



**Neptune Township ~ Zoning Board of Adjustment  
Regular Meeting Minutes  
Wednesday, February 7, 2018 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Boulevard**

**ATTENDANCE:**

**Present :** Dr. James Brown, William Frantz, James Gilligan, Thomas Healy, Frances Keel, Michael Pullano, Joe Sears, Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Matt Shafai, PE, PP – Board Engineer, Jennifer Beahm, PP, AICP - Board Planner, and Torro Reporting, LLC.  
**Absent:** Barbara Bascom, Naomi Riley, and Theopolis Stewart

**OPENING:** Meeting called to order by Chairman Paul Dunlap at 7:30 PM. Chairman Dunlap advised the public of fire exits and how the meeting will proceed.

**CORRESPONDENCE:** None.

**RESOLUTIONS MEMORIALIZED:** None.

**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.

**\*\*RECEIVED E-MAIL REQUEST FROM MS. KRIMKO REQUESTING THIS MATTER BE ADJOURNED TO APRIL 4, 2018, AS THE PLANS REQUIRE REVISION DUE TO OBTAINING AN EASEMENT. NEW NOTICE WILL BE REQUIRED AND PROVIDED SINCE IT HAS BEEN OVER 6 MONTHS SINCE THE LAST NOTICE WAS SENT.\*\***

**ZB12/21 & ZB13/14 (Use Variance, Preliminary Major Site Plan, & Minor Subdivision)** – Hovsons, Inc.(Victoria Gardens) – Hovchild Blvd – Block 4001, Lots 1, 2, 3, & 8 and Block 4101, Lots 13 & 14 (formerly Block 1500, Lots 1, 2, 5, 20, 21, & 22). Plans had been revised to eliminate the proposed commercial space and reduce the number of proposed apartment units from 312 to 272; therefore, the project now involves only Block 4001, Lots 1, 2, 3, & 8 (formerly Block 1500, Lots 5, 20, 21, & 22).

Guliet D. Hirsch, Esq. for the Applicant indicates at the November meeting they had started with their Planner Andrew Janiw and they are hoping to finish their presentation tonight. Ms. Hirsch confirms with Mr. Janiw that there is a list of variances and exceptions and distributes the list to the Board for reference.

Exhibit A-77 – List of Variances and Exceptions

Andrew Janiw, PP, AICP remains under oath.

It is noted for the record that all members present have certified they have read the necessary transcripts.

**\*\*Break at 7:40 PM for Ms. Kowalski – at 7:41 PM Ms. Kowalski returns all members still present\*\***

Mr. Janiw reviews the list of variances being requested and the changes that have been made.

Jennifer Beahm questions signs and it had been discussed that 4 signs was a lot and there was some kind of agreement that we would go back to 2 signs – Guliet indicates she doesn't recall there was an agreement, but she remembers comments. Mr. Janiw indicates he remembers talking about it but does not recall a reconciliation on that. Guliet indicates she does not have any direction from Hovsons on that but it is a minor part of the application.

Jennifer Beahm feels it is disingenuous to go over a list of relief being requested without pointing out the fact that there was discussions that took place with regard to some of the relief being requested. It is agreed to not review the list but rather pick-up where testimony was left off.

Per Mr. Janiw – left off discussion of 150 foot maximum length of a wall or footprint plane for a building and they are proposing to exceed that and are requesting 180 feet in length with the exception of Building #1 which is compliant.

It is indicated the mixed façade with open stairwells, etc. creates an illusion and it won't be detrimental in appearance and breaks up a monotonous look. The architects gave extensive testimony with regard to this.

Bill Frantz asks what the backs of the buildings look like. Mr. Janiw indicates there is interruptions of stairwells that go through from front to back of the building.

There is a 24 foot driveway width being proposed when the maximum driveway width permitted is 22 feet. There was testimony provided that the extra 2 feet was appropriate for the roadway and it created a safer condition for not only those entering but for emergency access.

Parking areas with 100 or more spaces. No more than 8 parking spaces shall be placed in one row without there being landscaped islands on both sides of the spaces. Requesting an exception because essentially requiring none of such islands. The architect and engineer both testified to these islands being a maintenance issue for irrigation and snow plowing. Ms. Kowalski asks Mr. Janiw if no plantings is aesthetically pleasing. Mr. Janiw indicates the real issue is to break up the parking. He feels they have provided enough greenery, plantings, and bufferings. He agrees with the architect and engineer with the maintenance issue of the islands and they can become unsightly and agrees it is a better alternative to not install islands. William Frantz indicates he feels 26 spaces without a break-up is obnoxious to look at. Understands there could be a maintenance issue, but that is all part of the development.

A discussion takes place with regard to the crosswalks and walkways which contain grass areas.

The Applicant is amenable to create islands if required by the Board and will consider them especially on the longer banks of parking. Mr. Janiw believes the site is over parked at this time, so this can be considered. There are 539 spaces being proposed. There are 26 handicap parking spaces.

Mr. Janiw indicates there is landscaping at that first crosswalk and again where Road B and Road C intersect as indicated on the landscaping plan dated March 2015.

Paul Dunlap indicates Exhibit A-69 says 59 spaces were eliminated. What is happening with this space and do we have any drawings showing the reconfiguration of the parking lot with those spaces eliminated. How can you rule on anything when we have no clue what is happening to the space. Is there landscaping is there no landscaping? We have no idea.

Guliet suggests there are 2 options in this case. 1. Provide a revised plan at the next meeting. 2. Provide some direction with what you want to see with the revision such as replace as many of the spaces with landscaping as possible or whatever your criteria are. If you make a decision, then the review would be by Ms. Beahm and Mr. Shafai to ensure that we have done what you have requested.

Paul Dunlap asks could you possibly see, with the elimination of those spaces and reconfiguring, that you could live up to the ordinance requirement and eliminate the variance?

Guliet indicates they can give it a shot to meet the ordinance – eliminate as much as possible.

Paul Dunlap indicates the goal of all of this is to eliminate as many variances as possible.

These are 2-sided buildings which will front on private drive parking.

Private yards are required – there are no private yards associated with this project.

There is no front or side yard screening proposed with this project as there are no private yards, this is an apartment building and not a townhouse type scenario. There is foundation planting landscaping proposed for the buildings.

Paul Dunlap questions why #6? There are no front or sides? Mr. Janiw indicates there are no essentially front or side yards, not every unit has a yard. There are foundation plantings but they would not constitute what is required, but believes it meets the intent. Jennifer Beahm disagrees as it does not propose privacy on the outside of the ground units.

Mr. Healy questions whether it would not be better instead of 312 units you had 200 units? Why not less than 272 why not better – Mr. Janiw indicates it is best suitable and can accommodate 272 units for this 1 lot – and believe it is appropriate for the property. Jennifer Beahm indicates if the number was lower you could still make the same argument it would be less dense, less traffic, less intense development, but the overall use of the property would be the same so therefore, your testimony is not contingent upon the number of units but the use.

Andrew Janiw indicates what they are proposing will have less of an impact in terms of traffic and noise than what could be developed under the C-1 use. The number of units has been reduced from the 312 units which was felt to fit comfortably on this site.

Mr. Healy asks if you redesigned the project with 200 units or whatever it is...you wouldn't need 4 stories, you may be able to have a lot less variances, even though the use is still in question, you might not be looking for all of the different relief that you are looking for. Mr. Janiw indicates he believes the only variance that would be affected in terms of reducing the impact of a variance would be the building height.

Mr. Gilligan asks if Mr. Janiw's testimony is based on the entire piece of property. Mr. Janiw indicates that it was considered and part of the property has constraints – Mr. Gilligan questions if they are trying to get as much as they can in the developable area – Mr. Janiw indicates they can fit more on the site, but have reduced it. It is his opinion that what is being proposed is a lesser intensity than what could be developed here as of right.

Monica Kowalski, Esq. – questions Mr. Janiw's original testimony. Mr. Janiw does not recall, but believes it related to the original plan. Ms. Kowalski indicates part of the problem the Board is having is that we went from a previously proposed a mix of commercial and multi-family residential is the type of development that this project requires to connect the zones. It created the "transitional element". So, the difficulty here is the reconciliation that the plan has now been amended and any commercial element has been removed and now it is strictly a multi-family proposal where there is essentially almost every corner of the buildable lot has been occupied. At what point do you reconcile that we have lost any sense of commercial/retail and now just residential. Mr. Janiw indicates that the commercial/retail component was removed because of the adverse reaction to it, not necessarily because they didn't want it. Ms. Beahm does not agree. She believes the initial application maintained a piece of property along Route 33 which is a commercial component yet your commercial component was internal to the site and the proposal was to add additional residential units along Route 33 and perhaps the way that the proposal was laid out was not in the best

interest. In other proposals that we have seen it has been more integrated, residential over retail as opposed to stand alone commercial especially given this particular property as unusual as it is maintained at the outset a piece of property that fronts on Route 33 which is a State Highway and perhaps that would be a more appropriate location for commercial as opposed to internal. Therefore she does not agree with Mr. Janiw's proposal of how we got to here.

Mr. Healy indicates the whole mixed-use was an issue that we had.

**\*\*At 8:37 PM the Board takes a break. At 8:47 the Board returns and all members are still present\*\***

Guliet Hirsch indicates they will come back with a revised landscaping and parking layout plan. Despite intentions of concluding tonight, they will have to come back with that.

Public portion is open for questions only of Mr. Janiw:

Gerald Azzolini – 25 Maplecrest – questions previous comparisons to Waverly – did you consider that the Waverly is not adjacent to any residential areas? Yes it was considered. Then why is it comparable – Because it is adjacent to our properties refers to A-63 which refers to Waverly adjacent to our north property line, ballfields, the R-1, R-3, and R-5 Zone – we are entirely surrounded by residential uses which is why Mr. Janiw feels this proposal is appropriate for this site – The Waverly essentially broke the mold of commercial by putting residential there and providing a transition area. Densities were compared but not commercial at that time.

Mr. Azzolini questions Mr. Janiw with regard to the length of the building. Mr. Janiw indicates the purpose of the extra 30 feet is to efficiently layout the project and that if shortened the 30 feet you could potentially have more buildings on the site.

Mr. Azzolini questions Mr. Janiw if there was a noise analysis study. Andrew Janiw indicates he is not a noise expert and he indicated that they did not see a need to do one.

Michael Golub – Did you testify that you thought that the larger mass of the building at 180 feet as opposed to 150 softened the presence of the building? – Softened through openings and technique as also testified by architect. A discussion takes place with regard to the townhomes that have an approval on the Tinton Falls side of Hovchild Boulevard. Mr. Golub asks if this project was taken into consideration when provide traffic and stormwater calculations? Mr. Janiw indicates he did not do any of those calculations.

Tad Adams – 17 Jeanne Drive – Asks to show where Jeanne Drive is on Exhibit A-63 and a discussion takes place with regard to the number of 2-story homes in the adjoining single-family residential neighborhood vs. 1-story homes and Mr. Adams asks whether or not he will be able to see the proposed 2-story building from his porch? He then asks if he can see a two-story building from 50 feet from anywhere in the adjoining residential development. Mr. Janiw reiterates what is permitted there and what could be seen if a commercial development were to be built at this location rather than a residential development.

Mr. Gasiorowski – appeared about 4 years ago – representing Friends of Neptune. Mr. Gasiorowski indicates Mr. Argentieri is here so that is who he represents. Questions Mr. Janiw with regard to the Ordinance and Master Plans and their process and whether he believes it was the sentiment of community for C-1 Zone in this location at that point in time. Changes in circumstances within the municipality and evolving experience of zoning and planning discussed. 2011-2012 is the most recent Master Plan and it is indicated this is a “Guide” for the Committee and not a zoning ordinance. Mr. Gasiorowski indicates that there have been other ordinances passed which rezoned certain areas since the adoption of this Master Plan and they have chosen not to rezone this particular area.

Dispute takes place with regard to prior and current planning testimony.

The design waiver being requested for the length of the building is discussed again and whether or not there are breaks in the roof line. It is then asked if it is one continuous roof? Mr. Janiw indicates there is one continuous roof.

Mr. Gasiorowski and Mr. Janiw discuss height and density which does not apply to this application as there are no requirements in the C-1 Zone for residential development and that they would be different than that of commercial. Mr. Gasiorowski proceeds to question Mr. Janiw with regard to the number of units being proposed and the Board's ability to limit the number of units.

Power of Board to determine appropriateness of number of units discussed – disagreed by Andrew Janiw.

Mr. Gasiorowski discusses with Mr. Janiw whether or not decreasing the heights of the 3- and 4-story units would decrease the number of units and possibly eliminate some of the other relief being sought. Mr. Janiw disagrees and indicates the site may be laid out differently and the units could be made smaller.

Mr. Gasiorowski and Mr. Janiw compare the view of the existing Jumping Brook apartments from the adjoining residential neighborhood compared to what the view will be of the proposed development. It is Mr. Janiw's opinion that this proposed development would have less of an impact on view than that which already exists.

Mr. Gasiorowski asks if Mr. Janiw can check to see if his client has sought a zone change for this area prior to the next meeting. Mr. Janiw agrees and believes it is an appropriate request.

No further public.

**\*\*AT THIS TIME IT IS AGREED TO BY THE APPLICANT AND THE BOARD TO CARRY THIS MATTER TO THE APRIL 18, 2018 SPECIAL MEETING WITH NO FURTHER NOTICE BEING REQUIRED\*\***

**ADJOURNMENT:**

A motion was made by William Frantz and seconded by Thomas Healy to adjourn at 9:44 PM. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, March 7, 2018 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.