



**Neptune Township ~ Zoning Board of Adjustment  
Special Meeting Minutes  
Wednesday April 15, 2015 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Boulevard**

**ATTENDANCE:**

Present: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Frances Keel, Joe Sears, Carol Rizzo, Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Matt Shafai, PE – Board Engineer, Jennifer C. Beahm, PP, AICP - Board Planner, George Waterman – Zoning Officer, and Torro Reporting, LLC

Absent: None.

**OPENING:**

Meeting called to order by Chairman Paul Dunlap at 7:34 PM. Chairman Dunlap advised the public of fire exits and how the meeting will proceed.

**CORRESPONDENCE:** None.

**RESOLUTIONS MEMORIALIZED:** None.

**DISCUSSIONS:**

**ZB15/04 (Appeal of Zoning Officer's Decision) – Friends of Neptune II – Hovchild Boulevard** (Hovson's/Victoria Gardens Project) – Block 4001, Lots 1, 2, 3, & 8 and Block 4101, Lots 13 & 14 (formerly Block 1500, Lots 1, 2, 5, 20, 21 & 22) – The Zoning Officer determined the following with regard to the new zoning permit application submitted on 01/29/15: “a complete zoning permit application should have been submitted for each property” and “Denied Zoning”

Ron Gasiorowski, Esq. representing Friends of Neptune II – states since filing of the appeal the Applicant has revised the plans; therefore, no longer appealing the decision of the Zoning Officer. Mr. Gasiorowski still maintains that this should be considered a new application due to the latest revisions. Mr. Gasiorowski places his comments on the record with regard to why the Board should consider this as a new application due to substantial changes.

Jennifer Krimko, Esq. representing Hovsons Inc. maintains that the changes that were made were as a direct result of the neighbors' concerns and recommendations of the Board. Her client is still seeking Use Variance for Residential Use in a Commercial Zone. Case Law is discussed and Ms. Krimko states that an expansion of the project would be considered a substantial change; however, in this case the scope of the project is now smaller and they are not expanding what was originally proposed. Ms. Krimko pleads her case to the Board to consider the application as it is now being presented.

Ron Gasiorowski, Esq. states that the comment made by Ms. Krimko that the actions of his client are an unveiled delay tactic is false.

Monica Kowalski, Esq. reads her memorandum of law and procedure addressed to the Board dated April 15, 2015 into the record and explains the decisions the Board must make.

The meeting is open to discussion between the Board Members on the record.

**\*\*Board breaks for review of recent memo read/received from Board Attorney at 8:46 PM. Board returns at 8:59 PM and all members are still present with the exception of Mr. Waterman whose presence is no longer needed with regard to the original appeal\*\***

Discussion takes place on the record with regard to whether or not the case had concluded back in December. Monica explains procedure to the Board.

**Based upon discussions the Board takes a poll with regard to dismissing the procedural hearing issue so as the Board can maintain jurisdiction and move forward to determine whether application is new vs. amended:**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Joe Sears, and Paul Dunlap

**Those who voted NO:** Thomas Healy and Frances Keel

**Those who ABSTAINED:** None.

**Those ABSENT:** None.

**Based upon discussions and application before the Board, James Gilligan makes a motion that the changes made constitute substantial changes to the application and this should be considered a new application, seconded by Joe Sears:**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Joe Sears, and Paul Dunlap

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** None.

### **ADJOURNMENT:**

A motion was made by William Frantz and seconded by Thomas Healy to adjourn at 9:22 PM. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, May 6, 2015 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2<sup>nd</sup> Floor.

Minutes submitted by Kristie Armour, Administrative Officer to the Board of Adjustment.