



**Neptune Township ~ Zoning Board of Adjustment  
Special Meeting Minutes  
Wednesday June 17, 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, Joe Sears, Monica Kowalski, Esq. – Board Attorney, Peter Avakian, PE - Board Engineer, Jennifer C. Beahm, PP, AICP - Board Planner, and Torro Reporting, LLC

Absent: Paul Dunlap, Thomas Healy, Frances Keel, and Carol Rizzo

**OPENING:**

Meeting called to order by Vice Chairman James Gilligan at 7:30 PM. Vice Chairman Gilligan advised the public of fire exits and how the meeting will proceed.

**CORRESPONDENCE:** None.

**RESOLUTIONS MEMORIALIZED:** None.

**DISCUSSIONS:**

**ZB15/09 (Sign Variance Application) – Neptune Partners, LLC (The Waverly at Neptune)** – 100-1000 Waverly Avenue - Block 4001, Lot 6.02 (Formerly known as Block 1500, Lots 23.04 & 23.05) – Applicant is proposing multiple banners/signs, all of which require variance relief for either the type, size, and/or location of same.

Jennifer Krimko, Esq. represented the Applicant.

The Applicant is requesting additional signage – some being temporary and some permanent.

Jonathan Schwartz of BNE – sworn in and provided testimony. Began leasing as of 3 weeks ago.

A-1 – ALTA/ACSM Survey dated 10/14/13

A-2 – Promotional Signage Package dated 5/27/15

A-3 – Promotional Signage Package – Reduced Color Rendering dated 5/2015

A-4 – Photo Packet of other projects in East Rutherford, Fort Lee, and Harrison

Jennifer Beahm states you cannot equate Bergen County with Monmouth County.

Each of the proposed signs were discussed along with their location and purpose.

Mr. Gilligan states he does not see a need for Sign #3 or Sign #1.

Applicant agrees to amend application to eliminate Sign #1

Applicant requests Sign #2 for a period of 24 months – It is agreed between the Board and the Applicant this request will be revised to a period of 18 months.

There is a proposed 6-7 month timeframe for the proposed build out.

Applicant agrees to amend application to eliminate Sign #3

Applicant agrees to amend application to reduce the maximum height on Sign #4 and Sign #5 to 4 feet.

Sign #6 (located at turn in off Route 66) ok. This sign will be ground lit. At the end of the 18-month period the Applicant will return with a more permanent proposal for this sign.

No signs will be internally illuminated.

Kevin Chambers – 58 Heck Avenue – wants to confirm these signs are temporary.

**Based upon discussions, amendments made during the hearing, and application before the Board, Mr. Frantz made a motion to approve the application as discussed, seconded by Joe Sears:**

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

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Paul Dunlap, Thomas Healy, Frances Keel, and Carol Rizzo

**\*\*BOARD TAKES A BRIEF RECESS. BOARD RETURNS AT 8:30 PM ALL MEMBERS STILL PRESENT\*\***

**ZB15/08 (Preliminary & Final Major Site Plan with Variances) – Kurt Cavano – 50-54 Main Avenue – Block 209, Lot 3 (Formerly known as Block 36, Lots 1585, 1587, and 1583.02) – The prior mixed use structure located on this property was destroyed by fire. Applicant proposes to construct a more confirming, new, three-story structure which will contain commercial/retail/restaurant to be located in the basement, first floor, and part of the second floor. The Applicant also proposes six (6) residential apartment units to be located on the second and third floors. While all of the proposed tenants are not known yet, Applicant stipulates that all will be permitted uses in the HD-B-1 Zone.**

Notice is accepted. Applicant represented by Jennifer S. Krimko, Esq.

Monica Kowalski makes announcement at beginning of hearing that regardless of the Board's decision the Applicant must still apply to HPC for approval.

Ms. Krimko introduces and marks exhibits as follows:

A-1 – Survey dated 4/7/15

A-2 – Preliminary and Final Major Site Plan dated 4/21/15

A-3 – Architecturals (19 sheets) dated 4/21/15

Mark Alexander Pavliv, AIA – sworn in and provides history of the site and discusses the current proposal.

Access to the roof is for access to AC units for maintenance. There is no intent to utilize the roof area as a recreation area. The area will be fenced off for access to AC units only.

Jennifer Krimko states for the record that the stair access profile indicated on plans may have to be reduced per HPC.

Rachel Roat – 56 ½ Heck Avenue – questions regarding A-10 – will AC units be visible from the street (Main or Heck)? Per Mark Pavliv – No.

1<sup>st</sup> Floor – A-7 – 5 foot high fence to enclose trash? Where is it going out? Trash will be taken out to the front of the building.

Kevin Chambers – 58 Heck Avenue – A-10 – suggests wall around AC units to eliminate noise. They are upward flowing newer units so not necessary.

Kevin Chambers – Questions kitchen ventilation – Kitchen will be ventilated through rooftop.

Michael Hirsch – 56 ½ Heck Avenue – compliments architectural and confirms all access will be from Main Avenue.

Kurt Cavano – owner – sworn in. Owned building for just under 20 years. There are a number of tenants that have been displaced from the fire that are looking forward to coming back.

The Basement Area is proposed to have an “incubator” space to provide training to children – EDC – starting business and technology. This space was utilized for storage previously and now proposing a new use for the space.

Jennifer Beahm – How many people will be in the basement at one time?

No more than 20 people at a time.

Ms. Beahm is concerned with density issue.

**\*\*BOARD TAKES A BRIEF RECESS. BOARD RETURNS AT 9:42 PM ALL MEMBERS STILL PRESENT\*\***

The Board Professionals request time to research this use and cannot advise on basement use at this time.

Jennifer Krimko, Esq. requests to bifurcate and eliminate the basement use at this time.

**Jennifer Beahm requests more information on use for basement and takes no exception to bifurcate the application at this time.**

**The Board takes no exception to the proposal for bifurcation of the basement use portion of the application.**

Kurt Cavano elaborates on proposed signs – the stores will have no more than three signs per tenant (1 sign above store, 1 shingle sign, and 2 more (window & door combo)).

There is no access proposed to Heck Avenue all garbage will be taken out to Main Avenue. Applicant is willing to install a 5 foot fence in rear of property to eliminate any traffic onto neighboring properties.

Kevin Chambers – Has an issue and insists this project consists of 3 lots and not 1.

Joe Kociuba, PE, PP – sworn in – Licensed engineer for 15 years – accepted by the Board.

Site circulation discussed – proper access will be provided around three sides of the building which is increased from the prior – now conforms to setback requirements and there is a reduction in lot coverage.

Density and FAR (Floor Area Ratio) are discussed and it is stated that it is consistent with sites in the area.

Detriments have been addressed and the site can accommodate the proposal as it has for the past 20 years.

Jennifer Krimko, Esq. states the applicant will comply with all comments in the Board Professionals review letters.

Peter Avakian seeks clarification on utilities and drainage.

Monica Kowalski questions the number of seats in restaurant = 45 proposed (previously 36)

If refuse becomes an issue additional cans can be added or the frequency of pick-up can be increased.

It is requested the tables and chairs be removed from the plan.

Kevin Chambers – 58 Heck Avenue – concerned about tables outside. It is stated they will comply with ordinance requirements.

Michael Hirsch – concerned with parking would like some sensitivity to ease impact.

Kevin Chambers - discussed RSIS

Michael Hirsch – expresses his concerns with need for responsible building and limitations on the uses of buildings.

Rachel Roat – parking concerns

Jennifer Krimko gives summation.

**Based upon discussions and amendments made during the hearing and the exclusion of the basement use, a motion to approve the remainder of the application with the understanding HPC review and approval is still required relative to architectural features was made by Barbara Bascom and seconded by William Frantz:**

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

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Thomas Healy, Paul Dunlap, Frances Keel, Carol Rizzo (Recused)

**\*The Board agrees to carry this application to the September 2<sup>nd</sup> meeting date in order to further discuss the proposed use in the basement area. No further notice is required for the September meeting date.\***

### **ADJOURNMENT:**

A motion was made by James Gilligan and seconded by William Frantz to adjourn at 10:31 PM. The next meeting of the Zoning Board of Adjustment will be our Regular Meeting on Wednesday, July 1, 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.