Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda
Wednesday, June 5, 2019 at 7:30 PM
Township Meeting Room 2nd Floor

This Regular Meeting of the Neptune Township Zoning Board of Adjustment which has been duly constituted and advertised according to law is now called to order:

Fire exits are clearly marked, if alerted of a fire; please move in a calm and orderly manner to the nearest smoke free exit.

At this time, I would ask everyone to please silence all cell phones and other paging devices, as they are distracting to others.

It is the policy of the Zoning Board of Adjustment to end all matters no later than 11 p.m. No new applications will begin after 10:00 p.m. nor will any new witnesses or testimony begin after 10:30 p.m.

It is the Board's policy to adhere to the following procedure:

After testimony by the Applicant's attorney, their professional or proffered witness, questions will follow by members of the Zoning Board for that particular witness. After the Members of the Zoning Board ask their questions, the Zoning Board Professionals shall have the opportunity to ask questions. These questions by the Members of the Board and its professionals directed to applicant's witness may overlap.

After the Board Members and Board Professionals have finished their questioning, the Chairperson of the Zoning Board shall open the Public Portion session of the meeting for the public to ask **QUESTIONS ONLY** of the witness currently on the stand. **THIS IS NOT THE TIME FOR PUBLIC COMMENT OR OPINION**. Each member of the Public who wishes to question this witness **MUST** form a line at the podium in order to be heard.

Each individual from the public will be sworn in and must **state their name, spell their last name, state their address for the record**, and will have **ONE (1), five (5) minute session** to question the applicant's witness currently under oath. All questions should be directed to the Witness regarding his or her testimony **ONLY** and questions should not be repeated. **Time is not transferable between members of the public.**

The Public should be aware that a public question session will be held upon the conclusion of **EACH INDIVIDUAL WITNESS FOR THE APPLICANT**. Once the applicant's witness (or any other witness) has finished testifying, they are not subject to recall by the public, but may take the stand again as a part of the Applicant's hearing process. Every witness who appears may be subject to Board Member, Board Professional and Public Questioning. **THE BOARD AND IT'S PROFESSIONALS; HOWEVER, ARE NOT SUBJECT TO QUESTIONING.**

At the completion of Applicant's case, when the applicant has finished with all of their witnesses and evidence presentation, the Chairperson of the Zoning Board will open up the floor for **PUBLIC COMMENT**. At this time, individuals from the public will be sworn in, give their name and address for the record and will have **ONE (1), five (5) MINUTE SESSION TO PROVIDE COMMENT OR OPINION ON THE APPLICATION AS A WHOLE. THIS IS THE TIME WHEN THE PUBLIC MAY EXPRESS TO THE BOARD THEIR OPINIONS ABOUT THE APPLICATION SUBJECT TO A VOTE**. **Time is not transferable between members of the public.**

At the conclusion of the Public Session for Comments, the Applicant or their attorney may provide a "summation" or Closing Statement to the Board. After Summation, the Board and its Professionals may engage in a discussion, on the record, regarding the Application and its contents. **There will be no further input from the public or the applicant at this time.**

Upon conclusion of Discussion, the Board may make a motion with regard to the application and vote upon same. We ask that both the Applicant and members of the Public be respectful of the process as outlined above.

If any board member cannot attend, please call or email the board office at
732-988-5200 ext 278 or karmour@neptunetownship.org.

I. Roll Call:

Barbara Bascom	Thomas Healy	Naomi Riley (Alternate #1)
Dr. James Brown	Frances Keel	Ashley Vidal (Alternate #3)
William Frantz, 1st Vice Chairman	Michael Pullano (Alternate #2)	Paul Dunlap, Chairman
James Gilligan, 2nd Vice Chairman		

Also Present: Monica C. Kowalski, Esq. - Attorney to the Board
Matt Shafai, PE, PP, CME - Board Engineer
Jennifer C. Beahm, PP, AICP - Board Planner

II. Flag Salute

III. Correspondence: None.

IV. Resolutions to be memorialized:

a. **Resolution ZBA#19/10 – Denial of Use Variance & Minor Site Plan w/Bulk Variances –** Outfront Media, LLC – Block 1004, Lot 3 – 55 Highway 35

b. **ZB19/01 – Bulk Variances for Additions to SFD –** Irene Shenouda & Andrew Orefice – Block 5601, Lot 2 – 506 Concourse West

V. Waiver Hearing:

a. **ZB19/04 – Collard Realty, LLC –** Block 1002, Lot 16 – 1906 Rutherford Avenue – Applicant is seeking a Use Variance to add warehousing/self-storage by a single user in the building. It is necessary for the Board to review the waiver requested/associated with the project prior to the application being deemed complete and/or further consideration by the Board. This application had been deemed Incomplete on May 21, 2019 by Matt Shafai, PE – Board Engineer. Applicant is represented by Peter S. Falvo, Esq.

VI. Applications Under Consideration:

a. **ZB19/02 (Use Variance for Shed with Overhang as Principal Structure also requiring Bulk Variance Relief)** – Christian & Catherine Corbett – Block 5608, Lot 6 – 41 Albany Road (Bulkhead Property) – Applicant is proposing to install a 10' x 13.5' structure consisting of a 10'x4' storage shed with a roof and overhang extending an additional 9.5' to provide a covered counter area on the subject property.

b. **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. **PARTIALLY HEARD ON FEBRUARY 6, 2019**

c. **ZB19/03 – (Appeal of Zoning Officer's Determination) –** College Achieve Public Charter School, Inc. – Block 3101, Lot 2 – 3455 W. Bangs Avenue – Applicant is seeking an Appeal of the Zoning Officer's Determination that the proposed school would impermissibly create two principal uses on the property. Applicant is represented by Andrew J. Karas, Esq. **PARTIALLY HEARD ON MAY 1, 2019.**

VII. Adjournment:

a. Next scheduled meeting will be our Regular Meeting on **<u>Wednesday, July 3, 2019 at 7:30 PM</u>** here in the Municipal Complex, 2nd floor meeting room.

b. With no further business before the Board a motion to adjourn was offered by to be moved and seconded by , meeting closed at PM.

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****WAIVER HEARING****

ZB19/04 – Collard Realty, LLC – Block 1002, Lot 16 – 1906 Rutherford Avenue – Applicant is seeking a Use Variance to add warehousing/self-storage by a single user in the building. It is necessary for the Board to review the waiver requested/associated with the project prior to the application being deemed complete and/or further consideration by the Board. This application had been deemed Incomplete on May 21, 2019 by Matt Shafai, PE – Board Engineer. Applicant is represented by Peter S. Falvo, Esq.

Enclosed: Completeness Checklist and Application for Use Variance (Received 4/23/19)
Zoning Officer's Denial of Permit (2/22/19)
Copy of Deed (4/26/18)
Certificate of Formation (6/17/16)
Color Photos of Property (6 pages) (undated)
Plan of Survey (2/22/18)
National Flood Hazard Layer FIRMette (4/22/19)

BOARD NOTES:

Motion offered by _____ to be moved and seconded by _____

Bascom_____ Brown_____ Frantz_____ Gilligan_____ Healy_____ Keel_____ Dunlap _____

Alternates: Riley (Alt 1) _____ Pullano (Alt 2) _____ Ashley Vidal (Alt 3) _____

ZB19/02 (Use Variance for Shed with Overhang as Principal Structure also requiring Bulk Variance Relief) – Christian & Catherine Corbett – Block 5608, Lot 6 – 41 Albany Road (Bulkhead Property) – Applicant is proposing to install a 10' x 13.5' structure consisting of a 10'x4' storage shed with a roof and overhang extending an additional 9.5' to provide a covered counter area on the subject property.

Enclosed: Checklist & Application for Use/Bulk Variances (Rec'd 3/15/19)
Community Impact Statement (undated)
Zoning Permit Denial (3/6/19)
Copy of Deed (7/14/15)
Survey of Property (2/Proposed Shed) (3/13/19)
Survey of Bulkhead Property (3/13/19)
Survey of Primary Residence & Bulkhead Property (7/21/15)

Correspondence: Board Engineer/Planner's Review (4/30/19)

BOARD NOTES:

Motion offered by _____ to be moved and seconded by _____

Bascom_____ Brown_____ Frantz_____ Gilligan_____ Healy_____ Keel_____ Dunlap _____

Alternates: Riley (Alt 1) _____ Pullano (Alt 2) _____ Ashley Vidal (Alt 3) _____

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.
****PARTIALLY HEARD ON FEBRUARY 6, 2019****

Previously Enclosed: Completeness Checklist for Use and/or Bulk Variances (Rec'd 3/23/17)
Zoning Officer's Permit Denial (3/24/17)
Community Impact Statement (8/2018)
Traffic Analysis (Revised 9/4/18)
Freshwater Wetlands LOI – Extension (8/25/16 – Expired 6/25/18)
Freshwater Wetlands Transition Area Average Plan (8/25/16 – Expires 8/24/21)
Right-of-Way Easement (Recorded 12/15/17)
Copy of Deed (4/15/04)
Environmental Impact Statement (9/13/18)
Boundary and Topographic Survey (5/21/18)
Topographic Plan (9/10/18)
Survey of Property (8/11/16)
Architectural Plans (9/11/18)
Conceptual Subdivision Plans (8/2/18)
Use Variance Plans (9/13/18)

Prior Correspondence: Board Engineer and Board Planner Review (11/27/18)
Environmental/Shade Tree Commission Resolution 18-01 (10/10/18)
Tax Assessor's Comments (10/1/18)
Neptune Fire Prevention Bureau (9/20/18)
Tree Removal Permit Review (4/21/17)

BOARD NOTES:

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BOARD NOTES CONTINUED (756 HOLDINGS):

Motion offered by _____ to be moved and seconded by _____

Bascom_____ Brown_____ Frantz_____ Gilligan_____ Healy_____ Keel_____ Dunlap _____

Alternates: Riley (Alt 1) _____ Pullano (Alt 2) _____ Ashley Vidal (Alt 3) _____

ZB19/03 – (Appeal of Zoning Officer's Determination) – College Achieve Public Charter School, Inc. – Block 3101, Lot 2 – 3455 W. Bangs Avenue – Applicant is seeking an Appeal of the Zoning Officer's Determination that the proposed school would impermissibly create two principal uses on the property. Applicant is represented by Andrew J. Karas, Esq.

Previously Enclosed: Ltr to Waterman – Notice of Appeal (4/8/19)
Application for Appeal (Rec'd 4/8/19)
Zoning Permit Denial (3/18/19)
Articles of Incorporation of College Achieve Public Charter Schools, Inc. (1/25/12)
Certificate of Occupancy (9/3/99)
Reduced Survey of Property (6/28/90)
Reduced Architectural Plans (Date not legible)
Photos of Site (undated)
DCA Life Hazard Use Certificate of Registration (5/30/17)

Currently Enclosed: Copy of Exhibit B-3 Approved Site Plan (1991) (introduced on May 1, 2019)

BOARD NOTES:

BOARD NOTES CONTINUED (COLLEGE ACHIEVE APPEAL):

Motion offered by _____ to be moved and seconded by _____

Bascom_____ Brown_____ Frantz_____ Gilligan_____ Healy_____ Keel_____ Dunlap _____

Alternates: Riley (Alt 1) _____ Pullano (Alt 2) _____ Ashley Vidal (Alt 3) _____

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