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April 3, 2020

Paul Dunlap, Chairman
Neptune Township Zoning Board of Adjustment
Municipal Complex, 2nd Floor
25 Neptune Blvd
Neptune, NJ 07753

**Re: Application ZBA #20/03 – Susan Washuta
127 Whitefield Avenue
Block 260, Lot 13
Our File No. NEPTUNEHPC-108E**

Dear Chairman Dunlap:

Our firm represents the Neptune Township Historic Preservation Commission and we write pertaining to the above application filed before the Neptune Township Zoning Board of Adjustment (hereinafter referred to as the “Board”) by Susan Washuta (hereinafter referred to as the “Applicant”). It appears that the Applicant has submitted an application seeking the issuance of certain relief but has not yet sought a Certificate of Appropriateness from the HPC.

As the Board is well familiar, N.J.S.A. 40:55D-110 provides: “The planning board or zoning board of adjustment shall refer to the Historic Preservation Commission (“HPC”) every application for development submitted to either board for development in historic zoning districts or on historic sites designated on the zoning or official maps or identified in any component element of the master plan...” While the HPC recognizes that it may not have jurisdiction over the issuance of the relief which the applicant may be requesting; however, the HPC does have jurisdiction to decide, pursuant to N.J.S.A. 40:55D-110, whether the proposed work is historically appropriate as further set forth in the HPC’s guidelines after the Board renders its decision. Please note further that regardless of approval from the Board, a Certificate of Appropriateness must be obtained from the HPC prior to the procurement of a construction permit and/or commencement of any “work” whether it requires a construction permit or not. Included in the term “work” is all painting, signage, repair, restoration, alteration, addition, or new construction where siding, windows, doors, trim, decorative ornament, porches, balconies, railings, shutters, awnings, fences, exterior lighting or roofs, or any change to any other exterior elements impacted by a proposed change or improvement.

In the review and consideration of this application, the Commission is obliged to apply the Ocean Grove Commercial and/or Residential Design Guidelines (hereinafter the “Guidelines” or “Design Guidelines”) and the applicable Ordinances of the Township of Neptune. The Ocean Grove Historic District Design Guidelines for Residential Structures specifically states, “All exterior work performed on or around any existing or proposed single family... structure within the Ocean Grove Historic District is subject to and must comply with the standards and intent of Ocean Grove Historic District Design Guidelines for Residential Structures, hereinafter referred to as the Design Guidelines”

The sole basis from any determination or recommendation by this Commission is based upon the application of the Guidelines and Township Ordinances. The Commission applies the Guidelines in the consideration of all applications within the historic district. Several sections of the Design Guidelines require the HPC to determine whether the proposal is consistent with the historic district and should be referred to the Commission after any and all decisions of the Board.

The Commission would like to have the opportunity to more fully understand the applicant's plans as there may be violations of the Guidelines and ordinances which the Commission is not aware of as the application has not been heard by the Commission at this time and the Commission has not had the opportunity to question the applicant and/or his witnesses, experts or plans. In evaluating the within zoning application, the Commission is obligated to urge the Board to adhere to the Design Guidelines in the review and consideration of this application. The Commission finds no reason to justify a departure from the Guidelines and justify the issuance of any relief without thereafter referring the application to the Commission. The Commission asks the Board to carefully consider the purpose and intent of the Design Guidelines when considering the relief sought.

For these reasons, the applicant must submit an application with the HPC seeking a Certificate of Appropriateness. The HPC further reserves its right to designate the Commission Chair or Co-Chair and Commission Attorney to appear before the Board to present the position of the Commission as to this application and to answer such additional inquiries presented by the Commission related to the application, however in the event the HPC does not send a representative to the Board, the HPC relies on this Resolution and the Applicant still must appear before the HPC for approval to proceed.

We appreciate the Board's courtesies.

Very truly yours,

WEINER LAW GROUP LLP

By: /s/STEVEN R. TOMBALAKIAN
Steven R. Tombalakian
A Member of the Firm

SRT:hs

cc: Susan Washuta, 127 Whitefield Avenue, Ocean Grove, NJ 07756
Deborah Osepchuk, Chairwoman, HPC
Dawn Crozier, HPC Administrative Officer
Kristie Dickert, HPC Secretary