



Neptune Township ~ Zoning Board of Adjustment
Regular Hearing Agenda
Wednesday February 1, 2012 ~ 7:30 P.M.

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 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. Towards the end of the meeting it will be announced that no new applications will begin after 10:30 p.m. nor will any new witnesses or testimony begin after 10:30 p.m.

The following procedure will be followed:

It is the Board's policy, to the following procedure, after testimony from the Applicant and the Board's Professionals, questions and/or comments will follow from the members of the Zoning Board, then the public portion will be opened. Each individual will be sworn in; he/she will give their name and address; and will be given one five [5] minute turn to speak. We ask that questions are not repeated, and that all questions be directed to the Chair. At the completion of the public portion, the members of the Zoning Board will make final comments prior to offering a resolution.

Roll Call:

Mr. Paul Dunlap, Mr. James Gilligan, Mr. Thomas Healy, Mr. Joe Sears, David Fernicola alt 2
Mr. William Johnson alt 3, Ms. Dianna Harris alt 4 Chairwoman Mrs. Robin Price-Marshall

Absent: Barbara Bascom, Roger Eichenour, Cynthia Suarez

If any board member cannot attend, please call or email the board office at
732-988-5200 ext 278 or at rhavey@neptunetownship.org. Thank You.



1. Roll call and flag
2. Correspondence –
3. Resolutions to be memorialized –

Amend resolution ZBA11/20 Anny's-Guy's Package Store, Block 266 Lots 1 & 2, 1417 Corlies Avenue
Amended to revise paragraph 2; section e. Motion to accept – J. Gilligan second by – J. Sears
Those in favor - Mr. Gilligan - Mr. Sears - Mr. Johnson - [retired Ms. Burns]
Absent – B. Bascom, R. Eichenour

Resolution ZBA12/09 - Use variance for Block 5 Lot 433.01 known as 6 ½ Surf Avenue,
Mary Cooper Motion offered by – J. Sears Second by – T. Healy
Yes - Mr. Dunlap, Mr. Gilligan, Mr. Healy, Ms. Price-Marshall
Absent: Ms. Bascom, Mr. Eichenour, Ms. Suarez.

Resolution ZBA12/10 Variance request for Block 166 Lot 12, 1205 Fifth Avenue, Sperry Tents, NJ
Motion offered by- J. Gilligan Second by – T. Healy
Yes - Mr. Dunlap, Mr. Gilligan, Mr. Healy, Ms. Price-Marshall
Absent: Ms. Bascom, Mr. Eichenour, Ms. Suarez.

4. Applications under consideration this evening are:

ZB11/27 Block 403 Lot 44 – 4 Pinewood Drive, submitted by David Backman to allow the expansion of his rear deck.

ZB11/28 Block 217 Lot 64 – 269 Fisher Ave submitted by Peter Bass Esq for Rahul Diddi, for porch replacement that violates side and front yard setback.

ZB11/21 Block 188 Lot 12.01 – 104 Leonard Ave submitted by Jennifer Krimko Esq for Johnson Obayuwana, applicant is seeking a variance for use and density.

5. With no further business before the board a motion to adjourn was offered by J. Gilligan
Moved and second by Tom Healy hearing adjourned at 9:55 P.M.
5. Board members please note we will meet again on February 15 2012. Meeting will begin at 7:30 PM.
Board members are requested to arrive no later than 7:15PM.

If any member cannot attend please notify the board office by phone at 732-988-5200 ext. 278
Or via e-mail at rhavey@neptunetownship.org.

1. ZBA11/27 Block 403 Lot 44 – 4 Pinewood Drive submitted by David Backman to allow a deck to be constructed at the rear of the property that will extend to a total of 18 feet into thirty foot rear yard setback area, an extension of an additional 3 feet beyond the allowed setback. Variance is requested to accommodate an existing mature oak tree into the deck design, while ensuring the deck structure and footings the least impact to the root system of the tree.

Enclosed; Copy of notice of public hearing along with notice to property owners
 Application listing variance request
 Narrative of request before the board
 Statement verifying taxes current
 Zoning Permit Denial
 Copy of survey of proposal
 Construction drawings
 Ten [10] photos showing the structure from all views

Board notes: Ms. Kowalski Esq for the Board reviewed the notice of publication along with the notice to the homeowners and found them in order the board can proceed with the application.

Mr. Backman gave testimony on his proposal before the board, he currently has 8 ½' side property line which is the reason he is before the board. Mr. Backman testified he wanted to expand the deck yet keep the large existing tree in tact thus this plan before the board.

Mr. Gilligan – you plan to save the tree which is in the middle of the proposed deck? more footing space to assist the tree roots?

Mr. B yes, to keep the roots from being damaged by this design it will allow more deck space. and assist with the footings needed; a two level deck where one will be more of a patio which will not required rails.

Discussion took place on what height was necessary for rails

Additional questions took place from Mr. Dunlap, regarding the deck, if rails were necessary by construction regulations, discussion took place about adding steps it was noted that there is no fence between this property and the neighbor.

Mr. Backman advised the board he maintains the property of the neighbor and will continue to do so.

Discussion took place regarding the area where the footing was proposed.

Mr. Shafai your plans show one deck as 12' and the second 7' why not the same?

Applicant agreed to add rails based on this modification a motion was offered by Mr. James Gilligan to approve the proposal – moved and second by Mr. Thomas Healy

Yes votes – Dunlap, Gilligan, Healy, Sears, Fernicola, Harris, Price- Marshall

Absent from hearing and vote: Bascom, Eichenour, Suarez



Final resolution to allow a deck to be constructed at the rear of the property that will extend a total of 18' into a 30 ft rear yard setback area; Addition extension 3 ft beyond the allowed setback, variance is to accommodate an mature oak tree into the design of the proposed deck, this will allow the deck footings structure a min effect to the tree.

Resolution will be memorialized at the March 7th, hearing

2. ZBA11/28 Block 217 Lot 64 – 269 Fisher Avenue submitted by Peter Bass Esq. applicant is seeking Approval to replace the existing old front porch with a new porch that will violate the side and front yard setback; lot is undersized which is a pre-existing condition.

Enclosed: Application with taxes verified
Zoning Permit Denial 5-25-11
Black & White Photo of dwelling [applicant will submit a new photo at time of hearing]
Copy of survey
Copy of proposed porch replacement
Comments from Construction Official & Zoning Official

Board notes: Ms. Kowalski attorney for the board found the public notice and notice to the homeowners in order the board can proceed with the application:

Mr. Bass had Michelle De Salvo AIA sworn in to testify on the application;
Exhibit A 1 thru A 4 were enter into evidence [color photos of the dwelling from front, left and right side]
Photos are the current condition of the dwelling; Ms. De Salvo prepared the plans before the board,
When the decking was removed on the porch the condition was found to be in serious shape.

Exhibit A1 shows the roof, which will remain, replacement of columns, decking footings and foundation will remain in its exact location.

Exhibit A2 Stairs will remain as it

Exhibit A3 photo shows the side of the dwelling.

Mr. Shafai questioned Mr. Waterman's comment that says "cover on porch roof of survey shows open porch" Mr. Gilligan stated it is an extension of the roof line.

Mr. Healy questioned if all columns will match, lattice will be replaced and new turned rails will be installed as per code/construction regulations.

There was no a public question or comments.

Based on the testimony give a motion was offered by Paul Dunlap to accept the proposal
Moved and second by Thomas Healy

Absent: Bascom, Eichenour, Suarez present but not voting - Johnson

Those who voted yes – Dunlap, Gilligan, Healy, Sears, Fernicola, Johnson, Price-Marshall

Resolution approval the replacement of existing old front porch with a new porch that will violate the side & front yard setback, lot is currently undersized which is a pre-existing condition.



Application carried from the November 2nd 2011 hearing

3.ZB11/21 - Block 188 Lot 12.01 submitted by Jennifer S. Krimko Esq for Johnson Obayuwana for property located at 104 Leonard Avenue. Applicant is seeking to demolish the existing dwelling, allowing the construction of 5 unit townhouses at the site, creating the need of a use and density variance.

Enclosed; Application with taxes verified
 Zoning permit denial 8-5-10
 Drainage calculations prepared by Charles Surmonte [July 2010]
 E-mail from J. Krimko verifying proposal is for 5 units
 Tree Removal permit [resubmitted 8-10-11]
 Reports prepared by Matt Shafai, of L.S. Avakian 9-30-11
 Martin Truscott of T & M Assoc. 10-10-11
 Comments received from Neptune Fire Prevention 9-26-11
 Environmental/Shade Tree Commission 10-4-11
 Neptune Dir of Public Works 9-20-11
 Reduced copies of Proposed Townhouse Project 05/05/11
Revised package for 2-1-2012 reduced copy of survey
 Comments – Board of Health 9-8-11
 Dir of Construction 9-6-11
 Nept Traffic Bureau 8-9-10

Board notes/recommendations:

Motion offered to accept- deny by _____ moved and second by _____
Ms. Bascom__ Mr. Dunlap__ Mr. Eichenour__ Mr. Gilligan__ Mr. Healy__ Mr. Sears__
Ms. Price-Marshall__ Alternates: Ms Suarez __ Fernicola__ Johnson__ Harris__



CARRIED TO THE MAY 2ND, 2012 HEARING DATE WITH NO FURTHER NOTICE