



Where Community, Business & Tourism Prosper

**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda – Meeting to be Held Remotely Via ZOOM
Wednesday, August 4, 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 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, 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: Zoning Board of Adjustment - Regular Meeting - August 4, 2021

Time: Aug 4, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87929508219?pwd=TDJMcjF5ODFsdVQ3TjdMMnZoV0xMUT09>

Meeting ID: 879 2950 8219

Passcode: 774154

One tap mobile

+13017158592,,87929508219#,,,,*774154# US (Washington DC)

+13126266799,,87929508219#,,,,*774154# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 879 2950 8219

Passcode: 774154

Find your local number: <https://us02web.zoom.us/j/87929508219?pwd=TDJMcjF5ODFsdVQ3TjdMMnZoV0xMUT09>

PUBLIC PARTICIPATON 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 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:

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#21-16 – (Approval of Application for Detached Garage w/Proposed Plan Changes) – Jonathan Ayles – Block 5410, Lot 12 – 126 Arnold Place**

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

- b. **Resolution ZBA#21-17 – (Denial of Bulk Variance for Accessory Structure in Front Yard Area) – Nicole & Terry Browning – Block 5110, Lot 10 – 726 S. Riverside Drive**

Those Eligible: Barbara Bascom, Naomi Riley, Michael Pullano, Thomas Healy, James Gilligan, and William Frantz

IV. Applications Under Consideration:

- a. **ZB21/12 (Bulk Variance for Side Yard Variances) – Jennifer Hart – Block 249, Lot 13 – 73 Cookman Avenue (Ocean Grove) – Applicant is seeking bulk variances to install gutters on the east and west sides of existing house to eliminate further damage to foundation and water infiltration in basement. Applicant is proposing a 0.32’ setback on the west side and 0.4’ on the east side where 2 feet is required in both instances.**

- b. **ZB20/20 (Use Variance for Expansion of a Pre-Existing Nonconforming Multi-Family Residence) – Rinnetta McGhee – Block 605, Lot 8 – 245 Myrtle Avenue – Applicant is seeking a Use Variance to expand the Pre-Existing Nonconforming 2-family residence to permit four (4) dwelling units on this subject property. Applicant is represented by Vincent M. DeSimone, Esq. ****ORIGINALLY SCHEDULED FOR 2/3/2021 (not heard) AND CARRIED TO 5/5/2021 (not heard) AND CARRIED TO THIS DATE WITH NO FURTHER NOTICE BEING REQUIRED******

- c. **ZB20/10 (Use Variance and Bulk Variances to Remediate Zoning Violations 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. ****APPLICANT WAS PARTIALLY HEARD ON 12/2/2020, THEN SCHEDULED TO 1/6/2021 IN ORDER TO MAKE THE ANNOUCEMENT AND FURTHER ADJOURN THE MATTER TO 2/3/2021 (not heard), CARRIED TO 4/7/2021 (not heard), CARRIED TO 6/2/2021 (not heard), AND FURTHER CARRIED THIS DATE WITHOUT FURTHER NOTICE BEING REQUIRED******

V. Adjournment:

- a. Next scheduled meeting will be our **Regular Meeting on Wednesday, September 1, 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.

ZB20/20 (Use Variance for Expansion of a Pre-Existing Nonconforming Multi-Family Residence) – Rinnetta McGhee – Block 605, Lot 8 – 245 Myrtle Avenue – Applicant is seeking a Use Variance to expand the Pre-Existing Nonconforming 2-family residence to permit four (4) dwelling units on this subject property. Applicant is represented by Vincent M. DeSimone, Esq. ****ORIGINALLY SCHEDULED FOR 2/3/2021 (not heard) AND CARRIED TO 5/5/2021 (not heard) AND CARRIED TO THIS DATE WITH NO FURTHER NOTICE BEING REQUIRED****

Previously Enclosed

w-2/3/21 Agenda: Checklist and Application for Use Variance (Rec’d 11/17/2020)
Zoning Permit Denial (10/23/2020)
Community Impact Statement (10/28/2020)
Copy of Deed (7/9/2007)
Survey of Property (11/20/2020)

Currently Enclosed: **Community Impact Statement Prepared by Beacon Planning (July 2021)**

Monmouth County GIS – 2020 Aerial Exhibit (7/21/2021)
245 Myrtle Ave – Western Structure Photo (4/30/2021)
250 Myrtle Ave Photo (4/30/2021)
237 Myrtle Ave Photo (4/30/2021)
245 Myrtle Ave – Eastern Structure Photo (4/30/2021)
245 Myrtle Ave – Parking Area Photo (4/30/2021)

Prior Correspondence: Board Engineer & Planner’s Review (1/18/2021)

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) _____

ZB20/10 (Use Variance and Bulk Variances to Remediate Zoning Violations 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. ****APPLICANT WAS PARTIALLY HEARD ON 12/2/2020, THEN SCHEDULED TO 1/6/2021 IN ORDER TO MAKE THE ANNOUNCEMENT AND FURTHER ADJOURN THE MATTER TO 2/3/2021 (not heard), CARRIED TO 4/7/2021 (not heard), CARRIED TO 6/2/2021 (not heard), AND FURTHER CARRIED THIS DATE WITHOUT FURTHER NOTICE BEING REQUIRED****

- 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
 - Highlighted Tax Map of Current Two-Family Properties
 - George D. McGill, Esq. OPRA Request (12/3/2020)
 - 13 Property Record Cards - Response to McGill OPRA Request
 - MLS#21735582 Real Estate Listing (undated)
 - Email Correspondence Kristin Palmisano & Heather Kepler (12/8/2020)
 - Copy of Construction Permit Records from Construction Dept.
 - Copy of Transfer of Title – Code Enforcement (12/14/17)
 - Copy of Property Record Cards for Block 416, Lot 6 (12/4/20)
 - Copy of Tax Map Sheet 4 (December 2013)
 - Copy of Tax Records Obtained by Applicant
 - Transmittal Letter and Copy of Criminal Complaint and Affidavit of Probable Cause filed in reference to the building on this matter.

CURRENTLY ENCLOSED: **Revised Plot Plan (6/7/2021)**

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

BOARD NOTES:

