



**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Minutes
Wednesday, May 4, 2016 at 7:30 PM
Municipal Complex, 2nd Floor, 25 Neptune Boulevard**

ATTENDANCE:

Present: Barbara Bascom, Dr. James Brown, William Frantz, Dianna Harris, Frances Keel, Christina Schuetz, Joe Sears, and Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Mark Kitrick, Esq. – Conflict Board Attorney, Anthony Rodriguez, PP, AICP - Board Planner, Louis Lobosco, PE, PP – Board Engineer, George Waterman - Zoning Officer, and Torro Reporting, LLC

Absent: James Gilligan and Thomas Healy

OPENING: Meeting called to order by Chairman Paul Dunlap at 7:30 PM. Chairman Dunlap advised the public of fire exits and how the meeting will proceed.

CORRESPONDENCE: None. Dr. Brown is sworn in as Alternate #2 as per Township Committee Resolution #16-145 which had been reviewed on April 6, 2016.

RESOLUTIONS MEMORIALIZED:

ZBA#16-12 - Resolution of Denial/Dismissal – Wawa, Inc. – Block 515, Lot 1 – 200 Highway 35 South

ZBA#16-13 – Resolution of Approval – Michael DeLuca – Block 4401, Lot 20 – 19 Crest Drive

ZBA#16-14 - Resolution of Approval – 3530 Highway 33, LLC (76 Gas) – Block 3102, Lot 1 – 3530 Highway 33

ZBA#16-15 - Resolution of Approval – William & Diane Egnor – Block 5402, Lot 2 – 220 Prospect Avenue

ZBA#16-16 - Resolution of Approval – Ashley Coyte (Grand Tavern) – Block 414, Lot 13 – 1105 Sixth Avenue

DISCUSSIONS:

ZB16/02 – Michael Solebello – Block 296, Lot 7 – 81 Fletcher Lake Avenue (Ocean Grove) - Applicant is seeking a bulk variance for front yard setback of the front steps due to the home being lifted.

Monica Kowalski, Esq. must recuse herself from this application; therefore, Mark Kitrick, Esq. takes her place on the dais.

Jeff Beekman, Esq. represents the Applicant.

Exhibit A-1 – Three (3) photos are marked – front of the house.

Professionals are sworn in.

According to Flood Hazard Area (FHA) Ordinance stairs from elevated structures shall be able to project up to 50% in the front yard setback but in no case shall be closer than 10 feet from the front property line.

Since this home is located in the historic district the stairs cannot meet the 50% setback and no more than 10 feet.

Issues with the bulk requirements in the Ordinance are discussed.

The home was damaged significantly during Superstorm Sandy.

The proposed setback from the front step to the curb will be approximately 11 feet from the curb.

No public appeared in opposition, public portion closed.

Based upon the application submitted to the Board, Barbara Bascom made a motion to approve the application as submitted, seconded by William Frantz.

Those who voted YES: Barbara Bascom, William Frantz, Dianna Harris, Joe Sears, Frances Keel, Dr. James Brown, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: James Gilligan and Thomas Healy

ZB15/02 – (Building Coverage and Lot Coverage Remediation) – Irma Rojas – Block 3401, Lot 46 (formerly known as Block 7000, Lot 23) – 27 Hillview Drive – Applicant has submitted to the Board to remediate building coverage and lot coverage which currently exceed the permitted percentages per Ordinance.

Application was partially heard on January 6, 2016 and carried to this date with no further notice being required. The Board ordered that the Applicant must provide a new plan at least 10 days prior to this May 4th hearing and no further public notice would be required. NEW PLANS WERE NOT PROVIDED TO THE BOARD FOR REVIEW

Pasquale Menna, Esq. – representing the Applicant.

Mr. Menna states that the Engineer (Mr. Gilligan) had dropped off plans and then a discussion took place between the property owner and the engineer and the plans were ultimately picked up by the property owner; therefore, there is no new plan on file with the Township.

Mr. Sears makes a statement with regard to the Applicant's disregard for the Board.

Mr. Frantz also comments on the length of time this has been before the Board and still no compliance.

No public appeared in objection to the application.

Based upon the application submitted to the Board, William Frantz made a motion to deny the application pending before the Board, seconded by Joe Sears.

Those who voted YES: Barbara Bascom, William Frantz, Dianna Harris, Joe Sears, Frances Keel, Dr. James Brown, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: James Gilligan and Thomas Healy

ZB15/08 – Kurt Cavano – Block 209, Lot 3 (formerly known as Block 36, Lots 1585, 1587, & 1583.02) – 50-54 Main Avenue (Ocean Grove) - The Zoning Board previously approved the construction of a new, three-story structure which will contain commercial/retail/restaurant in the basement, first floor, and part of the second floor and six (6) residential apartment units on the second and third floors. Applicant seeks approval to utilize a portion of the basement as a "Maker Space" as described in the submitted information package.

Received Approval with the Exception of the Basement Use on June 17, 2015. Received request to carry the issue of the Basement Use from September 2, 2015 to October 7, 2015 to January 6, 2016, then further to this date of May 4th. In speaking with Jennifer Krimko, Esq. on April 28, 2016, it is requested this application be adjourned until further notice and public notice will be provided once a new hearing date is agreed upon.

Monica Kowalski, Esq. asks Kristie Armour, Board Secretary if Ms. Krimko had signed a consent for an indefinite extension of time. Ms. Armour responds no. Ms. Kowalski responds that the matter must be decided then. Ms. Armour indicates that Ms. Krimko stated she was going to re-notice for the new hearing date once decided, but Ms. Kowalski said it cannot be done without the consent and recommends to the Board that the matter be dismissed without prejudice and Ms. Krimko will have to refile for the basement use at the appropriate time.

Based upon the information submitted to the Board, William Frantz made a motion to dismiss the current application without prejudice and a new application for Use Variance must be filed when ready, seconded by Frances Keel.

Those who voted YES: Barbara Bascom, William Frantz, Dianna Harris, Joe Sears, Frances Keel, Dr. James Brown, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: James Gilligan and Thomas Healy

ZB16/03 – Kathryn Cleary & Michael Farina – Block 232, Lot 9 – 45-47 Abbott Avenue (Ocean Grove) - Applicant is seeking Use and Bulk Variances for expansion of a pre-existing non-conforming 2-family home.

Due to an error in the public notice this matter must be rescheduled and re-noticed for an alternate hearing date. As per an e-mail received from Maxine Giordano's dated May 3, 2016, they have requested to be carried to the September 7th meeting and new notice will be provided.

The September 7, 2016 meeting date is agreed to by the Board.

ZB15/22 – Thomas Losonczy – Block 150, Lot 11 – 87 Mt. Hermon Way – Applicant is seeking a variance to add a 1-foot high cedar diagonal lattice on top of a 5 foot high cedar board-on-board fence located in the rear yard area. The total length of the fence is 43 feet.

Notice is accepted.

HPC's original resolution is rescinded due to a Member Conflict with the vote.

Mr. Losonczy is sworn in and expresses his need to add the 1 foot cedar lattice on tip of the existing 5 foot cedar board-on-board fence.

Mr. Losonczy reviews the timeline of events leading to his appearance before the Board.

Ms. Sherry Phillips of 89 Mt. Hermon Way is sworn in and states she is no objection to the lattice being placed on the fence as she is the neighbor on the west side and shares this fence with Mr. Losonczy.

No public appeared in opposition, public portion closed.

Based upon the application submitted to the Board, Barbara Bascom made a motion to approve the application as submitted, seconded by Dr. James Brown.

Those who voted YES: Barbara Bascom, William Frantz, Dianna Harris, Joe Sears, Frances Keel, Dr. James Brown, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: James Gilligan and Thomas Healy

ADJOURNMENT:

A motion was made by William Frantz and seconded by Joe Sears to adjourn at 8:34 PM. All in favor. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, June 1, 2016 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2nd Floor.

Minutes submitted by Kristie Armour, Administrative Officer to the Board of Adjustment.