

**Neptune Township ~ Planning Board
Regular Meeting Minutes
Wednesday April 23, 2014 – 7:00 PM
Township Meeting Room 2nd Floor**

ATTENDANCE:

Present: Randy Bishop, Rev. Paul Brown (Arrived 7:20 PM), Sharon Davis, Jason Allen Jones, Robert Lane, Fred Porter, Joseph Shafto, Mark Kitrick, Esq. attorney to the Board, Peter Avakian Board Engineer, Jennifer Beahm Board Planner, and State Shorthand Reporting.

Absent: Richard Ambrosio, Tassie York, Ray Huizenga, Mel Hood

OPENING:

Meeting called to order by Chairman Joseph Shafto at 7:11 PM. Mr. Shafto advised the public of the fire exits and how the meeting will proceed.

CORRESPONDENCE: Reviewed Notice of Application submitted by Monmouth County to NJDEP for Freshwater Wetlands Permit and Flood Hazard Area Permit for reconstruction of Bridge W-38 which is actually located in Wall Township; however, the construction will involve widening of the approach roadway within Neptune Township. No timeline associated at this time.

RESOLUTIONS ADOPTED & MEMORIALIZED:

RESOLUTION #14-12 – APPROVING Application #PB13/06 – CHINRAJ NEPTUNE, LLC (Block 172, Lot 41) – 1200 Corlies Avenue – for Preliminary and Final Site Plan to convert and expand the existing building into a retail pharmacy and a convenience store with associated parking, landscaping, drainage, and utility improvements.

COURTESY REVIEW:

The Neptune Township School District will be adding lavatories in the atrium area of Neptune High School's Performing Arts Center. Presentation of proposed improvements provided by Mr. David A. Mooij, Superintendent of Schools. Mr. Mooij states there will be a slight footprint change. Mr. Atkins questions whether or not the students will have access to these new facilities. Mr. Mooij states no, only when the Performing Arts Center is in use. Randy Bishop makes a motion to authorize Mark Kitrick, Esq. to author a letter supporting the application by the District, seconded by Sharon Davis – all in favor with the exception of Mr. Jones who must abstain.

****THE BOARD TAKES A 5-MINUTE RECESS AT 7:25 PM. THE BOARD RETURNS AT 7:30 PM AND ALL MEMBERS STILL PRESENT AND PASTOR BROWN HAS NOW ARRIVED****

DISCUSSIONS:

PB14/04 – CITY WORKS NEPTUNE OFFICE, LLC (Block 218.02, Lots 612, 612.01, 615, 618, 627, 630, 633, 634, 635, & 642) – 1800-1836 West Lake Avenue – Applicant is proposing a Minor Subdivision to consolidate the existing lots and create two new lots with proposed lot numbers 612.02 and 612.03.

Sandy L. Galacio, Esq. (attorney for the Applicant) introduced the following witnesses which were sworn in with the Board Professionals and accepted by the Board:

Henry E. Reynolds, Jr., PLS – Land Surveyor and Thomas Clark, Executive Director of City Works.

Exhibit A-1 – Minor Subdivision Plan

Mr. Reynolds provides testimony with regard to Minor Subdivision plan.

The subdivision will be perfected by filing of deed with the County.

Sidewalks and access were covered at time of site plan. Site Plan for Redevelopment already approved in 2007.

Lester Goldberg – states his building has been damaged – it is requested Mr. Goldberg wait until all testimony presented prior to comments.

Thomas Clark – Executive Director of City Works – states the proposed building will be 3-stories containing 26 residential apartment units above and 14,200 s.f. of retail space below.

There is an existing encroachment issue from Lot 646 onto proposed Lot 612.02; however, this is not the Applicant's responsibility and does not effect this application. May want to clarify in the future by granting an easement.

Lester Goldberg – 22 State Highway 35 – sworn in – states during construction of the existing building, his building has suffered severe damage. There continues to be a wind tunnel effect east to west which has lifted the roof off of his building. He is afraid this condition will worsen with new construction.

Peter Avakian – Board Engineer – will follow-up with Leanne Hoffmann, Township Engineer with regard to roof issue and possible secondary inspection.

Randy Bishop – Understands Mr. Goldberg's concerns; however this application is for subdivision which will not affect the current situation. The building problems appear to be an insurance issue.

Mr. Galacio states his client will take Mr. Goldberg's comments into consideration.

Based upon the application before the Board, a motion was offered by Randy Bishop to approve the application as discussed, moved and seconded by Jason Jones.

Those who voted YES: Randy Bishop, Pastor Brown, Sharon Davis, Jason Jones, Robert Lane, Fred Porter, and Joseph Shafto.

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Richard Ambrosio, Tassie York, Ray Huizenga, and Mel Hood.

****The Board breaks for a brief recess at 7:55 PM. Board returns at 8:10 PM and all members still present****

PB14/02 – SHARK RIVER HILLS BEACH & YACHT CLUB (Block 402, Lot 14) – 360 S. Riverside Drive – Applicant is proposing to substantially rebuild the accessory restaurant/bar/banquet building in the same footprint as existed prior to Superstorm Sandy with a different floor plan that complies with new Federal, State, and Local Flood Zone Regulations and Codes. **This application was partially heard on March 26, 2014. Applicant has submitted revised plans for this hearing.**

Jeffrey Beekman, Esq. – representing the Applicant. Mr. Beekman presents his four (4) witnesses which were sworn in at the previous hearing and remain under oath:

John Dempsey, Chairman of Shark River Hills Beach & Yacht Club
Joseph L. Walker, III, Architect
Robert Burdick, PE, Engineer
Allison Coffin, PP, Planner

John Dempsey – Chairman of the Board of Governors & Rebuild Committee testified regarding floating docks and coordination with EMS should a storm such as Sandy hit again. Permanent outdoor bar has been removed. Ice shed will be relocated to the extreme north end of the parking lot as requested. There will be no parking in the street from The Plaza to the Yacht Club. Have addressed numerous concerns of the residents with the revisions.

Pastor Brown – questions membership and current membership promotions

John Dempsey – there are 167 active members. There are 29 Lifetime Members. Trying to increase membership since its decrease from the storm. Not actively advertising for new members. 2 members are required to recommend somebody for a membership and the cost is \$1,500.00 and assessment fees for all members. Trying to reach the previous number of 190 members.

Sharon Davis – Those are only requirements to become a member of the yacht club?

John Dempsey – There is also an application required to be completed and an interview process. Use of the building is for members only and they are permitted to bring guests. Building is rented to Members Only.

Kathy Ford – S. Riverside Drive – No permanent outside bar? Will there be a non-permanent outside bar?

John Dempsey – A temporary structure/bar may be used and can be broken down in case of storm or at the end of the season. It could be used all summer long.

Lisa Oleski – 369 S. Riverside Drive – questions number of members and ability to accommodate.

Joseph Shafto – the occupancy limit is the number of people permitted to be in the building at one time so that is sort of different than the number of memberships, because at any one time they cannot exceed the limit of that building and this is governed by the Fire Official.

Lisa Oleski – but the Fire Official is not there all of the time...

Joseph Shafto – he can issue a summons if it is exceeded if somebody lodges a complaint that it is continuing all of the time it can then be investigated. The occupancy level is self-policed in a private setting.

Randy Bishop – owns a hotel in town and has an occupancy level of 26 people. This level cannot be exceeded and it is self-policed.

Lisa Oleski – relative to your not permanent tiki bar and the number of people there at night. What is the need for 2 bars if there is one in the building? This is supposed to be a beach and yacht club, is that really necessary?

John Dempsey – There have been 2 bars in the past and there have been no complaints in the past that club is aware of. Trying to work with everyone.

Randy Bishop requests a definition of a “temporary” structure from the Board Professionals.

Peter Avakian - CAFRA Regulations define a temporary structure as being governed by dates of use; therefore May-October is considered temporary. It should be secured in place though.

Bill Perry – 361 S. Riverside – Where is the temporary bar going.

Jeff Beekman – according to the diagram submitted with the ABC license there is a defined area where the temporary bar would be permitted to go.

John Dempsey – as close to the building as possible - not on the beach.

Jennifer Beahm, PP, AICP - requests the temporary structure be shown on the plan where it is going to be located. It needs to be on the plan not on an ABC license renewal as the people performing inspections will not have the ABC license with them, they will have a copy of the approved plan.

Tom Healy – 355 S. Riverside – Thanked Mr. Dempsey for addressing the issue regarding the shed. Has concerns with the number of members of the club fluctuating. Would like to see a cap on the number of members permitted.

Mark Kitrick, Esq. – The Board does not have the authority to put a cap on the number of members.

Tom Healy - Concerns with operation hours. Is there an ordinance that deals with noise? Concerned about summer and Sunday nights and would like some sensitivity with regard to noise on work nights.

Randy Bishop – The only ordinance that can really be enforced would be the level of noise, not the hours of operation. This Board or this Municipality cannot regulate hours of operation as it is unconstitutional. If there is a problem with the noise, certainly the police should be contacted.

Vincent Martone – 112 The Plaza - This is a business in a residential area across from private homes.

John Dempsey – yes it is and it is also a Marina

Vincent Martone - Questions the length of time the tiki bar has been there – Approximately 3 years prior to Sandy? Questions regarding length of building, height of building, parking, number of members....

Joseph Shafto & Mark Kitrick, Esq. – advise Mr. Martone that he should only be asking questions of the current witness as to what has been testified to.

Vincent Martone – Wants to know how many sheds they are permitted to have. Township Ordinance permits only two and they appear to have more.

Jeffrey Beekman – has objection to this questions as it will be addressed with the Engineer and it is not appropriate for this witness. And they have requested variances for the additional sheds.

Mark Kitrick, Esq. – do you have any further questions of this witness?

Peter Longo – 369 S. Riverside – has 3 properties within 200 feet of the yacht club property.

Mark Ktirick, Esq. – asks Mr. Longo if he is a member of the Environmental/Shade Tree Commission and whether or not he participated in the review of this project.

Peter Longo – states no he did not participate.

Jeff Beekman, Esq. allows Mr. Longo to continue with his questions.

Peter Longo – questions membership how many “honorary members” there are in addition to the 191.

Jeff Beekman, Esq. objects to questions regarding membership as questions have been asked and answered.

Randy Bishop – not sure why talking about memberships. It is a private business and it has no bearing on the application at hand. Our job is what does the building look like, how high does it sit, and how does it fit within our Ordinances.

Jeff Beekman, Esq. – the size of the building and the number of boat slips dictates the number of parking spaces required.

Barry Herbert – House Committee – there are approximately 100 guests per event.

Joseph Walker – Architect – testified as to occupancy counts and general layout of proposed building.

****Jason Jones left the meeting room at 9:10 PM****

Mr. Porter – questions whether the building complies with height requirements pre- and post- Sandy?

Joseph Walker and Jennifer Beahm – Yes height is compliant.

Pastor Brown questions whether or not the building is going to look as it is being presented?

Joseph Walker – Building will look as depicted, only the type of material proposed may change due to cost.

It is requested by the Board and agreed to by the Applicant that a Jurisdictional Determination will be filed for with CAFRA.

****Jason Jones returns at 9:45 PM****

Bill Perry – 361 S. Riverside – requests lighting clarification on sign.

Mr. Martone – 103.7 ft + deck 31.5 ft. = 135 ft total length Was that the total length prior to Sandy?

Joseph Walker – states he is unaware of the conditions of the prior building. The new building is 1.5 stores and not sure with regard to old building.

Peter Longo - 369 S. Riverside – questions mechanical equipment and whether it will all be located on the roof?

Joseph Walker – some will be interior but there will be some on the roof in a parapet type enclosure.

Kathy Ford – questions 400 s.f. on the north side of the building.

Philip Martone – Why are sheds proposed if there is so much storage available under the building.

John Dempsey – Not sure whether or not storage underneath the building will be suitable for all types of storage.

Robert Burdick – Professional Engineer – testified to proposed and pre-existing conditions of the site. Sidewalk will be placed on the plans before submission to CAFRA for jurisdictional determination to make sure it will not affect the Permit by Rule. Variances being requested were reviewed.

Chairman Joseph Shafto states it is getting late and he is going to cut the meeting off here. He is going to let the Attorney handle further. Per Mark Kitrick, Esq. this application will be carried to our next meeting date of May 28, 2014 at 7:00 PM. No further notice will be provided.

ADJOURNMENT:

Motion to adjourn at 10:50 PM was made by Randy Bishop. All in favor. The next regularly scheduled Planning Board meeting will be held on Wednesday, April 23, 2014 at 7:00 PM.

Minutes submitted by Kristie Armour, Administrative Officer