

Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda
Wednesday, December 3, 2014 at 7:30 PM
Township Meeting Room 2nd Floor

The regular scheduled meeting of the Neptune Township Zoning Board of Adjustment which has been duly constituted and advertised according to law is now called to order:

Fire exits are clearly marked, if alerted of a fire; please move in a calm and orderly manner to the nearest smoke free exit.

At this time, I would ask everyone to please silence all cell phones and other paging devices, as they are distracting to others.

It is the policy of the Zoning Board of Adjustment to end all matters no later than 11 p.m. Toward the end of the meeting it will be announced that no new applications will begin after 10:00 p.m. nor will any new witnesses or testimony begin after 10:30 p.m.

It is the Board's policy to adhere to the following procedure:

After testimony by the Applicant's attorney, their professional or proffered witness, questions will follow by members of the Zoning Board for that particular witness. After the Members of the Zoning Board ask their questions, the Zoning Board Professionals shall have the opportunity to ask questions. These questions by the Members of the Board and its professionals directed to applicant's witness may overlap.

After the Board Members and Board Professionals have finished their questioning, the Chairperson of the Zoning Board shall open the Public Portion session of the meeting for the public to ask **QUESTIONS ONLY** of the witness currently on the stand. **THIS IS NOT THE TIME FOR PUBLIC COMMENT OR OPINION.** Each member of the Public who wishes to question this witness **MUST** form a line at the podium in order to be heard.

Each individual from the public will be sworn in and must **state their name, spell their last name, state their address for the record**, and will have **ONE (1), five (5) minute session** to question the applicant's witness currently under oath. All questions should be directed to the Witness regarding his or her testimony **ONLY** and questions should not be repeated. **Time is not transferable between members of the public.**

The Public should be aware that a public question session will be held upon the conclusion of **EACH INDIVIDUAL WITNESS FOR THE APPLICANT.** Once the applicant's witness (or any other witness) has finished testifying, they are not subject to recall by the public, but may take the stand again as a part of the Applicant's hearing process. Every witness who appears may be subject to Board Member, Board Professional and Public Questioning. **THE BOARD AND ITS PROFESSIONALS; HOWEVER, ARE NOT SUBJECT TO QUESTIONING.**

At the completion of Applicant's case, when the applicant has finished with all of their witnesses and evidence presentation, the Chairperson of the Zoning Board will open up the floor for **PUBLIC COMMENT.** At this time, individuals from the public will be sworn in, give their name and address for the record and will have **ONE (1), five (5) MINUTE SESSION TO PROVIDE COMMENT OR OPINION ON THE APPLICATION AS A WHOLE. THIS IS THE TIME WHEN THE PUBLIC MAY EXPRESS TO THE BOARD THEIR OPINIONS ABOUT THE APPLICATION SUBJECT TO A VOTE. Time is not transferable between members of the public.**

At the conclusion of the Public Session for Comments, the Applicant or their attorney may provide a "summation" or Closing Statement to the Board. After Summation, the Board and its Professionals may engage in a discussion, on the record, regarding the Application and its contents. **There will be no further input from the public or the applicant at this time.**

Upon conclusion of Discussion, the Board may make a motion with regard to the application and vote upon same. We ask that both the Applicant and members of the Public be respectful of the process as outlined above.

I. Roll Call and Flag salute :

Barbara Bascom	James Gilligan, 1 st Vice Chairman	Carol J. Rizzo (Alternate #3)
Rev. Joseph Calhoun (Alternate #4)	Dianna Harris	Joe Sears, 2 nd Vice Chairman
Paul Dunlap, Chairman	Thomas Healy	
William Frantz	Frances Keel (Alternate #1)	

Also Present: Monica C. Kowalski, Esq. – Board Attorney
 Matt Shafai, PE, PP, CME - Board Engineer
 Jennifer C. Beahm, PP, AICP - Board Planner

II. Resolutions to be memorialized:

- a. **ZBA#14-23 – Resolution of Approval** – Application ZB12/05 – Fasano & Gifford – 774 & 778 Wayside Rd – Applicant is proposing to construct thirty-two (32) townhouses within four (4) 3-story buildings. All proposed buildings will have associated landscaping, lighting, parking, stormwater management, and utility improvements.

Those Eligible to Vote: Barbara Bascom, William Frantz, Dianna Harris, Joe Sears, Frances Keel, Carol Rizzo, and Paul Dunlap

- b. **ZBA#14-24 – Resolution of Approval** – Application ZB14/12 – Lucette Tulp – 67 Abbott Avenue (Ocean Grove) – Applicant is proposing to install a decorative “trellis” addition atop existing, approved 4 ft. high fence.

Those Eligible to Vote: Barbara Bascom, William Frantz, James Gilligan, Joe Sears, Paul Dunlap, Frances Keel, Rev. Joseph Calhoun

III. Applications under consideration for this evening:

- a. **ZB13/22** – Gerardo Ercolino – 1516-1518 Corlies Avenue (Rt. 33) – Block 273, Lot 29) – Applicant is seeing a Use Variance for second apartment unit located on the property.
- b. **ZB14/16** – Paul Jayme – Block 9016, Lot 6 – 716 Gail Drive – Applicant is seeking bulk variances for side and rear yard setback for accessory structure (shed) which was constructed without zoning approval.
- c. **ZB14/17 – (Requesting Change to Condition of Prior Resolution)** FTPA Storage Neptune, LLC – Block 7018, Lot 11 – 3403 Highway 33 – Applicant is represented by Peter S. Falvo, Jr., Esq. Applicant is seeking to have the restriction on hours of operation removed so that tenants can have 24/7 access.

****CARRIED FROM SEPTEMBER 10, 2014 FOR CONTINUATION****

- d. **ZB12/21 (Use Variance)** - Hovsons – Hovchild Blvd – Block 1500, Lots 1, 2, 5, 20, 21, & 22 (312 apartment units & restaurant/retail building) Represented by Jennifer S. Krimko, Esq. – **PARTIALLY HEARD ON 3/6/13, 6/5/13, 9/18/13, 11/13/13, 2/19/14, 5/21/14, to 6/18/14 (which was cancelled), then to 7/16/14, to 9/10/14, to this date – NO NOTICE REQUIRED FOR THIS MEETING DATE.**
- e. **ZB13/14 (Preliminary Major Site Plan & Minor Subdivision)** – Hovsons, Inc. (Victoria Gardens) – Hovchild Blvd – Block 1500, Lots 1, 2, 5, 20, 21, & 22 (312 apartment units & restaurant/retail building) Represented by Jennifer S. Krimko, Esq. **PARTIALLY HEARD ON 9/18/13, 11/13/13, 2/19/14, 5/21/14, to 6/18/14 (which was cancelled), then to 7/16/14, to 9/10/14, to this date – NO NOTICE REQUIRED FOR THIS MEETING DATE.**

****NEW** - RECEIVED REQUEST TO ADJOURN FROM 7/2/14 TO 9/3/14 to THIS DATE – REVISED NOTICE PROVIDED****

- f. **ZB14/04** – Johnson Obayuwana – Block 189, Lot 1 – 1528 Monroe Ave – Applicant seeking a Use Variance for proposed Daycare.

IV. Adjournment:

- a. The next meeting of the Zoning Board of Adjustment will be our Re-Organization Meeting on January 7, 2015 at 7:30 PM with our Regular Meeting immediately following, to be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2nd floor.
- b. With no further business before the Board a motion to adjourn was offered by _____ to be moved and seconded by _____, meeting closed at _____ PM.

ZB13/22 – Gerardo Ercolino – 1516-1518 Corlies Avenue (Rt. 33) – Block 273, Lot 29) – Applicant is seeing a Use Variance for second apartment unit located on the property.

Previously enclosed

With 2/5/14, 5/7/14 &

6/14/14 Package:

- Application for Appeal of Zoning Officer’s Decision (12/4/13)
- Zoning Officer’s Determination Letter (12/18/13)
- Peter S. Falvo, Jr., Esq. Correspondence & Zoning Permit Application (12/13/13)
- Peter S. Falvo, Jr., Esq. Correspondence to Zoning Officer (11/27/13)
- Survey of Property (3/12/94)
- Witness List & Exhibit List (including Exhibits A-1 through A-18 to be entered)
- Application for Use and/or Bulk Variances (Received 3/28/14)
- Board Planner’s Review Report (5/9/14)
- Board Engineer’s Review Report (5/28/14)

- Currently Enclosed:**
- Peter S. Falvo, Jr., Esq. Correspondence (10/21/14)**
 - Architectural Plan prepared by Anthony J. Ercolino AIA (6/6/94)**
 - Peter S. Falvo, Jr., Esq. Correspondence (10/27/14)**
 - Architectural Plan prepared by Anthony J. Ercolino AIA (10/14/14)**
 - Board Engineer’s Revised Review Report (11/24/14)**
 - Existing Conditions Plan (11/24/14)**

BOARD NOTES:

Motion offered by _____ to be moved and seconded by _____
Bascom ___ Frantz ___ Gilligan ___ Harris ___ Healy ___ Sears ___ Dunlap ___
Alternates: Keel (Alt 1) _____ Moore (Alt 2) _____ Rizzo (Alt 3) _____ Rev. Joseph Calhoun (Alt 4) _____

ZB12/21 & ZB13/14 (Use Variance, Preliminary Major Site Plan, & Minor Subdivision) – Hovsons, Inc. (Victoria Gardens) – Hovchild Blvd – Block 1500, Lots 1, 2, 5, 20, 21, & 22 (312 apartment units & restaurant/retail building) Represented by Jennifer S. Krimko, Esq.

ZB12/21 (Use Variance App.)

Previously Enclosed: Zoning Permit Application 1-3-13
Zoning Permit Denial 1-14-13
Variance Application 12-10-12
Completeness Checklist – Application for Development 1-4-13
Traffic Impact Analysis prepared by McDonough & Rea Associates, Inc. 12-5-12
Copy of Deed 2-28-86
Overall Variance Map dated 9-13-12, unrevised (signed 12/7/12)
Architectural Plans prepared by Cozzarelli Cirminiello Architects, LLC dated 12-13-12
Boundary & Topographic Survey prepared by FWH Associates, PA dated 9-17-12
Overall Variance Map dated 9-13-12, unrevised (signed 1/4/13)
Exhibit List 3-6-13
Witness List 3-6-13
Comments from: Board Engineer 12-27-12
Board Engineer 1-16-13
Board Planner 2-25-13
DPW – NO COMMENTS 2-20-13
Neptune Township Police Dept. Traffic Bureau 2-20-13
Environmental/Shade Tree Commission 2-15-13

ZB13/14 (Prel Site Plan & Minor Sub)

Previously Enclosed: Completeness Checklist for Site Plans and/or Subdivisions
Application for Major Site Plan & Checklist Part B
Application for Minor Subdivision & Checklist Part B
Affidavit of Application (8-8-13)
Site Visit Authorization of Property Owner (8-8-13)
Escrow Agreement
Minor Subdivision Plan Victoria Gardens dated 7/24/13, unrevised (signed 8/9/13)
Survey of Property dated 9/17/12, unrevised (signed 9/17/12)
Neptune Multi-Family Housing Architecturals dated 8/8 & 8/9/13, unrevised
Preliminary Major Site Plan Victoria Gardens dated 8/9/13, unrevised
Correspondence from NJDOT dated 9-20-13
Correspondence from FSCD dated 9-26-13
Correspondence from Jennifer S. Krimko, Esq. enclosing reduced, color copies of certain exhibits moved into evidence at the hearing on September 18, 2013.
FWH Associates response letter to CME Associates 1-29-14
FWH Associates response letter to Leon S. Avakian 1-29-14
Stormwater Management Report w/Appendix D - Revised 1-28-14
Minor Subdivision Plan (1 sheet) – revised 1-27-14
Predevelopment Drainage Area Maps dated 8-9-13 &
Post Development Drainage Area Map revised 1-24-14
Preliminary Major Site Plan Victoria Gardens – dated 8-9-13 and revised 1-24-14
Stormwater Management Operation & Maintenance Manual – revised 1-23-14
Architectural Color Rendering of Proposed Elevations – Revised 2-6-14
McDonough & Rea Associates, Inc. 6-2-14 Letter with Attachments

ZB14/04 – Johnson Obayuwana – Block 189, Lot 1 – 1528 Monroe Avenue – Applicant is seeking a Use Variance for a proposed daycare facility.

Previously Enclosed
With 7/2/14 Package:

Completeness Checklist and Application for Use Variance
Exhibit List & Witness List for 7/2/14 Hearing
Copy of Deed filed 7/12/02
Copy of Denial from Zoning Officer dated 5/30/14
Community Impact Statement (4/18/14)
Preliminary and Final Major Site Plans (dated 2/5/14, Revised 4/7/14)
Architectural Plans (6/6/14)

Comments from:

Note from EDC in support of application (5/2/14)
Board Engineer (5/30/14)
Board Planner (6/23/14)

Currently Enclosed:

Revised Architectural Plan (11/21/14)

BOARD NOTES:

Motion offered by

to be moved and seconded by

Bascom __ Frantz __ Gilligan __ Harris __ Healy __ Sears __ Dunlap __

Alternates: Keel (Alt 1) __ Moore (Alt 2) __ Rizzo (Alt 3) __ Rev. Joseph Calhoun (Alt 4) __