

ANSELL GRIMM & AARON PC

COUNSELORS AT LAW

1500 LAWRENCE AVENUE CN7807 OCEAN, NEW JERSEY 07712 732-922-1000 732-922-6161 (FAX)

365 RIFLE CAMP ROAD WOODLAND PARK, NEW JERSEY 07424 973-247-9000 973-247-9199 (FAX) 214 CARNEGIE CENTER SUITE 112 PRINCETON, NEW JERSEY 08540 609-751-5551 140 GRAND STREET SUITE 705 WHITE PLAINS, NEW YORK 10601

800-569-3886 41 UNIVERSITY DRIVE SUITE 400 NEWTOWN, PENNSYLVANIA 18940 267-757-8792

www.ansellgrimm.com

JAMES G. AARON ALLISON ANSELL ♦ † BRIAN E, ANSELL # MITCHELL J_ANSELL RICHARD B. ANSELL ‡ JOSHUA S. BAUCHNER . MICHAEL V. BENEDETTO RICK BRODSKY ♦ DAVID J. BYRNE D PETER S. FALVO, JR. PETER B. GRIMM ROBERT A, HONECKER, JR. 0 \$ PRISCILLA SAINT-LAURENT JASON S, KLEIN ♦ JENNIFER S. KRIMKO LAWRENCE H. SHAPIRO ♦ □

DAVID B. ZOLOTOROFE

EDWARD J. AHEARN ELYSA D. BERGENFELD KRISTINE M. BERGMAN □ BARRY M. CAPP ♦ △ ALFRED M. CASO KEVIN M. CLARK
ANTHONY J. D'ARTIGLIO +
DOUGLAS A. DAVIE +
COURTNEY E. DUNN + CRAIG D. GOTTILLA * :: NICOLE D. MILLER D.
RAHOOL PATEL &
FREDERICK C. RAFFETTO ~
SETH M. ROSENSTEIN & MELANIE J. SCROBLE TARA K. WALSH → ANDREA B. WHITE → • ASHLEY V. WHITNEY → ZACHARY L. WINDHAM ~^ = * +
JESSICA T. ZOLOTOROFE

HON ANTHONY J. MELLACI, JR., J.S.C. (RET) STACEY R. PATTERSON ♦
JAMES A. SYLVESTER
ROY W. HIBBERD △ ▽ HON, RAYMOND A. HAYSER, J.T.C. (RET) GEORGE A. MCGOWAN III NICHOLAS J. FALCONE + RETIRED

ROBERT LANSELL

IN MEMORIAM LEON ANSCHELEWITZ (1929-1986)

MAX M. BARR (1929-1993)

MILTON M. ABRAMOFF (1935-2004) DAVID K. ANSELL† (1962-2019)

LICENSED ALSO IN:

∆ D.C. ♦ MASS. ♦ N.Y. * WASH.

□ PENN, FLA. ▼CALIF. ■ CO OR

† FELLOW, AMERICAN ACADEMY OF MATRIMONIAL

‡ CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A CIVIL TRIAL ATTORNEY

§ CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A CRIMINAL TRIAL ATTORNEY

 CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A MATRIMONIAL LAW ATTORNEY

Email: jsk@ansellgrimm.com Direct Dial: 732-643-5284

February 23, 2022

Via Federal Express & Email kdickert@neptunetownship.org

Township of Neptune Zoning Board of Adjustment Attn: Kristie Dickert, Board Secretary 2201 Heck Avenue Neptune, New Jersey 07753

RE: Lipschitz/Use Variance Application

3525 Highway 33 PQ:

Block 3101, Lot 3

Our File No. 91831-0

Dear Ms. Dickert:

With regard to the above-referenced matter and in anticipation of the hearing on March 2, 2022, enclosed herein please find the following:

- Copy of the Notice of Hearing;
- 2. Affidavit of Publication;
- 3. Copy of the Certified List of Property Owners;
- 4. Affidavit of Mailing; and
- 5. Certified Mail Slips.

My best.

A commitment to excellence. A commitment to people. Since 1929.

Very truly yours.

JENNIFER S. KRIMKO Member of the Firm

JSK/lm Enclosure

c.c. Jacob Lipschitz (w/enc.) Via Email jlequities@gmail.com
Jason Fichter, PE, PP (w/enc.) Via Email jason@insiteeng.net
Stephen Musto, PE (w/enc.) Via Email stephen.musto@insiteeng.net
Scott Kennel, Traffic Engineer (w/enc.) Via Email skennel@mratraffic.com
John Rea, Traffic Engineer (w/enc.) Via Email jrea@mratraffic.com
Anthony Vandermark, Jr., AIA (w/enc.) Via Email anthonyvandermark@mvmkarchitecture.com
Monica Kowalski, Esq., Board Attorney (w/enc.) Via Email mckowalskiesq@gmail.com



ANSELL GRIMM & AARON PC

COUNSELORS AT LAW

1500 LAWRENCE AVENUE CN7807 OCEAN, NEW JERSEY 07712 732-922-1000 732-922-6161 (FAX)

365 RIFLE CAMP ROAD WOODLAND PARK, NEW JERSEY 07424 973-247-9000 973-247-9199 (FAX)

214 CARNEGIE CENTER SUITE 112 PRINCETON, NEW JERSEY 08540 609-751-5551

140 GRAND STREET
SUITE 705
WHITE PLAINS, NEW YORK 10601
800-569-3886
41 UNIVERSITY DRIVE

SUITE 400 NEWTOWN, PENNSYLVANIA 18940 267-757-8792

www.ansellgrimm.com

JAMES G.AARON
ALLISON ANSELL ♦ ↑
BRIAN E. ANSELL ‡
MITCHELL J. ANSEL
RICHARD B. ANSELL
JOSHUAS. BAUCHNER +
MICHAEL V. BENEDETTO
RICK BRODSKY +
DAVID J. BYRNE □
PETER S. FALVO, JR.
PETER B. GRIMM
ROBERT A. HONECKER, JR. □ §
JASON S. KLEIN +
JENNIFER S. KRIMKO
DONNAL. MAUL. •
LAWRENCE H. SHAPIRO + □
DAVID B. ZOLOTOROFE

EDWARD J. AHEARN
ELYSA D. BERGENFELD
KRISTINE M. BERGMAN D
BARRY M. CAPP + ∆
ALFRED M. CASO
KEVIN M. CLARK
ANTHONY J. D'ARTIGLIO +
DOUGLAS A. DAVIE +
COURTINEY E. DUNN +
CRAIG D. GOTTILLA + □
NICOLE D. MILLER □
RAHOOL PATEL +
FREDERICK C. RAFFETTO ~
SETH M. ROSENSTEIN +
PRISCILLA SAINT-LAURENT
MELANIE J. SCROBLE
TARAK WALSH +
ANDREAB, WHITE + ◆
ASHLEY V. WHITNEY +
JESSICA T. ZOLOTOROFE

COUNSEL HON. ANTHONY J. MELLACI, JR., J.S.C. (RET) STACEY R. PATTERSON + JAMES A. SYLVESTER ROY W. HIBBERD Δ ∇ HON. RAYMOND A. HAYSER, J.T.C. (RET) GEORGEA. MCGOWAN III NICHOLAS J. FALCONE +

RETIRED.
ROBERT I. ANSELL
LISA GOLDWASSER +

IN MEMORIAM LEON ANSCHELEWITZ (1929-1986) MAX M. BARR (1929-1993) MILTON M. ABRAMOFF (1935-2004) DAVID K. ANSELL† (1962-2019) LICENSED ALSO IN:

A D.C. + MASS. + N.Y. * WASH.

† FELLOW, AMERICAN ACADEMY OF MATRIMONIAL LAWYERS

CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A CIVIL TRIAL ATTORNEY

§ CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A CRIMINAL TRIAL ATTORNEY

 CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A MATRIMONIAL LAW ATTORNEY

Email: jsk@ansellgrimm.com Telephone No. 732-922-1000

TOWNSHIP OF NEPTUNE

IN THE MATTER OF THE APPLICATION OF JACOB AND MIRIAM LIPSCHITZ FOR PREMISES KNOWN AS LOT 3 IN BLOCK 3101 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NEPTUNE

NOTICE OF HEARING
Pursuant to N.J.S.A. 40:55D-12

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Township of Neptune ("Board") will hold a public hearing on Wednesday, March 2, 2022 at 7:30 p.m. at the Neptune Township Municipal Complex, Committee Meeting Room, Second Floor, 25 Neptune Boulevard, Neptune, New Jersey, to consider the application of Jacob and Miriam Lipschitz for property known as Lot 3 in Block 3101 as shown on the Official Tax Map of the Township of Neptune and located 3525 Highway 33, Neptune, New Jersey (the "Property").

The Property, which is currently vacant and wooded, consists of approximately 4.54 acres and is located in the Township's C-5 Route 33W Commercial Zone District ("C-5 Zone") and the Hospital Support Overlay Zone District ("Hospital Support Zone"). Through a bifurcated application pursuant to NJSA 40:55F-76.b, Applicants are seeking use variance relief pursuant to NJSA 40:55D-70.d.1 to permit a flex warehouse and office building/use on the Property where warehouses are not a permitted use in the C-5 Zone or the Hospital Support Zone. Additionally, Applicants are seeking use variance relief for height pursuant to NJSA 40:55D-70.d.6 to permit a height of 35.25 feet, whereas a maximum of 30 feet is permitted.

The proposed office portion of the building is 2 stories, containing approximately 15,009 square feet of office space and the proposed warehouse portion of the building is one story containing approximately 27,411 square feet. In the event the Board grants the use variance relief, the approval would be conditioned on the Applicant returning to the Board with fully engineered plans to obtain preliminary and final site plan approval and related bulk variance and design waiver relief.

A commitment to excellence. A commitment to people. Since 1929.

As currently presented, the proposed development would require bulk variance relief pursuant to NJSA 40:55D-70.c. as follows:

- Retaining wall height of 14 feet, whereas a maximum of 8 feet is permitted.
- Retaining wall and safety fence combined height of 18 feet, whereas a maximum of 12 feet is permitted.
- Retaining walls of 13 feet in height located 6 feet from the eastern property line and 7 feet in height located 6.5 feet from the western property line, whereas retaining walls are not permitted to be closer to property lines than the height of the wall.
- Loading space dimensions of 15 feet wide by 40 feet long with a height clearance of 16 feet, whereas a minimum of 15 feet wide by 60 feet long with a height clearance of 20 feet is required.
- No landscaping proposed for the existing freestanding sign, whereas a freestanding sign is required to be liberally landscaped with a combination of shrubs, ground cover, flowers or other plant materials.
- Construction and disturbance on steep slopes and critical slope areas.

Additionally, the submitted plans would require design waiver relief pursuant to NJSA 40: 55D-51.b as follows:

- No sidewalk proposed along Route 33, whereas sidewalks are required.
- No screening around the dumpster enclosure proposed, whereas all non-residential refuse and recyclable collection areas shall be suitably buffered and screened.
- Trash enclosure located in a principal building side yard setback area, whereas refuse and recycling areas are not permitted within a required principal building setback area.
- Minimum drive aisle of 25 feet and maximum drive aisle of 31.30 feet, whereas a two-way traffic aisle must be a minimum 26 feet and a maximum of 30 feet.

Applicants also expressly make application for any additional exceptions, waivers, variances, interpretations and other approvals as reflected on the filed plans (as same may be further amended from time to time without further notice) and as may be determined to be necessary by the Board during the review and processing of the application.

PLEASE TAKE FURTHER NOTICE that you are privileged to be present at said public hearing to present any and all comments you may have to the granting of said approvals. The hearing may be continued without further notice on such additional or other dates as the Board may determine. The application and supporting documents are on file with the Zoning Board of Adjustment, 25 Neptune Boulevard, Neptune, New Jersey and are available for inspection during the Township's normal business hours. In order to review these materials please contact the Board Secretary at (732) 897-4162 ext. 204.

ANSELL GRIMM & AARON, P.C.

Attorneys for

JENNIFER S. KRIMKO, ESO.

February 17, 2022



AFFIDAVIT OF PUBLICATION

Publisher's Fee \$100.32 Affidavit \$35.00

STATE OF WISCONSIN

Brown County

Personally appeared

at County of Brown, State of Wisconsin.

Of the Asbury Park Press, newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue dated as follows:

02/19/2022

My commission expires

VICKY FELTY Notary Public

State of Wisconsin

TOWNSHIP OF NEPTUNE

IN THE MATTER OF THE APPLICATION OF JACOB AND MIRIAM LIPSCHITZ FOR PREMISES KNOWN AS LOT 3 IN BLOCK 3101 ON THE OFFICIAL TAX MAP OF TH TOWNSHIP OF NEPTUNE

NOTICE OF HEARING Pursuant to N.J.S.A. 40:55D-12

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Township of Neptune ("Board") will hold a public hearing on Wednesday, March 2, 2022 at 7:30 p.m. at the Neptune Township Municipal Complex, Committee Meeting Room, Second Floor, 25 Neptune Boulevard, Neptune, New Jersey, to consider the application of Jacob and Miriam Lipschitz for property known as Lot 3 in Block 3101 as shown on the Official Tax Map of the Township of Neptune and located 3525 Highway 33, Neptune, New Jersey (the "Property").

The Property, which is currently vacant and wooded, consists of approximately 4.54 acres and is located in the Township's C-5 Route 33W Commercial Zone District ("C-5 Zone") and the Hospital Support Overlay Zone District ("Hospital Support Zone"). Through a bifurcated application pursuant to NJSA 40:559-70.4, Applicants are seeking use variance relief pursuant to NJSA 40:55D-70.4, to permit a flex warehouse and office building/use on the Property where warehouses are not a permitted use in the C-5 Zone or the Hospital Support Zone. Additionally, Applicants are seeking use variance relief for height pursuant to NJSA 40:55D-70.d.6 to permit a height of 35.25 feet, whereas a maximum of 30 feet is permitted.

The proposed office portion of the building is 2 stories, containing approximately 15,009 square feet of office space and the proposed warehouse portion of the building is one story containing approximately 27,411 square feet. In the event the Board grants the use variance relief, the approval would be conditioned on the Applicant returning to the Board with fully engineered plans to obtain preliminary and final site plan approval and related bulk variance and design waiver relief.

As currently presented, the proposed development would require bulk variance relief pursuant to NJSA 40:55D-70.c. as follows:

Retaining wall height of 14 feet, whereas a maximum of 8 feet is permitted.

Retaining wall and safety fence combined height of 18 feet, whereas a maximum of 12 feet is permitted.

Retaining walls of 13 feet in height located 6 feet from the eastern proporty line and 7 feet in height

ermitted.

Retaining walls of 13 feet in height located 6 feet from the eastern property line and 7 feet in height located 6.5 feet from the western property line, whereas retaining walls are not permitted to be closer a property lines than the height of the wall.

Loading space dimensions of 15 feet wide by 40 feet long with a height clearance of 16 feet, whereas minimum of 15 feet wide by 60 feet long with a height clearance of 20 feet is required.

No landscaping proposed for the existing freestanding sign, whereas a freestanding sign is required to be liberally landscaped with a combination of shrubs, ground cover, flowers or other plant laterials.

Construction and disturbance on deep elegance of the construction and disturbance on deep elegance.

ials. struction and disturbance on steep slopes and critical slope areas.

Additionally, the submitted plans would require design waiver relief pursuant to NJSA 40: 55D-51.b as follows:

follows:

No sidewalk proposed along Route 33, whereas sidewalks are required.

No screening around the dumpster enclosure proposed, whereas all non-residential refuse and recyclable collection areas shall be suitably buffered and screened.

Trash enclosure located in a principal building side yard setback area, whereas refuse and recycling areas are not permitted within a required principal building setback area.

Minimum drive aisle of 25 feet and maximum drive aisle of 31.30 feet, whereas a two-way traffic aisle must be a minimum 26 feet and a maximum of 30 feet.

Applicants also expressly make application for any additional exceptions, waivers, variances, interpretations and other approvals as reflected on the filed plans (as same may be further amended from time to time without further notice) and as may be determined to be necessary by the Board during the review and processing of the application.

PLEASE TAKE FURTHER NOTICE that you are privileged to be present at said public hearing to present any and all comments you may have to the granting of said approvals. The hearing may be continued without further notice on such additional or other dates as the Board may determine. The application and supporting documents are on file with the Zoning Board of Adjustment, 25 Neptune Boulevard, Neptune, New Jersey and are available for inspection during the Township's normal business hours. In order to review these materials please contact the Board Secretary at (732) 897-4162 ext. 204.

ANSELL GRIMM & AARON, P.C. Attorneys for Applicants

JENNIFER S. KRIMKO, ESO.

February 17, 2022 (\$100.32)

0005139674-01

Dr. Michael Brantley, Mayor Nicholas Williams, Deputy Mayor Kelth Cafferty Robert Lane Jr. Tassie D. York



Vito D. Gadaleta. R.M.C., Q.P.A. Business Administrator Richard J. Cuttrell, R.M.C. Township Clerk Michael J. Bascom, C.M.F.O., C.T.C. Chief Financial Officer

I, Bernard C. Haney, CTA, Assessor of the Township of Neptune, do hereby certify that this list represents all of the interested parties to be notified of the proposed development of the property known as **Block: 3101 Lot: 3**; in accordance with the requirements of R.S. 40:55D-12.

Bernard C. Haney CTA

Assessor

Date: October 14, 2021



NEPTUNE TOWNSHIP Office of the Assessor 25 Neptune Blvd PO Box 1125 Neptune, NJ 07754-1125 732.988.5200

Highlighted feature(s)

Subject Property (1)

Block Lot Qualifier	Location	Owner	Owner Street	Owner City\State\Zip	Additional Lots
3101 3	CONTRACTOR OF THE PARTY OF THE	LIPSCHITZ, JACOB & MIRIAM D	188 HADASSAH LANE	LAKEWOOD, NJ 08701	

List of adjoining feature(s) that intersect 200 foot buffer from Subject Property.

Adi	oini	ng P	one	rties	(101)
au	uma		OPC	T PYPO	1401

djoin	ing P	roperties (10)			Owner	Additiona
Block	Lot	Qualifier	Location	Owner	Owner Street	City\State\Zip	Lats
3101	1		JUMPING BROOK RD	DIOCESE OF TRENTON	701 LAWRENCEVILLE ROAD	TRENTON, NJ 08638	
3101	2	ing sing a supplied of	3455 W BANGS AVE	HOLY INNOCENTS CHURCH	3455 W BANGS AVE	NEPTUNE, NJ 07753	
3101	3		3525 HIGHWAY 33	LIPSCHITZ, JACOB & MIRIAM D	188 HADASSAH LANE	LAKEWOOD, NJ 08701	
3101	4	\$45211.016.11.11.11.11.11.11.11.11.11.11.11.11.1	3531 HIGHWAY 33	REDEEMER LUTHERAN CHURCH	3531 HIGHWAY 33	NEPTUNE, NJ 07753	(m. 1147772
3102	1		3530 HIGHWAY 33	3530 HIGHWAY 33, LLC	79 ROUTE 520	ENGLISHTOWN, NJ 07726	
3102	2		3526 HIGHWAY 33	1019 OLD CORLIES AVENUE, L.L.C.	79 ROUTE 520 SUITE 200	ENGLISHTOWN, NJ 07726	in kodoziyaki
3102	3		3520 HIGHWAY 33	PAT MAGGIO PLAZA LLC	3520 HIGHWAY 33	NEPTUNE TWP, NJ 07753	
3102	4	in a surviving the	3514 HIGHWAY 33	HIGHWAY 33 COURT,LLC%THE ALPERT GRO	ONE PARKER PLAZA	FORT LEE, NJ 07024	13 PR. S. 14 J. 15 J. 17 J. 17
3102	5		3512 HIGHWAY 33	HIGHWAY 33 COURT,LLC%THE ALPERT GRO	ONE PARKER PLAZA	FORT LEE, NJ 07024	
3102	12	2014 A 2012 CANA	1017 OLD CORLIES AVE	PYLE, DONALD & JOYCE	1017 OLD CORLIES AVENUE	NEPTUNE, NJ 07753	

Please be advised that pursuant to Chapter 245, P.L. 1991, As of August 7th 1991, any Applicant seeking a Major Sub-division or Site Plan Approval, is required to provide a Notice of Public Hearing to all Public Utilities and CATV companies that own land or Possess any easement that is within two hundred feet (200') of the proposed development.

Below is the list of Public Utilities which provide this service to the Neptune area:

New Jersey- American Water Company, Inc. Attn: Donna Short GIS Supervisor 1025 Laurel Oak Road Voorhees, N.J. 08043

Verizon
Legal Department 17th Floor
C/o Land Use Matters
540 Broad Street
Newark, N.J. 07102

New Jersey Natural Gas Company Attn: Right of Way Department 1415 Wyckoff Road Wall Twp, N.J. 07719

Jersey Central Power & Light Company Attn: Land Use Matters 300 Madison Avenue Morristown, N.J. 07960

> Monmouth Cablevision Attn: Land Use Matters 1501 18th Avenue Wall Twp, N.J. 07719

In accordance with the Land Use Law N.J.S.A. 40:55d-12 [d-g], Notice of Property within two hundred feet [200'] of a County road or other County properties shall be given to:

Monmouth County Planning Board Hall of Records Annex P.O. Box 1255 Freehold, N.J. 07728-1125

In accordance with the same Land Use Law, Notice of property adjacent to a State Highway shall be given to:

Department of Transportation C/o Commissioner of Transportation P.O. Box 600 Trenton, N.J. 08625

Notice including maps or documents of an application which involves more than 150 acres Or 500 dwelling units shall be given to the State Planning Commission.

On all applications where property is located in Ocean Grove, notice must be sent to:

Ocean Grove Camp Meeting Association
Attn: Finance Department
54 Pitman Avenue
P.O. Box 248
Ocean Grove, N.J. 07756

IN THE MATTER OF THE APPLICATION OF JACOB AND MIRIAM LIPSCHITZ FOR PREMISES KNOWN AS LOT 3 IN BLOCK 3101 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NEPTUNE

AFFIDAVIT OF MAILING

STATE OF NEW JERSEY

: SS

COUNTY OF MONMOUTH:

LAURA MCCUE, being duly sworn according to law deposes and says:

1. A Notice of Hearing in regard to the above application was mailed by me, certified mail; return receipt requested, at the Ocean Township Post Office, Fairmont Avenue, Ocean Township, New Jersey to all property owners within 200 feet, in accordance with a certified list provided, together with all other parties in interest on February 17, 2022.

2. Copies of the Notice of Hearing, certified list of property owners, PS Forms 3800 and 3811 are attached hereto and made a part hereof.

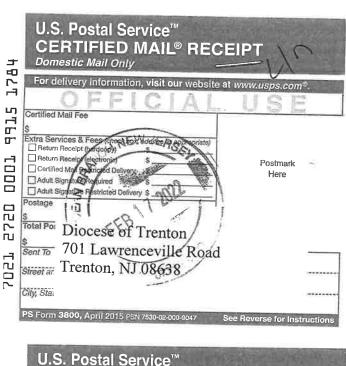
LAURA MCCUE

Sworn to and subscribed before me this 23rd day of February, 2022

Michele A. Macnostanano

Notary Public of New Jersey

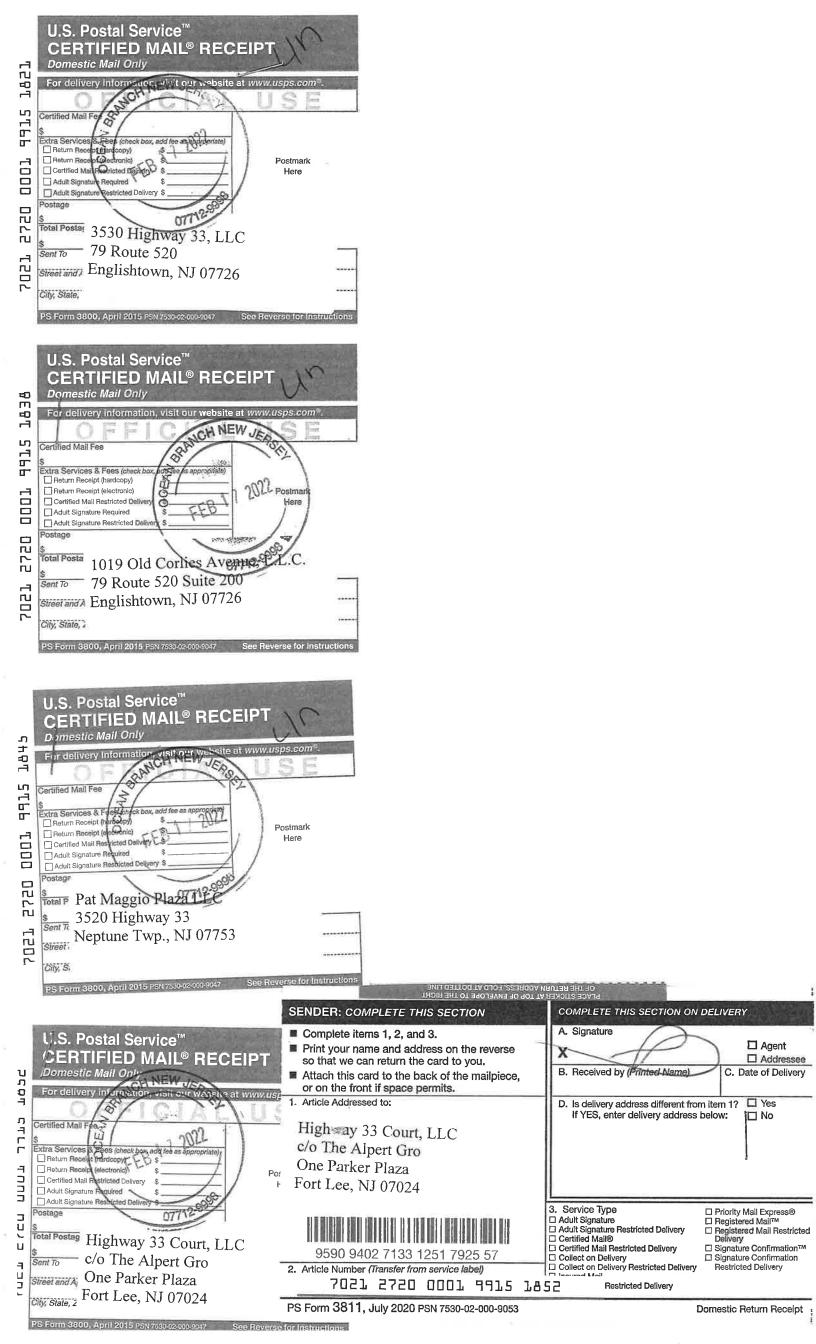
Michele L. Vlachostamatis A Notary Public of New Jersey My Commission Expires April 2, 2022

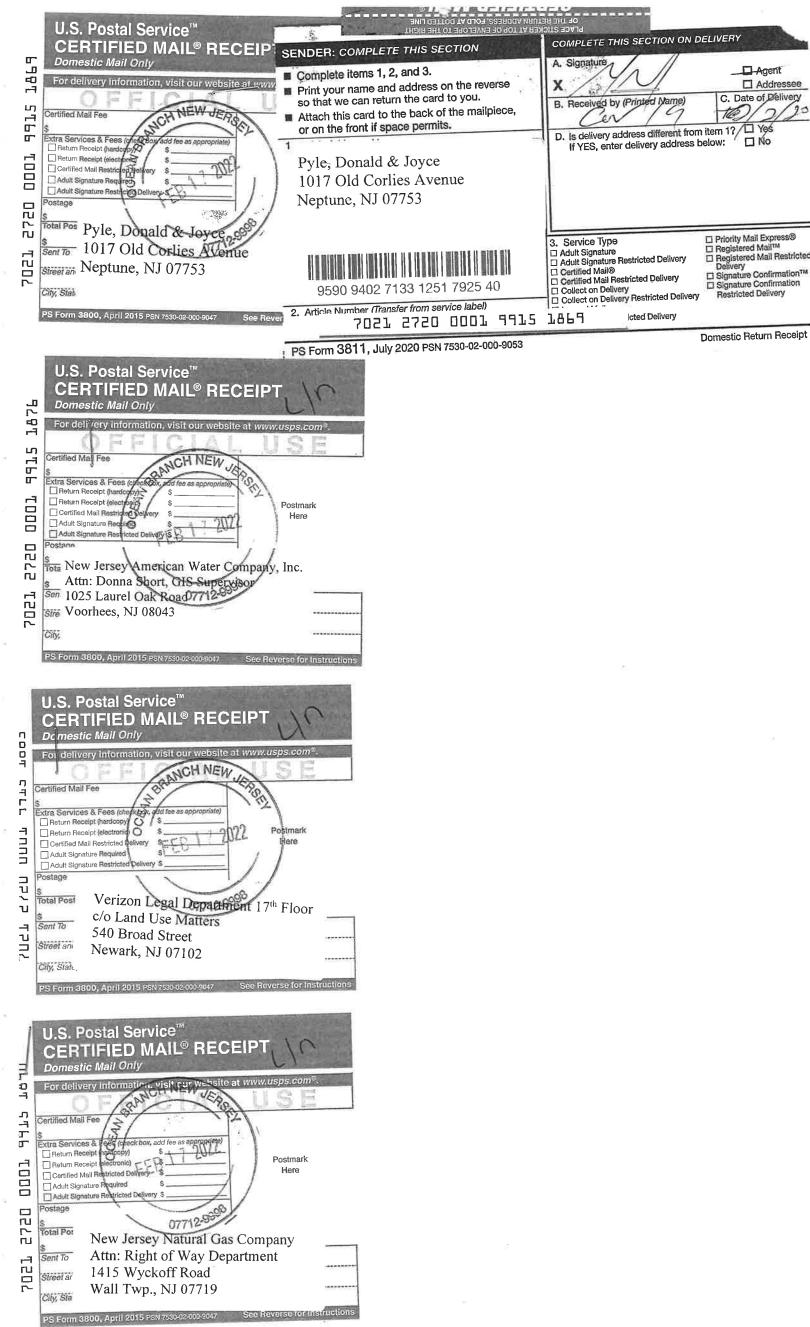












Domestic Mail Only	
Certified Mail Fee Extra Services & Fees/Icheck pox, add fee as appropriate) Return Receipt (hard copy) Return Receipt (olectron) Adult Signature Required Adult Signature Restricted Delivery \$ Costage Ocean Grove Camp Mee Attn: Finance Departmen Sent To 54 Pitman Avenue, PO B Street and Ocean Grove, NJ 07756	Postmark Here