

**Neptune Township ~ Planning Board  
Regular Meeting Minutes  
Wednesday December 11, 2013 - 7:00 P.M.  
Township Meeting Room 2<sup>nd</sup> Floor**

**ATTENDANCE:**

Present: Richard Ambrosio, Randy Bishop, Rev. Paul Brown, Sharon Davis, Fred Porter, Joseph Shafto, Mark G. Kitrick, Esq. Attorney to the Board, Peter Avakian, PE Board Engineer, Peter Van den Kooy, PP, AICP Board Planner, and State Shorthand Reporting.

Absent: Mel Hood, Ray Huizenga, Jason Jones, Robert Lane, Tassie York

**OPENING:**

Meeting called to order by Joseph Shafto, Chairman at 7:00 PM. Mr. Shafto advised the public of the fire exits and how the meeting will proceed.

**EXECUTIVE SESSION: (7:05-7:22 PM)** Board moved into executive session to discuss the subject of Developers' Agreements

**\*\*Board returns all members still present\*\***

**RESOLUTIONS TO BE ADOPTED & MEMORIALIZED:**

**RESOLUTION #13-11** – Approval of Minor Subdivision with Bulk Variance and associated design waivers to CMEK Investments, LLC for the property located at 1500 Seventh Avenue, Block 276, Lots 129 & 130.

***Motion to Adopt & Memorialize offered by Richard Ambrosio and seconded by Fred Porter***

***Those who voted yes:*** Joseph Shafto, Richard Ambrosio, Sharon Davis, Fred Porter

***Those absent:*** Tassie York, Robert Lane

**DISCUSSIONS:**

**PB13/07** – Block 1508, Lot 1 – 3655 NJ State Highway Route 66 – submitted by 66 Neptune Realty, LLC (Brick House Tap & Tavern) and represented by Salvatore Alfieri, Esq. The Applicant is seeking Amended Site Plan approval to now include a bulk variance for front yard setback for a water service backflow enclosure.

Sal Alfieri summarizes the application before the Board regarding “hot box” constructed without the proper approvals. Mr. Alfieri introduces his witnesses whom are sworn in and accepted:

1. Contractor – Chris Falkinburg – Project Manager – Dover Commercial Construction
2. Engineer – John Palus, PE – Dynamic Engineering
3. Sean Rea – Representative, Owner/Operator – Brick House Tavern

Chris Falkinburg discussed back flow preventer which controls all water coming into the property.

Chairman Shafto questions contractor regarding connections and utilities.

Exhibit A-1 (Site Map) marked and entered.

Board Members examined Exhibit A-1 collectively.

Exhibit A-2 (E-mail from Yvonne Radcliffe-Johnson of NJ American Water to Dover Commercial Construction) with Vault Specs – marked and entered.

Exhibit A-3 (AquaShield Backflow Enclosures Data Sheet) marked and entered.

Exhibit A-4 (Construction Details of “Hot Box” as constructed) marked and entered.

Exhibit A-5 (Sight Triangle Exhibit) marked and entered.

Mr. Falkinburg continues to explain timeline and scenario as it relates to NJ American Water and inspections.

The Board questions why the vault is not below ground as approved and as similar has been constructed at the Hampton Inn.

Mr. Falkinburg states NJ American Water informed him they will not accept a below ground vault.

Chairman Shafto questions why equipment cannot be installed within the building or why an addition cannot be placed on the side of the building to house the backflow preventer.

Mr. Falkinburg states there is no room within the facility.

Committeeman Bishop addresses the Applicant with regard to his own conflict of what to do about the situation as there are safety issues at hand and he is ultimately responsible for the safety of the community where this is concerned.

Mr. Falkinburg addresses Chairman Shafto’s question regarding the “ugly” box. Mr. Falkinburg states the existing structure will be finished to match the existing building onsite once and/or if approved.

Mr. Alfieri requests a brief recess at 8:25 PM

**\*\*9:00 PM – Board returns all members still present\*\***

Sean Rea – Vice President of Construction – Owner/Operator – Mr. Rea states he understands the Board and Committee’s concerns but requests that if the bulk variance requested cannot be granted, would the Board allow them to open for business on Friday, December 13<sup>th</sup> with the understanding that they must return to the Board in January with a solution for the backflow preventer issue which will be more conforming to what was approved.

Mr. Palus addresses the Board with a proposed temporary solution to the situation to allow the restaurant to open. The temporary solution would be to redirect the traffic around the building in order to return to the drive aisle which is accessed from Premium Outlet Boulevard. There will be no right turn permitted from the stop sign located next to the “hot box” only a left turn in since sight distance is not an issue making a left into the drive aisle that runs between the restaurant building and the “hot box”.

Public portion open – No one appeared – public portion closed.

Mr. Alfieri summarizes that his client was requesting the 1 variance for location of the structure within the front yard setback; however, his client is not asking for that tonight, but would just like a temporary agreement made so that they may open on Friday December 13<sup>th</sup> and return in a month with a solution to this issue possibly alleviating the need for a variance.

Based upon the application before the Board a motion was offered by Randy Bishop to carry the application to January 22<sup>nd</sup> with a redesign and without opening the restaurant until this issue is resolved, moved and seconded by Joseph Shafto – NO FURTHER NOTICE REQUIRED.

**Those who voted YES:** Richard Ambrosio, Randy Bishop, Rev. Paul Brown, Sharon Davis, Fred Porter, Joseph Shafto

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Mel Hood, Jason Jones, Ray Huizenga, and Robert Lane

**ADJOURNMENT:**

Motion to adjourn at 9:40 PM and to have the next meeting on Wednesday, January 22, 2014. All in favor.

Minutes submitted by Kristie Armour, Board Secretary.