



*Where Community, Business & Tourism Prosper*

Neptune Township ~ Zoning Board of Adjustment  
Regular Hearing Agenda ~ Amended  
Wednesday February 15, 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, on the following procedure; after testimony from the applicant and his attorney or professional, questions and/or comments will follow from the members of the Zoning Board; then the public portion will be opened. Each individual from the public will be sworn in; 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:

Mrs. Barbara Bascom, Mr. Roger Eichenour, Mr. James Gilligan, Mr. Thomas Healy  
Mr. Joe Sears, Chairwoman Mrs. Robin Price-Marshall

Alternates: David Fernicola alt 2, Mr. William L. Johnson Sr. alt 3, Ms. Cynthia Suarez

Absent: Mr. Paul Dunlap and Ms. Dianna Harris

Also Present: Monica Kowalski, Esq attorney to the Board  
Geri Freda, Engineer to the Board  
Stan Seleckian from T & M for Martin Truscott Planner  
Jennifer Beahm, from CME Planner to the Board

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

1. Roll call and flag salute
2. Resolution ZB12/10 Block 201.01 Lot 47 1318 Corlies Avenue submitted by 1318 Corlies Avenue LLC, approval for wall mounted sign on front façade.  
Motion offered by- Joe Sears moved and second by- James Gilligan  
Yes Bascom, Eichenour, Gilligan, Healy, Sears, Price-Marshall  
Absent: Mr. Dunlap

3 Applications for consideration this evening:

ZB11/18 Block 81 Lot 1703, 91 Franklin Avenue, submitted by Mark Steinberg Esq., applicant is seeking “Certificate of Non-Conforming Use and/or Structure” to confirm the existing dwelling is actually a 3 family unit.

ZB11/10 Block 227 Lot 12, 420 Highway 34, submitted by Mark Steinberg Esq carried from the hearing of December 7<sup>th</sup>, 2011. Applicant is seeking approval for expansion of the number of bays for an existing automotive service station. Expansion is to add 4 bays making the total 6 bays where 2 are existing.

ZB11/13 Block 470 Lot 46, 113 Highland Avenue submitted by Gordon Gemma Esq for James Granelli who is seeking a variance relief from section 411.09 [c] [1] [b] as to the storage requirements of a recreational vehicle within 10 feet from the street.

4. With no further business before the board; a motion to adjourn was offered by Joe Sears moved and second by James Gilligan meeting closed at 10:15 P.M.



1. ZB11/18 – Block 81 Lot 1703 – 91 Franklin Avenue Ocean Grove, submitted by Mark Steinberg attorney for Virginia Maffei. Applicant has applied to the Board for a “Certificate of Non-Conforming Use and/or Structure, to confirm the existing dwelling is actually a three family unit. Use is currently a front cottage; with a two family structure at the rear.

Enclosed for review: Copy of Notice for public hearing Coaster 12-22-11  
Copy of the notice to the public  
Application with taxes verified  
Zoning Permit denial dated 4-1-11  
Affidavit signed by Wm. Mockridge regarding the use  
Photo of the dwelling as it exists [1335-81-1703]  
Documents dated 1-25-90; 2-18-92; 1-18-94 1-13-97 and copy of  
Property record card depicting the number of units.  
Comments prepared by Martin Truscott dated 8-23-11  
Comments from: B. Haney Assessor  
B. Doolittle Construction Official

Board notes:

Mr. Mark Steinberg attorney for the applicant explained to the members the issue at hand; Mr. William Mockridge who signed an affidavit regarding the condition and status of the number of units at the current property had a stroke; and cannot attend nor speak. Based on the problem Mr. Steinberg asked is the board would continue the hearing with the evidence provided in the package agenda.

Mr. Steinberg read into the record the statement Mr. Mockridge signed, which gave the history of the property and the ownership. Site has always been a three [3] family dwelling. Photos of the dwelling shows how it exists, all evidence provided [copies of old property records cards, code documents, old records that show the property existed as three families prior to any ordinance being established as such.

Ms. Maffei lives up north and is 86 years old and very ill, cannot travel down

Mr. Healy questioned the board’s legality on a decision regarding the number of units

Ms. Kowalski detailed what is before the board for consideration.

Mr. Eichenour questioned when the property was taken out of conformity [Approximately 1971 when the Ordinance come into effect]

It was noted that the records shows in 1970 the dwelling was three families.

Mr. Steinberg stated he has documents showing the property as far back as 1970 is 3 families



Public – Kevin Chambers 15 Ocean Pathway went to great detail regarding why the Board could not hear and make a decision regarding the number of units. He read a prepared statement into the records regarding setback issues not being listed etc. The board thanked Mr. Chambers for his concern and time.

Based on the testimony and evidence provided to the board a motion to accept the request

As offered by – Roger Eichenour Moved and second by James Gilligan

Those who votes yes – Bascom, Eichenour, Gilligan, Healy, Sears, Price-Marshall and Fernicola

Absent from hearing –Dunlap, Harris Present but not eligible to vote: Suarez, Johnson

Resolution granted that “Certificate of Non-Conforming Use and/or Structure” to confirm the existing dwelling as an actually 3 family dwelling as per NJS40:55D-68

Carried from the Dec 7<sup>th</sup>, 2011

2. ZBA11/10 420 Highway 35 Block 227 Lot 2 – Maggu Properties LLC, submitted by Mark Steinberg Esq; applicant seeking approval for expansion of number of bays for existing automotive service station. Proposal is to expand existing 2 bay service station to 6 bays.

Enclosed: Application with taxes verified  
Tree removal permit  
General Information Sheet provided by Applicant's Engineer  
Letter to the Board prepared by Elizabeth Oltman PE Nelson Engineering  
Letter from NJDOT prepared by F. Howard Zahn w/ map  
Copy of deed 6-1-2007  
Letter of Interpretation-Re-issuance 6-9-2011  
Copy of letter sent to Freehold Soil 6-1-2011  
Zoning Permit Denial 7-12-2010

Reports prepared by:  
Lisa Spaziano, NJCTE of LSAvakian regarding tree removal  
Matt Shafai PE 7-20-2011  
Martin Truscott PP 7-21-2011  
Comments from Monmouth County Planning Board 6-27-2011  
Freehold Soil Letter 7-12-2011

Comments from:  
Neptune Police Department 6-24-2011  
Environmental/Shade Tree 7-18-2011  
Tax Assessor 6-23-11  
Neptune Public Works 7-26-2011

Attorney's submission:  
Witness List  
Copy of notice of public hearing  
Certified copy of public notice

*Reduced copy of Bic Garage Plans*



Exhibits into the record - \*A-1 Proposed renovations to the bldg, 4 sheets  
[T1; A1; A1-1; A2] rev date 11-15-11

\*A-2 Colored rendering of proposed landscape plan  
Nelson Engineering Rev 11-22-11 [1 sheet]

\*A-3 Large color rendering of proposed finished building [small copy encl]

\*A-4 Site plan proposal prepared by Nelson Engineering Rev. 11-22-11

\*A-5 Color rendering of Topo Survey of property 10-8-10

Mark Steinberg Esq for applicant went over the proposal before the board; currently this is an auto service center, that wishes to expand the business, no painting proposed; proposed expansion to 6 bays.

Ronald Kacmarsky Engineer, was sworn in [NJ licensed 97; opened his business in 03', second office in So. Florida in 07' gave details regarding his schooling etc. accepted by board.

Worked with applicant to design the new building, reviewed approved building in the area [ie Sunny Land Building, liked the look etc] used this to base his proposal.

Proposed roof will be sloped to allow for solar panels with the southern exposure, there will be no exterior storage, NO cars will be parked outside, no products will be stored outside all storage will be inside; There are no formal construction plans to date, windows are for decoration only to prevent the front of the building from looking flat;

Proposal shows storage will be on the second floor, which will also incorporate the employees lounge area, bathroom and washer/dryer for uniforms towels etc.

Mr. Gilligan questioned if the design load for the second floor be suitable [yes]

New building will house the re-cycled oil/new oil storage.

David Boesch of Nelson Engineering testified regarding the proposal before the board.

Proposal shows new French drains, roof draining away from the property;

New chain link [will revise to show approved type of fence], add a guard rail.

Due to the lateness of the hour, application has been carried with no further notice to the February 15<sup>th</sup>, 2012 hearing date.

Notes from the 2-15-2012 hearing:

Letter from the DEP dated 12-12-11 giving general permit authorization was received

Freehold Soil Con Dist letter was received 1-12-12 "Certification Letter"

Letter dated 1-19-2012 front Nelson Engineering Assoc, regarding NJDOT "Letter of No Interest"

Fax date 5-2-05

David Boesch of Nelson Engineering gave the board a brief summary of the previous meeting history of the application. building expansion [2<sup>nd</sup> floor] existing 2 bays, define the driveway, parking expansion to 31 spaces; solid waste disposal [rear room with a step down area to collect any possible spillage] storm water will be collected via "French drains" removal of 20 existing trees, but replacing with approximately 51 new trees; there will be no outdoor storage, not cars left outside during the evening; proposed addition will add 5 spaces, handicapped spaces will be provided; the existing sign will remain at its present location, only will be refaced, with the addition of landscape; lites will be shielded, soffits lites at the bay door entrance. addition of guide rail on top of the retaining wall, wall will be approximately 4'

Applicant when finances allow add solar panels to the roof which is pitched to allow such.

Roof drains off to a catch basin onto Rt 35.

Mr. Vic Maggu was sworn in [new owner of the property] which he purchased 3 years ago, had a former site that he close and combined here at the new site.

Mr. James Higgins PP for the applicant testified regarding the proposal before the board.

Regarding reports provided by LSA- Mr. Geri Freda went over his concerns with the applicant: discussion took place regarding the trip generation, which they feel will be 4/5 trips at peak hour Ms. Beahm questioned the traffic summary data, both professionals feel that the north driveway should be closed, which was agreed to.

T & M's letter was also reviewed and testimony was given- this is a general mechanic shop

there will be no auto body or painting of cars done at this site;

It was discussed that the business hours will be Monday thru Friday from 8 A.M. to 6 P.M. from 8 A.M. to noon on Saturday, closed on Sunday.

Proposed will be six employees including the owner and cashier; trash recycle contains will be provided and hauled away by a private collector; No storage/collection of auto parts will be on the outside of the building; seeking a waiver regarding section 509.1.3; sign will remain only be refaced with added landscape; parking in the front yard has increased from 5 to 8; Sidewalk will be connected on Rt 35 driveway will be removed on the north side, DOT approval maybe necessary.

Submission of a tree removal permit will be necessary if not already done so. All other conditions will be complied to: NJDOT, etc.

Based on the testimony before the board a motion to accept the application with conditions outlined was offered by - Roger Eichenour  
Moved and second by – Thomas Healy

those present who voted yes:  
Bascom, Eichenour, Gilligan, Healy, Sears, Suarez, Price-Marshall

Resolution will be memorialized at the hearing scheduled for March 21, 2012

Resolution granting a "Use Variance" for an expansion of a pre-existing non-conforming use, increase the number of bays in an automotive service station from two [2] to six [6 bays]

Application carried from the 10-19-11

3. ZB11/13 – Block 470 Lot 46, 113 Highland Avenue submitted by Gordon Gemma Esq for James Granelli who is seeking bulk variance relief from section 411.09 [c] [1] [b] as to the storage requirements of a recreational vehicle within ten feet of the street.

Enclosed: Application with taxes verified  
Affidavit of Publication 10-5-2011  
Correspondence from homeowner James C. Granelli  
Zoning permit denial 6-9-11  
Copy of "Notice of Violation & Order to Correct" 7-7-11  
Survey of property 9-8-09  
Survey Illustration Notes and comments prepared by J. Granelli 6-30-11

Motion offered to accept/deny by

moved and second by

Bascom, Eichenour, Gilligan, Healy, Sears, Price

Alternates: Suarez alt 1, Fernicola alt 2, Johnson alt 3 Absent: Dunlap, Harris alt 4

Mr. Gordon Gemma attorney for the applicant advised the board that his client now wishes to amend the application and resubmit new plans. Currently his request for parking an RV in the front yard must be considered by the Township Committee, which may not be approved.

New amended application will be submitted to construct a second driveway at the side of the dwelling, move the existing poles that are located in the area; applicant understands that a driveway must also include a garage.

Based on this the board has granted Mr. Gemma an extension to the application, and will be heard at the next available hearing date of Wednesday June 6<sup>th</sup>, 2012.

