



**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Minutes
Wednesday January 7, 2015
Municipal Complex, 2nd Floor, 25 Neptune Boulevard**

ATTENDANCE:

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

Absent: None.

OPENING:

Meeting called to order by Chairman Paul Dunlap at 8:10 PM. Vice Chairman Gilligan advised the public of fire exits and how the meeting will proceed.

CORRESPONDENCE:

None.

RESOLUTIONS MEMORIALIZED:

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.

Motion to adopt & memorialize was made by Barbara Bascom and seconded by William Frantz.

Those who voted yes: Barbara Bascom, William Frantz, Dianna Harris, Joe Sears, Frances Keel, Carol Rizzo, and Paul Dunlap

ZBA#14-25 – Resolution of Approval – Application ZB13/22 – Gerardo Ercolino – 1516-1518 Corlies Avenue (Rt. 33) – Block 273, Lot 29) – Applicant is seeking a Use Variance for second apartment unit located on the property.

Motion to adopt & memorialize was made by James Gilligan and seconded by William Frantz.

Those who voted yes: Barbara Bascom, William Frantz, James Gilligan, Joe Sears, Frances Keel, and Rev. Joseph Calhoun

ZBA#14-26 – Resolution of Approval – Application ZB14/17 - FTPA Storage Neptune, LLC – Block 7018, Lot 11 – 3403 Highway 33 – Applicant is seeking to have the restriction on hours of operation removed so that tenants can have 24/7 access.

Motion to adopt & memorialize was made by Thomas Healy and seconded by Joe Sears.

Those who voted yes: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, and Joe Sears.

DISCUSSIONS:

ZB14/13 – (Bulk Variances) James and Paula Giglio – Block 84, Lot 1058 – 97 Broadway (Ocean Grove) – Applicant is proposing a 2 ft. x 15 ft. extension of the existing front porch floor which will extend and remain under the existing roofline requiring a front yard setback variance. ***Request from Ms. Giglio received to carry this matter to the May 6, 2015 meeting and notice will be provided for this date.***

ZB14/21 – GS Realty Corp – Block 7019, Lots 2.01 & 7 - 3454 West Bangs Ave – Use Variance & P&F Major Site Plan approval for Office Building & Parking Area. This application had been deemed Incomplete on December 3, 2014 by Matt Shafai, PE – Board Engineer until it is determined by the Board whether or not the waivers being requested can be granted.

Roberta McGowan, Esq. – Attorney for the Applicant, introduces his first witness John Vincenti, PE.

Mr. Vincenti reviewed the waivers being requested and indicates the Applicant wishes to withdraw the request for the Traffic Study (Circulation Impact) as well as the Environmental Impact Statement as they will be provided.

Mr. Vincenti discussed the reasons supporting the requests for the additional waivers in Mr. Shafai's review letter.

The Board granted the following waivers: Community Impact Statement (for completeness determination only; however, if it is determined during the course of the hearing it is necessary it will have to be provided) and NJDEP, Freshwater Wetlands Letter of Interpretation (LOI) as it does not appear to be necessary for the location of this project.

The Board did not grant a waiver for "All existing structures within 200 feet and their uses" and the Applicant has agreed to provide at least an aerial depiction of the property and the 200 feet surrounding the property which is agreed as acceptable by the Board and its professionals.

The Applicant agrees to provide a Phase I Environmental Report as the Board Members want to insure that there is no contamination on site due to prior uses.

The Applicant requests the Special Meeting of March 18th and agrees to provide the items required to the Board Secretary no later than 10 days prior to the March 18th meeting.

The Board grants the Applicant the Special Meeting of March 18th and the Applicant must provide notice for same.

Based upon discussions regarding the waivers, a motion was offered by William Frantz to grant waivers and discussed and the Applicant will provide the other items as agreed to, moved and seconded by Thomas Healy.

Those who voted YES: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Joe Sears, and Paul Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: None.

****At 8:37 PM the Board requests a brief recess. The Board returns at 8:45 PM, roll call is taken, and all members are still present****

ZB14/11 – (Numerous Bulk Variances) Vincent Fera – Block 435, Lot 38 – 223 S. Riverside Drive – Applicant is proposing to construct a detached single family residence and inground swimming pool, with 4 ft. high solid and 6 ft. high solid fencing. All requiring front, side, and rear yard setbacks as well as variances for fencing height and type.

Vincent Fera – Applicant – 662 Teneyck, Lyndhurst, NJ.

Mr. Fera indicates he has revised the plans and brought them with him. The Board indicates they cannot accept the revised plans at the hearing since they were not on file 10 days prior to the hearing date. Mr. Fera decides to provide testimony with regard to the plans that were originally submitted.

Ms. Beahm indicates that the relief required according to the plans on file includes front setback, side/rear setback, lot coverage, diameter of a circle (existing condition cannot be met), and lot frontage/width (existing condition cannot be met). She also explained the proofs required to be placed on the record in order for the Board to approve the requests.

Mr. Fera requests his contractor be sworn in.

Mark Urgola – 248 Park Avenue, Lyndhurst, NJ – sworn in – and discusses some of the changes that are being proposed which will alleviate some of the relief originally sought.

The Board Professionals believe that Mr. Urgola is misunderstood and without seeing the revised plan with the actual setbacks indicated, they cannot comment on same.

Chairman Dunlap still believes this application is way too confusing and the Applicant should return with the proper plans and professionals.

Mr. Gilligan also believes the Applicant should obtain the proper professionals.

Monica Kowalski, Esq. explains the statutory criteria and requests Mr. Fera make a decision as to whether or not he wants to proceed or whether he wishes to be carried to a later date in order to submit the revised plans for review.

Mr. Fera agrees to be carried to the February 4th meeting with no further notice being required.

**** APPLICATION CARRIED TO FEBRUARY 4, 2015 – NO FURTHER NOTICE REQUIRED****

**** At 9:32 PM the Board requests a brief recess. The Board returns at 9:36 PM, roll call is taken, and all members are still present****

ZB14/04 – Johnson Obayuwana (Use Variance) – Block 189, Lot 1 – 1528 Monroe Ave – Applicant seeking a Use Variance for a proposed Daycare facility.

Jennifer S. Krimko, Esq. – Attorney for Applicant

Ms. Krimko explains that the plans have been revised from the original proposal and now they are seeking to have the entire first floor of the building utilized as the daycare facility and to retain the existing apartment on the second floor which will remain unchanged.

Exhibits entered into evidence:

A-1 – Survey of Property dated March 1, 2013 (1 sheet)

A-2 – Preliminary and Final Site Plan last revised April 7, 2014 (5 sheets)

A-3 – Architectural Plans dated November 21, 2014 (2 sheets)

A-4 – Community Impact Statement dated April 18, 2014
A-5 – Photo packet containing three (3) photos of the site

Photos are reviewed by Jennifer Krimko, Esq. with the Board.

Charles Surmonte, PE, PLS – testified regarding Preliminary and Final Site Plan, handicapped parking, and sidewalks.

Matt Shafai's review letter is reviewed with regard to waivers and existing conditions of the site.

Jennifer Beahm's review items are discussed.

Lighting to be revised.

Signage reviewed – One sign is proposed on the building (2' x 8') and will comply with Ordinance requirements.

The Board voices their concerns with an apartment being upstairs from a daycare facility.

Robert A. Hazelrigg, AIA – sworn in – reviewed proposed architectural plans with the Board.

The second floor apartment has a completely separate entrance in the front of the building.

Board questions the photo of the steps in the rear of the building accessing the second floor apartment. Mr. Hazelrigg is unsure what they are or why they exist.

Exhibit A-6 – Letter from State of New Jersey "Review Letter" for potential "Daycare Approval"

Jennifer Krimko, Esq. states the Applicant is trying to make the change to the Daycare Use with making minimal improvements to the building.

****At 10:37 PM Jennifer Krimko, Esq. asks for a break in order to speak with her client****

Mr. Obayuwana is sworn in and states he has made improvements to this building and it does not look as it did prior to him owning it (approximately 10 years ago).

Due to time constraints, it is agreed between the Board and the Applicant to carry this application for further hearing to April 1, 2015 with NO FURTHER NOTICE BEING REQUIRED.

ADJOURNMENT:

A motion was made by William Frantz and seconded by Thomas Healy to adjourn at 11:00 PM. The next meeting of the Zoning Board of Adjustment will be a Special Meeting on January 14, 2015 at 7:30 PM on the matter of Hovson's Inc. (Victoria Gardens) 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.