



**Neptune Township ~ Zoning Board of Adjustment  
Regular Meeting Minutes  
Wednesday September 3, 2014 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Blvd.**

**ATTENDANCE:**

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

Absent: Thomas Healy, Joe Sears, Charles Moore

**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:** Correspondence reviewed by the Membership.

**RESOLUTIONS MEMORIALIZED:**

**ZBA#14-14 Resolution of Approval** – Application #ZB14/08 – Meridian Health Realty Corp.  
*Motion to adopt & memorialize was made by James Gilligan and seconded by William Frantz  
Those who voted yes: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Paul Dunlap*

**ZBA#14-15 Resolution of Approval** – Application #ZB14/07 – Marybeth Robb  
*Motion to adopt & memorialize was made by Dianna Harris and seconded by Barbara Bascom  
Those who voted yes: Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Paul Dunlap*

**ZBA#14-16 Resolution of Partial Approval** – Application #ZB13/17 – Jack Ancona, LLC  
*Motion to adopt & memorialize was made by William Frantz and seconded by Dianna Harris  
Those who voted yes: Barbara Bascom, William Frantz, Dianna Harris, Paul Dunlap*

**DISCUSSIONS:**

**ZB12/05** - Fasano & Gifford – Block 1006, Lots 4 & 5 – 774 & 778 Wayside Rd – Applicant is proposing to build 50 townhouses constructed within five (5) three-story buildings. All proposed buildings will have associated landscaping, lighting, parking, stormwater management, and utility improvements. Various variances and waivers are being requested. **NOTICE HAS BEEN PROVIDED FOR THIS HEARING DATE; HOWEVER, APPLICANT'S ATTORNEY HAS REQUESTED TO ADJOURN TO A SPECIAL MEETING FOR THIS MATTER ON OCTOBER 15, 2014 WITH NO FURTHER NOTICE BEING REQUIRED (Request granted by the Board of Adjustment – Poll taken to determine attendance - all present members will be available on the 15<sup>th</sup> with the exception of James Gilligan – no further notice required)**

**ZB13/22** – Gerardo Ercolino – 1516-1518 Corlies Avenue (Rt. 33) – Block 273, Lot 29) – Appeal of Zoning Officer’s Determination regarding second apartment unit. Should the Appeal of the Zoning Officer’s Decision be unsuccessful, the Applicant wishes to seek Use Variance approval.

**APPLICANT’S ATTORNEY HAS REQUESTED THIS MATTER BE ADJOURNED TO THE OCTOBER 1, 2014 MEETING DATE WITH NO FURTHER NOTICE BEING REQUIRED (*Request is granted by the Board of Adjustment; however, this application must be heard on October 1<sup>st</sup> as there will be no further meetings granted and the application will be administratively dismissed – no further notice required*)**

**ZB14/04** – Johnson Obayuwana – Block 189, Lot 1 – 1528 Monroe Avenue – Applicant is seeking a Use Variance for a proposed daycare facility. **APPLICANT’S ATTORNEY HAS REQUESTED THIS MATTER BE ADJOURNED WITH NO FURTHER NOTICE BEING REQUIRED (*Request to adjourn the application is granted to December 3, 2014 with no further notice required*)**.

**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. (7:48-9:01)

Gregory Vella, Esq. representing the Applicant. Mr. Vella discussed the history of the application and the delays associated with same.

Mr. Vella states the Applicant is requesting side and rear yard setbacks for the existing shed (accessory structure). The distances being requested remain the same whether the Board determines this is a shed structure or accessory structure. The only difference would be the Ordinance standards for the required setback distances for each.

Geoffrey Ernst (Applicant) sworn in.

Asbuilt Plan copies dated June 20, 2014 were discussed and distributed to the Board.

Exhibit A-1 – Photo of structure which they are seeking approval for.

Jennifer Beahm questions Mr. Ernst with regard to the Marina Property adjacent to his property.

Positive and Negative Criteria discussed with the Board.

Exhibit A-2 – Aerial Photo of property in question (Google Earth)

Exhibit A-3 – Aerial Photo of Neighborhood & Surrounding Sheds (Google Earth)

Exhibit B-1 – Board Photos – submitted by Board Professionals who visited the site.

Structural and Electrical Inspections will be required should approval be granted.

Per Mr. Ernst drainage issues have been addressed with the latest grading plan submitted to Ms. Hoffmann

All drainage improvements will be installed according to the plan should approval be granted.

**\*\*8:35 PM – The Board takes a brief recess – Board returns at 8:38 roll call taken and all members are still present\*\***

Exhibit A-1 is revisited and distances discussed.

Chairman Dunlap opens the meeting to the public for questioning purposes only – no questions.

Frank Gembicki – 104 Hillcrest Ave – Questions the drainage issues he has been having since the pool has been installed.

Chairman Dunlap opens the meeting to the public for comments.

Frank Gembicki – 104 Hillcrest Ave – Has no issue with the tiki bar. Only issue he has is with the drainage

Suzanne D'Ambrose – 109 Melrose – States Mr. Ernst has greatly improved this house since he has owned it and he is a pleasant neighbor.

No further Public – Public portion of the meeting is closed.

Matt Shafai questions the timing for the proposed drainage improvements.

Per Greg Vella – 60 days from approval work is to be completed before the ground freezes.

The relief being sought is for an ACCESSORY STRUCTURE not a shed. Permits will have to be pulled for electric, structure, and all associated work.

**Based upon the application presented before the Board a motion was offered by Dianna Harris to approve the application with the conditions as discussed, moved and seconded by Barbara Bascom.**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Frances Keel, Carol Rizzo, Rev. Joseph Calhoun, and Paul Dunlap

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Thomas Healy, Joe Sears, Charles Moore

**ZB14/06 – Ruthann Seymore** – Block 9044, Lot 7 – 4 N. Chaphagen Drive - Applicant is seeking Bulk Variances for lot coverage and driveway width to maintain existing driveway as installed without the proper approvals/permits. (9:01-9:40 PM)

Gregory Byrd, Esq. representing the Applicant. Seeking variances for the width of the driveway and exceeding the maximum percentage permitted for lot coverage.

Ruthanne Seymore – sworn in and questioned by her attorney. The work was completed in 2013. Original driveway width was 22 feet for a two-car garage and 9 feet of concrete was added.

Ms. Seymore states there are 2-3 cars parked at the house at a time and she has difficulty getting out of her car due to disability.

Positive Criteria – keeping cars off of the street – more aesthetically pleasing to neighborhood – applicant has medical reasons – lower crime keeping cars off the street – and overall lot coverage is deminimus.

Negative Criteria – keeps in character with the neighborhood.

**\*\*9:33 PM – The Board takes a brief recess – Board returns at 9:36 PM roll call taken and all members are still present\*\***

Carol Rizzo questions how much the fine was for.

Per Monica Kowalski, Esq. – Board cannot ask that question as it has no bearing on the variance.

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

**Based upon the application before the Board a motion was offered by James Gilligan to approve the application as the driveway exists, moved and seconded by Dianna Harris.**

**Those who voted YES:** Barbara Bascom, William Frantz, James Gilligan, Dianna Harris, Frances Keel, Carol Rizzo, Rev. Joseph Calhoun, and Paul Dunlap

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those ABSENT:** Thomas Healy, Joe Sears, Charles Moore

**ADJOURNMENT:**

A motion was made by William Frantz and seconded by James Gilligan to adjourn at 9:40 PM. The next scheduled hearing will be a Special Meeting on Wednesday, September 10, 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.