

**Neptune Township ~ Zoning Board
Regular Meeting Minutes
Wednesday March 19, 2014 at 7:30 PM
Municipal Complex, 2nd Floor, 25 Neptune Blvd.**

ATTENDANCE:

Present : Paul Dunlap, William Frantz, James Gilligan, Thomas Healy, Frances Keel, Joe Sears, Mark Kitrick, Esq. – Conflict Board Attorney, Monica Kowalski, Esq. – Board Attorney, Louis J. Lobosco, PE, PP - Board Engineer, Peter Van den Kooy, PP, AICP - Board Planner, and Torro Reporting, LLC.

Absent: Barbara Bascom, Dianna Harris, Charles Moore

OPENING:

Meeting called to order by Chairman Paul Dunlap at 7:40 PM. Chairman Dunlap advised the public of the fire exits and how the meeting will proceed.

CORRESPONDENCE: None.

RESOLUTIONS MEMORIALIZED:

ZBA#14/07 - Amy Boss – 701 Ruth Drive (B9022/L14) – Proposing to replace a 6 foot solid wooden fence with a new 6 foot solid wooden fence. Application was approved with modifications to fence location.

Motion to Adopt & Memorialize was made by Joe Sears and seconded by William Frantz. Those who voted yes: William Frantz, James Gilligan, Thomas Healy, and Joe Sears.

DISCUSSIONS:

1. **ZB13/05** – Dollar Tree (Jumping Brook Shopping Center) – Block 1501, Lot 1 – 3705 Highway 33 – Proposing 2 wall-mounted signs that exceed maximum number of signs permitted as well as the square footages permitted.

APPLICATION HAS BEEN WITHDRAWN

2. **ZB12/04** - Irma Rojas – Block 7000, Lot 23 - #27 Hillview Drive (multiple variances for improvements constructed) Represented by Ronald Troppoli, Esq. – CARRIED FROM 10/17/12 to 11/7/12 to 4/3/13 to 5/1/13 to 6/5/13 to 9/4/13 to 1/8/14 ****PARTIALLY APPROVED AND CARRIED FROM 9/4/13****

APPLICATION HAS BEEN ADMINISTRATIVELY DISMISSED AND WILL NOT BE HEARD

3. **ZB13/22** – Gerardo Ercolino – 1516-1518 Corlies Avenue (Rt 33) (Block 273, Lot 29) – Appeal of Zoning Officer's Determination regarding second apartment unit.

APPLICATION TO BE ADJOURNED TO MAY 7, 2014 – NO FURTHER NOTICE REQUIRED.

4. **ZB13/18** – Geoffrey Ernst – 103 Melrose Avenue (B471/L34, 35, 36) - Proposing to maintain existing shed as it exists requiring rear and side yard setback variances.

APPLICANT’S ATTORNEY HAS REQUESTED THIS APPLICATION BE ADJOURNED TO MAY 7, 2014 – NO FURTHER NOTICE REQUIRED

5. **ZB13/16** – William Johnson 704 Chaphagen Drive (B9026/L13) – Proposing to change the use of the property from a Detached Single Family Residence into a Multifamily (two family) Residence. *Application partially heard at the February 5th meeting.*

NOTE: Mark Kitrick, Esq. represented the Board for this matter.

James Higgins – Licensed Professional Planner in the State of New Jersey sworn in along with Board Professionals and the Applicant. The Board accepts Mr. Higgins as a professional witness.

Mr. Higgins provided testimony as to the permitted and conditional uses within the R-2 Zone. He reiterated the goal and intent of the Township’s Zone Plan is to provide a variety of housing to all income levels in this area. Mr. Higgins does not see any negative impact to the Master Plan or Zone Plan should this Use Variance be granted.

Mr. Higgins states there is adequate parking available and the house fits in with surrounding units.

Visual survey of the surrounding area does not indicate other 2-family residences; however, visual inspection of the subject residence does not appear to be a 2-family residence from the outside either.

The home referenced in this application does have a basement; however, it is not finished and is not livable space.

Chairman Dunlap states to the Applicant that should the variance be granted it will be conditioned upon obtaining a Mercantile License to rent the upstairs unit and he will have to obtain a valid C.O. for the second unit.

Based upon the application before the Board a motion was offered by Thomas Healy to approve the application as discussed with the requirement of obtaining a Mercantile License for rental of the second unit and securing a valid C.O. for the second unit, seconded by William Frantz.

Those who voted YES: Paul Dunlap, William Frantz, James Gilligan, Thomas Healy, Joe Sears, Frances Keel.

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Barbara Bascom, Dianna Harris, Charles Moore

****8:08 PM - Board takes a short recess at 8:12 PM Board returns, roll call taken all members still present. Mark Kitrick, Esq. excuses himself and Monica Kowalski, Esq. now represents the Board for the next matter****

6. **ZB11/29A** – Neptune Circle Holdings, LLC – Route 66 – Applicant is seeking administrative approval of changes for fencing material installed around the perimeter of the site. The height, location, and solid nature of the fence are in compliance with the approvals granted.

Applicant represented by Rick Brodsky, Esq. David Boesch accepted by the Board as a professional.

Mr. Boesch states the property is located behind Shop Rite on Route 66 and that neighbors were initially concerned with view and noise so the conditions set forth in the approval contained the requirement of an 8 foot solid fence to replace the existing fence that was present at the time of application.

Monica Kowalski reminds the Board cost is not a factor for the Board to consider.

James Coakley (owner) testified that in late summer of 2013 the fence was installed. The plantings have not yet been installed because the fence being the wrong material was brought to his attention.

Mr. Boesch states all details of the fence are exact in nature with the exception of the material. Spruce fence was installed and not cedar fence as shown in the detail on the plan.

The Board is concerned with the maintenance and quality of the fence currently installed.

Mr. Brodsky suggests a timeframe for replacement of the existing fence with cedar such as within 5 years.

Gary Brown of 102 Cardinal Road – questions the testimony of Mr. Boesch with regard to 1 x 6 boards being currently installed. He states there has been inconsistency in maintenance and attention to detail with regard to this property and is concerned they will not take care of the fence since they haven't maintained the property in the past.

M. Markulin of 112 Cardinal Road – states concern with the material installed as cedar is much more durable.

Ms. Armstrong – states she measured the existing boards and they are 1 x 4 boards not 1 x 6 boards as testified to.

Mr. Frantz states he is not ready to make a decision with the information presented at this time.

Mr. Healy states he would like to see the bids received for installation of the fencing.

Mr. Gilligan states a denial of the application may benefit the Applicant as if this is truly an oversight on the fence company or a mistake of the Applicant's Engineer, they may be able resolve the fence issue and have it replaced with the cedar as originally proposed.

Chairman Dunlap states he needs more information and wants to know what happened and ultimately the responsibility falls on the Applicant, not the Board. He further states he is tired of Applicants doing what they want in the field after receiving approval from the Board and then returning to ask for forgiveness for their mistakes.

Based upon the application before the Board a motion was offered by James Gilligan to DENY the application for the current fence material moved and seconded by William Frantz.

Those who voted YES: Paul Dunlap, William Frantz, James Gilligan, Thomas Healy, Joe Sears, and Frances Keel.

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Barbara Bascom, Dianna Harris, Charles Moore

ADJOURNMENT:

A motion was made by William Frantz and seconded by Thomas Healy to adjourn at 9:00 PM. The next scheduled hearing will be a Regularly Scheduled Meeting on Wednesday, April 2, 2014 at 7:30 PM. All in favor.

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