

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

ATTENDANCE:

Present : William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Frances Keel, Charles Moore, Joe Sears, Monica Kowalski, Esq. – Board Attorney, Matt Shafai, PE, PP - Board Engineer, Jennifer C. Beahm, PP, AICP - Board Planner, and Torro Reporting, LLC.
Absent: Paul Dunlap and Barbara Bascom

OPENING:

Meeting called to order by Vice Chairman James Gilligan at 7:35 PM. Vice Chairman Gilligan advised the public of the fire exits and how the meeting will proceed.

CORRESPONDENCE: Resolution #14-172 – Township Committee's Acceptance of the Resignation of Roger Eichenour as a Member of the Board of Adjustment.

RESOLUTIONS MEMORIALIZED:

ZBA#14/08 – William Johnson – 704 Chaphagen Drive – Block 9026, Lot 13 – Proposing to change the use of the property from a Detached Single Family Residence into a Multifamily (two family) Residence. Application was approved with conditions.

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

DISCUSSIONS:

1. **ZB13/15** – William Taylor - **Block 15, Lot 764** – 9 Broadway (Ocean Grove) – requesting height variance for 3 stories where 2.5 stories are permitted. **CARRIED FROM 12/4/13**

APPLICATION HAS BEEN WITHDRAWN BY APPLICANT.

2. **ZB12/06** - Gary Edwards – **Block 9017 Lot 9**, 17 Princeton Ave - seeking to retain reconstructed barn/garage – Represented by Peter Bass, Esq. **CARRIED FROM 12/4/13**

APPLICATION HAS BEEN ADMINISTRATIVELY DISMISSED DUE TO NON-COMPLIANCE AND FAILURE TO REPLENISH ESCROW.

3. **ZB13/19** – David Monachino – **Block 114, Lot 664** - 125 Broadway (Ocean Grove) – Bulk Variances to maintain 4 foot solid stockade fence and brick paver patio located in the front yard of a corner property.

David Monachino of 125 Broadway – sworn in. Applicant is seeking to retain his current fence and patio as installed.

Mr. Monachino states his contractor had removed the original fence and installed a new fence, but once applicant was notified the fence installed was in violation, he instructed the contractor to remove the fence and put the original fence back in its exact location.

Monica Kowalski questions why the points/tips at the tops of the boards in the before and after photos Mr. Monachino provided in his exhibit do not match. They do not appear to be the same size or fence as testified to. Mr. Monachino states he was unaware.

There is also a discrepancy in the fence location as it relates to the initial survey when the house was purchased and the most recent survey depicting existing conditions. The fence now appears to be over the property line and the paver patio has been expanded.

It is noted that the expansion of the paver patio does not exceed the permitted impervious area for the lot.

Nancy Martin, Esq. representing HPC questions Mr. Monachino with regard to his testimony.

Mr. Monachino states he was not aware of the Ocean Grove Historic District Guidelines until speaking to Mr. Waterman regarding his violations.

Lucinda Heinlein – 501 Janet Road – Vice Chairperson for the HPC. Member of the HPC for 25 years – sworn in and stated Ms. Shotwell was a secretary for HPC at some point, but to her knowledge was never a member of the Commission.

Ms. Heinlein further reviewed specific sections of the District's Guidelines as it relates to paver patios and fencing.

Kevin Chambers – Ocean Pathway – requests that the Zoning Board uphold and enforce the Township's Ordinance.

Based upon the application before the Board a motion was offered by William Frantz to DENY the fence and paver patio as installed, seconded by Joe Sears.

Those who voted YES: William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Joe Sears, Frances Keel, and Charles Moore.

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Barbara Bascom and Paul Dunlap

4. **ZB13/09** – Atifaq Corporation (Gas Plus Speedy Mart) – **Block 282, Lots 1-5 - 1800 Highway 33** – proposing to convert existing building onsite into convenience store. Represented by Jennifer S. Krimko, Esq. ****CARRIED FROM 12/4/13 – NO FURTHER NOTICE WAS REQUIRED FOR THIS HEARING****

Jennifer Krimko, Esq. appeared representing the Applicant.

Charles Surmonte, PE, PLS – submitted as an expert witness and accepted by the Board.

Will Amend Plans will be amended as necessary and the Applicant is not seeking any submission waivers.

Exhibits were marked into evidence and Exhibit A-2a which was originally listed on the submitted Exhibit list is being removed as there was an error.

Ms. Krimko requests to bifurcate the application at this time and seek the Use Variance only at this time and will return for Site Plan approval.

The Board Planner's report was reviewed in detail.

The Board would like to see a masonry enclosure surrounding the dumpster rather than fencing.

It is recommended a NJDOT jurisdictional determination be obtained to ensure an access permit is not required.

The Board questions whether the center curb cut is necessary, as they would like to see it removed if possible.

A Traffic Study should be submitted as per the Board Planner and the Board's recommendations.

****Ms. Krimko requests a brief recess which is granted by the Board. The Board returns at 9:45 PM and all members still present****

Ms. Krimko presents her next witness, the Applicant, Zenab Kakar of 1910 Fiddlers Run, Toms River, NJ. Ms. Kakar states her family owns 2 gas stations in Neptune Township since 2010. She further states the hours of operation proposed are 6 AM to 12 AM, 7 days a week.

Jennifer Beahm requests a truck turning template to demonstrate site circulation.

Ms. Kakar states there will be no auto service or auto repair services onsite.

Christine Nazzaro-Cofone, PP, AICP – submitted as an expert, sworn in, and accepted by the Board. Ms. Cofone testified as to appropriateness of the site for the proposed use as a gas station/convenience store.

Bashir Hamid, Architect – submitted as an expert, sworn in, and accepted by the Board. Mr. Hamid provided testimony with regard to the proposed improvements.

The Board would like to see more information on human traffic flow, a clearer layout of circulation pattern of the site, and storage.

Based upon the application before the Board a motion was offered by Thomas Healy to APPROVE THE USE VARIANCE SUBJECT TO SITE PLAN APPROVAL, seconded by Joe Sears.

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

Those who voted NO: None.

Those who ABSTAINED: Charles Moore

Those ABSENT: Barbara Bascom and Paul Dunlap

5. **ZB13/17** – Jack Ancona, LLC (Warrington Hotel) – **Block 29, Lot 1907.03** - 22 Lake Avenue (Ocean Grove) – Conditional Use & Bulk Variances for 20-room hotel with innkeepers quarters. Represented by Jennifer Krimko, Esq.

APPLICATION ADJOURNED TO MAY 7th WITH NO FURTHER NOTICE REQUIRED.

ADJOURNMENT:

A motion was made by William Frantz and seconded by Dianna Harris to adjourn at 10:40 PM. The next scheduled hearing will be a Regularly Scheduled Meeting on Wednesday, May 7, 2014 at 7:30 PM. All in favor.

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