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Neptune Township ~ Zoning Board  
Regular Hearing Minutes  
Wednesday February 6, 2013 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor  
25 Neptune Blvd.

## **ATTENDANCE:**

Present: Barbara Bascom, Roger Eichenour, David Fernicola, James Gilligan, Dianna Harris, Thomas Healy, Joe Sears, Monica Kowalski, Esq. – Board Attorney, Matt Shafai - Board Engineer, Jennifer Beahm - Board Planner, and State Shorthand Reporting.

Absent: Paul Dunlap

## **OPENING:**

Meeting called to order by Roger Eichenour at 7:40 PM. Mr. Eichenour advised the public of the fire exits and how the meeting will proceed.

## **RESOLUTIONS MEMORIALIZED:**

None.

## **DISCUSSIONS:**

Application **ZB12/06 Block 9017, Lot 9 - #17 Princeton Avenue – Gary Edwards** – remediation of a zoning violation for the expansion of a pre-existing non-conforming garage/barn on the property without zoning approval - was previously carried from January 9<sup>th</sup> meeting and requested to be **carried to the April 3<sup>rd</sup> meeting due to improper notice – MUST RE-NOTICE.**

Application **ZB12/15 Block 8000, Lot 3 - #3118 West Bangs Avenue – Sergio & Monica Louro** – Applicant is proposing to replace the existing fire-damaged 3-car garage with a new garage consisting of 875 square feet - Previously carried from January 9<sup>th</sup> meeting. Represented by Rick Brodsky, Esq. Testimony provided by James M. Pollifrone, AIA, applicant’s architect. The previous setback to the garage structure was 6 feet, now proposing 7 feet. Mr. Pollifrone presented garage model which he prepared sometime in the middle of 2012, which was marked as Exhibit A-1. There will be dormers on the front of the structure to match the existing house. There will be attic space above the garage approximately 5 feet high to be used for storage purposes. All finishes (siding, color, etc.) are to match the existing house. The proposed “retaining wall” is less than 1 foot high. Applicant agreed to move the garage 3 feet in order to comply with the 10 foot setback requirement. The existing garage is a 2-car and 784 s.f. and the applicant is now requesting a 3-car garage with 875 s.f. The Applicant indicates the shed is an existing condition. Matt Shafai questioned whether the asphalt shown on the survey is existing or proposed as the 2002 Survey shows that the asphalt stops at the garage and the newly submitted survey shows the asphalt 80 feet past the garage. Sergio Louro indicated that the asphalt is existing and was extended past the garage for use of his dump trailer & car trailer. It was indicated a height variance is not required in this instance. Joe Sears confirmed that the upstairs will not be utilized as living quarters, but for storage purposes.

**Motion offered by Thomas Healy to be moved and seconded by Joe Sears:**

**YES:** Barbara Bascom, Roger Eichenour, James Gilligan, Thomas Healy, Joe Sears, Cynthia Suarez, and David Fernicola

**NO:** None.

**ABSTAIN:** None.

Application **ZB 13/02 Block 1500, Lots 23.04 & 23.05 – Jumping Brook Rd & Route 66 – Chase Partners** – current vacant property, proposing multi-family residential and retail. – **Carried to February 20<sup>th</sup> due to error in newspaper publication – MUST RE-ADVERTISE.**

Application **ZB12/10 Block 1006, Lot 1 – #2990 Route 66 - CBS Outdoor Inc.** – current self-storage facility and multi-message tri-vision billboard sign, proposing multi-message digital billboard sign of same dimensions. Previously carried from 1/30/13. Represented by Reginald Jenkins, Esq. Mr. Jenkins indicates this is a request for interpretation of modernization of an existing billboard sign and zoning officer's decision as there will be no alteration or expansion. William Holle, Real Estate/Operations Manager for CBS Outdoor, Inc. testified they have NJDOT approval for a tri-vision and/or multi-message digital sign. Benefits to the municipality of a digital sign versus a tri-vision sign include OEM messages and alerts such as "Amber Alerts" because the signs can be changed via computer at the CBS headquarters. Mr. Holle also presented that a digital sign is more cost-efficient. Chairman Eichenour inquires as to CBS's availability/ability to make alert changes 24 hours a day, 7 days a week if an advertiser is currently advertising on the sign, also who makes the determination as to whether an alert is posted. Mr. Holle indicated he is not able to make that decision but that it would need to come from upper management. It was requested that an upper management representative be available to testify as to the availability to local OEM. Mr. Jenkins recommends making local OEM use of the sign as a condition of the approval. Chairman Eichenour reminds the Applicant and his Attorney that a condition of the previous approval for Use Variance was that NO LED signs would be proposed in the future. Mr. Holle testified that technology has gotten a lot cheaper in the past 4 years since the original approval and it now appears to be more economical to switch to digital sign. Mr. Jenkins advises the Board that the State provides that digital signs have to be 3,000 feet apart, he also advises that sign details as far as brightness, spillage, etc. are within State regulated guidelines. Jennifer Beahm indicates LED signs are prohibited in the Township of Neptune and agrees with Mr. Waterman's decision that they would need a d3 Use Variance as they do not meet the criteria for Conditional Use. Monica Kowalski advises Mr. Jenkins that they are abandoning the use of the tri-vision sign approval from 2009 therefore they are here for a d1 Use Variance not an Interpretation. Mr. Jenkins requests Specific Sections applicable to LED. Jennifer Beahm offers Section 416.06 and indicates she spoke to his office twice yesterday and again to him this evening before the meeting began. She also indicated that the Board has consistently upheld LED Signs as being prohibited in the Township. Monica Kowalski also indicated Section 416.06 K. & L. Mr. Jenkins maintains technology has changed since 2009 original approval which is why they are here requesting an LED sign.

\*\*\*Chairman Eichenour asks for a small recess at 9:15 pm. Board returns at 9:21pm, Secretary does the roll call and all members are still present.

Mr. Jenkins proposes to be carried to the May 1<sup>st</sup> meeting and stop the meeting at this point to come better prepared to address the Board's concerns. Mr. Jenkins requests a copy of the transcript of this evening's proceedings. Monica Kowalski also requests Paul Dunlap receive a copy of the transcript for review prior to the next hearing. No public comments. **Board agrees for applicant to be carried to May 1<sup>st</sup> with no further notice required.**

## **ADJOURNMENT**

Motion to adjourn at 9:25 p.m. and to have the next meeting on February 20<sup>th</sup> made by Cynthia Suarez and seconded by Joe Sears. All in favor.

Minutes submitted by Kristie Armour, Secretary.