



**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Minutes
Wednesday, May 1, 2019 at 7:30 PM
Municipal Complex, 2nd Floor, 25 Neptune Boulevard**

ATTENDANCE:

Present: Barbara Bascom, Dr. James Brown, William Frantz, James Gilligan, Frances Keel, Michael Pullano, Naomi Riley, Ashley Vidal, Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Jennifer Beahm, PP, AICP - Board Planner, Matt Shafai, PE, PP, CME – Board Engineer, George Waterman – Zoning Officer, and Torro Reporting, LLC.

Absent: Thomas Healy

OPENING: Meeting called to order by Chairman Paul Dunlap at 7:33 PM. Chair Dunlap advised the public of fire exits and how the meeting will proceed.

CORRESPONDENCE: None.

RESOLUTIONS MEMORIALIZED:

Memorialization of Resolution ZBA#19/10 – Denial of Use Variance & Minor Site Plan w/Bulk Variances – postponed until June 5th with consent.

DISCUSSIONS:

ZB17/06 (Use Variance and Preliminary & Final Site Plan) – 756 Holding, LLC – Block 903, Lot 2 – W. Bangs Avenue – Applicant is seeking a Use Variance and Preliminary and Final Site Plan approvals to construct 19 Townhouses on this property. Applicant is represented by Jennifer S. Krimko, Esq.
****APPLICATION PARTIALLY HEARD ON FEBRUARY 6, 2019**NEW PUBLIC NOTICE HAS BEEN PROVIDED. THE BOARD ACCEPTED JURISDICTION AND CARRIED THIS MATTER TO THE JUNE 5, 2019 HEARING WITH NO FURTHER NOTICE BEING REQUIRED****

ZB19/01 – (Bulk Variances for Additions to SFD) – Irene Shenouda & Andrew Orefice – Block 5601, Lot 2 – 506 Concourse West – Applicant is seeking bulk variance relief to convert the existing front porch into habitable living room extension and add a new front porch as well as remove the existing rear wooden deck and add a rear addition to create a mudroom/entry from the garage. ****CARRIED FROM PREVIOUS MEETING DUE TO TIME CONSTRAINTS****

Michael Pullano – Recused himself as he is located within 200 feet of the property.

Witnesses: Irene Shenouda & Andrew Orefice (owners) & Alec P. Shissias, RA, RLA (architect) are sworn in.

Andrew Orefice indicates he loves the location, but home is very small and he wants to keep the neighborhood feel with the work being proposed. Home was built in 1930's and it requires more living space to entertain and enjoy neighborhood and make this a forever home.

Alec P. Shissias has never appeared before this Board; however, he is qualified and accepted by the Board. Mr. Shissias provides testimony with regard to the proposed changes to the home. The home will be modernized but modestly updated. There will be a master suite addition and the creation of a sizable living room as the rooms are barely furnishable now. Would like to convert home to a 3-bedroom, 2-bath w/master suite. A variance is needed for building coverage from 30% to 30.86%, side yard setback is a pre-existing, non-conforming condition; however, it is being extended horizontally and will not be any closer to the property line. Front yard setback variance will be required for the new front porch & main house.

Exhibit A-1 (Sheet SK-1) dated September 3, 2019 – Aerial, Street, and Birdseye View of 506 Concourse.

The lot is skewed which is creating the variance conditions requested.

The positive and negative criteria are confirmed.

The dormer is not being altered, just bringing it closer to the street.

No Public appeared – public portion closed.

It is indicated the look of the existing home is being kept.

Dr. Brown likes the fact they are keeping the same style home.

Based upon the application submitted and the testimony provided to the Board, James Gilligan makes a motion to accept the application as submitted and discussed, moved and seconded by William Frantz.

Those who voted YES: Barbara Bascom, Dr. James Brown, William Frantz, James Gilligan, Frances Keel, Naomi Riley, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Thomas Healy

****THE BOARD TAKES A BRIEF RECESS @ 7:59 PM – 8:09 PM THE BOARD RETURNS AND ALL MEMBERS ARE PRESENT INCLUDING MR. PULLANO****

ZB19/03 – (Appeal of Zoning Officer’s Determination) – College Achieve Public Charter School, Inc. – Block 3101, Lot 2 – 3455 W. Bangs Avenue – Applicant is seeking an Appeal of the Zoning Officer’s Determination that the proposed school would impermissibly create two principal uses on the property.

Monica Kowalski, Esq. indicates notice has been accepted for this application. Ms. Kowalski also indicates she is a former member of the Board of Education and goes on to read the statutes pertaining to same and how she no longer has a conflict representing the Board on this matter.

Applicant is represented by Andrew J. Karas, Esq. of Fox Rothchild

Mr. Karas questions if any of the Board Members are employed by the Neptune Township Board of Education or if any of their close family members are employed by them. There appears to be none.

Richard Briigliodoro, Esq. of Weiner Law Group appears on behalf of the Neptune Township Board of Education.

Andrew Karas, Esq. provides the basis and background of the appeal. He indicates there is a church on the property as well as a secular school which has existed for over 50 years. There are numerous buildings onsite.

This property is located within an R-1 Zone – Residential

The denial indicates the school exists as an accessory use to the church. The proposed is not permitted as principal use. Two (2) principal uses on one (1) lot is not permitted.

Section 411.05 adopted July 24, 2000 reads “Unless otherwise specified in this Ordinance, not more than one principal dwelling or principal building shall be permitted on one lot in any residential zone district.”

June 10, 2002 – the code had been amended and revised which made “schools” conditional uses. Private and Public Schools are permitted in the R-1 Zone.

Joseph Cahill – sworn in. Mr. Cahill is the business manager for Holy Innocence. Mr. Cahill reviews the history of the property. In 1959 the Diocese allowed the church which is now the gym of the existing school. The school was K-8 and governed by the Catholic Diocese of Trenton – enrollment has dropped and now reporting deficit. The school complies with State requirements and is accredited by same. Buildings are properly maintained and legally existing onsite.

Paul Dunlap asks if there is religious training in the school. It is indicated yes, for church as well but separate.

Monica Kowalski, Esq. reminds everyone this hearing is for an Appeal of the Zoning Officer’s Determination ONLY at this time.

Jennifer Beahm questions whether Board Approval had been received for the property.

Exhibit B-1 – Copy of actual zoning permit application dated March 13, 2019.

It is asked if any OPRA requests had been filed to obtain history on the property – It is indicated not to their knowledge.

Jennifer Beahm questions if the building is there legally? Mr. Karas indicates that is not required.

Jennifer Beahm states it is accessory to the church.

Childcare center case and factors making it accessory are reviewed.

George Waterman indicates there were two (2) applications submitted with Planning Board Resolutions indicating place of worship and accessory uses.

Exhibit B-2 – Copy of Resolution dated August 8, 1991

Exhibit B-3 – Copy of Sheet 1 of 10 of Site Plan with the latest revision date of March 8, 1991

The K-8 School operates from September – June from 7:30 AM – 2:30 PM followed by aftercare. Religious education takes place in the classrooms for non-school on Sunday mornings as well as Monday and Tuesday evenings.

Monica Kowalski, Esq. recites a portion of the NJ Land Use Admin Book beginning on page 569 of the 2019 addition – Sunoco Inc. where the court upheld the Zoning Board of Adjustment’s Interpretation.

Mr. Karas questions George Waterman with regard to the Ordinance and discussion takes place.

Ordinance 02-14 creates conflicts with the Schedule and Section.

Michael Piscal – Founder and CEO of College Achieve – provides a brief history of the charter school. He indicates they are looking to operate K-8 in the same exact space as the Holy Innocence K-8 operated. There is no construction proposed with this proposal.

Monica Kowalski, Esq. directs attention to the Zoning Board of Adjustment Application Church/Private as well as the Zoning Permit Application.

Barbara Bascom questions if the charter school will continue to allow the church to utilize the building. Was there a copy of a lease filed with the appeal or permit application.

Paul Dunlap wants to see a copy of the disputed Ordinance 02-14. Mr. Karas feels the Board is entitled to all ordinances in support.

Public vs. private schools are discussed.

Monica Kowalski, Esq. indicates this is a 2-step process and it is agreed. We need to verify any inconsistency in the Ordinance.

Board Secretary indicates she will get a set of the plans and the Ordinance to Mr. Karas via e-mail or Dropbox.

Due to lack of information and time constraints it is agreed to by the Applicant and the Board to carry this matter to the June 5, 2019 meeting with no further notice being required.

ADJOURNMENT:

A motion was made by William Frantz and seconded by James Gilligan to adjourn the meeting at 9:36 PM. All in favor. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, June 5, 2019 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2nd Floor.