



Where Community, Business & Tourism Prosper

**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda – Meeting to be Held Remotely Via ZOOM
Wednesday, July 7, 2021 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. If you are objecting or wish to provide comment on any of the applications, you must appear with audio and video as you will be sworn in and provide same under oath and must be visible. There will be no individuals present at the Municipal Building. 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, speakers, 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, if prompted. You will join the meeting when the host grants access 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: Zoning Board of Adjustment - Regular Meeting - July 7, 2021
Time: Jul 7, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85772523452?pwd=SG9SRFFpM3YvQ3ZwREVBQmJXbjQrZz09>

Meeting ID: 857 7252 3452

Passcode: 730187

One tap mobile

+13126266799,,85772523452#,,,,*730187# US (Chicago)

+16465588656,,85772523452#,,,,*730187# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 857 7252 3452

Passcode: 730187

Find your local number: <https://us02web.zoom.us/j/85772523452?pwd=SG9SRFFpM3YvQ3ZwREVBQmJXbjQrZz09>

PUBLIC PARTICIPATION IN ZOOM MEETING:

You will be able to participate when the Board Chair 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 Chair will open the meeting to the public for comment. At this time, you must appear with audio and video as you will be sworn in, provide testimony under oath, and must be visible. The Board Chair will limit public comments to 5 minutes per person and time is not transferrable between members of the public. 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 deemed 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 732-897-4162 Ext. 204 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. If you are participating by phone only, please unmute yourself and make yourself known so we can recognize your question. 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 must be visible by video and 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	Thomas Healy, 2 nd Vice Chair	Derel Stroud (Alt #2)
Dr. James Brown	Naomi Riley	Tanya Pickard (Alt #3)
William Frantz, Chair	Michael Pullano (Alt #1)	Shane Martins (Alt #4)
James Gilligan, 1 st Vice Chair	Ashley Vidal	

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. **Resolution ZBA#21-15 – Approval of Bulk Variances for New Single Family Dwelling – Steven J. Miller and Mildred Viqueira** – Block 210, Lot 10 – 51 Beach Avenue – Ocean Grove

Those Eligible: Barbara Bascom, Dr. James Brown, Naomi Riley, Thomas Healy, James Gilligan, and William Frantz

IV. Applications Under Consideration:

- a. **ZB21/05 (Bulk Variances for Detached Garage) – Jonathan Ayles** – Block 5410, Lot 12 – 126 Arnold Place – Applicant is seeking to construct a detached garage which would require bulk variances for lot coverage where 40% is permitted and 44.23% is proposed, as well as for rear and side yard setbacks for the garage structure, overhangs, and gutters as they will encroach into the drainage easement area.
- b. **ZB21/10 (Bulk Variances for Accessory Structure) – Nicole & Terry Browning** – Block 5110, Lot 10 – 726 S. Riverside Drive – Applicant is seeking to place an accessory structure (playhouse) in the front yard area leaving a 1 foot setback where 20 feet is required.
- c. **ZB20/22 (Bulk Variances to Remediate Zoning Violations) – Susan Antes** – Block 211, Lot 10 – 9 Heck Avenue – Applicant is seeking variances to remediate zoning violations for the following work performed without first acquiring the necessary permits: expansion of a non-conforming 7.5 foot wide driveway in the Flared Open Space Area to 9.0 feet in width, installation of a 3 foot wide easternmost walkway adjacent to the front main walkway in the Flared Open Space Area, expansion of the westernmost walkway adjacent to the front main walkway to 3.0 feet, increase in lot coverage to 1,676.88 s.f. where only 1,600 s.f. is permitted, and reconstruction of the front entryway platform within the Flared Open Space Area.
- d. **ZB21/06 (Appeal of HPC Denial) – William Taylor** – Block 247, Lot 13 – 9 Broadway – Applicant is seeking an appeal of the HPC’s denial. Said application to HPC was for retroactive approval for the existing concrete paver walkways installed in the flared area open space between the public sidewalk and the front and side entrances of the dwelling on the property without first acquiring approval. Applicant is represented by James T. Hundley, Esq.

V. Adjournment:

- a. Next scheduled meeting will be our **Regular Meeting** on **Wednesday, August 4, 2021 at 7:30 PM** which will 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.

ZB21/06 (Appeal of HPC Denial) – William Taylor – Block 247, Lot 13 – 9 Broadway – Applicant is seeking an appeal of the HPC’s denial. Said application to HPC was for retroactive approval for the existing concrete paver walkways installed in the flared area open space between the public sidewalk and the front and side entrances of the dwelling on the property without first acquiring approval. Applicant is represented by James T. Hundley, Esq.

Enclosed: Application for Appeal of HPC Denial (Rec’d 4/30/2021)
 Hundley Ltr to Board of Adjustment (3/3/2021)
 Exhibit 1 – Photo of east to west view of front yard of 9 Broadway (undated)
 Exhibit 2 – Photo of west to east view of front yard of 9 Broadway (undated)
 Exhibit 3 – Photo of walkway leading from sidewalk to front steps of 9 Broadway (undated)
 Exhibit 4 & 5 – Photos showing 5’ 10 ½” width of walkway from sidewalk to front steps.
 Exhibit 6 & 7 – Photos showing 2’ 11” width of walkway from sidewalk to west side entrance
 Exhibit 8 & 9 – Photos showing 3’ 2” width of east to west walkway connection front entrance and side entrance walkways of 9 Broadway.
 Exhibit 10 – Affidavit of No Change and Drawing showing locations of three (3) concrete paver walkways in front yard of 9 Broadway.
 Exhibit 11 – Photo of Prior Concrete Walkways Leading to Front and Side Entrances.
 Exhibit 12 – December 17, 2019 Zoning Permit Denial
 Exhibit 13 – Denial of HPC Application – HPC2020-226
 Copy of Transcript from January 12, 2021 Zoom Hearing (Rec’d 5/3/2021)

Correspondence: **None.**

BOARD NOTES:

Motion offered by _____ to be moved and seconded by _____
 Bascom____ Brown____ Riley _____ Vidal _____ Healy_____ Gilligan_____ Frantz_____
 Alternates: Pullano (Alt 1) _____ Stroud (Alt 2) _____ Pickard (Alt 3) _____ Martins (Alt 4) _____