RESOLUTION

OF THE

LAND USE BOARD OF THE BOROUGH OF NEPTUNE CITY

GRANTING PRELIMINARY AND FINAL MAJOR

SITE PLAN APPROVAL

APPLICANT: GENESIS REDEVELOPMENT, LLC
BLOCK 13, LOT 1
APPLICATION: NCPB #24-08

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WHEREAS, Genesis Redevelopment, LLC (hereinafter referred to as "applicant") is the contract purchaser of Block 13, Lots 1 on the Tax Map of the Borough of Neptune City, in the State of New Jersey, County of Monmouth (hereinafter referred to as "premises"); and

WHEREAS, the premises is located in the East Coast Ice Redevelopment Plan Area; and

WHEREAS, the applicant has applied to the Land Use Board of the Borough of Neptune City to construct a (2) 70,000 square foot self-storage facility (including 600 square feet of office space) with 15 parking spaces, and utility and stormwater system improvements. As a result of the application, the applicant requires the following relief:

Variances and Waivers:

1. None.

WHEREAS, after review and notice of publication indicates that the Board has jurisdiction in reviewing this application; and

WHEREAS, the public hearing was held on December 2, 2024; and

WHEREAS, the applicant has produced the sworn testimony of Kevin E. Shelly, PE and the following exhibits were submitted with the application reviewed by the Board, and shall be considered marked as in evidence as follows:

A-1 Preliminary & Final Site Plan for 87 Rosewood Place, consisting of twelve (12) sheets, prepared by Kevin E. Shelly, P.E, of Shore Point Engineering, LLC, dated September 4, 2024, with no revision date.

A-2 Architectural Plans and Elevations, consisting of three (3) sheets, prepared by Jorge P. Fernandes, R.A., of Creative Architecture, LLC, dated August 29, 2024, with no revision date.

A-3 Environmental Impact Statement, prepared by Kevin E. Shelly, P.E., of Shore Point Engineering, LLC, dated September 4, 2024, with no revision date.

A-4 Stormwater Management Report, prepared by Kevin E. Shelly, P.E., of Shore Point Engineering, LLC, dated September 4, 2024, with no revision date.

A-5 Traffic Impact Statement, prepared by Kevin E. Shelly, P.E., of Shore Point Engineering, LLC, dated September 4, 2024, with no revision date.

A-6 Mounted Colored Rendering of Site Plan

A-7 Colored Rendering of Proposed Elevations

A-8 Colored Rendering with drone view of improvements.

WHEREAS, the Board has marked Leon S. Avakian, Inc. report dated October 22 ,2024 as LUB-1.

WHEREAS, the Board has reviewed testimony of its professionals; and

WHEREAS, members of the public appeared on this application and testified as to the impact of the development. The public also introduced the following evidence, that the Board marked in evidence

O-1 Picture of Iron Fence

WHEREAS, the Land Use Board of the Borough of Neptune City, has considered all evidence, exhibits and testimony presented and make the following findings of fact and conclusions of law:

1. The Board has jurisdiction to hear and decide this application.
2. The taxes on said premises are paid and current.
3. The said premise is located in the East Coast Ice Redevelopment Plan Area.
4. The Board finds that the applicant has satisfied its burden of proof pursuant to N.J.S.A. 40:55D-1 *et seq.*, upon the meeting of certain conditions.
5. The applicant has requested the following variances and waivers:

Variances and Waivers:

NONE

The Land Use Board finds that the proposed site plan enhances the site, environmentally, commercially and aesthetically. As a result of the proposed plan, the following purposes of the Municipal Land Use Law are promoted:

a. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey Citizens.

b. To ensure that the development of individual municipalities do not conflict with development and general welfare of neighboring municipalities, the county and state.

The subject property is approximately 73,400 square feet with frontage on Rosewood Place, Laird Avenue and Milwood Street. The applicant proposes a self-storage facility on the site. This use is a permitted use in the zone. The subject property previously was the home of East Coast Icehouse. The site has environmental contamination in the soil and part of any redevelopment of the site, the site will have to be remediated and comply with all requirements of the LSRP and/or DEP. No construction can be started until the LSRP and/or DEP has approved the remediation action plan and permits construction on the site.

The applicant has complied with all the requirements of the East Coast Ice Redevelopment Plan Area and is proposing to develop the property consistent with the re-development zone. The applicant is not requesting any variances or waivers from the re-development zone.

The Land Use Board is cognizant of the requirement of the law and their obligation to grant approvals for proposed developments that comply with all ordinances and require no variance or waivers. Pizzo Mantin Grp. Vs. Twp. of Randolph, 137 NJ 216 (1994). The board is also aware the Supreme Court in Pizzo Mantin contemplated active involvement by land use boards in imposing conditions on conforming applications based on their expertise and familiarity of local conditions. Since the applicant is not requesting any variances, the Board finds that this application falls under the doctrine of Pizzo Mantin and the Board is compelled to approve same. However, the Board has thoroughly reviewed this application and have imposed conditions that are reasonable and appropriate for the site. The Board has reviewed these conditions with the applicant at the hearing and the applicant has agreed to these conditions.

NOW, THEREFORE, BE IT RESOLVED that this resolution serves as a memorialization of the Board's decision to grant Preliminary and Final Major Site Plan Approval on December 2, 2024, subject to the conditions as follows:

1. The Applicant shall obtain all state, county and local government approvals as required by law.
2. The Applicant shall pay all professional fees, including attorney, engineering and planning fees, incurred by the Land Use Board of the Borough of Neptune City in connection with the applicant and no further improvements shall be granted by the Zoning Board and no permits, including building permits and certificates of occupancy shall be issued to the applicant until such payment is made.
3. This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated by reference and specifically relied upon the Board in granting this approval. The condition which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach hereof has occurred.
4. No taxes or assessments for local improvements shall be due or delinquent on the subject property.
5. Applicant shall obtain Monmouth County Planning Board approval, all required outside agency approvals and pay all required inspection fees and post all appropriate bonds prior to the completion of Resolution Compliance. Copies of all outside agency approvals shall be provided to the Land Use Board.

6. Applicant shall enter into a Developer's Agreement with the Borough of Neptune City. The Developer's Agreement is subject to review and approval by the Borough Attorney.

7. Applicant shall obtain approval from the LSRP and/or DEP for the remediation of the contaminates on the site. No building permits shall be issued until the LSRP and/or DEP have approved the remedial action plan for the remediation and approves construction on the site in accordance with said plan. All documents related to the remedial action plan for the remediation shall be provided to the Land Use Board and prior to the issuance of any Building Permits, the Board Engineer shall confirm that the applicant has obtained LSRP and/or DEP approval.

8. There shall be no access to the self-storage facility prior to 6 am or after 9 pm.

9. No units in the self-storage facility shall be used for living spaces.

10. Applicant shall revise the plans to provide a 6-foot-high Aluminum Fence around the property. The style and location of the fence are subject to review and approval by the Board Engineer.

11. There shall be no curbside garbage pickup of unit owner's possessions.

12. Applicant shall revise the plans to provide that all street trees shall be at least 8 feet tall at planting.

13. Applicant shall make the following revisions to the plan, which are subject to review and approval by the **Board Engineer**:

A. The Plan shall be revised to include a note specifying that the site is to be remediated for contaminated soils prior to construction and in compliance with NJDEP requirements and standards.

B. The Plan shall be revised to include additional curb and roadway improvements for Rosewood Place, Laird Avenue, and Midwood Street.

C. The Plan shall be revised to include the correct minimum parking access aisle width for the proposed drive aisle in accordance with the fifteen (15) 90° angled parking spaces.

1) Ordinance Section 111-13.D.2, states - *The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90°:*

Parking Angle	*Aisle Width 25 ft.*
90° (perpendicular parking)	

2) The Plan currently proposes a drive aisle width of (24.5) ft for the (15) parking spaces. **Applicant to** revise plan to provide for 25 ft Aisle width.

D. The location of the proposed cantilevered canopy should be confirmed. Sheet 3 indicates a 6' x 30' cantilevered canopy on the south facade of the building (Rosewood Place) while architectural plans indicate cantilevered canopies on the north facade and northwest comer of the building (Midwood Street).

E. Site triangle areas and possible conflict with the proposed 6' high fence should be addressed.

2. <u>Stormwater Modifications:</u>

A. The Applicant is proposing the stormwater management system to incorporate pervious paving and subsurface infiltration systems. The system will include porous pavement section underlain with stone storage beds with Cultic Recharger 280HD chamber infiltration systems in addition to stormwater inlets and one (1) trench drain at the parking lot entrance to satisfy the Stormwater Management (SWM) Ordinance Section 139-30.3

requirements for Green Infrastructure, TSS Removal, Groundwater Recharge & Quantity.

B. Ordinance Section 139-30.9.A, requires *whenever an Applicant seeks municipal approval of a development subject to ordinance section 139-30, the Applicant shall submit all of the required components of the checklist for the Site Development Stormwater Plan at Section 139-30.9.C below as part of the submission of the application for approval.* The Applicant shall submit a compliance check as required.

C. The Applicant shall provide a stormwater operation and maintenance manual in accordance with NJDEP BMP standards. Within the manual, the following maps (11" x 17") shall be provided:

a) Grading Plan

b) Drainage and Utility Plan

c) Landscape Plan and Details

d) Soil Erosion Seeding Notes

D. The following notes shall be added to the Grading/Drainage Plan:

a) Stormwater management facilities shall be regularly maintained to ensure they function at design capacity and to prevent health hazards associated with debris buildup and stagnant water.

b) Responsibility for operation and maintenance of the stormwater facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owners or owners of the property. Maintenance shall follow the operations maintenance manual approved by the Borough of Neptune City Land Use Board.

c) In the event that the facility becomes a danger to public safety or public health, or if it is in need of maintenance, the owner shall affect such maintenance and repair of the facility in a manner that is approved by the Borough Engineer.

E. As outlined under Ordinance Section 139-30.4.M, states - *any stormwater management measure authorized under the Municipal Stormwater Management Plan or Ordinance shall be reflected in a deed notice recorded in the Office of the Clerk of the County of Monmouth.* The Borough will require quarterly reports of drainage maintenance as compliance of this approval and maintenance manual.

F. The following construction notes shall be added to the plan:

1) During clearing and grading of the site, measures must be taken to eliminate soil compaction at the location of the proposed detention and infiltration basin systems.

2) Excavation and construction of a small-scale infiltration system designed to infiltrate must be performed with equipment placed outside the limits of the system.

3) The location of the proposed small-scale infiltration systems should not be used to provide sediment control during construction

4) The excavation to the final design elevation of the small-scale infiltration systems bottom may only occur after all construction within its contributory drainage area is completed and the drainage area is stabilized. If construction of the small-scale infiltration systems cannot be delayed, berms must be placed around the perimeter of the systems during all phases of construction to divert all flows away from the system. The berms may not be removed until all construction within the drainage area is completed, and the area is stabilized.

5) The contributing drainage area must be completely stabilized prior to detention and infiltration system use.

6) Post-construction testing must be performed on the as-built infiltration systems in accordance with the Construction and Post-Construction Oversight and Soil Permeability Testing section in Chapter 12: Soil Testing Criteria for infiltration BMPs. To ensure that the as-built system functions as designed, post-construction testing must include a determination of the permeability rates of the subsoil, in infiltration systems. Where as-built testing results in longer drain times than designed, con-ective action must be taken. The drain time is defined as the time it takes to fully infiltrate the

maximum design storm runoff volume through the most hydraulically restrictive layer.

G. The drain times for each system should be outlined in the maintenance plan.

3. **Conditions of Approval**

The Applicant shall obtain and forward approval letters from the following boards and agencies to the Land Use Board and to the Board Engineer's Office:

A. Monmouth County Planning Board approval

B. TNSA approval.

C. Freehold Soil Conservation District

D. Borough of Neptune City Fire Department.

E. Soil Removal/Import Permit if required

F. Filing of Deeds for any proposed easements

G. Performance Bonds and Engineering Inspection Fees

H. Filing of a deed notice required under Stormwater Management Ordinance

I. Flood Hazard Area Verification and Individual Permitting from NJDEP establishing the FHA DFE at 9 feet.

J. Site Remediation for Contaminated Soils in Compliance with NJDEP Requirements and Standards

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to send a certified copy of this Resolution to the applicant, the Borough Clerk, Engineer and Assessor and shall make same available to all other interested parties; and that the Board Secretary and/or the Applicant is herby authorized and directed to cause a notice of this decision to be published in the official newspaper at the applicant's expense.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the resolution adopted by the Borough of Neptune City Land Use Board at a meeting held on January 21, 2025.

Susan Y. Hewitson, Secretary
Neptune City Land Use Board

The vote on the Motion To approve this application:	The Vote on the Resolution of memorialization was as follows:
YES: Patricia Gerand, Randy Reynolds, Glen Kocsis, John Amoscato, Michele McGuigan, Larry Cross, Morcom, Donald Smith, Marie Moulder	YES: Patricia Gerand, Randy Reynolds, John Amoscato, Larry Cross, Craig Morcom, Marie Moulder
NO: None	NO: None
ABSTAIN: None	ABSTAIN: None