by Nelson Engineering Assoc. Inc., dated March 28, 2003, seven sheets;
5. Architectural Drawings prepared by Louis A. Salamone, AIA, dated August 6, 2004, one sheet; and
6. August 31, 2004 letter of Matt Shafai, P.E., Board Engineer.

WHEREAS, the Land Use Board having considered all the evidence, exhibits and testimony presented, makes the following findings of fact and conclusions of law:

1. The foregoing recitals are incorporated herein as if set forth at length.
2. The Applicant established that proper and timely service of a Notice of the September 14, 2004 hearing was made upon adjacent property owners identified pursuant to N.J.S.A. 40:55D-

12(c), and that Notice of the September 14, 2004 hearing was published in a timely and proper fashion.

3. The Land Use Board has jurisdiction to hear and decide this application.

4. On September 9, 2003, the Board granted site plan approval to the owner for a 21,331 sf addition to the existing office/warehouse building, with conditions. The addition has not been constructed. Applicant proposes to amend the site plan approval previously granted in order to convert 3,236 sf of existing warehouse space, which is a non-conforming use, to office space, which is a conforming use. This will require ten additional parking spaces if the previously approved improvements are constructed by the owner.

5. No one from the public appeared in support of or in opposition to the application, other than a neighbor on Hawthorne Avenue who inquired about storm water drainage and storage trailers. The applicant will try to minimize the number of trailers in use.

6. The Board finds that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the Borough of Neptune City.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Neptune City that the application for amended site plan approval be and is hereby granted, subject to and conditioned upon the Applicant's compliance with the following conditions:

1. Payment of taxes and other applicable assessments to date, including all fees and costs and any and all escrow fees.

2. Where applicable, Monmouth County Planning Board approval or receipt of communication from that Board indicating no interest in the subject application or passage of the appropriate time period pursuant to law.

3. Compliance with all federal, state and local laws, rules and regulations and such governmental approvals as are necessary and pertinent to this application.

4. Submission of the owner's written consent that prior to construction of the improvements approved in the September 9, 2003 Resolution granting site plan approval, the owner will seek and obtain administrative approval from the Land Use Board of a revised parking plan to

include ten additional spaces necessitated by the relief granted herein. If no such consent is submitted, the applicant may apply for a variance from the parking requirement.

5. All conditions of approval contained in the September 9, 2003, Resolution granting site plan approval to Neptune City Stores, LLC, are incorporated herein.

6. Applicant shall prepare and record a Deed with the Clerk of the County of Monmouth attaching this Resolution, which Deed shall be submitted for review and approval as to form by the Board Attorney and Board Engineer prior to recording. Copies of the recorded Deed shall be provided to the Borough Administrator and Land Use Board Secretary.

7. It is the responsibility of the Applicant or its successors in title to properly maintain all improvements made in accordance with the site plan. If Applicant fails to properly maintain any of the improvements as shown on the final site plan, the Borough shall notify the applicant in writing to remedy the condition within thirty (30) days. If the condition is not remedied to the satisfaction of the Borough, the Borough shall have the right to have the work performed and to require the applicant to reimburse the Borough for all reasonable costs thereof, including but not limited to, engineering, legal and other related expenses.

BE IT FURTHER RESOLVED that a Notice of this decision shall be published in the official newspaper of the Borough and a certified copy of this Resolution shall be forwarded to the Applicant.

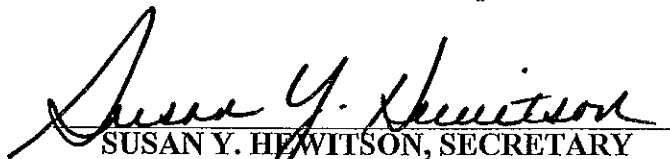
MOVED: R. Reynolds

SECONDED: P. Gerand

IN FAVOR: R. Deeves, J. Popkin, R. Reynolds, T. Arnone, V. Tango, L. Cross and
P. Gerand

OPPOSED: None

The foregoing is a true copy of a Resolution adopted by the Land Use Board of the Borough of Neptune City at its meeting on October 13, 2004, as copied from the Minutes of said meeting.


SUSAN Y. HEWITSON, SECRETARY
NEPTUNE CITY LAND USE BOARD