



**Neptune Township ~ Zoning Board of Adjustment
Special Meeting Minutes
Wednesday, April 18, 2018 at 7:30 PM
Municipal Complex, 2nd Floor, 25 Neptune Boulevard**

ATTENDANCE:

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

Absent: Barbara Bascom, Frances Keel, 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:

ZBA#18/08 – Resolution Granting Use Variance Approval – Peter Conte – Block 206, Lot 11 – 101 Heck Avenue (Ocean Grove).

DISCUSSIONS:

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). Represented by Guliet D. Hirsch, Esq.

It is indicated that all members present are eligible to vote should the Board render a decision.

Andrew Janiw, PP, AICP sworn in and indicates there are 2 revised exhibits.

Exhibit A-79 – Foundation Planting Exhibit dated March 28, 2018 - Building #8 is shown on the plan – depicts modified planting detail some screening at lower level and perimeter landscaping as requested.

Exhibit A-80 – Parking Exhibit dated April 4, 2018 – still meets minimum parking requirements 541 spaces are being provided. Five-hundred and thirty-two spaces (532) would be required for this configuration.

This plan addresses some of the concerns and deviations that the Board had discussed at the last meeting. Two of the signs along the Hovchild Boulevard frontage, originally seeking a variance for four signs where two were permitted, the plan is now going to comply with that. There will be two signs along that frontage to be consistent with the zoning ordinance.

Parking has been eliminated within the front yard setback. So that deviation has been eliminated, and the revised parking configuration is maintained.

Eliminating the variance requested related to the fence running parallel to Oakcrest Drive. The ordinance permits a fence of no more than four feet in height, and that would have been a black chain link fence.

Applicant is can comply with the 4 feet. This fence is to prevent any access; therefore, anyone coming through the property line. The four foot would be sufficient.

This plan also addresses Section 509-14(c) of the ordinance, which requires planted islands in lots of more than 100 spaces separating any string of more than eight spaces. The plan is now in compliance. It was discussed and testimony provided regarding planted islands were not wanted and the Board thought that it was important to break up the massive monotony of the parking. So this is now presented as a compliant plan.

The islands are configured at no more than eight space intervals. There is a detail here showing two types of islands. The green parking island is fully planted. There's also a detail of 5 instances of an island that would have a sidewalk crossing. That would have a sidewalk down the middle of the island with planting on either side.

There has also been a little bit of a reconfiguration of the parking adjacent to anywhere that would have a trash enclosure. Applicant is not proposing parking space next to that. That would be an area that would be kept as a green area not having anyone pulling up alongside the trash enclosures.

There were between Buildings 3 and 4 and Buildings 5 and 6, there are trash enclosures. Previously there was a little notch to the left and right, that at one time was a parking spot which was somewhat awkward. These spots have been eliminated.

A discussion takes place with regard to lack of enclosures on the plan by Buildings 1 and 2. Chairman Dunlap expresses concern with only 6 enclosures for the entire development.

Since the minimum parking requirement can be met, the Applicant is certain they can comply with additional configurations for enclosures without affecting parking, which can be sorted out with the Board Professionals.

There is a revised Variance and Exceptions list dated April 2018 to be marked as Exhibit A-81

Exhibit A-81 – Victoria Gardens – Neptune Zoning Board of Adjustment List of Variances and Exceptions (Revised Exhibit A-77).

Mr. Janiw reviews the lists and indicates which items have been eliminated from the list.

Mr. Gilligan questions Section 5 of A-77

Martha Applegate questions fence height – 6 foot black vinyl is now a 4 foot black vinyl. The starting and ending point of the fence is questioned – Andrew Janiw indicates is starts at the property on the right side property line and along Oakcrest along outbound as indicated by the X's

The property is to be surrounded by 4 foot chain link fence.

It is questioned where the dumpsters are located as there are 6 proposed. Three (3) of the six (6) will be bordering the neighborhood?

Gerald Azzolini – 25 Maplecrest Drive - board with X's – parking proximate to pool for residences. It is indicated there are no assigned parking spaces for the project. The size of the dumpster enclosures vs. the frequency of pick-up is briefly discussed.

Steven Applegate – questions the landscaping and suggests to make sure they are deer resistant.

Marj Mottola – sworn in – 68 Tall Pines Drive – concerns with traffic on Jumping Brook Road and traffic impact on Route 66.

Anne Marie Cummins - sworn in – 14 Jeanne Drive – 2 houses away from the garbage bins and the proposed 4 foot chain link fence. People can climb a 4 foot fence. This neighborhood is three streets wide, three streets long. Adding this when we're already surrounded by several apartment complexes, it's just gonna decrease the values in our homes when Neptune has just stated that there's been a value increase in homes in Neptune. It's just upsetting to think that homes that most of us have lived in over 20 years, some longer, that our homes are gonna be decreased. Because who wants to live in a neighborhood that's surrounded by apartments? We already have the Jumping Brook, we have The Waverly, and we have the hotel. We're one street in, one street out. There's just nowhere for all this traffic to go. Thirty-three, 66, Jumping Brook Road, they're one street in and one street out. I just don't think it's fair to us who have been in the neighborhood for so long to have all these apartments, and I agree with the deer. I mean, we had five deer on our front lawn the other day, and yes, they're eating my plants as well. I feel it's just too massive for our neighborhood and you have one parking space -- or an extra parking space for every four parking spaces, so each apartment -- four apartments have one parking space plus a second one to share? Where's all this parking gonna go? They're gonna come right on Oakcrest Drive, because like I said, anybody can climb a four-foot chain link fence. I just think there's some things you should take into consideration when approving this. Thank you.

Ms. Hirsch - May I ask Ms. Cummins just one question? Ms. Cummins, do you live within 200 feet? In order words, did you get one of the certified notices? Ms. Cummins – Yes.

Ms. Hirsch asks if she was talking about the impact on property values and if Ms. Cummins was a real estate appraiser by training? Ms. Cummins indicates she is not, but to use a little common sense.

Ms. Hirsch asks just here question please, you're not a real estate appraiser? Ms. Cummins responds that no she is not.

Martha Applegate - 25 Roberts Road – reads prepared statement and indicates she feels this project is too big for the Board Members to not drive down the streets and look for themselves before making a decision. Ms. Applegate indicates this is too big and too dense for the area and for the wetlands it contains.

Ms. Hirsch - Just two quick questions for Mrs. Applegate, I'm sorry. I believe you said you lived on Oakcrest, is that right? Mrs. Applegate indicates “Roberts”.

Ms. Hirsch asks if Mrs. Applegate is within 200 feet of the project? In other words, did you get a certified letter? Mrs. Applegate indicates – no.

Ms. Hirsch indicates – No. Okay. And were you aware of the fact that there's a Community Impact Statement in the record on this application that addresses the impact of this project? Mrs. Applegate indicates “If you didn't give it to me, then no, I'm not.”

Ms. Hirsch indicates - All right. Thank you.

Gerald Azzolini – 25 Maplecrest Drive – Indicates he has lived in the neighborhood for 30 years. The neighborhood is quiet and a safe haven for all its residents. He indicates he has attended every meeting because he feels this plan will have a detrimental impact on the neighborhood in its present form. He thanks the Board for its patience and professionalism, relevant questioning of the consultants, and its honest concern for the Neptune residents and feels Hovsons has not taken into consideration of the impact on the surrounding neighborhood.

Tad Adams – sworn in – 17 Jeanne Drive – one of the ones closest to trash. Not originally from Neptune, but from up North. Found Neptune to be unique and likes it for its diversity, but does not find this project to

be consistent with a lot of things that have gone on around him. One of the things that was a little discerning was during all the testimony, whenever they showed a photograph of the neighborhood, they only showed three or four of the two-story houses that aren't anywhere near the development. They never showed any of the one-story ranch houses that he can remember. It would seem consistent that whenever we tried to ask questions, it would get deferred to another witness. But then when that witness came, it didn't seem like the question was ever answered, or it wasn't remembered. It just -- it appeared to be a method of pushing it off, or it couldn't -- it just didn't seem to have the impact, the question, when it could be deferred.

Tom Argentieri – 8 Jeanne Drive – Apologizes for his voice and he would like to join with neighbors in thanking the Board for its patience and its thoroughness in this very, very long process that we've been forced to go through. I moved in in the year 2000, that's about 18 years ago. I was impressed by the fact that the homes were well-kept, the yards were well-kept for the most part. No neighborhood is perfect as you've seen from the one or two photographs that have been presented to you. But I'm sure that you folks, the residents in Neptune have been through our neighborhood, and it is great. I would hope that those Board members would remind the newer Board members that there had to be almost 100 people at those earlier meetings who were coming out and trying to speak on behalf of their neighborhood as well as they could, okay, objecting to the kind of impact that was proposed, and obviously, over the course of this application have been offended by some of the tactics that have been employed by Hovnanian in dragging this application out and repeating the application until they can't be here anymore. We object to the application. I respectfully submit to this Board that this application should be denied. And if they want to pursue it further, let them come again and then address what this Township Committee thought was appropriate in terms of density.

Ms. Hirsch - Mr. Argentieri, just a quick follow-up or two, I'm sorry, I didn't pick up on your address. Mr. Argentieri – 8 Jeanne Drive.

Ms. Hirsch – are you within 200 feet? Mr. Argentieri – indicates he does not know.

Ms. Hirsch - Well, the way you would know is if you got a certified letter from my office. Mr. Argentieri indicates he does not recall five years ago.

Ms. Hirsch - Okay. Well, there have been numerous notices on this one. So yes, there was one five years ago, but there would have been maybe one --

Ms. Beahm - Where exactly are you on Jeanne Drive? Do you backup to this property? Mr. Argentieri indicates no.

Ms. Beahm asks you're on the other side of the street? Mr. Argentieri indicates he is on the corner of Roberts and Jeanne.

Ms. Beahm indicates she thinks he is – Ms. Hirsch indicates she can't recall.

Ms. Kowalski – Wait. Stop. He just testified that he did receive notice from her office.

Ms. Beahm - Okay.

Ms. Hirsch - And just another question...Are you represented by Mr. Gasiowski? Mr. Argentieri indicates yes, hopefully, he does not know where Mr. Gasiowski is tonight. He guesses he felt he could pick up the mic for himself.

Blanche Dunbar – 40 Lynn Drive – Mainly concerned with the traffic issue. She has been in her house since 1993 and there are five hotels or motels in that area, and the traffic at times is a nightmare, especially during the summer. Two hundred and seventy-two units at The Waverly she understands are very hard to

rent. Ms. Dunbar indicates they were doing all sorts of promotions trying to get people to rent those units, and here we are building more units. She does not think it's fair to community to be surrounded by so many more apartment units. Since she has been there, not only has The Waverly been built, but also the Village -- the Village was not there when I she originally purchased her house. She indicates they were originally told that these apartments were for empty-nesters way back in 2013. And now she is hearing that there's three-bedroom apartments. Doesn't know what empty-nester would rent a three-bedroom apartment. There are all sorts of animals out there and she would just hate to see that wooded area gone.

Ms. Hirsch - Ms. Dunbar, same questions I've been asking everybody. Did you receive a certified notice from me for this hearing? Ms. Dunbar asks "Who are you?"

Ms. Hirsch indicates "Let's just say from Archer & Greiner". Ms. Dunbar indicates she has not received anything from Archer & Greiner but that she in the beginning she did receive notice from the Board in 2013-2014.

Ms. Hirsch asks if they were certified letters? Ms. Dunbar indicates, yes they were.

Ms. Beahm indicates – The Board Professionals were looking to see on the plans, but the plan set only has the Tinton Falls 200-foot list on them.

Stephen Applegate – 25 Roberts Drive – wants to address the threat made that a 12-story hotel could be built - Under the Zoning Ordinance Section 414 Planned Commercial Development Regulation, the last sentence says: "Planned Developments are intended to enable creative design and development of larger sites without adversely impacting surrounding land uses, particularly existing residential neighborhoods." How would a 12-story hotel not adversely impact the existing neighborhood? He doesn't think this Board, or any future board would approve a building like this based on that sentence alone. His next concern is the amount of porous pavement on this project. Not sure of the amount, but I believes it is over 50 percent. Mr. Applegate indicates he has almost 34 years of underground utility construction experience and has been around many projects like this one, including ones with porous paving. This would have to be one of the last things done during construction, because no landscaping supplies or anything else can be put on this, and shouldn't be driven on for several days. Then there's the maintenance issues of this. It has to be vacuum-swept on a regular basis. Who's going to make sure this is done and make sure it's still working in a few years? It's not like a regular drainage system that you could look, put a camera in, see if it's clogged, or retention basin and if it's silted it gets cleaned out. If it stops working, where is the water going to? Why do the buildings have to be over two stories when the majority of apartments in Neptune are only two? Mr. Applegate feels traffic studies done did not include all surrounding roads. Mr. Applegate indicates he is not within 200 feet of the project.

Debra Paluchowski – 32 Lynn Drive – sworn in – gives comments and concerns with regard to traffic impacts – not within 200 feet.

****BOARD TAKES A BRIEF RECESS AND RETURNS AT 9:17 AM – ALL MEMMBERS STILL PRESENT****

Summation given by Guliet Hirsch, Esq. – This proposal has been going on for 5 years now. They are now proposing 272 units grossing 6 units per acre. The application includes 13 buildings and a Clubhouse. There are 2 tot lots, stormwater management, fencing, landscaping, and all the regular site improvements you would expect to see. There are proposed to be five (5) 2-story buildings 25 feet in height adjacent to the Oakcrest neighborhood. There are six (6) 3-story buildings in the center at 33 feet in height and there are two (2) 4-story buildings fronting on Hovchild Boulevard at 42 feet in height.

The apartments are being proposed as a luxury product containing 1,110 s.f., 1,140 s.f., and approx. 2,000 s.f. units. There have been changes over the years from 312 initially proposed units to now 272 units.

There has been additional landscape buffer and additional landscaping throughout. There has been a change in the fence and signage to eliminate some variances and conforms much better.

In terms of the variances that are required A-81 describes them.

The D-1 use variance is really the threshold variance for this application. This is a multi-family product proposed in the C-1 Zone which causes need for the use variance. Associated with that use variance is the height variance which is required because three- and four-story buildings are proposed.

There are some existing condition variances including minimum lot width and frontage regardless of what is constructed on this property. Those conditions exist and that's why they're considered C-1 hardship variances.

There are a number of exceptions from site plan standards which have been reduced to a minimum that are truly necessary per Ms. Hirsch. Ms. Hirsch indicates they are requesting the same D and C variances and site plan exceptions that The Waverly was granted next door to this site.

Exhibit A-64 described neighboring & surrounding uses – completely surrounded by residential.

Exhibit A-29 – 2013 – Proposed Site Plan discussed

Exhibit A-26 – 2013 – Photo of 12-story in context of adjacent to Oak Crest

Exhibit A-58 – 2013 – Exhibit 3 – 2-story building winter view

Traffic comparison done commercial vs. residential

Visual aspect is minimized and traffic is less than what could be developed.

Jennifer Beahm comments on the intense development and opposes the positive and negative criteria set forth and disagrees with the Applicants proofs for the granting of a Use Variance.

Mr. Healy provides comments

Mr. Gilligan provides comments

Mr. Frantz provides comments – feels too intense, too compressed, too much impervious cover

Dr. Brown agrees and feels this project is too intense.

Paul Dunlap provides comment

Based upon the application submitted and the testimony provided to the Board, James Gilligan made a motion to DENY the application as submitted, moved and seconded by Dr. James Brown.

Those who voted YES to DENY: William Frantz, James Gilligan, Thomas Healy, Joe Sears, Dr. James Brown, Naomi Riley, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Barbara Bascom, Frances Keel, Theopolis Stewart

ADJOURNMENT:

A motion was made by Thomas Healy and seconded by Joe Sears to adjourn at 9:52 PM. The next meeting of the Zoning Board of Adjustment will be our Regular Meeting on Wednesday, May 2, 2018 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2nd Floor.

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