



**Neptune Township ~ Zoning Board of Adjustment  
Regular Meeting Minutes  
Wednesday, November 2, 2016 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Boulevard**

**ATTENDANCE:**

Present: Barbara Bascom, Dr. James Brown, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Frances Keel, Christina Schuetz, Monica Kowalski, Esq. – Board Attorney, Jennifer Beahm, PP, AICP - Board Planner, Matt Shafai, PE, PP – Board Engineer, and Torro Reporting, LLC

Absent: Joe Sears and Paul Dunlap

**OPENING:** Meeting called to order by Chairman Gilligan at 7:34 PM. Chairman Gilligan advised the public of fire exits and how the meeting will proceed.

**CORRESPONDENCE:** None.

**RESOLUTIONS MEMORIALIZED:**

**ZBA#16/28 - Resolution of Approval for Completeness Waivers Only – ZB16/17 - Gilman Circle, LLC (Solve It Sherlock) – Block 802, Lot 34– 708 Highway 35**

**ZBA#16/29 – Resolution of Denial of Appeal of Zoning Officer’s Decision - ZB16/12 – Morris Zagher – Block 1004, Lot 4 – 37 Highway 35**

**ZBA#16/30 – Resolution of Approval of Signs and Canopy ONLY - ZB16/07 – Syed Brothers Management, LLC (Gulf Station) – Block 4104, Lot 15 – 3655 Highway 33**

**DISCUSSIONS:**

**ZB16/18 – Gilbert Unger** – Block 4215, Lot 6 – 9 Pine Brook Drive – Applicant is seeking a side yard variance to enclose existing carport which does not meet the required setback.

Public Notice is accepted. Gilbert Unger – sworn in. Also present, Carly Unger

Mr. Unger wishes to enclose his existing carport and maintain the existing setbacks.

Jennifer Beahm questions the application whether there is any detriment to the surrounding neighborhood or the Zone Plan. Mr. Unger responds no. The finished walls will match the existing home and there is an existing door into the house, they are just making it an enclosed garage rather than an open carport.

The variance requested conflicts with zoning determination; therefore, the resolution will reflect an 8 ft. setback vs. 8.5 ft. setback to avoid confusion.

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

**Those who voted YES:** Barbara Bascom, William Frantz, Dianna Harris, Thomas Healy, Frances Keel, Christina Schuetz, and James Gilligan

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Joe Sears and Paul Dunlap

**ZB16/15 – Kent & Karen Savis** – Block 278, Lot 7 – 93 Stockton Avenue (Ocean Grove) – Applicant is seeking a bulk variance for front yard setback with regard to retaining wall, stairs, and front porch.

Applicant is represented by Peter S. Falvo, Esq.

Andrea Fitzpatrick of Shore Point Architecture – sworn in – qualified and accepted.

Public Notice is found to be acceptable.

Exhibit A-1 – Existing and Proposed Front Porch

86.8% lot coverage is proposed and is the correct number and is still conforming.

This home was constructed in 1899 and is considered a “key structure” – Must return to Board after comments/resolution received from HPC.

Applicant is proposing to square-off the front porch and also proposing a 24” masonry retaining wall to replace the existing timber tie wall. A step is being proposed to enter directly into the side yard to avoid having to enter porch to access side yard.

The stairs to the porch are proposed to be replaced in like/kind.

Approval has been received from the OGCMA to encroach onto Camp Meeting Property.

The Township Engineer’s review letter was reviewed and the Applicant will comply with said comments and any approval is subject to comply with the Township Engineer’s review letter.

Meeting was open to the public – no public came forward – public portion closed.

**IT IS AGREED TO BY THE BOARD AND THE APPLICANT TO RETURN ON DECEMBER 7<sup>TH</sup> WITHOUT THE NEED FOR FURTHER NOTICE IN ORDER TO RECEIVE COMMENT FROM HPC PRIOR TO A DECISION BEING MADE ON THIS APPLICATION.**

**ZB16/16 – Michael Bondurant** – Block 5213, Lot 12 – 37 Pinewood Drive – Applicant is seeking a side yard and combined side yard setback variances for construction on an undersized lot.

Applicant is represented by Michael Wenning, Esq.

This is a pre-existing undersized lot. There was a stop work ordered issued which brings the Applicant to the Board today.

Michael Bondurant – sworn in.

Mr. Bondurant purchased the property with an oil tank that had to be removed. – Approval letter for removal will be submitted.

There will be no change to the existing foundation.

The Applicant is seeking new construction on an existing foundation which requires variances as the foundation currently exists.

The Applicant will comply with the Township Engineer’s Review Report.

Public Portion is opened – Seeing none – Public Portion is closed.

**Based upon the application and the testimony provided to the Board, Thomas Healy made a motion with the Addition made by Mr. Gilligan to approve the application conditioned upon compliance with the Township Engineer’s Review Report and Building Code with Construction, moved and seconded by Barbara Bascom and Dianna Harris.**

**Those who voted YES:** Barbara Bascom, William Frantz, Dianna Harris, Thomas Healy, Frances Keel, Dr. James Brown, and James Gilligan

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Joe Sears and Paul Dunlap

**\*\*THE BOARD TAKES A BRIEF RECESS AT 8:35 PM AND RETURNS – ALL MEMBERS STILL PRESENT\*\***

**ZB16/17 – Gilman Circle, LLC (Solve It Sherlock)** – Block 802, Lot 34 – 708 Highway 35 – Applicant is seeking a Use Variance to add an Indoor Recreation Use. Applicant had a waiver hearing on October 5, 2016 at which time the Board granted submission waivers for the purposes of application completeness. Applicant is represented by Jeffrey A. Donner, Esq.

Jeffrey A. Donner, Esq. – representing the applicant.

Public notice is found to be acceptable.

Applicant and Planner are sworn in.

Katherine Farrar – Applicant – describes “escape” room – similar to a live “Clue” game and is interactive and you must solve puzzles.

No new construction being proposed – use will be contained in existing building.

This is proposed to be open year round to provide family activity and open to small groups.

The groups will be limited to 8 people per group and groups will be scheduled every 1 hour and 15 minutes.

Facility will be ADA compliant and appropriate for ages 10 years and up.

**\*\*THE BOARD TAKES A BRIEF RECESS AT 9:06 PM AND RETURNS AT 9:15 PM – ALL PRESENT\*\***

Signage is discussed. The Applicant wishes to have internal directional signs and a monument sign contained within the existing sign.

There are 2 directional signs proposed within the site and 1 wall sign (left of the door) which will comply with the Ordinance and will be subject to the Board Engineer’s approval.

Andrew Janiw, PP, AICP – accepted.

Exhibit A-1 – containing 1 Aerial Photo and 6 photos of the surrounding uses.

Exhibit A-2 – containing 4 photos (dated 10/27/16)

Signs are discussed – unsure if they will be illuminated but will comply with the Ordinance.

There are questions whether there is adequate site lighting. It is said that lighting should be sufficient as there have been tenants in this location in the past.

Jennifer Beahm discusses current zoning and the adjacent residential zone.

Exhibit A-3 – Aerial Zoning Map in color.

Parking spaces are discussed and current requirements are being met.

Driveway width is discussed – it is approximately 16 feet at the “choke” point of the interior drive at the smallest area. The building has operated with this driveway since 1962 without incident.

Public portion of the meeting is opened – seeing none – public portion is closed.

Mr. David Dorfman – Agent for Michael Gilman since 2005 testified that he is in the building frequently and discusses the current uses and number of cars onsite on a regular basis. Does not see a shortage in parking as the lot is never full.

**Based upon the application and the testimony provided to the Board, William Frantz made a motion to approve the Use Variance and proposed signage which is to be provided to the Board Planner and Engineer for approvals and compliance with the Ordinance, seconded by Barbara Bascom.**

**Those who voted YES:** Barbara Bascom, William Frantz, Dianna Harris, Thomas Healy, Dr. James Brown, and James Gilligan.

**Those who voted NO:** None.

**Those who ABSTAINED:** Frances Keel

**Those ABSENT:** Joe Sears and Paul Dunlap

#### **ADJOURNMENT:**

A motion was made by Dianna Harris and seconded by Thomas Healy to adjourn at 10:06 PM. All in favor. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, December 7, 2016 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.