



**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda
Wednesday, August 2, 2023 7:30 P.M.
To Be Held Remotely Via Zoom**

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 a computer with internet access, microphone, speakers, 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: August 2, 2023 - Zoning Board of Adjustment Meeting
Time: Aug 2, 2023 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/84650109562?pwd=S0M3c2J3c2h1NEg3Z0F4YTh6Yk9OUT09>

Meeting ID: 846 5010 9562

Passcode: 245558

One tap mobile

+13092053325,,84650109562#,,,,*245558# US

+13126266799,,84650109562#,,,,*245558# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

Meeting ID: 846 5010 9562

Passcode: 245558

Find your local number: <https://us02web.zoom.us/j/84650109562>

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 then open the meeting to the public for comments or opinions. At this time, you must appear with audio and video as you will be sworn in 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:

At this time, I would ask everyone to please silence all cell phones and other paging devices, as they are distracting to others. If there is a lot of background noise at your location I ask that you please move to a quiet location and/or mute your device until you are called upon to speak.

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 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 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
Dr. James Brown
William Frantz

Thomas Healy
Michael Pullano
~~Naomi Riley~~ EXCUSED

Derel Stroud (Alt #1)
Shane Martins (Alt #2)
Shawn Weston (Alt #3)

Also Present: Monica C. Kowalski, Esq.
Matt Shafai, PE, PP, CME
Jennifer C. Beahm, PP, AICP

II. Flag Salute

III. Resolutions to be memorialized: None.

IV. Applications Under Consideration:

- a. **ZB22/21 – (Conditional Use Variance, Bulk Variances, & Site Plan) – New Jersey American Water – Block 3001, Lot 12 – 625 Old Corlies Avenue - Applicant is seeking Preliminary and Final Site Plan and Conditional Use Variance approval to construct a new 14,000 sq. ft. (11,000 sq. ft. building footprint) Water Treatment Building and Clearwell south of the existing filter building and clearwell and control building; a 125 sq. ft. addition to the existing Residuals Building located along the northern property line; five (5) additional parking spaces, and a grass paver access drive. Also being proposed are associated site improvements including sidewalks, curbing, stormwater management, fencing, and improvements to the existing asphalt pavement and grass areas. Applicant is represented by Niall O’Brien, Esq. ****RECEIVED REQUEST TO CARRY THIS MATTER TO THE OCTOBER 4, 2023 MEETING AND WILL PROVIDE NEW NOTICE******
- b. **ZB22/14 – (Use Variance to Expand from K-8 to a K-12 School) – College Achieve Public Schools – Block 3101, Lot 2 – 3455 W. Bangs Avenue – In October 2020, Applicant was granted use variance relief to permit two (2) principal uses on one (1) lot, the existing church and a public charter K-8 school with a capacity of up to 600 students. The Applicant is now seeking use variance approval to expand the charter school use from K-8 to a K-12 school; however, the maximum number of students will remain the same. The Board Office received notification on Monday, January 9, 2023 that the school wishes to further amend their application to request a Pre-K through 12 school. Applicant is represented by Michael W. Herbert, Esq. of Parker McCay. ****OUR DECEMBER MEETING WAS CANCELED; THEREFORE, RESCHEDULED TO JANUARY 18, 2023. NOTICE WAS FOUND TO BE DEFICIENT; THEREFORE, FURTHER CARRIED TO APRIL 19, 2023 – NEW NOTICE HAD BEEN PROVIDED FOR THE APRIL HEARING TO NOW INCLUDE THE PROPOSED PRE-K to 12 SCHOOL. APPLICATION WAS PARTIALLY HEARD ON APRIL 19, 2023 AND CARRIED TO JUNE 7, 2023 FOR CONTINUATION; HOWEVER DUE TO THE NUMBER OF MEMBERS AVAILABLE TO ATTEND THE JUNE 7, 2023 MEETING, AN E-MAIL REQUEST FROM MICHAEL HERBERT, ESQ. TO FURTHER CARRY THIS MATTER TO A SPECIAL MEETING IN JULY AND IF NOT POSSIBLE TO THIS MEETING OF AUGUST 2, 2023 WHICH WILL BE HELD VIA ZOOM & WHICH NEW NOTICE HAS BEEN PROVIDED FOR.******
- c. **ZB23/05 – (Use Variance and Bulk Variances for the Expansion of a Pre-Existing, Nonconforming Multi-Family Use) – Elizabeth M. Magistro – Block 5002, Lot 6 – 408 Morrisey Road – Applicant is seeking use and bulk variance approval to construct a second floor on the rear dwelling, increasing the size of the pre-existing, nonconforming second dwelling in the rear unit by 367 sq. ft. The additional second story includes one (1) bedroom, a closet, bathroom, washer and dryer, and a linen cupboard. The Applicant is also proposing to construct a 129 sq. ft. covered porch and concrete walkway along the front of the existing 2-story dwelling. Applicant is represented by Gregory W. Vella, Esq.**

V. Adjournment:

- a. Next scheduled meeting will be a **SPECIAL MEETING on Wednesday, August 16, 2023 at 7:30 PM which will also take place 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.

ZB22/14 – (Use Variance to Expand from K-8 to a K-12 School) – College Achieve Public Schools – Block 3101, Lot 2 – 3455 W. Bangs Avenue – In October 2020, Applicant was granted use variance relief to permit two (2) principal uses on one (1) lot, the existing church and a public charter K-8 school with a capacity of up to 600 students. The Applicant is now seeking use variance approval to expand the charter school use from K-8 to a K-12 school; however, the maximum number of students will remain the same. The Board Office received notification on Monday, January 9, 2023 that the school wishes to further amend their application to request a Pre-K through 12 school. Applicant is represented by Michael W. Herbert, Esq. of Parker McCay.

Previously Enclosed

w/ 12/7/2022 Agenda: Completeness Checklist & Application for Variance (Rec'd 8/26/2022)
Zoning Permit Denial (5/11/2022)
Copy of Prior Resolution of Approval (Memorialized 11/4/2020)

Previously Enclosed

w/ 1/18/2023 Agenda: Parker McCay Ltr to Kristie Dickert (1/9/2023)
Architectural Sheet (4/18/2022)
Boundary Survey (7/6/2020)

Previously Enclosed

w/ 4/19/2023 Agenda: Parker McKay to Dickert – Explanation of Revision (4/6/2023)
Amended Completeness Checklist & Application for Variance (Rec'd 4/6/2023)

Currently Enclosed: Findings and Opinions for College Achieve Public Schools compiled by Dr. Robin Knutelsky
Dr. Robin K. Knutelsky's curriculum vitae/resume
Site Plan & Use Variance Plan (7/7/2023)
McDonough & Rea Associates, Inc. Traffic Analysis (July 11, 2023)
Expert Review prepared by Kevin M. Craig of Porzio Compliance Services
Porzio Compliance Services Regarding Kevin M. Craig
Statement of Operations Arrivals & Departures School Year 2023-24
College Achieve Greater Asbury Park Statement of Operations 2023-2024

Prior Correspondence: Board Engineer & Planner's Review (11/14/2022)

BOARD NOTES:

ZB23/05 – (Use Variance and Bulk Variances for the Expansion of a Pre-Existing, Nonconforming Multi-Family Use) – Elizabeth M. Magistro – Block 5002, Lot 6 – 408 Morrisey Road – Applicant is seeking use and bulk variance approval to construct a second floor on the rear dwelling, increasing the size of the pre-existing, nonconforming second dwelling in the rear unit by 367 sq. ft. The additional second story includes one (1) bedroom, a closet, bathroom, washer and dryer, and a linen cupboard. The Applicant is also proposing to construct a 129 sq. ft. covered porch and concrete walkway along the front of the existing 2-story dwelling. Applicant is represented by Gregory W. Vella, Esq.

Enclosed: Application for Use and/or Bulk Variances (Rec'd 3/2/2023)
 Copy of Deed (Recorded 10/10/2019)
 Zoning Permit Denial (7/20/2022)
 Zoning Permit Application (1/27/2023)
 Community Impact Statement (3/8/2023)
 Survey of Property (9/13/2019)
 Architectural Plans (7/15/2022)

Correspondence: Board Engineer & Planner's Review (6/14/2023)

BOARD NOTES:

Motion to _____ offered by _____ to be moved and seconded by _____

Bascom____ Brown ____ Pullano ____ Riley ____ Healy____ Frantz____

Alternates: Stroud (Alt 1) _____ Martins (Alt 2) _____ Weston (Alt 3) _____ VACANT (Alt 4) _____