



Where Community, Business & Tourism Prosper

**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda (Revised 9-2-2020) – Meeting to be Held Remotely Via ZOOM
Wednesday, September 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 access the ZOOM meeting, you will need access to computer with internet access 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>

Join Zoom Meeting

<https://us02web.zoom.us/j/87556241421?pwd=azMxRE9EV2M1THU3Wm52Vk1HZXVDZz09>

Meeting ID: 875 5624 1421

Passcode: 316916

One tap mobile

+16465588656,,87556241421#,,,,,0#,,316916# US (New York)

+13126266799,,87556241421#,,,,,0#,,316916# 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)

Find your local number: <https://us02web.zoom.us/u/kfZQ5iO0x>

Meeting ID: 875 5624 1421

Passcode: 316916

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 marked into evidence and placed on the Township's website for public viewing. 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	Naomi Riley (Alternate #1)
Dr. James Brown	Thomas Healy	Derel Stroud (Alternate #4)
Paul Dunlap, Chair	Frances Keel	Ashley Vidal (Alternate #3)
William Frantz, 1 st Vice Chair	Michael Pullano (Alternate #2)	

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. Resolutions to be memorialized:

- a. **ZBA#20-12 – Approval of Bulk Variance – Beverly Hemmer** – Block 5412, Lot 5 – 102 Highland Avenue
Those Eligible: Michael Pullano, Naomi Riley, Thomas Healy, James Gilligan, William Frantz, Dr. James Brown, and Barbara Bascom
- b. **ZBA#20-13 – Approval of Use Variance – Collard Realty** – Block 1002, Lots 1 and 16 – 1906 Rutherford Avenue
Those Eligible: Michael Pullano, Naomi Riley, Thomas Healy, James Gilligan, William Frantz, Dr. James Brown, and Barbara Bascom
- c. **ZBA#20-14 – Approval of Use Variance and Preliminary and Final Site Plan – PSI Atlantic Neptune, NJ LLC** – Block 1709, Lot 1 – 2419 Highway 33
Those Eligible: Ashley Vidal, Michael Pullano, Naomi Riley, Thomas Healy, James Gilligan, Barbara Bascom, and William Frantz

IV. Applications Under Consideration:

- a. **ZB20/13 (Bulk Variances) – Dykeman Associates** – Block 5213, Lot 1 – 522 S. Riverside Drive – Applicant is seeking bulk variance relief to construct a new single-family dwelling. Applicant is represented by Kenneth L. Pape, Esq.
- b. **ZB20/07 (Use Variance to Permit Accessory Automobile Repair) – Rishi Realty, LLC** – Block 705, Lot 7 – 1729 Asbury Ave - Applicant is seeking a Use Variance to permit and remediate a violation for the expansion of an existing non-conforming gasoline fueling station to allow for an accessory automobile repair and service business on the property. Applicant is represented by Donna M. Jennings, Esq.
- c. **ZB20/08 (Use Variance to Permit Accessory Automobile Repair) – Surya Realty, LLC** – Block 1122, Lot 3 – 1800 Corlies Ave - Applicant is seeking a Use Variance to permit for the expansion of an existing non-conforming gasoline fueling station to allow for an accessory automobile repair and service business on the property. Applicant is represented by Donna M. Jennings, Esq.
- d. **ZB20/10 – (Use and Bulk Variances to Remediate Zoning Violations) – James Alburtus** – Block 416, Lot 6 – 1312 07th Avenue – Applicant is seeking Use Variance and Bulk Variances to retain existing improvements and to remediate a zoning violation for performing construction on the property without first acquiring zoning approval and for construction of a residential addition without first acquiring zoning approval. The property currently contains two (2) dwellings which were remodeled and a room was added above the kitchen on the front unit. Applicant is represented by George McGill, Esq. ****RECEIVED REQUEST TO CARRY THIS MATTER TO THE OCTOBER 7th MEETING WITH NO FURTHER NOTICE BEING REQUIRED****

V. EXECUTIVE SESSION AS AUTHORIZED BY THE OPEN PUBLIC MEETINGS ACT

Motion to Enter into Executive Session Offered by:

Seconded by:

Motion to Return from Executive Session Offered by:

Seconded by:

VI. Adjournment:

- a. Next scheduled meeting will be our **Regular Meeting on Wednesday, October 7, 2020 at 7:30 PM** which may also take place via ZOOM. 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.

