



**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Agenda
To be Held in the Municipal Complex
25 Neptune Boulevard
2nd Floor Township Committee Meeting Room
Wednesday, April 19, 2023 at 7:30 PM**

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. Fire exits are clearly marked at the side and rear of this room. 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 testifying. **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 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
Dr. James Brown
William Frantz, Chair
James Gilligan, 1st Vice Chair

Thomas Healy, 2nd Vice Chair
Naomi Riley
Michael Pullano
Derel Stroud (Alt #1)

Shane Martins (Alt #2)
Shawn Weston (Alt #3)

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#23-12 – Bulk Variance(s) for Replacement of Existing Shed – Christine Scott - Block 4908, Lot 5 – 310 Wilson Road**

Those Eligible: Barbara Bascom, Naomi Riley, Derel Stroud, Shawn Weston, Thomas Healy, James Gilligan, and William Frantz

- b. **Resolution ZBA#23-13 – Bulk Variance(s) to Remediate Zoning Violations – Michael Tiedemann – Block 5214, Lot 6 – 29 Sylvan Drive**

Those Eligible: Barbara Bascom, Naomi Riley, Derel Stroud, Shawn Weston, Thomas Healy, James Gilligan, and William Frantz

IV. Applications Under Consideration:

- a. **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 THIS DATE OF APRIL 19, 2023 – NEW NOTICE HAS BEEN PROVIDED FOR THIS HEARING TO NOW INCLUDE THE PROPOSED PRE-K to 12 SCHOOL******

- b. **ZB22/09 – (Use Variance & Preliminary/Final Site Plan) – STER Developers, LLC – Block 405, Lots 5, 6, & 7 – 1102 09th Avenue, Memorial Drive, and 1105 08th Avenue – Applicant originally proposed to construct a mixed-use building containing 78 apartments, consisting of 18 one-bedroom units and 60 two-bedroom units, and approximately 936 sq. ft. of commercial space with parking on the first floor. The Applicant then revised their proposal to a three- and four-story, mixed-use building containing 70 residential units (22 one-bedroom units and 48 two-bedroom units) and approximately 1,976 s.f. of commercial space on the first floor. The Applicant is now proposing to develop the property with an approximately 120,000 sq. ft. building containing a three- and four-story, mixed-use (multi-family and commercial) to include 53 residential dwelling units (13 one-bedroom and 40 two-bedroom) on the 2nd through 4th floors and approximately 7,181 sq. ft. of commercial space on the first floor. Site improvements include off-street parking, driveways, landscaping, stormwater management, and other related site improvements. This proposal requires a Use Variance for density, as well as Preliminary and Final Site Plan with Bulk Variance and Design Waiver approvals from this Board. Applicant is represented by Jennifer S. Krimko, Esq. ****PARTIALLY HEARD ON 9/21/2022 & 1/18/2023******

V. Adjournment:

- a. Next scheduled meeting will be our **REGULAR MEETING on Wednesday, May 3, 2023 at 7:30 PM** which will take place here in the Municipal Complex, 2nd 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.

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 THIS DATE OF APRIL 19, 2023 – NEW NOTICE HAS BEEN PROVIDED FOR THIS HEARING TO NOW INCLUDE THE PROPOSED PRE-K to 12 SCHOOL******

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)

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

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

BOARD NOTES:

Motion to _____ offered by _____ to be moved and seconded by _____
Bascom____ Brown____ Pullano____ Riley____ Healy____ Gilligan____ Frantz____
Alternates: Stroud (Alt 1)____ Martins (Alt 2)____ Weston (Alt 3)____ VACANT (Alt 4)_____

ZB22/09 – (Use Variance & Preliminary/Final Site Plan) – STER Developers, LLC – Block 405, Lots 5, 6, & 7 – 1102 09th Avenue, Memorial Drive, and 1105 08th Avenue – Applicant originally proposed to construct a mixed-use building containing 78 apartments, consisting of 18 one-bedroom units and 60 two-bedroom units, and approximately 936 sq. ft. of commercial space with parking on the first floor. The Applicant then revised their proposal to a three- and four-story, mixed-use building containing 70 residential units (22 one-bedroom units and 48 two-bedroom units) and approximately 1,976 s.f. of commercial space on the first floor. The Applicant is now proposing to develop the property with an approximately 120,000 sq. ft. building containing a three- and four-story, mixed-use (multi-family and commercial) to include 53 residential dwelling units (13 one-bedroom and 40 two-bedroom) on the 2nd through 4th floors and approximately 7,181 sq. ft. of commercial space on the first floor. Site improvements include off-street parking, driveways, landscaping, stormwater management, and other related site improvements. This proposal requires a Use Variance for density, as well as Preliminary and Final Site Plan with Bulk Variance and Design Waiver approvals from this Board. Applicant is represented by Jennifer S. Krimko, Esq. **PARTIALLY HEARD ON 9/21/2022 & 1/18/2023******

Previously Enclosed

- w/9/21/2022 Agenda: Completeness Checklist & Application for Variance & Site Plan (Rec'd 6/21/2022)
- Tree Removal Permit Application (6/21/2022)
- Zoning Permit Denial (6/29/2022)
- Copy of Deed Block 162, Lots 67-69 and 77-79 (4/4/1989)
- Copy of Deed Block 162, Lots 74, 75, & 76 (9/21/2006)
- Copy of Deed Block 405, Lot 7 (1/11/2018)
- Community Impact Statement (June 2022)
- Traffic Impact Study (4/4/2022)
- Environmental Impact Statement (6/2022)
- Stormwater Basin Area Investigation Report (3/25/2022)
- Stormwater Management Groundwater Recharge and Water Analysis (6/2022)
- Stormwater Management Operations & Maintenance Report (6/2022)
- ALTA/NSPS Land Title Survey (3/30/2022)
- Architectural Plans – 7 sheets (4/26/2022)
- Preliminary & Final Site Plans – 26 sheets (6/13/2022)

Previously Enclosed

- w/ 12/7/2022 Agenda: Traffic Impact Study (Revised 11/22/2022)
- Stormwater Management Groundwater Recharge and Water Analysis (Revised 11/2022)
- Architectural Plans – 6 sheets (Revised 11/22/2022)
- Preliminary & Final Site Plans – 26 sheets (Revised 11/22/2022)

Currently Enclosed:

- Preliminary & Final Site Plans – 26 sheets (Revised 4/5/2023)**
- Architectural Plans – 6 sheets (Dated 3/30/2023)**
- Traffic Impact Study (Revised 4/4/2023)**
- Stormwater Management Groundwater Recharge and Water Analysis (Revised 4/2023)**

Prior Correspondence:

- Board Engineer & Planner's Review (8/24/2022)
- Neptune Fire Prevention Bureau Comments (7/27/2022)
- Environmental/Shade Tree Commission Comments (7/20/2022)
- Tree Removal Permit Application Review (6/30/2022)
- Neptune Township Traffic Bureau Comments (6/23/2022)
- Tax Assessor's Comments (6/22/2022)
- Board Engineer & Planner's Review #2 (12/5/2022)

BOARD NOTES:

