



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

ATTENDANCE:

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

Absent: Joe Sears

OPENING:

Meeting called to order by Chairman Paul Dunlap at 7:33 PM. Chairman Dunlap advised the public of fire exits and how the meeting will proceed.

CORRESPONDENCE: None.

****Reverend Joseph Calhoun sworn in as new Board Member – Alternate #4****

RESOLUTIONS MEMORIALIZED:

ZBA#14/13 Resolution of Approval – Dollar Tree (Jumping Brook Shopping Center)
Motion to adopt & memorialize was made by Thomas Healy and seconded by Barbara Bascom.
Those who voted yes: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, and Paul Dunlap.

DISCUSSIONS:

ZB13/18 – Geoffrey Ernst – 103 Melrose Avenue – Block 471, Lots 34, 35, & 36 – Proposing to maintain existing shed as it exists requiring rear and side yard setback variances. – **APPLICATION CARRIED TO SEPTEMBER 3, 2014 – NO FURTHER NOTICE REQUIRED.**

ZB14/04 – Johnson Obayuwana – Block 189, Lot 1 – 1528 Monroe Avenue – Applicant is seeking Use Variance for a proposed daycare facility. **RECEIVED REQUEST FROM APPLICANT'S ATTORNEY TO ADJOURN – APPLICATION ADJOURNED TO SEPTEMBER 3, 2014 – NO FURTHER NOTICE REQUIRED.**

ZB14/07 – Marybeth Robb – 90 Broadway – Block 73, Lot 1135 (Ocean Grove) – Applicant seeking bulk variances for side and rear yard setbacks to retain building additions which have been constructed.

Marybeth Robb sworn in.

Ms. Robb states she purchased the house to restore it to its original condition. She states she obtained permits to replace the old metal shed with a residential addition for storage

Ms. Robb indicates she received HPC approval in 2004 and in turn received permit for construction.

It is unexplainable why the contractor built the additions larger than what was approved and Ms. Robb states she was unaware until she received her violation notice since it has existed for years.

Chairman Dunlap requests proof of approvals. Discussion takes place amongst the Board.

Meeting is open to the public – no public appeared – public portion closed.

Mike Celli, Esq. asks Ms. Robb if she is comfortable with her application as submitted. Ms. Robb indicates yes.

Based upon the application before the Board a motion was offered by Barbara Bascom to approve the application for side and rear yard setbacks as they exist, moved and seconded by Chairman Dunlap.

Those who voted YES: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Chairman Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Joe Sears

ZB14/08 – Meridian Health Realty Corporation in conjunction with Neptune Housing Authority – Block 266, Lot 39 and Block 267.02, Lot 386.02 – Neptune Blvd., Taylor Ave., and Harding Ave. – Applicant seeks Amended Site Plan approval for project currently under construction. This Amended Site Plan is necessitated by a slight modification to the footprint of the buildings which created additional variances from the Zoning Ordinance. 8:15 PM

Peter Falvo, Esq. attorney for the Applicant summarizes the current request for relief and the prior Zoning Board of Adjustment approval.

Ms. Lena Barone, PE of Maser Consulting testified as to current changes made to the plans as a result of the revised Architecturals.

Exhibit A-1 entered – Sheet 4 of 14 of the plans with Overlay of buildings with approved and existing foundations.

It was testified to that the contractor used their own surveyor for mark-out and not Maser Consulting.

Anthony Alfonso – Construction Manager of PRC Group – sworn in.

Bill Feinberg – Architect – sworn in and accepted.

It is testified to that communications failed between both the Architect and the Engineer.

Jennifer S. Krimko, Esq. – relieved Peter Falvo since she handled this matter when it was brought to their attention and Mr. Falvo was on vacation.

Chairman Dunlap reminds the Applicant and their professionals that the Board cannot consider financial reasons when weighing the evidence to make a determination on variances.

****AT 9:05 PM THE BOARD TAKES A SHORT RECESS AND RETURNS AT 9:12 PM. ROLL CALL TAKEN AND ALL MEMBERS ARE STILL PRESENT ****

Steven Kay testified on behalf of the Applicant.

Mr. Gilligan offers suggestions to eliminate waivers currently requested with this application.

Jennifer Krimko, Esq. agrees to meet with the Board Engineer to rectify and re-engineer the parking lot area to eliminate waivers.

Jennifer Krimko, Esq. gives a summary in closing

Mike Celli, Esq. explains the burden and balances required in granting variances and making a determination.

Based upon the application before the Board a motion was offered by James Gilligan to approve the application with conditions and as discussed and Applicant to meeting with Board Engineer to reconfigure/re-engineer parking lot area, moved and seconded by Barbara Bascom.

Those who voted YES: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Chairman Dunlap

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Joe Sears

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. This application was partially heard on May 7, 2014.

Jennifer Krimko, Esq. representing the Applicant re-introduces her witness David Collins, AIA who discussed the trash - storage and removal.

Jennifer Beahm – Board Planner – has concerns with the proposed handling of trash.

Jennifer Krimko, Esq. – suggests moving recycling inside and double the size of the shed for trash.

A new detail of newly proposed shed will be provided.

Jennifer Krimko, Esq. – discusses elevations as it relates to flooding as well as ingress/egress of the basement.

Basement ceiling height is approximately 7'11" – 8'0"

Entire building will have sprinklers including the basement and 8'0" ceilings will be provided in the basement as well.

Soil borings will be taken to ensure no contamination.

Sari Ancona – testifies the innkeeper will manage day-to-day duties and not necessarily maintenance.

The proposed innkeeper's quarters in the basement measures approximately 300 s.f.

Meeting is open to the public to question witnesses on testimony provided at this hearing:

Frank Gaciovano – 4 Spray Avenue – questions potential flooding issues.

Kevin Chambers – 58 Heck Avenue – where is kitchen venting (David Collins, AIA – states through the roof) – Mr. Chambers argues variance relief.

Ted Bell Jr. – questions "tubes" which are stated to be removed and breakfast accommodations.

Joseph Gaciovano – sworn in – will wait for comment portion.

No further public for questioning portion – public portion closed.

Meeting is now open to the public for comment:

Joseph Gaciofano returns to the podium and addresses the gate which he installed and received approvals for. Mr. Gaciofano enters photos which are marked as P1, P2, P3, and P4.

Monica Kowalski, Esq. instructs Mr. Gaciofano to address easement issue civilly because unfortunately the Board has no jurisdiction over easements that are on file.

Frank Gaciofano – feels applicant is being ingenuous due to the past history of this property and its maintenance and encourages the Board to deny the application.

Kevin Chambers – discusses RSIS Standards and proceeded to explain to the Board what they are not allowed to discuss or decide.

Ted Bell – feels applicant should be proposing other options for this lot such as condominiums.

No further public appeared at the podium – Public portion closed.

Jennifer S. Krimko, Esq. provides summary and closing statement to the Board.

Monica Kowalski, Esq. – Proposes decision on Use and Bulk Variances ONLY as of now and Applicant to return for Site Plan approval.

The Resolution must be specific to ensure compliance and follow-through with conditions.

Based upon the application before the Board a motion was offered by Thomas Healy to approve the Hotel Use and Bulk Variances as discussed EXCLUDING the innkeepers quarters in the basement and the Applicant must return for Site Plan approval, moved and seconded by Barbara Bascom

Those who voted YES: Barbara Bascom, William Frantz, Dianna Harris, Thomas Healy, Chairman Dunlap

Those who voted NO: Frances Keel, Charles Moore

Those who ABSTAINED: None.

Those ABSENT: Joe Sears

MOTION CARRIES

ADJOURNMENT:

A motion was made by James Gilligan and seconded by Thomas Healy to adjourn at 11:47 PM. The next scheduled hearing will be a Special Meeting on Wednesday, July 16, 2014 at 7:30 PM on the matter of Hovsons, Inc. (aka Victoria Gardens).

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