



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

**ATTENDANCE:**

**Present :** Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Michael Pullano, Naomi Riley, Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Jennifer Beahm, PP, AICP - Board Planner, Gerald Freda, PE, PP, CME – Board Engineer, and Torro Reporting, LLC.

**Absent:** Dr. James Brown, Frances Keel, and Joe Sears

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

**CORRESPONDENCE:** The Board discusses the proposed regular and special meeting dates for 2019 as there is a need to adopt these dates in order to schedule pending applications. The proposed dates are approved on a motion made by Thomas Healy, moved and seconded by William Frantz. All members present in favor. A resolution will be prepared for memorialization of these dates at the next regular meeting of December 5, 2018.

**RESOLUTIONS MEMORIALIZED:**

- a. **ZBA#18/15 – Resolution Approving Amended Site Plan with Bulk Variances – Kurt Cavano – Block 209, Lot 3 – 50 Main Avenue (Ocean Grove)**

**DISCUSSIONS:**

**ZB18/01 (Bulk Variance to Remediate Zoning Violation)** – Charles Lipson – Block 211, Lot 6 – 6 Main Avenue (Ocean Grove) – Applicant is seeking a Bulk Variance to remediate a zoning violation and maintain a paver patio which has been installed without first acquiring a permit and which extends into the flare area in the Historic District. **\*\*RECEIVED NOTIFICATION FROM APPLICANT’S ATTORNEY THAT THIS MATTER WILL NOT BE HEARD THIS EVENING AND SHOULD MR. LIPSON CHOOSE TO PURSUE THIS RELIEF A NEW DATE WILL BE SUPPLIED UPON REQUEST AND NEW PUBLIC NOTICE WILL BE PROVIDED\*\***

**ZB18/11 (Bulk Variance for Front Yard Setback)** – James & Lori Monteforte – Block 5412, Lot 13 – 223 S. Riverside Drive – Applicant is seeking a Bulk Variance for front yard setback in order to construct a new single-family home.

Jennifer Beahm requests to speak and provided the Board with a summation of the prior approval for this lot which was never built.

James Monteforte and Lori Monteforte – sworn in. They indicate they would like to build this home to live in as their retirement home. They would like to be on the water and they like this location with quick access to Route 18 and the Parkway. They indicate they are good neighbors and would never want to live in a pre-fabricated home.

Details regarding the house such as height and area over the garage discussed.

Exhibit A-1 – color renderings of elevations and comparison dated October 24, 2018.

Thomas Healy – questions the proposed height at 13 feet and compliance with required elevation for the area. Mr. Monteforte indicates that it was taken from elevation 6

This proposal provides reduced lot coverage from the prior approval. The building is larger but everything else is confirming with the property and prior approvals.

Applicant indicates they are proposing a 5 foot high board on board fence where there are currently giant arborvitaes.

There is concern with the flooding on the property now. Jerry Freda indicates the proposed grading will eliminate that problem without detriment to the surrounding properties.

The garage structure currently on the lot is proposed to be removed and the shed repurposed.

It is questioned whether or not these structures have been tested for mold.

**Based upon the application submitted and the testimony provided to the Board, Thomas Healy made a motion to approve the application as submitted, moved and seconded by Barbara Bascom.**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Naomi Riley, Michael Pullano, and Paul Dunlap

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Frances Keel, Joe Sears, Dr. James Brown

**\*\*Partially Heard on October 3, 2018\*\***

**ZB18/08 (Use Variance)** – Timothy Sexsmith – Block 414, Lot 12 – 1103 6th Avenue – Applicant is seeking a Use Variance to operate a craft distillery at this location.

Applicant is represented by Michael J. Wenning, Esq. Mr. Wenning indicates there have been some changes to the plans.

Michael Monroe discusses plans submitted dated October 26, 2018. It was suggested a barrier free space and a trash enclosure be provided. Will comply with ADA requirements and will extend sidewalk to entrance. Trash is minimal and a small 6 foot PVC fence will be utilized to enclose a couple of cans. A note has been added to the plans to remove the trailers.

There is a letter from the owner that the business in the rear is a 9-5 business; therefore, there are no additional parking demands.

Parking bumpers will be provided and paving will be provided to the back of the building. Tenant agrees to install a railing for safety and relocate the handicap space away from the utility pole.

Naomi Riley asks if the contamination has been addressed. Jennifer Beahm, Board Planner, indicates she spoke directly with the LSRP assigned to the matter and he indicated the owner has an extension to Spring 2019. It was also indicated that the area of concern is limited to the gravel portion of the lot behind The Grand and the second building on the lot so should not affect this proposed tenant.

Thomas Healy questions the 8 patrons at a time and how it will be managed. It is indicated there is occupancy available for up to 15 people; however, seating will be provided for 8.

Open to the public for questions – none.

Timothy Sexsmith – 500 Lareine Bradley Beach – proposed tenant – requests a sign for the front of the building.

Exhibit A-5 – Sign Proposal package – Sign variances are discussed. Mr. Sexsmith agrees to shrink the sign to fit between the red brick and protruding gray stone area on the façade and the Board takes no exception to the emblem proposed on the window.

Open to the public for questions – none.

Allison Coffin – sworn in – Professional Planner – accepted. Ms. Coffin indicates this operation is similar to a brewery. She indicates Aggressive Mechanical was interviewed and they indicate the building in the rear is strictly for staging of materials for the day, primarily in the morning hours which does not impact the proposed use.

Zoning in the area is discussed as well as the requested d1 use variance being requested. There are some pre-existing, non-conforming variance conditions with the site. The positive and negative criteria associated with this proposal is discussed.

Open to the public for questions – none.  
Open to the public for comments – none.

**Based upon the application submitted and the testimony provided to the Board, Thomas Healy made a motion to approve the application with the conditions as discussed, moved and seconded by William Frantz.**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Naomi Riley, Michael Pullano, and Paul Dunlap

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Frances Keel, Joe Sears, Dr. James Brown

**ZB18/10 (Bulk Variance for Steep Slope Disturbance)** – Jacqueline Hurley – Block 5315, Lot 2 – 232 Valley Road – Applicant is seeking a Bulk Variance for the disturbance of a Steep Slope in order to build a new single family home on this vacant lot.

Jacqueline Hurley notice is accepted. Ms. Hurley provides a summation and her witnesses are sworn in.

Bruce Jacobs, PE – qualified and accepted – provides description of the property and provides a color rendering of Sheet 1 of 2 which is already contained in the Boards' packet.

Exhibit A-1 – Plot Plan/SCD Plan (Colored Steep Slope Map) – Orange areas are slopes 15% to 25% while the pink areas are slopes less than 25%.

The lot was vacant when purchased and most of the lot had already been cleared.

The proposed house is in approximately the same location as the prior house that existed on the lot.

The driveway placement was chosen for safety due to the location of the curve in Valley Road.

The house has been pushed back to lessen the slope on the driveway.

The lot is proposed to be regraded and stabilized. The lot will be cleaned up and all critical and steep slope areas will be stabilized. Areas to remain undisturbed are identified and will be more natural.

Proposed drainage and suggested pipe pop-up discussed. For clarification, plans have received Freehold Soil Conservation District approval. Mr. Jacobs feels the ordinance has been complied with to the maximum extent practicable to avoid creating steep slopes.

Paul Dunlap raises questions regarding grade and how measured. It is indicated the area chosen was done so to create the least amount of disturbance. Mr. Dunlap indicates he understands that; however, a portion of the first level is built into the slope and will be below grade and there is proposed living space down there. Jerry Freda, PE indicates he is not certain this will be an issue because of where the building sits it is high.

Barbara Bascom feels this development will improve the existing conditions of the site.

James Gilligan questions where the original home was located. Mr. Jacobs indicates that based upon aerial photography it appears to have been in the same general location as the home being proposed.

Thomas Healy questions if the home is built into the slope, how are you going to prevent groundwater from seeping in? Mr. Jacobs defers to the Architect; however, if the roof drains are being connected and drained toward the street it should alleviate some of the drainage.

Daniel M. Condatore, RA – sworn in – accepted.

Mr. Condatore addresses the review letter and the discrepancy between 2, 2 ½, and 3-stories. Mr. Condatore indicates this is a 2-story house with a walk-out basement. He reviews the definition of a basement and feels this meets the definition of a basement.

The second issue that is being discussed is drainage around the foundation. We are not anticipating runoff coming down the hill but rather down the sides and towards the front of the property because we are at the highest point on the lot. Not proposing any drainage around the foundation in the back. Monica Kowalski suggests he discuss with the owner because it is better to be safe than sorry to find out later that there is groundwater seepage and the home is already built. It is a lot easier to install in the beginning than after the fact.

Leanne Hoffmann's memo is mentioned. The Board Secretary indicates that should the Board grant the variances required Leanne Hoffmann will ultimately be the end reviewer as she is the entity that issues the Grading Permits prior to Construction Permits being issued.

Joanne Leone – Received registered letter and wants to know how this is going to affect her property? Monica indicates everyone who makes application to the Zoning Board, if you live within 200 feet of the property that is applying you receive a notice. So it gives you the opportunity to either review the plans or come in and listen to the testimony so you can say you support the application or you object to the application. So it is not that your property relates in any way it is just that you are within 200 feet.

Closed to public questions. Open for comment – none.

Thomas Healy indicates he feels a house being located on that property is better than a vacant lot.

Jennifer Beahm comments that from a strict planning point of view with respect to the variances, she does agree this is a c1 situation as there is unusual topography that they are going to have to deal with. It is a buildable lot, but because of the ordinances we have in place they need relief, the issues are being mitigated and they are the same issues we have had to deal with all of the lots in the surrounding area. The major issues are runoff and erosion and they have their approval from Freehold Soil Conservation

District so therefore, the erosion issue has been taken care and I think they have done a good job mitigating drainage as discussed, so I do think that the Board can act favorably on the application.

James Gilligan requests that the owner look at off-street parking to be sure there is enough room. Jerry Freda indicates it appears they can fit 4 cars in the proposed driveway.

**Based upon the application submitted and the testimony provided to the Board, William Frantz made a motion to approve the application as discussed, moved and seconded by Michael Pullano.**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Naomi Riley, Michael Pullano, and Paul Dunlap

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Frances Keel, Joe Sears, Dr. James Brown

### **ADJOURNMENT:**

A motion was made by William Frantz and seconded by James Gilligan to adjourn the meeting at 9:42 PM. All in favor. The next meeting of the Zoning Board of Adjustment will a Regular Meeting on Wednesday, December 5, 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.