

# COPY

Neptune, New Jersey  
April 8, 1964

The regular meeting of the Board of Adjustment was held on the above date with the following members present: Edwin J. Burke, Walter A. Ruby, Alvin E. Bills, Jr., James J. Allegro, and Harry G. Faby.

## HAYDU APPLICATIONS

The application of S. Haydu and Sons, Inc., for a variance to permit the erection of a 7 by 8 foot sign on the east roof of their building at 1200 Seventh Avenue, (Block 167, Lot 340), was again considered.

Edward Haydu gave the following information regarding the sign: They will take the sign off of the north side of the building and erect this large new sign on the roof. It is non-flashing, will not move, but is illuminated. It is 8 feet high and 7 feet wide and will be mounted on the corner of the roof. There is a 17 to 18 foot span between the gutter and the top of the roof. It couldn't be put on the building as the sign has two sides. There was a short discussion with Mr. Burke regarding the construction of the sign and Mr. Burke suggested that the steel structure supporting the sign be enclosed to enhance its appearance.

The Board also considered the application of S. Haydu and Sons, Inc., for a variance to permit the construction of a truck storage garage and internal loading platform on the west side of their present building at the southwest corner of Atkins and Seventh Avenues, Block 167, Lots 339 and 340. Proof of the notification of the property owners was on file.

Mr. Haydu stated that the new structure will be built out of block and finished with plaster. There are no footing courses in there yet for the addition. It will be a continuation of the present building with a flat roof and one opening on Seventh Avenue with an over-head door. There will be a sign on the addition similar to the present building. There is no other land available. They had complaints regarding the trucks blocking the County road and creating an obstruction to traffic. With the addition, all the trucks will be in the garage and the loading platform will be in the building.

In answer to an inquiry from Mrs. Tolmie, Mr. Haydu stated that the building will be 5 feet from the westerly property line.

After further discussion regarding the sign, Mr. Allegro offered the following resolution, moved and seconded by Mr. Ruby, that it be adopted:

WHEREAS, S. Haydu and Sons, Inc., has applied for a variance to permit the erection of a 7 by 8 foot sign on the east roof of the building on the property known as Block 167, Lot 340; and,  
WHEREAS, The Board, after carefully considering the evidence presented by the applicant has determined that the relief requested by the applicant can be granted without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Neptune;

THEREFORE, BE IT RESOLVED, That a variance be granted to permit the erection of a 7 by 8 foot sign on the east roof of the building on the property known as Block 167, Lot 340, providing the steel structure supporting the sign be enclosed to remove the billboard effect of the sign.

The resolution was adopted on the following vote: Burke, aye; Ruby, aye; Bills, aye; Allegro, aye; and Faby, aye.

After considering the traffic problem on Atkins Avenue in relation to the present Haydu operation, Mr. Ruby offered the following resolution, moved and seconded by Mr. Allegro, that it be adopted:

64/65

WHEREAS, S. Haydu and Sons, Inc., has applied for a variance to permit the construction of a truck storage garage and internal loading platform on the property known as Block 167, Lots 339 and 340; and,

WHEREAS, The Board, after carefully considering the evidence presented by the applicant has made the following factual findings:

1. There is no additional land available to increase the size of the property.
2. The addition will conform in appearance to the present building.
3. The internal loading platform will alleviate the obstruction to traffic on Atkins Avenue; and,

WHEREAS, The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Neptune;

THEREFORE, BE IT RESOLVED, That a variance be granted to permit the construction of a truck storage garage and internal loading platform on the property known as Block 167, Lots 339 and 340, with a 6 foot set-back on the west side of the property and a 15 foot set-back from the front property line with the following restrictions: 1. The proposed addition be used only for truck storage; 2. When the addition is completed, the loading of any trucks on the present Atkins Avenue loading platform as it exists today, be eliminated.

The resolution was adopted on the following vote: Burke, aye; Ruby, aye; Bills, aye; Allegro, aye; and Faby, aye.

PITTENGER APPLICATION:

64/26

The application of John D. Pittenger for a variance to permit the erection of a dwelling with a 6'6" set back on the north side of the property known as Block 405, Lots 47 and 48, was considered by the Board. Proof of notification of the property owners was on file.

Mr. Pittenger stated that he hasn't submitted building plans yet. He purchased the lots from Mrs. Trudel on February 15, 1960. The lots on both sides are improved.

Mrs. Schuck, 4 Hampton Court, inquired what the side set-backs were. After being informed that the side with the driveway had a set-back of 11' 6" and the set-back on the north side was 6'6", she stated that she had no opinion as the property is not located on her street.

In answer to a question from Miss Florence Cole, 535 S. Riverside Drive, Mr. Pittenger stated that the 6'6" set-back would be on the north by the corner house with the driveway on the other side. He further stated that the proposed house would be 25 by 32 feet. He has a plan 29 by 31 feet, but a house that is wider in front looks better.

Mr. Guy, the Building Inspector stated that the wider driveway helps to get cars off the streets in the winter time which is an aid to snow plowing.

Kenneth E. Traphagen, 44 Pinewood Drive, objected to the granting of the variance as there was no hardship involved.

David Thompson, owner of the property to the north of this lot, objected to the 6 foot set-back. He had offered to buy the lot as late as December. He can see no reason for the variance as there is no hardship. A 10 foot driveway is sufficient for any car to park and get in and out of. He can see no reason for the variance.

In view of the objections and to relieve the Board, Mr. Pittenger withdrew his application.

SCOTT APPLICATION 64/27

The application of Floyd R. Scott in connection with the property known as Block 246, Lot 11, was again considered.

Mr. Scott produced his deed for the property in question dated December 7, 1961, and recorded on December 8, 1961, which is prior to the adoption of the present Zoning Ordinance on September 18, 1962.

In answer to questions from the Board, Mr. Scott stated that the proposed house will be in line with the other house facing on Monroe Avenue. The existing house on the corner lot is on the rear of the lot at a set-back of 50 feet. There is no other ground available. He tried to buy the vacant land on the west but it is not for sale at all. It will be a one family split level house with a garage. There are sewers on the street and it is a gravel road.

There was no response to Mr. Faby's request for comments.

After a short discussion, Mr. Burke offered the following resolution, moved and seconded by Mr. Bills, that it be adopted:

WHEREAS, Floyd R. Scott has applied for a variance to permit the erection of a dwelling on the property known as Block 246, Lot 11, with 5 foot set-backs on the side lines; and,

WHEREAS, The Board, after carefully considering the evidence presented by the applicant, has made the following factual findings:

1. The property in question has a frontage of 50 feet.
2. The said property was purchased prior to the enactment of the present Zoning Ordinance which requires lots to have a frontage of 75 feet in the zone in which this lot is located.
3. The applicant has been unsuccessful in obtaining additional land to increase the size of his property.
4. No evidence has been presented to show a hardship sufficient to warrant a reduction of the side line set-back requirements; and,

WHEREAS, The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Neptune;

THEREFORE, BE IT RESOLVED, That a variance be granted to permit the erection of a dwelling on the property known as Block 246, Lot 11, with side-line set-backs of 10 feet on each side lot line.

The resolution was adopted on the following vote: Burke, aye; Ruby, aye; Bills, aye; Allegro, aye; and Faby, aye.

KAPLAN APPLICATION 64/28

The application of Henry A. Kaplan for a variance to permit the remodeling of the residence known as 118 Highway # 35 into professional offices and the erection of an extension on the front of the said dwelling 10 feet from the lot line was considered by the Board.

Mr. Kaplan stated that 3½ feet separates this building from the building on the north at the present time. There is a 25 foot set-back on the south side. The building is for his own use and he has no plans for the second floor. After Mr. Nitti questioned site-plan approval for this project by the Planning Board, Mr. Kaplan stated that he has a mortgage commitment which expires very shortly and he feels that under the ordinance as it now exists, the Board has full jurisdiction for a Section D variance.

There being no response to Mr. Faby's request for comments, he declared a short recess.

After re-convening, Mr. Burke offered the following resolution, moved and seconded by Mr. Ruby, that it be adopted:

WHEREAS, It is the opinion of the Board of Adjustment, on the advice of their Attorney, that the proper procedure is to seek the approval of the Planning Board, before appearing before the Board of Adjustment for a variance;

THEREFORE, BE IT RESOLVED, That the application of Henry A. Kaplan in connection with the property known as Block 218, Lots 715 and 716, be laid over until the next regular meeting to give the applicant time to secure site-plan approval from the Planning Board.

The resolution was adopted on the following vote: Burke, aye; Ruby, aye; Bills, aye; Allegro, aye; and Faby, aye.

#### D'ANTIGNAC APPLICATION

*6/4/29*  
The application of Earnest D'Antignac for a variance to permit the erection of an addition to the rear of the dwelling at 1618 Springwood Avenue, (Block 195, Lots 168 and 169), with a 3 foot set-back on the east side and a 21 foot rear yard, was considered by the Board. Proof of the notification of the property owners was on file.

Mr. D'Antignac stated that the extension will continue the existing line of the building. No plans have been drawn for the addition. It will be used for a family room, one level. On the front of the lot was a restaurant which was made into living quarters. He moved there in 1962.

There being no response to Mr. Faby's request for comments, Mr. Ruby offered the following resolution, moved and seconded by Mr. Burke, that it be adopted:

WHEREAS, Earnest D'Antignac has applied for a variance to permit the erection of an addition to the rear of the dwelling located on the property known as Block 195, Lots 168 and 169, with a 3 foot set-back on the east side and a 21 foot rear yard; and,

WHEREAS, The Board, after carefully considering the evidence presented by the applicant has determined that the proposed addition will continue the existing line of the building; and,

WHEREAS, The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Neptune;

THEREFORE, BE IT RESOLVED, That a variance be granted to permit the erection of an addition to the rear of the dwelling located on the property known as Block 195, Lots 168 and 169, with a 3 foot set-back on the east side and a 21 foot rear yard.

The resolution was adopted on the following vote: Burke, aye; Ruby, aye; Bills, aye; Allegro, aye; and Faby, aye.

There being no further business, on a motion the meeting adjourned.

*Steven L. Fegge*  
Secretary