



**Neptune Township ~ Zoning Board of Adjustment**  
**Regular Meeting Agenda**  
**Wednesday, September 2, 2015 at 7:30 PM**  
**Township Meeting Room 2<sup>nd</sup> Floor**

The regular scheduled meeting of the Neptune Township Zoning Board of Adjustment which has been duly constituted and advertised according to law is now called to order:

Fire exits are clearly marked, if alerted of a fire; please move in a calm and orderly manner to the nearest smoke free exit.

At this time, I would ask everyone to please silence all cell phones and other paging devices, as they are distracting to others.

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 on the stand. **THIS IS NOT THE TIME FOR PUBLIC COMMENT OR OPINION.** Each member of the Public who wishes to question this witness **MUST** form a line at the podium in order to be heard.

Each individual from the public will be sworn in and 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 ITS 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  
William Frantz  
James Gilligan, 1<sup>st</sup> Vice Chairman

Dianna Harris  
Thomas Healy  
Frances Keel (Alternate #1)

Carol J. Rizzo (Alternate #2)  
Joe Sears, 2<sup>nd</sup> Vice Chairman  
Paul Dunlap, Chairman

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

## II. Flag Salute

## III. Correspondence: None.

## IV. Resolutions to be memorialized:

- a. **ZBA#15/23 – Resolution of Approval** – Robert E. Pettibone – 5 Broadway (formerly known as Block 15, Lot 778.03) – Applicant is seeking expansion of a non-conforming structure.

*Those Eligible to Vote:* Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Frances Keel, Carol Rizzo, Paul Dunlap

## V. Applications under consideration for this evening:

**\*\*Application Received Approval with Exception of Basement Use on June 17, 2015\*\***

**RECEIVED REQUEST TO CARRY TO THIS APPLICATION TO OCTOBER 7, 2015 WITH NO FURTHER NOTICE BEING REQUIRED**

- ❖ **ZB15/08** – Kurt Cavano – (B209/L3) – Prior mixed use was destroyed by fire. Applicant is now proposing to construct a more confirming, new, three-story structure which will contain commercial/retail/restaurant in the basement, 1<sup>st</sup> floor, and part of the 2<sup>nd</sup> floor; as well as six (6) residential apartment units to be located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. While all of the proposed tenants are not known yet, the Applicant stipulates that all will be permitted uses in the HD-B-1 Zone.

**\*\*Continuation - Partially heard on August 5, 2015\*\***

- ❖ **ZB14/24** – Gary Edwards – Block 3808, Lot 19 (formerly known as Block 9017, Lot 9) - 17 Princeton Avenue – Applicant is seeking a Use Variance to retain detached garage with loft which has been “repaired” more than the permitted 50%. Applicant is represented by Peter Bass, Esq.

**\*\*Partially Heard on June 3, 2015 – Carried in order to obtain further documentation (Notice was required for this hearing date due to Special Meeting originally granted for 7/15/15 was CANCELLED\*\***

- ❖ **ZB14/18 – (Use Variance)** EI Properties, Inc. (Parkway 100) – Block 3903, Lot 4 (formerly known as Block 10017, Lot 5 and part of Lot 5.01) – Applicant proposes to continue the use of the property as a mixed-use, light industrial corporate park including light manufacturing and assembly, laboratory, research and development, warehouse and distribution and office uses in this C-1 Zone.

## VI. Adjournment:

- a. Next scheduled hearing will be a **Regular Meeting on Wednesday, October 7, 2015 at 7:30 PM** here in the Municipal Complex, 2<sup>nd</sup> floor meeting room.
- 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.

**\*\*Application Received Approval with Exception of Basement Use on June 17, 2015\*\***

**ZB15/08 (Preliminary & Final Major Site Plan with Variances) – Kurt Cavano** – 50-54 Main Avenue – Block 209, Lot 3 (Formerly known as Block 36, Lots 1585, 1587, and 1583.02) – The prior mixed use structure located on this property was destroyed by fire. Applicant proposes to construct a more confirming, new, three-story structure which will contain commercial/retail/restaurant to be located in the basement, first floor, and part of the second floor. The Applicant also proposes six (6) residential apartment units to be located on the second and third floors. While all of the proposed tenants are not known yet, Applicant stipulates that all will be permitted uses in the HD-B-1 Zone. Represented by Jennifer S. Krimko, Esq.

**Previously Enclosed**

**w/ 6/17/15 Packet:** Completeness Checklist and Application (Received 5/1/15)  
Assignment of Lease (1/29/96)  
Survey of Property (1 sheet) (4/7/15)  
Preliminary and Final Major Site Plan (3 sheets) (4/21/15)  
Architectural Plans (19 sheets) (4/21/15)

**Previously Enclosed**

**w/ 6/17/15 Packet:** HPC Resolution No. 2015-029 (5/15/15)  
Township Engineer's Memo (5/20/15)  
Board Engineer's Review Report (6/3/15)  
Ocean Grove Sewerage Authority Review (6/8/15)  
Board Planner's Review Letter (6/9/15)

BOARD NOTES:

**RECEIVED REQUEST TO CARRY TO THIS APPLICATION TO OCTOBER 7, 2015 WITH NO FURTHER  
NOTICE BEING REQUIRED**

Motion offered by \_\_\_\_\_ to be moved and seconded by \_\_\_\_\_.

Bascom \_\_\_\_ Frantz \_\_\_\_ Gilligan \_\_\_\_ Harris \_\_\_\_ Healy \_\_\_\_ Sears \_\_\_\_ Dunlap \_\_\_\_

Alternates: Keel alt 1 \_\_\_\_\_ Rizzo alt 2 **Recused**

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**\*\*Continuation - Partially heard on August 5, 2015\*\***

**ZB14/24 – (Use Variance)** Gary Edwards – Block 3808, Lot 19 (formerly known as Block 9017, Lot 9) - 17 Princeton Avenue – Applicant is seeking a Use Variance to retain detached garage with loft which has been “repaired” more than the permitted 50%. Applicant is represented by Peter Bass, Esq.

**Previously Enclosed  
w/February 4, 2015**

**Package:** Completeness Checklist for Use and/or Bulk variances (Received 11/5/14)  
Application for Use and/or Bulk Variances (signed 10/21/14)  
Copy of Reduced Survey (dated 5/22/06, last revised 8/21/12)  
Zoning Officer’s Determinations (dated 4/2/12 and 7/26/11)

**Previously Enclosed**

**Correspondence:** Board Engineer – Deeming Application Incomplete (12/16/14)  
Board Engineer Review of Prior Application (8/2/12)  
Board Planner’s Review of Prior Application (7/31/12)

**CURRENTLY ENCLOSED:** **Edwards Residence Zoning Analysis Packet (10 sheets) (dated 9/8/10)**  
**Additional Zoning Analysis Packet (10 sheets) (dated 7/1/15)**

**BOARD NOTES:**

Motion offered by \_\_\_\_\_ to be moved and seconded by \_\_\_\_\_  
Bascom \_\_\_\_\_ Frantz \_\_\_\_\_ Gilligan \_\_\_\_\_ Harris \_\_\_\_\_ Healy \_\_\_\_\_ Sears \_\_\_\_\_ Dunlap \_\_\_\_\_

Alternates: Keel (Alt 1) \_\_\_\_\_ Rizzo (Alt 2) \_\_\_\_\_

**\*\*Partially Heard on June 3, 2015 – Carried in order to obtain further documentation (Notice was required for this hearing date due to Special Meeting originally granted for 7/15/15 was CANCELLED\*\***

**ZB14/18** – EI Properties, Inc. (Parkway 100) – Block 3903, Lot 4 (formerly known as Block 10017, Lot 5 and part of Lot 5.01) – Applicant proposes to continue the use of the property as a mixed-use, light industrial corporate park including light manufacturing and assembly, laboratory, research and development, warehouse and distribution and office uses in this C-1 Zone.

**Previously Enclosed**

**w/ 6/3/15 Package:** Transmittal Letter from Andy S. Norin, Esq. (10/3/14)  
Checklist and Application for Use Variances (Received 10/6/14)  
Narrative with Background Information (Received 10/6/14)  
Site Visit Authorization (dated 9/29/14 - Received 10/6/14)  
Certificate of Corporation (Received 10/6/14)  
Copy of Deed (12/17/76)  
Letter from Andy S. Norin, Esq. in response to Incompleteness Determination (3/6/15)  
List of Current and Former Tenants (4 pages) (Received 3/9/15)  
Community Impact Statement prepared by Cofone Consulting Group, LLC (March 2015)  
Letter from Andy S. Norin, Esq. with Zoning Determination and Permit Application (3/27/15)  
Letter from Andy S. Norin, Esq. with Witness List and Exhibit Package (5/21/15)  
Boundary Survey prepared by VS Land Data (1 sheet) (12/19/14)  
Existing Conditions Plan prepared by  
RWA Planning & Engineering (1 sheet) (last revised 9/29/14)

**Previously Correspondence:** Board Engineer's Review Letter (5/26/15)  
Board Planner's Review Letter (4/29/15)

**CURRENTLY ENCLOSED: Letter from Andy S. Norin, Esq. with list of specific uses being sought (8/18/15)**

**BOARD NOTES:**

Motion offered by \_\_\_\_\_ to be moved and seconded by \_\_\_\_\_  
Bascom \_\_\_\_\_ Frantz \_\_\_\_\_ Gilligan \_\_\_\_\_ Harris \_\_\_\_\_ Healy \_\_\_\_\_ Sears \_\_\_\_\_ Dunlap \_\_\_\_\_

Alternates: Keel (Alt 1) \_\_\_\_\_ Rizzo (Alt 2) \_\_\_\_\_