



**Neptune Township ~ Zoning Board of Adjustment  
Regular Meeting Minutes  
Wednesday, September 4, 2019 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Boulevard**

**ATTENDANCE:**

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

**Absent:** Dr. James Brown

**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:** None.

**RESOLUTIONS MEMORIALIZED:**

**Resolution ZBA#19/13 – Denial of Use Variance & Minor Site Plan w/Bulk Variances – Outfront Media, LLC – Block 1004, Lot 3 – 55 Highway 35**

**DISCUSSIONS:**

**ZB19/05 – Use Variance to Convert Single Family Residence to 2-Unit Multi-Family Residence – Archie & Frederica Castle – Block 166, Lot 13 – 9 Main Avenue (Ocean Grove) – Applicant is seeking to convert a single family dwelling back to a 2-unit multi-family dwelling without the need for construction. **This application was partially heard on August 7, 2019. Ms. Keel is not eligible to vote should the Board offer a decision this evening.****

Archie Castle is sworn in. He indicates he has provided copies of Mercantile Licenses back to the 80's as well as copies of CO Inspections over the years. The Studio Apartment did not have a stove; therefore it was not recognized as rentable by the Township.

2015 was the last Mercantile License – property was purchased in December 2015. Mr. Castle indicates he stayed in a rental at 11 Heck Avenue until all leases expired. All tenants moved out in 2017 at which time it was converted to a single-family once all renters were out in 2018.

Exhibit A-2 marked – zoning determination of 2016.

The Permit from 2016 was reviewed as well as the denial from 2019.

Mr. Dunlap explains the current ordinance does not allow below-grade living quarters.

Mr. Castle requests an extension to come back and it is decided questions will be held until that time.

The Board agrees to carry this matter to November 6, 2019 at 7:30 PM with no further notice being required.

**\*BOARD TAKES A BRIEF RECESS & RETURNS AT 8:15 PM – ROLL CALL TAKEN ORIGINAL MEMBERS STILL PRESENT\***

**ZB19/08** – Use Variance & Site Plan with Bulk Variances – Outfront Media, LLC - Block 1004, Lot 3 – 55 Highway 35 – Applicant is proposing to upgrade its existing billboard sign by modernizing the sign face with LED digital technology. Applicant is represented by Louis L. D'Arminio, Esq.

Louis D'Arminio, Esq. of Price Meese on behalf of the applicant indicates this is a new application. Mr. D'Arminio indicates this is a conditionally permitted use and the original application was just recently denied. This application is now proposing to be 5 feet above the 20 foot height permitted etc. Mr. D'Arminio explains the differences between the applications. They are seeking a modernization of the existing billboard sign and have now proposed additional landscaping and buffering.

John Antal – sworn in – qualified and accepted. He is the general manager for Outfront Media for the past 16 years. Currently he works in the Florida Office. Mr. Antal provides the history of Outfront Media and the evolution of billboards is described.

Exhibit A-1 – Aerial Exhibit

Exhibit A-2 – Photo of Existing and Proposed Billboard

Exhibit A-3 – Lease Agreement from January 6, 1947

Location and existing billboard are discussed. It is indicated it meets all NJDOT requirements.

Exhibit A-4 – NJDOT Outdoor Advertising Permits “Run”. It is indicated this is page 50 of 68 dated June 11, 2019. This Billboard appears as #76723 and indicates it is permitted 2 sign faces and they are only request 1 at 370 s.f. NJDOT permitting is discussed. Spacing of billboards is also discussed.

Mr. Gilligan questions if Eldridge Park has been consulted? A discussion takes place on the record.

NJDOT requirements of the sign are discussed.

Exhibit A-5 – Sample Emergency Public Service Announcements

Exhibit A-6 – Local Emergency Protocol “A” & “B”

Naomi Riley – questions how a digital sign would be more effective than a cell phone. Mr. Antal responds by describing the safety of a sign over a phone.

Protocol “A” & “B” are described.

Barbara Bascom – describes her views on emergencies and sees a benefit.

Matt Shafai – questions if there will be a back-up generator. It is indicated no there will not be a generator.

Tiago Duarte – Dynamic Engineering – sworn in – qualified/accepted. Mr. Duarte describes preparations for the plans.

Exhibit A-7 – Sheet 3 dated August 20, 2019

Mr. Duarte describes Exhibit A-2 Aerial Exhibit, the location of the site and the zoning associated with same.

Exhibit A-7 is further discussed and described. There is a proposal for a 25' high, 10 ½ foot x 36 foot (370 s.f. total area) billboard sign which will have a 12 foot clearance to the ground. It will present with a 20 foot front yard setback and a 13.3 foot side yard setback.

Exhibit A-8 – Photo Location Map Exhibit dated September 4, 2019. This exhibit is further described by Mr. Duarte.

Exhibit A-9 – Photo of LED Module – The operation of the module is described.

Mr. Pullano requests the distance of the sign face of the billboard to the southern corner of the mobile park. It is indicated the existing sign is closer to the mobile park than that which is being proposed.

Jennifer Beahm – indicates the landscaping plan needs to be updated to reflect screening materials.

Matt Shafai – questions the sitting area of the mobile home and landscaping? He also questions the second dark line on the plans. Mr. Duarte indicates it is not the right-of-way line.

Thomas Healy – has concerns with the existing trailer and lighting. A remedy is offered by the Applicant.

Jennifer Beahm – questions the footcandles at the residential structure? It is indicated the light level automatically adjusts at night with a photocell.

Public is Open – Public is closed as no one has appeared.

Hal Simoff – sworn in and accepted as Traffic Engineer. Mr. Simoff indicates he has made multiple site visits.

Exhibit A-10 – Photo Exhibit prepared by Simoff Engineering Associates

The photos are described as well as the surrounding area and speed limit of 35 mph

Exhibit A-11 – Viewing angle study

The benefits of raising the sign 5 feet is for visibility. The Federal requirement is a 20-degree cone of visibility – the ability to see the sign out of the front window of a vehicle.

Studies regarding static vs. digital signs are discussed.

Naomi Riley – questions what the physical location of these studies were. It is indicated there was 1 in Virginia and in Reading Pennsylvania (urban/suburban) night and day. There is no contrary material opposing the study.

Mr. Pullano questions the safety of pedestrians at Heck Avenue. Mr. Simoff indicates there is no hazard as there is no difference than what is there now. There are currently sidewalks and crosswalks and push button crossing signs at that location.

Naomi Riley – questions when the Federal study was done? It is indicated it was done on 2012 and released in 2013.

Public is Open – Public is closed as no one has appeared.

**\*BOARD TAKES A BRIEF RECESS at 9:54 & RETURNS AT 10:00 PM – ROLL CALL TAKEN  
ORIGINAL MEMBERS STILL PRESENT\***

Mr. Williams – Sworn in and qualified/accepted as Professional Planner. Mr. Williams indicates he has reviewed the site plan and has visited the site. Mr. Williams provides a planning overview and briefly recaps the application with regard to the existing and proposed conditions. d3 and d2 conditions are discussed for conditional uses. The conditions not being complied with apply to Route 18 and this project

is not on Route 18. Mr. Williams does not believe there will be any substantial impacts/impairments with this proposal.

Exhibit A-12 – Planner's Report (12/5/18) – There is 1 correction, the RDV-WL Zone is actually the B1 Zone.

This proposed billboard is 800 feet from any residential zones and there are limited view sheds from any residential locations.

This is a pre-existing use and the positive conditions are discussed.

Naomi Riley – These exhibits reflect current conditions of the highway and the site? It is indicated, yes and no.

Public is Open – Public is closed as no one has appeared.

Mr. D'Arminio provides his summation to the Board.

Mr. Healy provides comment and feels this proposal is improved compared to the last.

Mr. Gilligan compliments the revised proposal.

Mr. Frantz also compliments the revised proposal

Ms. Riley indicates she has a lot of concerns with regard to placement.

Chair Dunlap indicates the applicant has done a great job in getting this down to scale and taking the neighbors into consideration.

**Based upon the application submitted and the testimony provided to the Board, William Frantz makes a motion to accept the application with conditions as discussed such as additional plantings and possible shades to control light spillage onto the nearest mobile home, seconded by Barbara Bascom.**

***Those who voted YES:*** Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Frances Keel, and Paul Dunlap

***Those who voted NO:*** Naomi Riley (concerns with safety and congestion)

***Those who ABSTAINED:*** None.

***Those ABSENT:*** Dr. James Brown

### **ADJOURNMENT:**

A motion was made by James Gilligan and seconded by Thomas Healy to adjourn the meeting at 10:35 PM. All in favor. The next meeting of the Zoning Board of Adjustment will be our Regular Meeting on Wednesday, October 2, 2019 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2<sup>nd</sup> Floor.