

**COMPLETENESS CHECKLIST FOR USE AND/OR BULK VARIANCES (Revised 5/13/13)**

**Section §802B. Completeness Checklist for Use Variance and Bulk Variance Request.**

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

<u>C</u>	<u>N</u>	<u>N/A*</u>	<u>W*</u>	<b><u>ONLY FOLDED PLANS WILL BE ACCEPTED</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Twenty-five (25) copies of completed and signed application form which must include the following: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable).</li> <li><input checked="" type="checkbox"/> Property Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable).</li> <li><input checked="" type="checkbox"/> Applicant's interest in the property.</li> <li><input checked="" type="checkbox"/> Name, address, telephone number, facsimile number, and e-mail address (if applicable) of the Applicant's attorney (if represented) as well as any and all other professional representative(s).</li> <li><input checked="" type="checkbox"/> Street address of the property</li> <li><input checked="" type="checkbox"/> Tax lot and block numbers of the property</li> <li><input checked="" type="checkbox"/> Zoning District in which the property is located.</li> <li><input checked="" type="checkbox"/> Description of the property</li> <li><input checked="" type="checkbox"/> Description of the proposed development.</li> <li><input checked="" type="checkbox"/> Type of application</li> </ul>
			To be provided.	<input type="checkbox"/> Provide identification of subject property/properties' Special Flood Hazard Area Zone
				<input checked="" type="checkbox"/> Executed copy of "Authorization & Consent Form" Part "C"
		N/A		<input type="checkbox"/> Executed copy of "Certificate of Ownership" Part "D", if applicable
				<input checked="" type="checkbox"/> Executed copy of "Certificate of Corporation/Partnership", if applicable
			To be provided.	<input type="checkbox"/> Applicant/Owner to provide verification of taxes paid (this will be further verified by the Administrative Officer).
				<input checked="" type="checkbox"/> Executed copy of "Escrow Agreement" Part "E"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Twenty-five (25) copies of the property deed(s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Twenty-five (25) copies of the Zoning Permit Denial <b>[not required for subdivisions]</b>
				4. Required Plans folded, no larger than 30"x42":
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Five (5) copies with initial submission and each subsequent submission for completeness review.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Once the application is deemed complete, twenty (20) additional full-sized paper sets of the plans plus one (1) reduced-size paper set of the plans no larger than 11"x17", and one (1) CD containing the plans in .pdf format must be submitted to the Board Office for distribution.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Six (6) copies of Tree Removal Application package in accordance with Section §525 (if applicable).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Community Impact Statement (for Use Variance only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Application Fee \$ <u>750.00</u> Escrow Deposit \$ <u>1,000.00</u>

**In accordance with fee schedule.**

C = Complete      N = Incomplete      N/A = Not Applicable

\* Any request for a "WAIVER" must include a written explanation for the request.

**Application for Use and/or Bulk Variances**

**Type of Variance Requested:**

- Bulk Variance [front, side/rear setback, other] Specify N/A
- Bulk Variance [Lot Coverage] N/A
- Use Variance [proposal not permitted in zone] Existing gasoline fueling service station not permitted; seeking expansion
- Appeal/Interpretation of Decision to permit accessory automobile repair. See Rider.
- Other, Specify \_\_\_\_\_

1. Property Address: 1729 Asbury Avenue
2. Block 705 Lot 7
3. Property is located in C-4 Zoning District according to the Neptune Twp. Land Ordinance.
4. Name of applicant: Rishi Realty, LLC  
Mailing address: 10 Booth Court, Edison, NJ 08820  
Phone # [REDACTED] Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: [REDACTED]
5. Name of owner: Rishi Realty, LLC  
Mailing address: 10 Booth Court, Edison, NJ 08820  
Phone # [REDACTED] Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
[REDACTED]@yahoo.com
6. Name of contact person: Donna M. Jennings, Esq., Wilentz, Goldman & Spitzer, P.A.  
Mailing address: 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, NJ 07095  
Phone # 732-855-6039 Fax # 732-726-6560 Cell # \_\_\_\_\_  
E-mail address: djennings@wilentz.com
7. Interest of applicant, if other than owner: N/A- owner.

**Detailed Information:**

- Existing use of property: Gasoline fueling station and automobile repair
- Proposed use of property: Seeking use variance to permit accessory automobile repair use. See Rider.
- Special Flood Hazard Area: To be provided.

**Principal Use:** No change to existing structures proposed

	<b>Required and/or Permitted</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Size</b>			
<b>Lot Coverage</b>			
<b>Building Coverage</b>			
<b>Building Height</b>			
<b>Front Setback</b>			
<b>Rear Setback</b>			
<b>Side Setback</b>			
<b>Combined Side Setback</b>			

(If multiple lots and/or buildings, please attach additional detailed listing)

**Accessory: (If Applicable)** No change to existing structures proposed

	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Size</b>			
<b>Lot Coverage</b>			
<b>Building Coverage</b>			
<b>Building Height</b>			
<b>Front Setback</b>			
<b>Rear Setback</b>			
<b>Side Setback</b>			
<b>Combined Side Setback</b>			

(If multiple lots and/or buildings, please attach additional detailed listing)

8. Has there been any previous applications involving these premises Yes  No

If so when February 1973 and May 28, 2013.

Result of decision 1973 approval granted for open car lot. In 2013, application for use variance submitted but application never deemed complete.

9. Justification/Reason(s) for variance(s) requested [be as specific as possible attach additional sheets as necessary]  
See Rider.

10. If a Zoning denial has been received as part of this application, please attach.

Zoning violation attached.

The required submission for all applications to be complete is twenty-five (25) copies of completed application form inclusive of any supporting information; and twenty-five (25) copies and one (1) CD\* of survey and/or plan(s) with one (1) additional copy of survey and/or plan(s) on 11" x 17" sheet(s).

\* See Section 802B. Completeness Checklist for Use Variance and Bulk Variance Request for details on submission requirements.

**AFFIDAVIT OF APPLICATION**

State of New Jersey  
County of Monmouth

Wilentz, Goldman & Spitzer, P.A. on behalf of Applicant Rishi Realty, LLC being of full age, being duly sworn according to

**(Insert Applicant's Name)**

Law, on oath depose and says that all the above statements are true.

Wilentz, Goldman & Spitzer, P.A.  
on behalf of Applicant:

  
**(Original Signature of Applicant to be Notarized)**

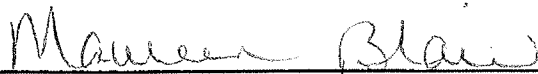
By: Donna M. Jennings, attorney for applicant

**(Print Name of Applicant)**

Sworn and subscribed before me this

19<sup>th</sup> day of March, 2020

[NOTARY SEAL]

  
**Signature of Notary Public**

**MAUREEN BLAIR**  
A Notary Public of New Jersey  
My Commission Expires August 5, 2020

**OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT**  
**STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER**

*[Original signatures only – copies will not be accepted]*

IN THE MATTER BEFORE THE N/A  
(Insert Planning Board or Zoning Board of Adjustment)

IN THE TOWNSHIP OF NEPTUNE, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, \_\_\_\_\_, WITH MAILING ADDRESS OF  
(Insert Property Owner's Name)

\_\_\_\_\_ OF FULL AGE BEING DULY  
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

“I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH  
THIS APPLICATION DESIGNATED AS BLOCK(S) \_\_\_\_\_ LOT(S) \_\_\_\_\_  
ALSO KNOWN AS \_\_\_\_\_  
(Insert physical address of the subject property)

I/WE AUTHORIZE \_\_\_\_\_  
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF NEPTUNE FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL SHALL BE BINDING UPON ME/US AS IF SAID APPEAL HAS BEEN BROUGHT AND PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S).

\_\_\_\_\_  
(Original Signature of Owner to be Notarized)

\_\_\_\_\_  
(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

[NOTARY SEAL]

\_\_\_\_\_  
Signature of Notary Public

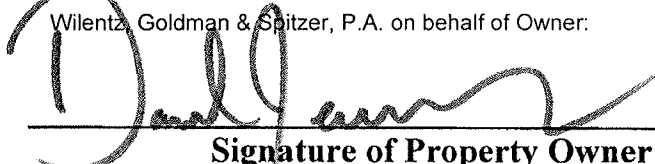
**SITE VISIT AUTHORIZATION OF PROPERTY OWNER**

I hereby authorize any member of the Township of Neptune Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Wilentz, Goldman & Spitzer, P.A. on behalf of Owner:

Date: \_\_\_\_\_

3/19/2010

  
\_\_\_\_\_  
**Signature of Property Owner**  
By: Donna M. Jennings, Esq.

**STATEMENT FROM TAX COLLECTOR**

Block \_\_\_\_\_ Lot \_\_\_\_\_

Property Location \_\_\_\_\_

Status of municipal taxes \_\_\_\_\_

Status of assessments for local improvements \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature of Tax Collector

# Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Land Use Board.

The amount of the Escrow Deposit will be determined by the Neptune Township Land Development Ordinance, section 1000 Application and Escrow Fee, Table 10.02 Escrow Fees.

It is the policy of Neptune Township that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion; applicant will be notified of any anticipated charges and the amount of the deposit required.

Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board of hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

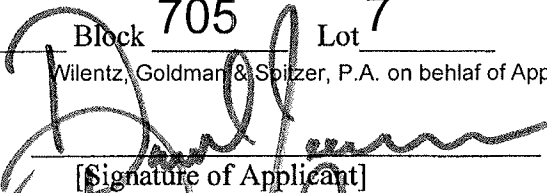
By signature below, I/we acknowledge receipt of Neptune Township's Section 1000, Application and Escrow Fees and agree to all conditions listed.

Name of Applicant: Rishi Realty, LLC  
[please print]

Property Address: 1729 Asbury Avenue Block 705 Lot 7

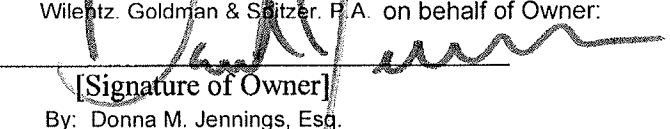
Wilentz, Goldman & Spitzer, P.A. on behalf of Applicant:

Applicant's Name: Rishi Realty, LLC  
[Print Name]

  
[Signature of Applicant]

By: Donna M. Jennings, Esq.  
Wilentz, Goldman & Spitzer, P.A. on behalf of Owner:

Owner's Name: Rishi Realty, LLC  
[Print Name]

  
[Signature of Owner]

By: Donna M. Jennings, Esq.

Date: 3/19/2020

**APPLICATION RIDER**  
**USE VARIANCE**  
***RISHI REALTY, LLC***

**A. Use Variance**

Applicant is seeking a use variance to permit the expansion of an existing, non-conforming gasoline fueling station to allow for an accessory automobile repair and service business on property located at 1729 Asbury Avenue, and also identified as Lot 7 in Block 705 (the “Property”). The Property is located in the C-4, Route 66 East Commercial District, wherein gasoline fueling stations and automobile repair uses are not permitted uses. However, the Property is currently operating with both uses and received a notice of violation with respect to the automobile repair on January 30, 2020. To remedy same and bring the Property into zoning compliance, Applicant is seeking a use variance pursuant to N.J.S.A. 40:55D-70d(1) of the Municipal Land Use Law (the “MLUL”) and §404.07(B) of the Neptune Ordinance to permit the existing automobile repair use at the Property.

**B. History of Property**

By way of background, the Property has operated as a gasoline fueling station since the 1950s or earlier. Transcripts from a planning board hearing on February 28, 1978, indicate same and also indicate that the Property at that time also engaged in automobile service and repair. The transcript is attached hereto as Exhibit A. The Property is developed with fueling dispensers with canopy and a 1-story, 1,290 square foot structure for the automobile service and repair; further evidencing that both uses were, at one point, active and permitted as-of-right. The gasoline service station use has continued at the Property and exists substantially the same as in 1973. With respect to automobile repair, in 1973 automobile service and repair operated accessory to the gasoline fueling station use as indicated in Exhibit A. However, in 2013, the



prior owner submitted an application to convert the 1-story automobile service and repair station into a convenience store. This application was deemed incomplete and never proceeded to a formal hearing before the Board. Since the applicant's predecessor-in-interest intended to use the existing structure as a convenience mart, the Zoning Officer concluded that the automobile repair use had been abandoned, thus necessitating a use variance to operate the automobile repair use out of that building.

### **C. Checklist Waivers**

Applicant is seeking two (2) checklist waivers from §802B, Completeness Checklist for Use Variance and Bulk Variance Request, as follows:

- Item #5 Tree Removal Application Package; and
- Item #6 Community Impact Statement

The instant application proposes no change to existing structures or site. In that regard, no increase in building square footage or impervious coverage is requested. As a result, no trees will be removed and, therefore, it is submitted that a Tree Removal Package is not necessary. With respect to the Community Impact Statement, as the proposed uses have, at some point, legally existed on the Property, it is submitted that a Community Impact Statement is also not necessary and does not justify the analysis of a full report.

**EXHIBIT A**

THE TOWNSHIP OF NEPTUNE BOARD OF ADJUSTMENT  
NEPTUNE, NEW JERSEY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

-----:  
IN THE MATTER OF : TRANSCRIPT OF  
THE APPLICATION OF : PROCEEDINGS  
DOUGLAS A. POLHEMUS :  
-----†

February 28, 1973.

B E F O R E :

THE MEMBERS OF THE BOARD

WALTER A. RUBY, Chairman  
ALVIN E. BILLS, JR., Member  
EDWIN J. BURKE, Member  
GERALD F. MC MASTER, Member  
CHARLES M. ROSE, Alternate Member

A P P E A R A N C E S :

PORTER, BENNETT & DANIEL, ESQS.,  
By: CORNELIUS W. DANIEL, III, ESQ.,  
Attorney for the Board.

MADNICK, MILSTEIN & MASON, ESQS.,  
By: RICHARD J. WEBER, ESQ.,  
Attorney for the Applicant.

John Kevin Stone  
Certified Shorthand Reporter



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I n d e x

Witness	Direct
Douglas A. Polhemus	
Mr. Weber	5



1 THE CHAIRMAN: Neptune Township  
2 Board of Adjustment meeting will please  
3 come to order. This being a Special Meeting  
4 on February 28th.

5 The first case on the agenda is the  
6 application of Douglas A. Polhemus, for a  
7 variance to permit the operation of an open  
8 lot for the sale of used automobiles on the  
9 property known as Block 187, Lot 5, commonly  
10 known as 1729 Asbury Avenue. This property  
11 is located in a CS District in which open car  
12 lots are not a permitted use.

13 MR. WEBER: Yes. I am here for  
14 Mr. Polhemus, Richard Weber.

15 THE CHAIRMAN: Richard who?

16 MR. WEBER: Weber.

17 When you said open car lots are not  
18 permitted, they're not a permitted use any  
19 place in the Township without a variance,  
20 correct? That's the way I read the ordinance.

21 THE CHAIRMAN: It might be so.

22 MR. WEBER: In other words, any time  
23 someone does want an open car lot they have to  
24 apply to the Board for permission.

25 MR. BURKE: Provided you comply with



1 the State.

2 MR. WEBER: Yes--yes, that's the reason  
3 we have to get our license.

4 THE CHAIRMAN: Okay. All set.  
5 Do you want to proceed?

6 MR. WEBER: Fine. Where would you  
7 like me to--

8 THE CHAIRMAN: Well, do you want me  
9 to--

10 MR. WEBER: Do you want me to sit  
11 here?

12 THE CHAIRMAN: Why don't you--are  
13 you going to have a witness?

14 MR. WEBER: Mr. Polhemus.

15 THE CHAIRMAN: Okay. He can sit  
16 here and you can sit on that seat next to  
17 him if you want to.

18 Fine. That's all right. If anyone  
19 can't hear, just let us know.

20 Would you give us your full name--

21 MR. POLHEMUS: Douglas Polhemus.

22 Business address or home?

23 THE CHAIRMAN: Home address.

24 MR. POLHEMUS: 402 Lincoln Drive,  
25 Ocean Township.



1 DOUGLAS A. POLHEMUS, called as a  
2 witness, being duly sworn according to law, testified  
3 as follows:

4  
5 DIRECT EXAMINATION BY MR. WEBER:

6 Q Mr. Polhemus, you have applied for an  
7 application for a variance for the sale of cars, correct?

8 A That's right.

9 Q And an open used car lot. What kind of  
10 structure are you presently occupying?

11 A Well, it's a concrete structure, two-bay service  
12 station.

13 Q Service station?

14 A Yes.

15 Q And what type of gasoline is sold there?

16 A Sunoco gas.

17 Q And do you own this property?

18 A No, I lease it.

19 Q And from whom do you lease it?

20 A I lease it from Sun Oil Company.

21 Q And at the present time are you actively engaged  
22 in the servicing of automobiles and in the selling of  
23 gasoline products?

24 A That's correct.

25 Q How many bays are there?



1 A Two bays.

2 Q Two bays. And roughly what are the  
3 dimensions of the lot?

4 A It's a triangular lot. I made a diagram.

5 THE CHAIRMAN: You want to use that?

6 THE WITNESS: I can't remember the  
7 specifications.

8 THE CHAIRMAN: Is that use--that  
9 to refresh your memory--all right.

10 THE WITNESS: The frontage is  
11 164 feet. That's an odd shape, it goes  
12 back approximately 80 feet with a--it's kind  
13 of cut up. But--

14  
15 BY MR. WEBER:

16 Q Would you characterize that--

17 A It's--but it's a normal size lot.

18 Q When you characterize it as a triangle--

19 A Roughly, more or less a triangle.

20 Q Which is the longest leg of the triangle?

21 A The part facing Asbury Avenue.

22 Q The frontage. All right. And what is on--as

23 you're facing this station, what would be on the left--

24 hand side next to your station, is it commercial or is it a

25 residence?





1 A Oh, on the left of the property there is residential.

2 Q And what is behind your property?

3 A Behind the property is--is Joe Stein's used car  
4 body and shop.

5 Q And--

6 A And on the left a little lake sort of.

7 Q... And for what distance on the back leg of that  
8 triangle does Joe Stein's property or his business and your  
9 business adjourn?

10 A Could you say that again?

11 Q Yes. On one of the legs of the triangle of  
12 your property right, what, of your property adjoins the  
13 business of Joe Stein, correct?

14 A Yes.

15 Q How long is that strip where you and he--

16 A Well, roughly like I say, it kind of curves around,  
17 must be--about 140 feet or more.

18 Q And what does he use his property for, that  
19 portion of it?

20 A Well, that part of it in back of my place is used as  
21 his yard for storage of cars which he has in his body shop  
22 and cars that are being repaired.

23 Q And how long have you been operating a gas  
24 station at this--

25 A Since the beginning of September, '72.



1 Q And you've been at this station practically  
2 every day?

3 A Yeah, you might say that.

4 Q And you constantly view Joe Stein's  
5 business adjacent to yours?

6 A That's right.

7 Q And on the average, how many cars would you  
8 say are out of doors that are on Stein's, on his  
9 property?

10 A Oh, well, 40 to 50.

11 Q And that's just behind or is that part  
12 of--

13 A Well, that's behind the building and the cars facing  
14 Asbury Avenue and so forth.

15 Q Does he operate a used car lot there also?

16 A Yes.

17 Q And whereabouts is his lot located on his  
18 property?

19 A His lot is right facing Asbury Avenue.

20 Q All right. So, his frontage and your frontage,  
21 he operates a used car on the lot on his frontage then towards  
22 the front of his property?

23 A Right.

24 Q Okay. And what is the maximum amount of used  
25 cars you estimate you would have on your lot, provided



1 his variance is granted, at any one time?

2 A At the moment I have three, I would say a maximum of  
3 six.

4 Q Maximum of six. And where on the premises  
5 would these cars be located?

6 A Well, the most logical place is along the back curb  
7 here where there's room for about ten cars, although I  
8 wouldn't have that many.

9 MR. WEBER: Oh. This perhaps maybe  
10 an aside, but I think it might be pertinent  
11 in your decision.

12

13 BY MR. WEBER:

14 Q Prior to your operating the Sunoco station,  
15 were you located elsewhere in the Township of Neptune?

16 A I was located at Corlies Avenue and Main Street in  
17 Neptune for 24 years.

18 Q And how long a period of time did you sell used  
19 cars there?

20 A Ten or eleven years.

21 Q Ten or eleven years. And why aren't you  
22 operating that business any more?

23 A I was forced to vacate because the property was sold to  
24 the Township of Neptune.

25 Q And during that period of time, period of



1 time in which you sold used cars there, do you recall any  
2 complaints or actions against you because of the sale of  
3 cars?

4 A Not that I can recall.

5 MR. WEBER: I believe that's all  
6 I have. If you think it necessary, I will  
7 say something--

8 MR. BILLS: Excuse me--

9 MR. WEBER: Yes.

10 MR. BILLS: Do you have the  
11 tax map block and the lot?

12 MR. WEBER: Yes. This is located  
13 187 Lot 5.

14 MR. BILLS: Gee, there's got to be  
15 something wrong then. Because 187 Lot 5 is a  
16 rectangular piece of land on the tax map, you  
17 know.

18 THE WITNESS: Well, let me clarify  
19 something here. Mr. Stein actually owns the  
20 station. He leases it to Sun Oil, I in turn  
21 lease it from them. Now, maybe it doesn't show  
22 the way it was cut to make the station.

23 MR. BILLS: I see.

24 MR. BURKE: That's it.

25 THE CHAIRMAN: Oh.



1 MR. BURKE: Joe Stein owns it  
2 all the way from here down to the lake.

3 MR. BILLS: In other words, Stein  
4 would be part of 5 and 6?

5 MR. WEBER: The way I look at it,  
6 he would bisect Lot 5 in half and make it  
7 two right triangles and the back half of that  
8 triangle, as well as the rest of also Lot 6  
9 would be Joe Stein's property.

10 THE CHAIRMAN: Counselor, is this  
11 all one parcel including Stein's automobile  
12 agency?

13 MR. WEBER: No. The--from what I  
14 see from the map, the basic part of his  
15 property is Lot 6.

16 THE CHAIRMAN: Is it divided off?

17 MR. WEBER: I don't understand.

18 THE CHAIRMAN: Is this property  
19 separated from the other by deed or something  
20 else?

21 MR. BILLS: By a fence probably.

22 MR. WEBER: I have no idea. This is a  
23 lease Mr. Polhemus has from Sun Oil Company,  
24 who in turn leases it from Joe Stein. I know  
25 nothing of the title.



1 THE CHAIRMAN: Yes, I understand.

2 But what I'd like to find out is if this  
3 portion of the property is on a separate  
4 deed from the property Mr. Stein has with his  
5 automobile agency on it.

6 MR. WEBER: I do not have the answer  
7 for that.

8 THE CHAIRMAN: Well, what does that  
9 show on Lot 5. Does that include the agency  
10 too, A1?

11 MR. BILLS: You can't tell from this,  
12 of course, but you can see Lot 5, it's got  
13 175 foot frontage, which this shows 164. So,  
14 it must have been cut about 10 feet from the  
15 easterly side, it looks like of Lot 5 and cut  
16 diagonally across Lot 5 as near as I can figure  
17 it out.

18 THE CHAIRMAN: Now, what's back there?  
19 Whether he's separated just by a fence--

20 THE WITNESS: Yes, there's a fence  
21 along the back.

22 MR. WEBER: There's a white wooden fence.

23 MR. BILLS: I see. I would rather  
24 doubt that he got a subdivision because they're  
25 pretty good on keeping the map up to date.



Polhemus-direct

1 I imagine he just put a fence across, see,  
2 diagonally across his property.

3 MR. WEBER: I don't know if it  
4 was a nonconforming use, he did it before  
5 that. I don't know the chain of title.  
6 In fact, when I first started this action I  
7 wrote to Sun Oil as the owner must approve it,  
8 if he is not the applicant, I wrote to Sun Oil  
9 asking if they would approve it and being they  
10 are the owner and they wrote back and saying  
11 that they were not the owner.

12 THE CHAIRMAN: Stein is the owner.  
13 Isn't Stein the owner?

14 But you don't know if it's part and  
15 parcel of this?

16 MR. MC MASTER: How many year lease  
17 can you get from--

18 THE WITNESS: The lease, it's  
19 year to year.

20 MR. MC MASTER: Yearly. Do you have  
21 any idea, counsel?

22 THE WITNESS: That's about the only  
23 kind of lease you can get.

24 MR. MC MASTER: Do you have any  
25 indication how many years Sun Oil has from



1 Stein?

2 MR. WEBER: I didn't ask that.

3 MR. MC MASTER: The lease Sun Oil  
4 leases it from Stein, how long do they lease  
5 it?

6 MR. WEBER: I have no idea.

7 MR. BURKE: Sun Oil has been there  
8 about 25 years.

9 MR. MC MASTER: Oh, forget it then.

10 MR. BURKE: He leased before it was  
11 built for the Sun Oil Company.

12 MR. MC MASTER: Well, with regards to  
13 the fact that this is the actual--

14 MR. BURKE: Yes, that's it.

15 THE CHAIRMAN: We'll clear up some  
16 of the other bits here before we get into  
17 something else. Does the Sun Oil Company  
18 object to or have they given you any indication  
19 whether they would object to having that in  
20 addition to their regular gas station, using  
21 it?

22 THE WITNESS: Before I signed a lease  
23 with Sun Oil I told them I sold used cars and  
24 I would be using the station for that  
25 purpose. They said they had no objection.





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE CHAIRMAN: They have no objection.

THE WITNESS: As long as the place is kept neat and not a bunch of junk and I got compliments from the neighbors, the place looks better than it ever has. So--

THE CHAIRMAN: Does anybody have-- oh, you mentioned before you have a maximum of six cars there, three there now?

THE WITNESS: Right.

THE CHAIRMAN: Are these three cars part of your normal requirements for a gas station, such as a towing truck or what have you or are these three cars now for sale?

THE WITNESS: No, when I say three--for sale, they're three for sale.

THE CHAIRMAN: Okay. All right. Anybody else have a question?

MR. BURKE: I notice that Joe Stein in front of his showroom parks cars between the sidewalk and the show window to display them. Would you continue to have cars between the pump island and the sidewalk?

THE WITNESS: I wouldn't have to, if it's objectionable. Of course, they display better, obviously.



1 MR. BURKE: Yes. Well, I see you have  
2 room for two or three.

3 THE WITNESS: There is quite a space  
4 between the sidewalk and the pump island  
5 putting a car at a slight angle, there's plenty  
6 of room. Naturally it can be seen best there.

7 THE CHAIRMAN: Do you have a question  
8 down there, Alvin?

9 MR. BILLS: No.

10 MR. BURKE: Any objectors?

11 I don't see any of the neighbors  
12 here.

13 THE CHAIRMAN: Is there anyone in the  
14 audience who would like to speak either for or  
15 against this application?

16 MR. BURKE: I would like to ask the  
17 attorney--

18 THE CHAIRMAN: Yes, go ahead.

19 MR. BURKE: If notice was served on  
20 the--

21 MR. WEBER: Yes. I filed this, I  
22 hand-delivered it to Mrs. Riggs on Friday.

23 I don't know if anyone has it in their  
24 file, if not I believe I have photocopies.

25 Do you have it?



1 MR. MC MASTER: What?

2 MR. WEBER: Here is the--the  
3 affidavit was filed, Mr. Polhemus' affidavit  
4 as to service. I also listed the names of  
5 all the property owners, the date they were  
6 served, the type of service was all by  
7 certified mail and I also put down the number  
8 of the certified letter. And also the service  
9 was not made upon two people between  
10 Schloshbecke and Becker, who are the owners  
11 of Lot 2A, Block 188, return receipt did not  
12 come back to our office nor has the letter  
13 nor have we had any word from the post  
14 office. I spoke with Mrs. Riggs and she said  
15 as long as you attempted service and you show  
16 that on your affidavit, then there's no  
17 problem involved.

18 MR. BURKE: Was the Schloshbecke  
19 property within the 200 feet radius?

20 MR. WEBER: Yes. I was forwarded a  
21 list of all property owners within 200 feet.  
22 It was a total, I think, of about 12. And  
23 service was made upon--

24 THE CHAIRMAN: Did you send it out?

25 MR. WEBER: Oh, yes, it was sent



1 out. There's a note, I believe the type of  
2 notice--

3 MR. BURKE: Let's see who they  
4 are.

5 MR. DANIEL: Do you know when they  
6 were sent out?

7 MR. WEBER: The notice?

8 MR. DANIEL: Right.

9 THE CHAIRMAN: It says February 14th.

10 MR. WEBER: That was the date of  
11 mailing.

12 MR. DANIEL: Okay.

13 MR. WEBER: And they were all served  
14 ten days before.

15 MR. DANIEL: All right. You may get  
16 them back, there could be a delay.

17 MR. WEBER: I have copies here of all  
18 of the returned receipts.

19 THE CHAIRMAN: I would think that the  
20 thing that the Board is concerned about now is  
21 the fact that we don't know whether this is a  
22 piece of property that has been subdivided or  
23 whether it's part and parcel of the property  
24 that is now part of Stein's automobile agency.

25 MR. WEBER: Well, I'm not even sure



1 if that would be an element to take into  
2 your decision. I heard when the gentleman  
3 said before the Sun Oil Company has been there  
4 for 20 some odd years. Now, if that's true,  
5 there's a good possibility of a nonconforming  
6 use. I don't know.

7 THE CHAIRMAN: Yes. This is all right.  
8 I'm not questioning the Sun Oil. It's  
9 a question of granting another used car lot  
10 on the same parcel of property or if it was  
11 coming up to something like this.

12 MR. BILLS: If--Walter, if I could  
13 interrupt, I think if it were part of Joe  
14 Stein's property he wouldn't need a variance.

15 THE CHAIRMAN: This might be so.

16 MR. BILLS: These open car lots are  
17 included as part of an auxiliary use.

18 THE CHAIRMAN: Well, this is what I  
19 would like to find out. If the attorney can  
20 get this information for us and let us know--

21 THE WITNESS: The thing is, sir, I'm  
22 in a bind for time as to my state license.

23 My state license expires March 31st and I've got  
24 to get this thing settled and get my application  
25 in or I'm going to be without my dealer's



1 license.

2 THE CHAIRMAN: Well, we have a  
3 meeting next week on Wednesday night. This  
4 should be ample time for you to find out whether  
5 this is part and parcel of the original  
6 property.

7 THE WITNESS: If it is and Stein is the  
8 owner, has no objection--

9 MR. BURKE: He hasn't objected to the  
10 notice of serving.

11 THE WITNESS: He has no objection, so  
12 what difference does it make?

13 MR. WEBER: To me it doesn't make a  
14 difference.

15 MR. MC MASTER: What do you care if  
16 Sun Oil has been there for 20 years?

17 THE CHAIRMAN: I'm not talking of the  
18 gas station.

19 MR. WEBER: The worse you can do is  
20 grant a useless--

21 THE CHAIRMAN: You're talking about a  
22 subleasing another piece of property for another  
23 used car lot on a lot that has a used car dealer  
24 on it. You're going to put the two car dealers  
25 on the one piece of property.



1 MR. BURKE: But the part occupied by  
2 Sun Oil is on a long-term lease to them.

3 THE CHAIRMAN: Yeah, that's okay.

4 MR. BURKE: In turn, Mr. Polhemus  
5 has subleased it from--

6 THE CHAIRMAN: I'm not questioning the  
7 gas station. I'm not questioning the gas  
8 station.

9 MR. WEBER: Assuming Mr. Polhemus  
10 would not even need a variance here, in fact,  
11 it is all part of Joe Stein, it is all  
12 intermingled, then the worse you could do was  
13 really make a decision that would have no  
14 meaning. So, you could make a decision or  
15 ruling based upon the fact, whether or not a  
16 variance is needed. Assuming variance is  
17 needed, to grant or deny it.

18 MR. BILLS: Yes, I kind of--the way I  
19 see it right now, myself, is that this fellow,  
20 Mr. Weber is it?

21 MR. WEBER: Yes.

22 MR. BILLS: Is right. In other  
23 words, if we did go ahead and grant it and  
24 it turned out that it was Mr. Stein's and he  
25 already had this right, the worse we could do



1 is be guilty of a useless action.

2 THE CHAIRMAN: Well--

3 MR. BILLS: We have done this  
4 before.

5 THE CHAIRMAN: Yes, you can do it  
6 that way or else if he could wait a week,  
7 if it wouldn't inconvenience him by waiting  
8 a date, we would know definitely--

9 THE WITNESS: It's past the point of  
10 convenience.

11 THE CHAIRMAN: It's March next week.

12 THE WITNESS: You don't understand.  
13 These applications for the State have to be  
14 in. Thirty days ahead of time.

15 MR. BILLS: What do you have to do to  
16 get a license of some sort?

17 THE WITNESS: Well, because of the  
18 move I had to reregister with the State,  
19 my car plates and everything. All right. So  
20 one of the questions to the application was  
21 that the Borough Clerk had to sign it. That's  
22 where the trouble all started. He wouldn't  
23 sign it. So it's still pending. Mr. Weber has  
24 held them off by sending them letters that I'm  
25 trying to get the variance and it's still





1 pending for me to get the form filled out and  
2 send it in so they can take action on that and  
3 renew my license. There's less than a month to  
4 do that.

5 THE CHAIRMAN: Well, have you--I  
6 didn't know you had 30 days. I had no idea of  
7 the time factor.

8 THE WITNESS: Well, it's like anything  
9 else--state or anybody else, it takes a lot  
10 of time.

11 THE CHAIRMAN: Well, you can--whatever  
12 your pleasure is--

13 MR. BILLS: Well, I don't--okay. I  
14 don't see any harm in the thing myself, I'm going  
15 to propose that the application of Douglas A.  
16 Polhemus for a variance to permit the operation  
17 of--of his station for the sale of used  
18 automobiles on the property known as Block 187  
19 part of Lot 5 be permitted. I guess this would  
20 be a recommendation that this be a permitted  
21 use, is that right, counselor? I think the  
22 committee has to--

23 MR. MC MASTER: I'll second it.

24 THE CHAIRMAN: Are you going to stick  
25 in there it's known as 1729 Asbury Avenue?



1 MR. BILLS: Okay.

2 THE CHAIRMAN: Do you want to say  
3 anything about any place where the cars should  
4 be parked or do you want to let him do this at  
5 his own discretion or whatever--

6 MR. BURKE: I think he used good  
7 discretion.

8 MR. BILLS: I'd like to mention that  
9 to it, seemed to me his previous operation  
10 was entirely satisfactory.

11 THE CHAIRMAN: All right.

12 MR. BILLS: And I think, just looking at  
13 Mr. Polhemus and from a personal standpoint,  
14 the way that he's conducted business in the past  
15 that that would be part of the reason that I  
16 would recommend this variance.

17 THE CHAIRMAN: Okay.

18 Motion has been made and seconded.  
19 Any other question on the motion?

20 Joan, would you like to call the Board,  
21 please.

22 (At which time the secretary called  
23 the roll and the motion was carried.)

24 THE CHAIRMAN: So be it.

25 MR. WEBER: Thank you, gentlemen.



1 MR. WEBER: Thank you, gentlemen.

2 THE CHAIRMAN: Okay.

3 Now, the Township Committee has to  
4 rule on this also, they meet next Tuesday.  
5 Okay.

6 MR. WEBER: Will they be ruling  
7 on this next Tuesday?

8 THE CHAIRMAN: Hopefully. I guess  
9 so. This is cutting his 30 days down,  
10 right?

11 THE WITNESS: Sure is.

12 MR. WEBER: Okay. Thank you.

13 THE WITNESS: I don't follow this.  
14 The Township Committee--

15 THE CHAIRMAN: It's a recommendation  
16 to the Township Committee.

17 MR. WEBER: To the approval and then  
18 they have to pass on the approval.

19 THE WITNESS: Is this something we have  
20 to attend?

21 THE CHAIRMAN: No, you don't have to  
22 go to the meeting.

23 THE WITNESS: Assuming it's approved--

24 THE CHAIRMAN: Well, if you want to,  
25 why don't you call up the next morning



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

to find out, call Mrs. Riggs the following morning.

MR. WEBER: He'll go to the meeting.

THE CHAIRMAN: Okay.

MR. WEBER: Thank you.




THE TOWNSHIP OF NEPTUNE BOARD OF ADJUSTMENT  
NEPTUNE, NEW JERSEY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

-----:  
IN THE APPLICATION OF :  
THE APPLICATION OF : CERTIFICATE  
DOUGLAS A. POLHEMUS :  
-----

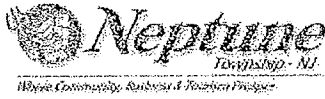
I, JOHN KEVIN STONE, a Certified Shorthand  
Reporter and Notary Public of the State of New  
Jersey, certify that the foregoing is a true and  
accurate transcript of the proceedings as taken  
before me stenographically on the date hereinbefore  
mentioned.

My Commission expires  
May 25, 1975

  
\_\_\_\_\_  
JOHN KEVIN STONE  
A Notary Public of New Jersey



FILE COPY



Fee Date: 01/30/2020  
Check #:  
Cash: 0

ZONING PERMIT

ID: 552098683

Date: 02/04/2020

Fee: \$ 35.00

PROPOSED WORK

- Adding a New Use to a Property
- Air Condensor Unit(s)
- Commercial Addition
- Continuing/Changing Use
- Deck/Balcony
- Driveway / Sidewalk / Apron
- Fence/Retaining Wall
- Other: \_\_\_\_\_
- Home Occupation
- Interior Remodel - Comm / Res
- New Accessory Structure
- New Commercial Business
- New Ownership of Property/Business
- New Residence
- Porch
- Private Garage
- Residential Addition
- Signs
- Solar
- Storage Shed
- Swimming Pool/Hot Tub
- Zoning Determination

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at [www.neptunetownship.org/departments/land-use](http://www.neptunetownship.org/departments/land-use).

**ALL APPLICATIONS WITHIN THE HISTORIC DISTRICT REQUIRE HPC APPROVAL.**

**IF ANY OF THE REQUESTED INFORMATION IS SUBMITTED INCOMPLETE, THEN THIS APPLICATION SHALL BE RETURNED UNPROCESSED.**

1. Location of property for which zoning permit is desired:

Street Address: 1729 ASBURY AVE Block: 705 Lot: 7 Zone: C-4

2. Applicant Name: FAITH MINISTRY AUTO Phone No. [REDACTED] Fax No.

Applicant's Address: 1729 ASBURY AVENUE NEPTUNE NJ 07753

Email:

3. Property Owner Name: RISHI REALTY LLC % ASHOK NANDA Phone No. [REDACTED] Fax No.

Property Owner's Address: 10 BOOTH COURT EDISON, NJ 08820

Email: [REDACTED]

4. Present Approved Zoning Use of the Property: Nonconforming Gasoline Fueling Station

5. Proposed Zoning Use of the Property: Nonconforming Gasoline Fueling Station and "Auto repair"

6. Describe in detail the activity or activities you are proposing. If you are proposing construction, then describe in detail the dimension and setbacks. If you are proposing a use, then describe the proposed use.

"Auto repair"

7. Has the above referenced premises been the subject of any prior application to the ZONING BOARD OF ADJUSTMENT or PLANNING BOARD?

Yes  No  If Yes, state date:

Board: Resolution # (if any): (submit a copy of the Resolution)

8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:

Building Coverage: 0

Lot Coverage: 0 (Please include calculations)

*40:55D-68.3. Penalty for false filing.* Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing. any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

-----FOR OFFICE USE-----

**Zoning Review Notes:**

**02/04/2020 ZONING VIOLATION REMEDIATION:**

The applicant has submitted this zoning permit application to remediate a zoning violation.

**VIOLATION NOTED:**

- Expansion of the Nonconforming Gasoline Fueling Station, adding auto repair, without first acquiring zoning approval. (422)

The property is located within the C-4 Zoning District. The present approved zoning use of the property is a Nonconforming Gasoline Fueling Station.

The applicant describes the proposed work in detail:

"Auto repair"

The applicant does not indicate if the premises has been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

**NONCONFORMING USES STRUCTURES AND LOTS:**

Per Land Development Ordinance section 422-B:

The following provisions shall apply to valid non-conforming use, structures and lots at the time of adoption of this Ordinance:

B No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure as follows:

1 Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire or other natural calamity, may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause being shown by the applicant, or such use shall not be rebuilt except as a conforming use.

2 Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.

3 A building containing residential non-conforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling unit.

ZONING NOTES:

- The existing use on the property is nonconforming.
- The applicant is proposing to add a separate nonconforming "Auto repair" use to the property.
- The proposed business name: Faith Ministry Auto
- The proposed business owner: Steven M. Anthony
- The applicant did not submit the required surveys or site plans displaying the existing and proposed parking lot.

SIGNS:

The applicant is not proposing any signage with this zoning permit application. Zoning approval is required prior to the construction of any signage on the property.

The applicant does not display compliance with the Land Development Ordinance.

Zoning Board of Adjustment, Code Enforcement, and Mercantile approvals are required.

**Status**

Approved  Denied

**Referrals**

Construction  HPC  Engineering  Planning Board  Zoning Board  Mercantile  Code Enforcement



FILE COPY



Certified Mail, Regular Mail

01/30/2020

RISHI REALTY LLC %  
ASHOK NANDA  
10 BOOTH COURT  
EDISON, NJ 08820

Re: Zoning Violation  
1729 ASBURY AVE  
Block: 705, Lot(s): 7

To Whom It May Concern:

According to records of the tax assessor, you are the owner of property located at 1729 ASBURY AVE. On 01/30/2020, an apparent violation of the Township of Neptune Land Development Ordinance was noticed on your property.

Specifically noted: - Expansion of the Nonconforming Gasoline Fueling Station, adding auto repair, without first acquiring zoning approval. (422)

Such activity/construction is a violation of Section(s) of the Township of Neptune - Land Development Ordinance. This office would like to solicit your cooperation and community spirit in correcting the violation by (choose one) removing the violation/eliminating the activity/ filing a Zoning Permit Application with this office, to initiate the remediation process, on or before 02/06/2020.

Thank you for your cooperation.

Please respond in writing within the designated timeframe indicating acknowledgement of the violation(s) noted and your intended remediation action. If response (in writing) is not received on or before 02/06/2020, then the property will result in the continued enforcement of the Land Development Ordinance, which may result in your required appearance in court.

Sincerely,  
  
George Waterman  
Zoning Officer

Enclosures

cc: Gene Anthony, Township Attorney

**VIOLATION LISTINGS**

Violation #	Violation Date	Comply By Date	Violation Description
1	01/30/2020	02/06/2020	- Expansion of the Nonconforming Gasoline Fueling Station, adding auto repair, without first acquiring zoning approval. (422)
<b>- Immediate removal of the auto repair use until zoning approval is acquired.</b>			



0050PK

\$4,175.00

NOV 12 2014

4

Prepared by: (Print Signer's name below signature)

*[Signature]*  
Christopher D. Boyman, Esq.

# DEED

This Deed is made on **October 31, 2014,**

**BETWEEN ARLBERG CORP., a New Jersey corporation**

whose address is **care of Eden Ventures (Sunoco gas station), 75 Route 46 West, Palisades Park, New Jersey 07650**

referred to as the Grantor,

**AND RISHI REALTY, LLC, a New Jersey limited liability company**

whose address is **care of Ashok Nanda, 10 Booth Ct., Edison, New Jersey 08820**

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **Five Hundred Thousand and 00/100 (\$500,000.00) Dollars.**

The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of **Neptune Township**  
Block No. **187** Lot No. **5** Account No.

No property tax identification number is available on the date of this Deed. (Check box if applicable).

**Property.** The property consists of the land and all the buildings and structures on the land in the **Township** of **Neptune,** County of **Monmouth** and State of **New Jersey.** The legal description is:

Not Certified Copy

**SEE SCHEDULE "C" ATTACHED HERETO AND MADE A PART HEREOF.**

Title was conveyed to the Grantor herein by Deed from Debra Vela, Executrix of the Estate of Jess vela, dated March 24, 1998, recorded April 1, 1998 in the Monmouth County Clerk's/Register's Office in Deed Book 5701, Page 632.

The street address of the property is 1729 Asbury Avenue, Neptune, New Jersey 07753.

M. CLAIRE, FRENCH, CTY. CLK.  
MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER  
2014091801

RECORDED ON  
Nov 13, 2014  
11:37:32 AM  
BOOK: OR-9088  
PAGE: 8196

Total Pages: 4

REALTY TRANSFER FEES \$4,175.00  
COUNTY RECORDING FEES \$70.00  
TOTAL PAID \$4,245.00

# STEWART TITLE GUARANTY COMPANY

File Number: 626-33253

## SCHEDULE C LEGAL DESCRIPTION

ALL that certain tract or parcel of land, situated, lying and being in the Township of Neptune, County of Monmouth, State of New Jersey, more particularly described as follows:

BEGINNING at a point in the northerly right of way line of Asbury Avenue, (60 feet wide), said point being distant 460.47 feet on a course of North 63 degrees 30 minutes West, from the point of intersection of the said northerly line of Asbury Avenue with the westerly right of way line of Whitesville Road (50 feet wide) thence

- (1) Along the northerly line of Asbury Avenue, North 63 degrees 30 minutes West, a distance of 175 feet to a point; thence
- (2) North 26 degrees 30 minutes East, a distance of 125 feet to a point; thence
- (3) South 63 degrees 30 minutes East, a distance of 175 feet to a point; thence
- (4) South 26 degrees 30 minutes West, a distance of 125 feet to the point and place of BEGINNING.

**NOTE: Being Lot: 5, Block: 187; Tax Map of the Township of Neptune, County of Monmouth, State of New Jersey.**

**NOTE FOR INFORMATION ONLY: Mailing Address is 1729 Asbury Ave, Neptune, NJ 07753**

**NOTE: Lot and Block shown for informational purposes only.**

Not Certified Copy

New Jersey Land Title  
Insurance Rating Bureau



*Something to build on.*

NJRB 3-07  
Effective 2/15/2007

File No. 626-33253



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

(Please Print or Type)

**SELLER(S) INFORMATION (See Instructions, Page 2)**

Names(s)

Arlberg Corp.

Current Resident Address:

Street: c/o Eden Ventures (Sunoco gas station), 75 West Route 46

City, Town, Post Office

Palisades Park

State

NJ

Zip Code

07650

**PROPERTY INFORMATION (Brief Property Description)**

Block(s)

187

Lot(s)

5

Qualifier

Street Address:

1729 Asbury Avenue

City, Town, Post Office

Neptune Township

State

NJ

Zip Code

Seller's Percentage of Ownership

100%

Consideration

\$500,000.00

Closing Date

10/31/2014

**SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 10 apply to Residents and Non-residents)**

1.  I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3.  I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6.  The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7.  The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).  
 No non-like kind property received.
8.  Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.
9.  The property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed being recorded is a deed dated prior to the effective date of P.L. 2004, c. 55 (August 1, 2004), and was previously unrecorded.

**SELLER(S) DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

10-31-2014

Date

10/31/2014

Date

*Mark Finkelstein*

Signature Mark Finkelstein, President.

(Seller) Please indicate if Power of Attorney or Attorney in Fact

*Thomas Heim*

Signature Thomas Heim, Secretary


(Seller) Please indicate if Power of Attorney or Attorney in Fact

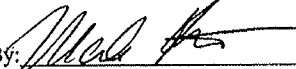
**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Signatures.** The Grantor signs this Deed as of the date at the top of the first page.

Witnessed or Attested by:

ARLBERG CORP.

By:   
Thomas Heim, Secretary

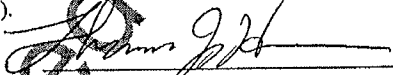
By:  (Seal)  
Mark Finkelstein, President

STATE OF NEW JERSEY, COUNTY OF MIDDLESEX SS.:

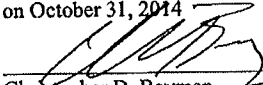
I CERTIFY that on **October 31, 2014**, **Thomas Heim**


personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary of Arlberg Corp., the maker of this Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is Mark Finkelstein, the President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary and duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$500,000.00. (Such consideration is defined in N.J.S.A. 46:15-5).

  
Thomas Heim

Signed and sworn to before me  
on October 31, 2014

  
Christopher D. Boyman  
An Attorney at Law of the State of New Jersey

DEED	
	Dated: October 31, 2014
<del>ARLBERG CORP.</del>  Grantor,  TO  RISHI REALTY, LLC  Grantee.	Record and Return to:  FOUNDATION TITLE, LLC 214 Highway 18, 3rd Floor East Brunswick, NJ 08816

**CORPORATE DISCLOSURE**  
**Rishi Realty, LLC**

The following individuals own ten percent (10%) or more of Rishi Realty, LLC:

<b>Name &amp; Address</b>	<b>Percentage of Stock or Partnerships</b>
Ashok Nanda 10 Booth Court Edison, NJ 08820	50%
Navita Nanda 10 Booth Court Edison, NJ 08820	50%

# WILENTZ

— ATTORNEYS AT LAW —

**DONNA M. JENNINGS, ESQ.**

T: 732.855.6039  
F: 732.726.6560  
djennings@wilentz.com

90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, NJ 07095-0958  
732.636.8000

March 5, 2020

Michele Narciso  
Deputy Tax Collector  
Township of Neptune  
24 Neptune Boulevard  
Neptune, NJ 07753

**Re: Rishi Realty, LLC  
1729 Asbury Avenue  
Block 187, Lot 5  
Township of Neptune**

*David Sever  
Owner  
3/10/2020  
M. Narciso*

Dear Ms. Narciso:

This office represents Rishi Realty, LLC in an application before the Neptune Township Zoning Board of Adjustment. Would you kindly provide me with a certification that taxes are paid on property located at 1729 Asbury Avenue and identified as Lot 5 in Block 187 on the tax maps of the Township of Neptune. Kindly return the certification in the envelope provided.

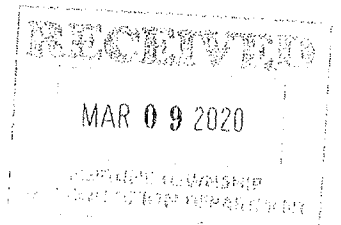
Thank you for your assistance in this matter.

Very truly yours,

*Donna M. Jennings*  
DONNA M. JENNINGS,

*No envelope  
provided!*

DMJ:mb





**OPRA (Open Public Records Act) Form**  
REQUEST FOR ACCESS TO GOVERNMENT RECORDS

**NAME:** Donna M. Jennings, c/o Wilentz, Goldman & Spitzer, P.A. **DATE:** March 5, 2020  
**ADDRESS:** 90 Woodbridge Center Drive  
Woodbridge, NJ 07095  
**PHONE:** 732-855-6039 **EMAIL:** DJennings@wilentz.com

**INFORMATION REQUESTED**

(General copy charge is \$.05 per letter size page and \$.07 per legal size page.):

**Copy of INFORMATION RELATING TO A SPECIFIC PROPERTY**

**ADDRESS:** 1729 Asbury Avenue, Neptune, NJ 07753 **BLOCK** 187 **LOT** 5

*Specify type of information requested:*

- ASSESSING    TAX    CERTIFICATE OF INSPECTION    CODE VIOLATIONS    CONSTRUCTION PERMITS  
 ZONING PERMITS / VIOLATIONS    PROPERTY OWNER NAME    HPC – CERTIFICATE OF APPROPRIATENESS  
 OTHER: \_\_\_\_\_

**Copy of ORDINANCE, RESOLUTION or MINUTES**

*Specify date, number, topic, or other identifying information:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPECIALTY DOCUMENT:**

- (200 ft.) Property Owner's List (\$10.00)    Tax Map (\$.07/page)    Duplicate Tax Bill (\$5.00 if applicable)

**OTHER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE READ and SIGN BACK OF FORM**

***Completed forms may be submitted by:***

MAIL: Municipal Clerk P.O. Box 1125 Neptune, NJ 07754-1125  
EMAIL: [phoward@neptunetownship.org](mailto:phoward@neptunetownship.org) – OR – [rcuttrell@neptunetownship.org](mailto:rcuttrell@neptunetownship.org)  
FAX: 732-988-6433



A request for access to or for a copy of Government Records should be submitted on this form which has been adopted by the Municipal Clerk as the Custodian of Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven business days, you will be provided with a response with that information within seven business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically. In general:

1. Immediate access is ordinarily available for budgets, bills, vouchers, contracts, including collective bargaining agreements and individual employment contracts, and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
2. Records which are not readily available or which will require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven business days indicating the time which will be required to provide the records.
3. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: \$.05 for each letter sized page and \$.07 for each legal sized page.
4. Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
5. Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.

The term "public records" generally includes those records determined to be public in accordance with N.J.S.A. 47:1A- 1. The term does not include employee personnel files, police investigation records, public assistance files, or other matters in which there is a right to privacy or confidentiality or which is specifically exempted by law. Further, as stated in the statute, "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:

1. an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;
2. personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties or a person duly authorized by this State or the United States, or when authorized by an individual in interest; and,
3. data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record." N.J.S.A. 47:1A-10.

**By signing in either area below, the applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, any other state or the United States and is not seeking government records containing personal information pertaining the victim or the victim's family as provided by N.J.S.A. 47:1A-1 et. seq.**

*The Applicant hereby acknowledges that the information requested has been provided immediately at the time the request was made.*

APPLICANT SIGNATURE

MUNICIPAL OFFICIAL SIGNATURE

DATE

DATE

OR

*The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost.*

The information requested will be available on: \_\_\_\_\_

Estimated number of pages: \_\_\_\_\_ Estimated cost: \_\_\_\_\_ Deposit: \_\_\_\_\_

APPLICANT SIGNATURE

MUNICIPAL OFFICIAL SIGNATURE

DATE

DATE