



Where Community, Business & Tourism Prosper

**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda – Meeting to be Held Remotely Via ZOOM
Wednesday, December 2, 2020 at 7:30 PM**

This Regular Meeting of the Zoning Board of Adjustment will be taking place remotely via ZOOM and will commence at 7:30 PM at which time you may appear via Zoom and present any objection or questions you may have at the appropriate time. There will be no individuals present at the Municipal Building due to current COVID-19 rules and regulations. Instructions on how to access the meeting via Zoom are listed below:

PUBLIC ACCESS TO ZOOM MEETING:

To access the virtual hearing, you must join the ZOOM meeting. To join the ZOOM meeting, you will need access to computer with internet access, microphone, and camera and/or dial in through a mobile or land line phone to log into the meeting. To join the ZOOM meeting, click on the link below and type in the Meeting ID and Password. You will join the meeting and be able to listen and view the evidence shared on the screen at the meeting. You will also be able to access the agenda and files pertaining to the applications for the meeting on the Neptune Township Website found on this page:

<http://neptunetownship.org/agendas-minutes/zoning-board-adjustment>

Topic: Neptune Township Regular Meeting of the Zoning Board of Adjustment
Time: Dec 2, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87544576749?pwd=UEpWc0xob0JLNXJzMEd2OWkyTDNMZz09>

Meeting ID: 875 4457 6749

Passcode: 076755

One tap mobile

+16465588656,,87544576749#,,,,,0#,,076755# US (New York)

+13126266799,,87544576749#,,,,,0#,,076755# US (Chicago)

Dial by your location

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US (Germantown)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 875 4457 6749

Passcode: 076755

Find your local number: <https://us02web.zoom.us/j/87544576749>

PUBLIC PARTICIPATON IN ZOOM MEETING:

You will be able to participate when the Board Chairman opens the meeting to the public to ask questions ONLY of each of the applicants and/or their professionals' once they have completed their testimony. At the end of each application, the Board Chairman will open the meeting to the public for comment. The Board Chairman will limit public comments to 5 minutes per person. If you have information or exhibits you wish to be considered and entered into the record, you will have to e-mail them to the Board Secretary kdickert@neptunetownship.org at least 72 hours in advance of the meeting so they may be evaluated and marked into evidence and placed on the Township's website for public viewing, if appropriate. For those who are in opposition of the proposal, you have the right to obtain an attorney to represent you, although this is not a requirement.

PUBLIC ACCESS TO APPLICATION FILES:

You will be able to access the application files that are shown in the meeting via the Neptune Township Website found on this page: <http://neptunetownship.org/agendas-minutes/zoning-board-adjustment>

ALTERNATE ACCESS TO APPLICATION FILES:

If you are unable to access the information for the application via computer, or need assistance in logging on or using this technology, you may contact the Board Secretary, Kristie Dickert, at 732-988-5200 Ext. 278 or kdickert@neptunetownship.org. If you would like to view the files in person, you may schedule an appointment with the Board Secretary. If you wish a particular file be e-mailed or mailed to you, you must request that with 72 hours advanced notice.

This Regular Meeting of the Neptune Township Zoning Board of Adjustment which has been duly constituted and advertised according to law is now called to order:

It is the policy of the Zoning Board of Adjustment to end all matters no later than 11 p.m. 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 testifying. **THIS IS NOT THE TIME FOR PUBLIC COMMENT OR OPINION.** Each member of the Public who wishes to question this witness **MUST** make themselves known by either raising their virtual hand or physical hand if you are participating with video. Please wait to be called upon by the Chairperson before speaking.

Each individual from the public 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 IT'S 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:

Barbara Bascom	James Gilligan, 2 nd Vice Chair	Michael Pullano (Alternate #2)
Dr. James Brown	Thomas Healy	Naomi Riley (Alternate #1)
William Frantz, 1 st Vice Chair	Frances Keel	Derel Stroud (Alternate #4)
		Ashley Vidal (Alternate #3)

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

II. Flag Salute

III. DRAFT 2021 MEETING DATES TO BE REVIEWED FOR ADOPTION AT THE JANUARY 6, 2021 REORGANIZATION MEETING

IV. Resolutions to be memorialized:

- a. **Resolution ZBA#20-18 – Approval of Use Variance to Permit Accessory Automobile Repair) - Rishi Realty, LLC** – Block 705, Lot 7 – 1729 Asbury Ave

Those Eligible: Barbara Bascom, Dr. James Brown, Frances Keel, Naomi Riley, Ashley Vidal, Derel Stroud, and William Frantz

- b. **Resolution ZBA#20-19 – Denial of Use Variance to Permit Accessory Automobile Repair) - Surya Realty, LLC** – Block 1122, Lot 3 – 1800 Corlies Ave

Those Eligible: Barbara Bascom, Dr. James Brown, Frances Keel, Naomi Riley, Michael Pullano, Ashley Vidal, and William Frantz

V. Applications Under Consideration:

- a. **ZB20/17 (Appeal of Zoning Officer) – 79 Main Avenue, LLC** – Block 162, Lot 7 – 79 Main Avenue (Ocean Grove) – Applicant is seeking an Appeal of the Zoning Officer’s Determination that the prior Law Office Use had been abandoned, as the proposed use is for a Professional Office. Applicant is represented by Christopher L. Beekman, Esq.

- b. **ZB20/10 (Use Variance and Bulk Variances to Remediate a Zoning Violation for Expansion of a Non-Conforming Use) – James Alburtus/Thomas Palmisano** – Block 416, Lot 6 – 1312 07th Avenue – Applicant is seeking a Use Variance and associated Bulk Variances to retain improvements that have been constructed without obtaining the appropriate approvals resulting in the expansion in a pre-existing, non-conforming multi-family use. Applicant is represented by George D. McGill, Esq. ****ADJOURNED TO THIS MEETING DATE WITHOUT FURTHER NOTICE****

- c. **ZB20/11 (P&F Major Site Plan requiring a Variance for Floor Area Ratio as well as Bulk Variances) – Jemal’s Rollo, LLC** – Block 308, Lot 5 – 111 So. Main Street – Applicant is seeking Preliminary and Major Site Plan approval with associated variances to repair the partially demolished structure and to extend the second story portion of the building to utilize the space for warehousing and office/flex space. The proposed second floor addition will consist of 2,228 s.f. The Applicant is also proposing upgrades to the building exterior. Applicant is represented by Steven P. Gouin, Esq.

- d. **ZB20/16 (Use Variance & Minor Site Plan) – 1111 Warehouse, LLC** – Block 302, Lot 29 – 1111 11th Avenue – Applicant is seeking a Use Variance and Minor Site Plan approval to remediate zoning violations for work performed without first acquiring approvals; including construction of fences, signage, and the addition of storage units/trailers to the property. Applicant is represented by Mark A. Steinberg, Esq. ***ADJOURNED TO THIS MEETING DATE WITHOUT FURTHER NOTICE****

VI. Adjournment:

- a. Next scheduled meeting will be our **Reorganization ONLY Meeting** on **Wednesday, January 6, 2021 at 7:30 PM** which may also take place via ZOOM. Our next Regular Meeting is scheduled to take place on Wednesday, January 13, 2021 at 7:30 PM. Please check our website for any updates regarding meeting location and/or meeting access as the links, meeting passwords, and meeting ID’s will change for each meeting that is held via ZOOM.

- 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.

ZB20/10 (Use Variance and Bulk Variances to Remediate a Zoning Violation for Expansion of a Non-Conforming Use) – James Alburtus/Thomas Palmisano – Block 416, Lot 6 – 1312 07th Avenue – Applicant is seeking a Use Variance and associated Bulk Variances to retain improvements that have been constructed without obtaining the appropriate approvals resulting in the expansion in a pre-existing, non-conforming multi-family use. Applicant is represented by George D. McGill, Esq. ****ADJOURNED TO THIS MEETING DATE WITHOUT FURTHER NOTICE****

Previously Enclosed: Completeness Checklist and Application for Bulk/Use Variances (Rec'd 5/18/2020)

- Community Impact Assessment (July 6, 2020)
- Zoning Permit Denial (1/21/2020)
- Copy of Deed (2017)
- Outbound Location Survey (1/23/2018)
- Architectural Plans (1/6/2020)
- Plot Plan (10/1/2020)
- Pre- & Post-Construction Photos Submitted by Applicant
- Current Property Photos

Prior Correspondence: Construction Official's Stop Work Order, Notices, and Order of Penalty Board Engineer & Planner's Review Letter (8/26/2020)

BOARD NOTES:

Motion offered by _____ to be moved and seconded by _____
Bascom_____ Brown_____ Gilligan_____ Healy_____ Keel_____ Frantz_____
Alternates: Riley (Alt 1) _____ Pullano (Alt 2) _____ Ashley Vidal (Alt 3) _____ Derel Stroud (Alt 4) _____

**DRAFT DATES FOR 2021 ZONING BOARD OF ADJUSTMENT
REGULAR AND SPECIAL MEETINGS**

Regular Meeting dates: (* indicates out of order and not the first Wednesday)

January 6th Reorganization Meeting **ONLY**
January 13th * **Regular Meeting**
February 3rd
March 3rd
April 7th
May 5th
June 2nd
July 7th

August 4th
September 1st
October 6th
November 3rd
December 1st
January 5, 2022 – Reorg Meeting **ONLY**
January 19, 2022 – * **Regular Meeting**

Additional Meeting dates if required due to volume of applications, the following dates have been listed, thus no further advertising will be necessary: (* indicates out of order and not the third Wednesday)

February 17th - **Ash Wednesday**
March 17th
April 21st
May 19th
June 16th
July 21st

August 18th
September 15th – **Yom Kippur Begins Sundown**
October 20th
November 17th
December 15th