



**Neptune Township ~ Zoning Board of Adjustment
Regular Meeting Minutes
Wednesday, October 3, 2018 at 7:30 PM
Municipal Complex, 2nd Floor, 25 Neptune Boulevard**

ATTENDANCE:

Present : Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Frances Keel, Michael Pullano, Naomi Riley, Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Jennifer Beahm, PP, AICP - Board Planner, Matt Shafai, PE – Board Engineer, and Torro Reporting, LLC.

Absent: Dr. James Brown and Joe Sears

OPENING: Meeting called to order by Chairman Paul Dunlap at 7:30 PM. Chair Dunlap advised the public of fire exits and how the meeting will proceed.

CORRESPONDENCE: None.

RESOLUTIONS MEMORIALIZED: None.

DISCUSSIONS:

ZB18/01 (Bulk Variance to Remediate Zoning Violation) – Charles Lipson – Block 211, Lot 6 – 6 Main Avenue (Ocean Grove) – Applicant is seeking a Bulk Variance to remediate a zoning violation and maintain a paver patio which has been installed without first acquiring a permit and which extends into the flare area in the Historic District.

****Partially Heard on September 5, 2018 – Received e-mail from Christopher Beekman, Esq. requesting this matter be carried to the November 7, 2018 meeting with no further notice being required****

ZB18/07 (Amended Preliminary and Final Site Plan w/Bulk Variances) – Kurt Cavano – Block 209, Lot 3 – 50 Main Avenue (Ocean Grove) – Applicant is seeking Amended Site Plan approval with bulk variances for a retaining wall that was constructed without approvals.

Applicant is represented by Jennifer S. Krimko, Esq.

It is determined that notice is sufficient and additional variances may be necessary.

Joseph Kociuba, PE – sworn in.

Exhibit A-1 Preliminary and Final Major Site Plan – revised May 31, 2018

Exhibit A-2 Architectural Plans – dated May 25, 2018

Exhibit A-3 Photo of Wall and Fence

This is a 6 ½ foot fence with the top of the post measuring 7 feet.

Relief is being sought for the height of the fence per Jennifer Beahm as the “wall” does not fall within the definition of a “retaining wall”.

The vinyl fence is proposed to remain; however, the applicant will change the visible gates/fences to Cedar.

There is no exception taken to the height of the fence as it provides a nice buffer to the neighboring property. The wall/curb was constructed to mitigate the 1 foot differential with the neighbor's property. The Applicant is willing to address any drainage issues should they erupt.

Linda Engelhardt – 51 Heck Avenue – lives behind the fence and would be incredibly unhappy if this were removed. Ms. Engelhardt expresses she is in support of what is there now.

Based upon the application submitted to the Board and the testimony provided, Thomas Healy made a motion to approve the application as discussed, moved and seconded by William Frantz.

THOSE IN FAVOR: Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Frances Keel, Naomi Riley, and Paul Dunlap

THOSE OPPOSED: None.

THOSE ABSTAINED: None.

THOSE ABSENT: Joe Sears and Dr. James Brown

ZB18/08 (Use Variance) – Timothy Sexsmith – Block 414, Lot 12 – 1103 6th Avenue – Applicant is seeking a Use Variance to operate a craft distillery at this location.

Applicant is represented by Michael J. Wenning, Esq.

Exhibit A-1 Architectural Plans dated last revised August 2, 2018

Exhibit A-2 Survey of Property dated July 9, 2018

Exhibit A-3 Photos of Building and surrounding area as well as Aerial View of Property (undated)

Notice is accepted.

Michael James Monroe, Architect – sworn in and accepted by the Board. Mr. Monroe testifies that this is an L-shaped lot shared with Aggressive Mechanical. There is an existing gravel parking lot.

Jennifer Beahm indicates there is no traffic data or traffic testimony being provided.

Thomas Healy asks if this operation will be open to the public. It is indicated yes it will, only for tasting hours. This will not be a 9-5 operation.

Exhibit A-4 Zoning Denial dated January 5, 2018 – Denial is discussed due to discrepancies in determinations with regard to the use/tenant of the rear building.

Applicant is proposing to reface the existing sign with a conforming sign and keep everything the way it is. Wants to keep the rustic look. The interior layout of the building is discussed.

There is approximately 400 s.f. of work space and approximately 400 s.f. of customer space. There is no fire suppression system required and none is being proposed.

There is no food proposed to be served.

It is indicated the trailers in the rear are not being utilized and may be removed within 90 days.

Jennifer Beahm indicates a sign detail for the proposed is required.

Requesting a waiver from Site Plan requirements.

Fred Vorwerk – Owner – 7 Red Cedar Run (Jackson) – sworn in – describes the rear building use and the front building is vacant. The rear building is used to store equipment which is HVAC related, their main building of operations is on the lot next door; therefore, there is not much traffic on this site and it is less intense than Grove Radiator/Automotive Repair. Mr. Vorwerk indicates he owns the trailers and stores the radiator shop materials in them. His intent is to remove them from the property if given 90 days.

The latest report from LSRP indicates contamination from prior owner Britton Oil.

****8:53 PM there is a break – the Board returns and all still present****

Timothy Sexsmith – 500 Lareine Ave (Bradley Beach) – Applicant – describes distillery operation. He is limited to 20,000 gallons/year, tasting drinks using his product, selling T-shirts, etc. Produces less than 1,000 gallons per year as he works by himself. Mr. Sexsmith indicates there will be 2 people onsite and up to 8 people being served. They will be limited to 8 at a time on the premises during hours of operation which will be 7:30 AM – 4:00 PM with tasting from 4-4:30 PM to 8:00 PM Thursday/Friday and 1:00 PM to 8:00 PM Saturday/Sunday. The aspect of work defined by the State. During the tour customers are permitted three (3) 3 ½ oz. drinks per day. They are permitted to purchase drinks mixed with the product; however, products purchased cannot be consumed on the premises. Trash will consist of whisky-grain residue which is compostable and some packaging materials such as boxes and bags which are recyclable, the rest is liquid waste. Feels that large roll around garbage cans are sufficient and a fence enclosure surrounding the cans will be sufficient.

Michael Pullano questions if reservations are going to be taken since stating only 8 tasting at a time? Will people be turned away? The number of patrons will be determined by the Fire Marshall and permitted capacity.

There will be approximately 1-2 trucks per week during hours of operation. There is 1 loading space shared between both buildings.

Odors – the 1st ½ fermentation/boiling then yeast to convert to sugar – low intensity CO₂ – never smell outside of building will have ventilation.

2nd – collect ethanol – proposing electrical heated equipment; therefore, there will be no open flame.

Thomas Healy questions what type of distillery? Mr. Sexsmith indicates it will be Whisky and Rum and they are not permitted to sell food – may offer peanuts/pretzels to public.

The owner of the property

Alison Coffin indicates she would like to testify lastly.

Board requests a revised plan showing a parking lot with 9 x 18 spaces with calculations of required/proposed number of spaces and the provision of a handicap space.

****AT THIS TIME IT IS AGREED TO BY THE BOARD AND THE APPLICANT TO CARRY THIS MATTER TO THE NOVEMBER 7, 2018 MEETING WITH NO FURTHER NOTICE BEING REQUIRED IN ORDER TO BE ABLE TO PROVIDE ADDITIONAL INFORMATION****

ADJOURNMENT:

A motion was made by James Gilligan and seconded by Michael Pullano to adjourn the meeting at 9:19 PM. All in favor. The next meeting of the Zoning Board of Adjustment will a Special Meeting on Wednesday, October 17, 2018 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2nd Floor.

Minutes submitted by Kristie Armour, Administrative Officer to the Board of Adjustment.