BOROUGH OF NEPTUNE CITY
LAND USE BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
"d(3)" CONDITIONAL USE VARIANCE APPROVAL AND
MINOR SITE PLAN APPROVAL

Approved: August 19, 2025
Memorialized: October 30, 2025

MATTER OF: 5 KIDS, LLC C/O GLEN SUCHECKI

APPLICATION NO.: 24-06

WHEREAS, 5 Kids, LLC c/o Glen Suchecki (the "Applicant") has applied to the Borough of Neptune City Land Use Board (the "Board") for a conditional use variance pursuant to N.J.S.A. 40:55D-70d(3) and minor site plan approval for lands designated as Block 5 Lot 21 on the official tax map of the Borough of Neptune City, more commonly known as 7 Third Avenue, Neptune City, NJ 07753 (the "Property") in the C Commercial Zone District; and

WHEREAS, a complete application has been filed, the fees as required by Borough ordinance have been paid, proof of service and publication of notice as required by law has been furnished and determined to be in proper order and it otherwise appears that the jurisdiction and powers for the Board have been properly invoked and exercised; and

WHEREAS, public hearings were held on June 17, 2025 and August 19, 2025, in the Municipal Building, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided an opportunity to be heard.

NOW, THEREFORE, the Board makes the following findings of fact based on evidence presented at its public hearing at which a record was made:

1. By way of background, the Applicant seeks minor site plan approval to provide minor site improvements including adding evergreen screening and a fence at the existing parking lot. The

Applicant also requests use variance approval to permit the Applicant to modify certain conditions imposed by the Board of Adjustment in Resolutions dated May 24, 1994, and December 9, 2014.

2. On June 27, 1960 the Neptune City Zoning Board granted use variance and site plan approval to build and add a one-story addition to the then existing building and to use the building as a paper warehouse and distribution center. The approval was granted with various conditions. The Applicant requests to modify one of the conditions: that no trucks or other vehicles of the Applicant, its successors or assigns, shall stop or be parked in or upon Third Avenue. (Proposed Modification) Applicant requests permission to permit the parking of vehicles of employees and vendors on Third Avenue, just along Applicants frontage on Third Avenue (i.e., the southern side of Third Avenue.)

3. On May 24, 1994, the Neptune City Zoning Board of Adjustment approved the application of Sheldon Kawut and Aaron Kawut to continue to use the building for warehouse and distribution of paper products. The Board also granted certain bulk variances and granted site plan approval. The approval was granted subject to the conditions as set forth in the Resolution of Approval dated May 24, 1994. The Applicant, 5 Kids, LLC, requests permission to modify the following conditions:

a. There being no more than twenty-three (23) employees at the site. The Applicant requests permission to increase that number to 27 employees.

b. The Applicant will require that their employees and vendors will not be permitted to park their vehicles on Third Avenue, and the Applicants will request the same of vendors. The Applicant seeks the modification of this condition and requests permission to permit the parking of vehicles of employees and vendors on Third Avenue, just along the Applicants frontage on Third Avenue (i.e., the southern side of Third Avenue).

c. The hours of operation "will be from not earlier than 7 a.m. and not extend to later than 8 p.m." The proposed modification would allow the tenant Applicant to request permission to extend the hours three times a month from 8 p.m. to 10:30 p.m. to allow one of the tenants who is in the realm of fire prevention and training to conduct a safety training class for first responder personnel.

d. Show notation that all loading and unloading done on the premises will be done inside the building only. The proposed clarification would allow the Applicant to continue loading the passenger size delivery vehicles within the parking lot.

4. In December 2014, National Parts Supply Co. Inc, the Applicant as a proposed tenant, sought approval from the Land Use Board to expand the number of tenants from two to three and to modify the existing floor plan. National Parts Supply Co., Inc. required a Section 70-(d)2 variance relating to an expansion of a non-conforming use. The Land Use Board approval of the application is set out in a Resolution dated December 9, 2014. The Resolution contained several conditions. The Applicant requests permission to modify certain conditions as follows:

a. There was a comment at the 2014 meeting that all National Parts vehicles go home with the delivery person. The proposed modification the Applicant seeks is receiving permission to modify the condition and to permit fourteen (14) vehicles (owned by the tenants including delivery/fleet vehicles) to park overnight in the parking lot.

b. The other condition notes that there is no retail component of the Applicant. The proposed modification would allow, to the extent that "All Hands On", a tenant who's a first responder equipment distributor, provides limited retail sales of emergency equipment to the first responder community.

The June 17, 2025 Hearing

5. The hearing started with an introduction to the project by counsel for the Applicant, Tim Middleton, Esq. He proceeded to describe the nature of the proposed amendments to the site plan, as well as issues regarding fencing and buffering. There was also brief discussion over the nature of the use and bulk variance relief, in addition to needing amended preliminary and final site plan approval. Mr. Middleton proceeded to review some of the prior approvals that had been issued to this property. Mr. Middleton noted there have been prior Resolutions before the Board and briefly recited where the proposed changes are now being sought by the Applicant.

In 2018, the property was rezoned to a Commercial (C) Zone District. The warehousing operation is a permitted use in the C Zone if it meets three (3) conditions:

(1) The property is adjacent to Memorial Drive – Conforming

(2) Storage is entirely within an enclosed building – Conforming.

(3) The area designated for storage does not exceed 1/3 of the total floor area of the building – non-conforming.

Therefore, the existing building and tenants remains a non-conforming use requiring "d" variance relief.

6. The first witness, Mr. Glen Suchecki, was sworn in. He described how he acquired the property. He testified that he has made significant improvements and monetary investment into the property since acquiring it. Mr. Suchecki described the three tenants that are in the building: one is Eastern Auto, the second is a warehouse non-profit entity, and the third is All Hands On. The witness, using Exhibit A-1, a color site plan showing before and after conditions on the site, proceeded to describe how these three tenants functioned as well as reviewing the demand for parking.

7. The next witness was Mr. Joseph Kociuba, P.E., P.P., a licensed Professional Engineer and Professional Planner who was sworn in and qualified as an expert in these fields. He described the site as being a little over one acre. Mr. Kociuba noted that the zoning had been changed even though the area is somewhat surrounded by residential zones and residential development. He testified that the Applicant is requesting the expansion of the number of employees from twenty-three (23) to twenty-seven (27) and to change the hours of operation from 7:00 a.m. to 8:00 p.m. to 7:00 a.m. and 10:00 p.m. approximately three nights a month to accommodate training being done by one of the tenants for fire safety instruction. The Applicant is proposing to add landscaping by planting Arborvitae trees across the front of the property and installing a six (6) foot high white vinyl privacy fence along the rear yard.

8. The Applicant testified that the car parts business is currently performing loading and unloading from the door and not from the garage. There are three adjacent doors for each tenant. Mr.

Kociuba testified that the auto parts operation previously represented that they would have a maximum of eight (8) vehicles. The auto parts operation now proposes to increase the number of vehicles to fourteen (14) but note that ten (10) vehicles would be sufficient. Mr. Kociuba next marked as Exhibit A-2, a series of photographs of the current property configuration.

9. Mr. Sean Byrnes, Esq. entered his appearance as counsel on behalf of the Neptune City Residents and Homeowners Association, along with Mr. Larry Scott, a local resident living across the street. The objector proceeded to submit a series of Objector Exhibits as follows:

a. O-1 is a 1960 Zoning Board Resolution;

b. O-2 is a 1994 Zoning Board Resolution;

c. O-3 is a 2014 Land Use Board Resolution;

d. O-4 is a 2019 letter Mr. Scott and Mr. Doolittle;

e. O-5 is a Code Enforcement Violation letter issued,

f. O-6 is the Minutes of the Governing Body meeting dated October 15, 2019; and

g. O-7 is referenced in the property in a letter from Mr. Doolittle dated January 18, 2020.

10. Mr. Byrnes proceeded to ask a series of questions to Mr. Kociuba with regard to traffic and parking and where loading activities were taking place. Mr. Middleton then proceeded on redirect to ask a question of Mr. Kociuba regarding the auto parts store and its functions.

11. The next resident to speak in opposition to the application was Randy Rossman, a resident residing at 18 Third Avenue. He testified that his family was involved with all of the prior Resolutions that are part of the record. Mr. Rossman provided the Board with his view of the history of the use of the property and his desire to see it maintained as a quiet neighborhood. Mr. Rossman expressed his concern that the proposed door creates an issue for traffic and safety and would prefer that every vehicle enter and exit out to Memorial Drive.

12. The next person to speak against the application was Mr. Larry Scott, resident at 8 Third Avenue. He asked a series of land use related questions as to when changes in zoning erased prior conditions. Mr. Scott testified he has resided on the property since the 1950s with his family. Mr. Scott testified that his father had objected to the application in the past and questioned previous decisions of the Board. He said all of the neighbors participated in the prior hearings. Mr. Scott represented that the Board had the best interests of the neighbors on Third Avenue by imposing limitations that all operations would occur off of Memorial Drive. He said he also watched someone remove the window on the southwest side of the building to make it a doorway which he felt only made the traffic worse.

13. Mr. Scott complained about the auto parts store operations being conducted on Fridays and Saturdays. He is asking that the operation entrance/exit be put back on Memorial Drive. Mr. Scott expressed his concern that the auto parts are being sold on a retail basis which is not permitted under the prior approvals. Members of the Board asked questions regarding the frequency of drivers entering and exiting off of the property. Mr. Scott claimed vehicles enter in various directions during the week and that there are multiple vehicles on-site at the same time. He questioned the Applicants reasoning as to why the pickup trucks were not making use of Memorial Drive.

14. At this point in the hearing counsel for the Applicant requested that the matter be carried to the August 19, 2025 meeting. A Motion was made, seconded and adopted by the Board. The meeting was carried to the August 19, 2025 meeting of the Board with no further notice being required of the Applicant.

The August 19, 2025 Hearing

15. The hearing resumed at the Board meeting of August 19, 2025. The first witness to testify on behalf of the applicant was Mr. Scott Colaruso, Vice-President of All Hands On Fire Equipment since 2003. He testified that there are night meetings two or three times a month in order

to provide training for first responders and fire fighters. He said the business otherwise closes at 8:00 p.m. The meetings for firefighters cover survival rescue and safety. He testified that approximately ten (10) to twelve (12) people are in attendance and the meeting takes place between 8:00 p.m. and 10:00 p.m. He did acknowledge that people are parking fire trucks and related vehicles on Memorial Drive or Third Avenue. The Board inquired as to whether Neptune City firefighters are trained at these same meetings.

16. Mr. Glen Suchecki was recalled as a witness and also as the owner of FKG equipment and 5 Kids, LLC. He represented that it was important for the auto parts operation to have the ability to park their cars in the rear parking lot to enter the door freely. Counsel for the Applicant proposed that if the auto parts operators park their cars in the lot, as they do now, they radio the mechanic to pick up the parts for them via Memorial Drive. Concerns were raised regarding the practicality of this arrangement and whether vehicles would be present regardless of the length of time it takes them to get there.

17. Members of the Board had various questions about the lot located across the street and when the side door was added to the building. The Board Engineer, Matt Shafi, P.E., who was sworn in and qualified, stated that when prior Resolutions had stipulations for pickup and delivery, they never considered sedans to be included in that category. This was more a matter of a condition being addressed to regulate truck traffic rather than vehicle traffic. It was acknowledged that the issue is cars coming in and out of the lot and pulling out on Memorial Drive as the potential traffic problem.

18. The meeting was opened up to the public to ask questions of the witnesses. Mr. Larry Scott questioned the lack of knowledge regarding when the side door had been converted from a window. Mr. Middleton rejected the narrative being proffered by Mr. Scott.

19. Mr. Randall Rossman, 18 Third Avenue, asked questions regarding how the previous auto parts store operated in comparison to how the current Applicant operates its business.

20. Mr. Kociuba was recalled as a witness by the Applicant and he addressed certain conditions from the prior Resolutions inclusive of the (i) 1960 approval, wherein there would be no commercial parking on Third Avenue; (ii) the 1994 Resolution condition wherein employees are not allowed to park on Third Avenue and that there be a maximum of twenty-three (23) employees at the entire facility. Mr. Kociuba addressed the condition regarding fire safety training that would take place two to three times a month from 8:00 p.m. to 10:00 p.m. He stated that to mitigate the concern of traffic on Memorial Drive, they would offer a buffer to mitigate the concern about traffic. Mr. Kociuba stated the Applicant does not wish to park cars on Third Avenue and he expressed concern regarding cars backing up which could interfere with cars trying to make left turns. He addressed the issue of traffic flow between Third Avenue compared to Memorial Drive where there was a stop-controlled intersection versus an uncontrolled intersection with the nearest traffic light being located a distance of 250 feet away.

21. Pamela Renee, 83 Riverdale Ave. complained that the business had been operating illegally. Mr. Middleton represented that there were no conditions in the prior Resolution that mentioned non-truck vehicles, but only trucks are being prevented from loading and unloading. Questions were raised as to how traffic could be better managed.

22. Mr. Scott questioned how the prior auto parts store was operated. He stated he is not aware as to when the door in dispute was constructed. Mr. Scott stated that the auto parts store is operating smoothly on Memorial Drive. Mr. Scott stated he was not aware when the door was installed or when the window had been removed.

23. Ms. Cathleen Farrell, 12 Third Avenue, expressed concerns about employees parking on the residential side of Third Avenue potentially blocking people's driveways. The Applicant represented that employees had been told to park in the lot and that any vehicles that were not parked in the lot are subject to towing or ticketing.

24. Mr. Scott introduced Exhibits O-9 and O-10 which included a series of photographs that he took regarding vehicles parking in the area. He said the photographs depict fire trucks blocking driveways and parking on Third Avenue. Exhibit O-11 depicted cars and trucks parking on Third Avenue.

25. Exhibit O-12 was rejected on the basis the Board cannot accept signatures on a petition from members of the public who are not present and subject to being cross-examined by the Board, the public, and the Applicant. Mr. Scott introduced Exhibit O-12A which depicts a photo of the door taken at an unknown period. Mr. Scott stated he does not believe traffic patterns have changed significantly enough to support the proposed relief. Counsel for the Applicant represented that the Board allowed businesses to operate in and out of Third Avenue for safety reasons.

26. The Board then discussed allowing three (3) nights a month for fire safety training between the hours of 8:00 p.m. and 10:00 p.m. The Applicant then stipulated that the number of employees would remain limited to twenty-three (23) employees, whereas approval for twenty-seven (27) employees had originally been sought. Counsel for the Applicant sought approval for overnight parking, with a condition that all cars shall be kept in the lot and there would be no parking on Third Avenue. Counsel for the Applicant stated passenger vehicles would be able to load from the parking lot. The Resolution would also require the submission of a landscaping plan and fencing as represented on the record.

NOW, THEREFORE, the Board makes the following conclusions of law based upon the foregoing findings of fact:

1. The Applicant requires variance relief under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70d(3) in regard to a deviation from a specification or standard pertaining solely to a conditional use. Further, under N.J.S.A. 40:55D-3a conditional use means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with

the conditions and standards for the location or operation of such use as contained in the zoning ordinance, and upon the issuance of an authorization therefor by the Planning Board.

2. The Board finds that the property was rezoned in 2018 to the Commercial (C) Zone District. The warehousing operation is a permitted use in the C Zone if it meets three conditions:

a. The property is adjacent to Memorial Drive – conforming; and

b. Storage is entirely within an enclosed building – conforming; and

c. The area designated for storage does not exceed 1/3 of the total floor area of the building – non-conforming.

3. The Board finds that the Applicant has not satisfied all conditional use standards and therefore requires conditional use variance relief. The New Jersey Supreme Court in Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994), enunciated a modified version of the traditional negative and positive criteria standard tailored specially for the conditional use context. The Supreme Court lightened the burden on an applicant seeking a d(3) variance. The use standard enunciated in Coventry reflects the Supreme Court's opinion that conditional uses, even when they do not comport with the requisite conditions, are nonetheless essentially compatible uses in the zone. Thus, the focus of the Board in considering a variance application is not on whether the proposed use is compatible with the other uses in the zone. Rather, the focus of the Board must be on the deviations from the standard in the context of all of the proposed development without distinction as between inherently beneficial uses and other uses. Therefore, a conditional use variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems. Id. at 298-299.

4. The Board finds that the Applicant has satisfied the positive criteria. As previously stated, unlike an application for use variance relief, the Applicant need not prove special reasons. Rather, the Applicant needs to demonstrate that the subject site remains suitable despite the deviations from the

conditional use requirement. The Board recognizes that the purpose of the condition that the area designated for storage does not exceed 1/3 of the total floor area of the building was designed to control the intensity of the warehouse use and to reduce the impact of a warehouse on adjacent properties. The Board finds that the Applicant complies with all of the conditions except for that condition. The Board also recognizes that the subject Property has contained the same uses for an extended period of time and that are present in this application. Further, the warehouse use commenced operation in 1960. The Board therefore finds that the proposed modifications, which primarily involve expanding the hours of operation from 8 p.m. to 10 p.m. on three weekday nights a month in order to provide safety training for fire fighters and first responders, does not result in the site being unsuitable for the existing uses. The limited expansion of the hours for fire safety training is unrelated to the size of the warehouse space. The Applicant has therefore satisfied the positive criteria.

5. The Board also finds that the Applicant has satisfied the negative criteria. The proposed use is permitted in the zone subject to a limitation on the use of warehouse space do not impact the warehouse space. Here, the proposed modifications to the prior approvals do not impact the warehouse space. The Board finds that this approval will not result in an appreciable intensity of the permitted use. The Board therefore finds there is no substantial detriment to the zone plan or zoning ordinance or to the public good. The Board further finds that the site will accommodate the problems associated with the use even though the proposal does not comply with the condition of the ordinance. The Board therefore concludes that the Applicant has satisfied the negative criteria.

6. The Board finds that based upon the foregoing the Applicant may be granted conditional use variance relief pursuant to N.J.S.A. 40:55D-70d(3).

7. Based upon the application, plans, reports and testimony before it, the Board finds that the Applicant has met the minimum requirements of the Municipal Land Use Law, case law and Borough ordinances, and as such approves the application. In this particular instance the Applicant,

by the very nature of the application itself, is making a good faith effort to ameliorate any offensive existing conditions. The Applicant is attempting to address the concerns of Board and the neighboring residents in regard to the request for "d" variance relief.

8. The Applicant amended its request for relief and has agreed to certain conditions should the Board look favorably upon the application.

a. A strict limitation shall be imposed that no more than three (3) nights per month shall firefighters and safety training be conducted on-site and shall be limited to weekday evenings between 8 p.m. and 10 p.m.; Emergency vehicles shall not block the street during training sessions.

b. No eighteen (18) wheeler vehicles shall be allowed on the premises, or to occupy the parking lots.

c. The number of employees for the three tenants shall remain capped at twenty-three (23) employees.

d. All employee cars must remain parked on-site.

e. All remaining conditions as set forth in the prior Resolutions acted upon by this Board shall remain in full force and effect unless expressly superseded by this Resolution.

9. The Board finds that the Applicant is seeking relief from conditions set forth in prior Resolutions of approval. The Board further notes that conditions imposed in a Resolution must be directly related to and incidental to the proposed use of the property and must be without regard to the person who owns or occupies the land. See Orloski v. Planning Bd. Of Borough of Ship Bottom 226 N.J. Super 666, 672 (Law Div 1988) aff'd 234 N.J. Super 1 (App. Div 1989). Furthermore, in Orloski, the Court held "to be valid, conditions must (1) not offend against any provision of the zoning ordinance; (2) not require illegal conduct on the part of the permittee; (3) be in the public interest; (4) be reasonably calculated to achieve some legitimate objective of the zoning ordinance; and (5) not be unnecessarily burdensome to the landowner" Id. at 672.

10. The Board has carefully considered the request for relief or modifications of certain conditions contained in the Resolutions of the prior approvals. The Board finds that permitting "All Hands On" to expand their hours of operation from 8 p.m. to 10 p.m. only on three weekdays per month to be a *de minimis* expansion of the hours of operation. The nature of the use regarding fire safety training for fire fighters and first responders promotes the general welfare which is designed to protect the public. The Board has also attempted to address the concerns of the public regarding traffic by requiring that all emergency vehicles that are on-site for the training program shall not be permitted to block the street during the training exercise sessions.

11. The Board also finds that the request for relief for increasing the number of employees from 23 employees to 27 employees has been determined and agreed to by the Applicant to continue to abide to the 23-employee maximum limit which would serve to limit the intensity of the use of the property.

12. Further, all employee vehicles shall remain parked onsite and therefore employee vehicles are not permitted to be parked on Third Avenue. Also, the prohibition of not having eighteen (18) wheeler vehicles on the property and/or occupying the parking lot is also a fair condition to be imposed on the Applicant and one that also benefits the public.

13. The Board therefore concludes that the conditions imposed and have been agreed to by the Applicant, are (1) not offensive to the zoning ordinance; (2) do not require illegal conduct on the part of the Applicant; (3) are in the public interest; (4) are reasonably calculated to achieve legitimate objectives of the zoning ordinance; and (5) not unnecessarily burdensome to the landowner.

14. The Board also finds that the Applicant is proposing minor sire improvements that will benefit the property and the public by adding landscaping in the form of planting arborvitae across the front of the property and installing a six (6) foot high white vinyl fence along the rear yard of the property. The improvements will serve to further buffer the property from the neighborhood.

15. This Board concludes that the Applicant has presented sufficiently persuasive testimony to justify the "d" use variance since it is a continuation of a pre-existing use variance that has seen this building operate with warehouse type tenants for decades as reflected in the prior Resolutions. The strict application of the zoning ordinance would result in peculiar or exceptional practical difficulty or undue hardship being visited upon the operations of the three tenants of the property.

16. The Board finds that the testimony offered allows the Board to rule in favor of the applicant, since the evidence before the Board demonstrated that the need for the "d" variance sought would not have a substantial detriment to the public good or, more importantly, substantially impair the intent and purpose of the Master Plan and zoning ordinance of the Borough. The testimony offered before the Board demonstrated that the use variance relief requested by the applicant in order to proceed with the continuation of the uses operated by the current tenants met the required proofs so as to grant the relief sought.

17. The proof offered by the objectors does not meet the requisite standard to permit the Board to deny the request for relief, especially in light of the de minimis changes and the conditions imposed by the Board to which the Applicant has agreed to accept. The Board has the choice of accepting or rejecting the testimony of witnesses where reasonably made. Kramer v. Bd. Of Adjust., Sea Girt, 45 N.J. 268, 288 (1965); Cox and Koenig, New Jersey Zoning and Land Use Administration (Gann 2025) §18-4.4 and cases cited therein. In this case the Board finds the testimony of its expert witness and that of the Applicant to be more persuasive than that of the objectors.

NOW, THEREFORE, BE IT RESOLVED on this 30th day of October 2025, by the Borough of Neptune City Land Use Board, that the Board memorializes the action taken by it on August 19, 2025, approving the conditional use variance relief pursuant to N.J.S.A. 40D:55D-70d(3) and minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 as well as granting relief from conditions

contained in previous Resolutions of the Board sought by the Applicant, 5 Kids, LLC in application no. 24-06, and subject to the following conditions:

1. The development of this project shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board with this application, as revised by the terms herein, or which shall be submitted for Resolution compliance.

2. Except where specifically modified by the terms of this Resolution, the Applicants shall comply with the recommendations and satisfy all conditions contained in the Reports of the Board's Professionals which are incorporated herein by reference.

3. All grading, drainage and landscaping on the Property shall comply with all Township Ordinances and regulations and will be subject to the approval of the Board Engineer.

4. The Applicants shall submit revised architectural plans subject to review and approval by the Board Engineer.

5. All conditions set forth in this Resolution and all prior Resolutions pertaining to this property shall continue to remain in full force and effect unless expressly repealed in this latest Resolution.

    a. The fire fighters and safety training shall be strictly limited to a maximum of three (3) nights per month to be conducted only on weekday evenings between 8 p.m. and 10 p.m. At all other times the hours of operation shall remain as previously approved from 7 a.m. to 8 p.m. Emergency vehicles shall not block the street during training sessions.

    b. Eighteen (18) wheeler vehicles shall not be allowed on the premises or to occupy any space in the parking lot.

    c. The number of employees for the three (3) tenants shall remain capped at 23 employees.

    d. All employee vehicles shall remain parked on site.

    e. The Applicant is permitted to continue loading and unloading passenger size delivery vehicles within the parking lot.

6. The nature and sufficiency of the new landscaping and the installation of the 6 feet high white vinyl fence shall be subject to the review and approval of the Board Professionals.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicants and to the City Clerk, Engineer, Attorney, Planner, and Tax Assessor, and shall make same available to all other interested parties.

ON MOTION OF: Randy Reynolds

SECONDED BY: Larry Cross

ROLL CALL:

YES: Larry Cross, Patrica Gerand, Sharon McSwieney, Craig Morcom, Randy Reynolds, Robert Reynolds Jr.

NO: John Amoscato

ABSTAINED:

ABSENT: Mayor Rachel McGreevy, Marie Morcom, Pamala Renee, Kenneth Zielinski

DATED: October 30, 2025

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Neptune City Land Use Board, Monmouth County, New Jersey, at a public meeting held on October 30, 2025.



Mya Cherbini, Secretary
Neptune City Land Use Board