



Neptune Township ~ Zoning Board
Regular Hearing Minutes
Wednesday August 7, 2013 at 7:30 PM
Municipal Complex, 2nd Floor
25 Neptune Blvd.

ATTENDANCE:

Present: Roger Eichenour, Paul Dunlap, William Frantz, James Gilligan, Thomas Healy, Clifford Johnson, Joe Sears, Monica Kowalski, Esq. – Board Attorney, Matt Shafai - Board Engineer, Jennifer Beahm - Board Planner, and State Shorthand Reporting.

Absent: Barbara Bascom, David Fernicola, Dianna Harris, Cynthia Suarez

OPENING:

Meeting called to order by Roger Eichenour at 7:30 PM. Mr. Eichenour advised the public of the fire exits and how the meeting will proceed.

****At 7:35 PM the Board Attorney requests a brief Legal Caucus with the Board****

****At 7:40 PM the Board returns Secretary takes roll call and all members are still present. Monica Kowalski, Esq. explains to the public that the meeting was on a separate matter and not relative to either of the applications being heard this evening.****

RESOLUTIONS:

- a. **ZB13/06 (Partial Approval)** – Jersey Shore University Hospital – Block 3000, Lots 1.01, 1.02, & 8 - 1945 Corlies Ave. & 81 Davis Ave. - Applicant proposing to install six wall mounted signs and two freestanding signs across 3 separate lots. – *Applicant's Attorney agreed to postpone Memorialization until September 4th in order to give Professionals an opportunity to review.*

CORRESPONDENCE:

None.

DISCUSSIONS:

- a. **ZB12/06** – Block 9017 Lot 9 submitted by Gary Edwards of 17 Princeton Avenue, remediate a zoning violation, for the expansion of the pre-existing non-conforming garage/barn on the property without Zoning approval;

RECEIVED REQUEST FROM APPLICANT'S ATTORNEY TO CARRY THIS APPLICATION TO THE DECEMBER 4th MEETING DUE TO IMPROPER NOTICE AS WELL AS APPLICANT'S PROFESSIONALS' INABILITY TO ATTEND THIS MEETING – WILL NOTICE FOR DECEMBER 4th MEETING

- b. **ZB13/04** – Block 171, Lot 79 - #1225 10th Avenue - submitted by James Hayes - Applicant is requesting a Use Variance to permit two residential apartment units (one upstairs and one downstairs) within the existing building onsite.

Board approved notice and accepted jurisdiction.

Kerry Higgins, Esq. represented the applicants, James and MaryAnne Hayes. Ms. Higgins stated that the property received Use Variance approval in 1972 to maintain retail/wholesale in the downstairs portion of the building and one residential unit upstairs.

MaryAnne Hayes was sworn in and testified that she and her husband purchased the property in approximately 1979. To their knowledge the property was a 2-family home and operated as such throughout the years including having the appropriate C.O.'s and mercantile licensure for each of the units to be utilized as residential rental units.

Inspection reports presented by the Applicant indicate the building as a 2-family residence as recent as 2004.

The Applicant has been receiving 2 separate sewer bills and well as other utility bills on the property since they purchased it in the late 70's.

The Tax Assessors property record card indicates the building as a 2-family residence.

The Applicant agrees to abandon the previously approved commercial use and utilize the downstairs portion for a residential use only if use variance is granted at this time.

The Applicant testified the units cannot access each other internally – only exterior entrances to each of the units.

One driveway services each unit.

Exhibits submitted:

A-1 – Photo of upstairs kitchen

A-2 – Photo of back driveway

The Applicant stated she believes the upstairs unit to be approximately 900 s.f. and the downstairs unit to be approximately 1,300 s.f.

A-3 – Photo of downstairs kitchen

A-4 – Photo of downstairs kitchen

A-5 – Photo of other driveway

A-6 – Photo of driveway access from Ridge Avenue

A-7 – Photo of front view of the property

Applicant agrees to repair/replace driveways if approved.

Public portion opened for questions – No public – Public Portion Closed.

Christine Nazzaro Cofone, PP, AICP – sworn in and the Board accepted her credentials as a Professional Planner.

Ms. Cofone confirmed this is an existing non-conforming use in the R-4 Zone.

A-8 – Aerial Photo submitted – undated – prepared by Ms. Cofone

Ms. Cofone maintains the use is suited for residential versus commercial as there are no commercial sites adjacent to this property and the existing parking is not adequate for a commercial use.

Ms. Higgins agrees with Ms. Kowalski, and the encroachment issue of the adjacent home will be resolved or an agreement filed.

Public portion opened for questions – No public – Public Portion Closed.

Ms. Higgins requested a 6-month period to re-pave the driveways if approved and the Board recommended 3 months to repave due to the timing associated with the project and the inability to pave during the colder months.

Based upon the application before the Board a motion was offered by James Gilligan to **APPROVE** the application for Use Variance with the conditions as discussed, moved and seconded by Paul Dunlap.

Those who voted YES: Paul Dunlap, William Frantz, James Gilligan, Thomas Healy, Joe Sears, Clifford Johnson, Roger Eichenour

Those who voted NO: None.

Those who ABSTAINED: None.

Absent: Barbara Bascom, Cynthia Suarez, David Fernicola, Dianna Harris

- c. **ZB13/08** – Block 266, Lot 35 - #1924 Heck Avenue - submitted by Macedonia Baptist Church - Applicant is requesting a Use Variance to permit the utilization of a portion of an existing building as a house of worship. Also seeking a waiver from the submission of a formal site plan over and above the details shown on the submitted Use Variance Site Plan.

Board approved notice and accepted jurisdiction.

Applicant represented by Jennifer S. Krimko, Esq. Per Ms. Krimko the Applicant is willing to stipulate repairing lighting as directed by the Board Engineer, landscaping as directed by the Board Engineer and Planner, and pavement as directed by the Board Engineer.

Ms. Krimko indicated should the church acquire the property and use more than ½ of the building, the will submit an application for Site Plan approval.

Exhibits A-1 through A-3 were pre-marked as they were submitted with the initial submission package.

David Boesch, CLA – sworn in and Board accepted his professional credentials.

Mr. Boesch testified uses of house of worship versus the warehouse use will not conflict with each other or have an adverse effect on parking.

Mr. Boesch indicated the variances associated with the project are pre-existing conditions including the current setbacks on the property.

The Applicant is proposing to re-face the existing sign. No new signs are proposed at this time.

Chairman Eichenour questions what type of use is being operated besides the church at this time?

Ms. Krimko responded indicating she believes it is being utilized for storage space.

Hours of operation were discussed.

Technically relief is required for the number of parking spaces being provided when calculated with both uses on the property.

Ms. Krimko states the trailers that currently exist on the property are going to be removed.

Public portion opened for questions – No public – Public Portion Closed.

*****Chairman Eichenour asks for a 5 minute recess at 8:45 pm. Board returns at 8:50 pm, Secretary does the roll call and all members are still present*****

Ms. Krimko introduces James J. Monteforte, AIA – Architect for the Applicant. The Board accepts his credentials.

Mr. Monteforte indicates the gate at the entrance to the front of the property will be removed.

Public portion opened for questions – No public – Public Portion Closed.

Ms. Krimko introduces Pastor Tommy D. Miles – Pastor Miles indicates he is the 6th Pastor of the Church which has been in operation for approximately 50 years. He himself has been a member for the past 15 years.

Pastor Miles indicates services are from 10:00 AM to 12:00 PM on Sundays; however, their goal is to eventually provide 2 services, one at 7:45 AM and one at 10:15 AM on Sundays. He indicates during weekdays choir rehearsals and meetings occur mostly in the evening at approximately 7 PM or later.

Mr. Sears questions the frequency and their ability to accommodate large funerals. The Pastor indicates they plan accordingly.

Mr. Healy questions whether there is a conflict in parking with the storage/warehouse area. The Pastor indicates they do not foresee parking issues; however, they have a sister church which will help accommodate them and they would have a friendly conversation with the Warehouse Tenants.

Chairman Eichenour questions the utilization of the proposed Office Area. The Pastor indicates this area will mainly be utilized during the week during the day and approximately 1 person at a time will occupy the office area.

Pastor Miles indicates there are typically 200 people at one service which is why they want to be able to expand and eventually offer two services.

Public portion opened for questions – No public – Public Portion Closed.

Christine Nazzaro Cofone, PP, AICP – sworn in and the Board accepted her credentials as a Professional Planner. Ms. Cofone testified the use is suited in the area and she concurred that technically they required a variance for the number of parking spaces; however, for the portion of the building that they are going to be utilizing there is sufficient parking.

Public portion opened for questions – No public – Public Portion Closed.

Based upon the application before the board a motion was offered by Joe Sears to **APPROVE** the application as discussed, moved and seconded by James Gilligan.

Those who voted YES: Paul Dunlap, William Frantz, James Gilligan, Thomas Healy, Joe Sears, Clifford Johnson, and Roger Eichenour.

Those who voted NO: None.

Those who ABSTAINED: None.

Those who were ABSENT: Barbara Bascom, Cynthia Suarez, David Fernicola, Dianna Harris

ADJOURNMENT:

A motion was made by Joe Sears and seconded by Paul Dunlap to adjourn at 9:40 PM and to have the next meeting on September 4, 2013. All in favor.

Minutes submitted by Kristie Armour, Secretary.