APPLICANT: 1950, LLC
APPLICATION NUMBER: ZB24/15
BLOCK: 5309
LOT(S): 7
ADDRESS: 9 ELMWOOD DRIVE
ATTORNEY FOR APPLICANT: TIMOTHY MIDDLETON, ESQ.
RESOLUTION NUMBER: 26/05

Neptune Township - NJ
Where Community, Business & Tourism Prosper

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE
FOR NEW CONSTRUCTION AND BULK VARIANCES

WHEREAS, BOARD MEMBER BARBARA BASCOM , offered the following Resolution moved and seconded by **BOARD MEMBER SHAWN WESTON:**

WHEREAS, ATKINS DEVELOPMENT LLC, hereinafter referred to as the "applicant" filed an application with the Zoning Board of Adjustment of the Township of Neptune, (hereinafter referred to as the "Board") seeking the following relief:

Applicant requests approval to construct a new single-family residence on the property along with a front yard deck, steps, and a proposed 18' wide driveway. Applicant notes existing variances for lot area where 5,000 exist and where 7,500 square feet are required, a variance for lot width and lot frontage where 50 feet exist and where 75 feet are required, a variance for side yard setback where 10 feet are required and where 4.6 feet exist and are proposed, and a variance for combined side yard setback where 15 feet are proposed and 20 feet are required. Applicants also request a variance relief from the steep slope ordinance.

WHEREAS, the application pertains to premises known and designated as Block 5309, Lot(s) 7 on the Tax Map of the Township of Neptune, which premises are located at 511 ATKINS AVENUE, NEPTUNE, NJ 07753**;**

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, **OCTOBER 7, 2026**:

WHEREAS, the following items were entered as Exhibits at the hearing, including but not limited to; any and all documentation as submitted and appearing on the Neptune Township website (NeptuneTownship.org) for presentation at the Public Meeting conducted either "In Person" or via Zoom with public notice along with any and all documentation provided at the Public Hearing as so denoted as "Exhibit" after identification and submission into the record; to wit;

1. A-1 VARIANCE PLAN
2. A-2 PICTURES OF PRIOR RESIDENCE

WHEREAS, The Board listened to the Testimony of the following:

1. **DONNA M. BULLOCK, PE**
2. **DOUGLAS COLEMAN, AIA**
3. **JOSEPH KOCIUBA, PP**

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

NONE

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

NONE

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. Proposing single family two story home on site.
2. Variance conditions on site, buy/sell letter provided with no response to neighboring property. Property is on a steep slope.
3. Prior house that was there was substantially removed.
4. This is a proposed two story single family home with stairs up to front of home.
5. Engineer Donna M. Bullock, PE – Morgan Engineering project manager/engineer on this site put together a variance plan with remnants of existing structure/steep slopes and stairs. No existing parking spaces on the site currently. Natural grade and some concrete and now proposing 2 parking spaces.
6. 50x100 lot residential. Existing foundation system that is 32.92 x 24' on masonry piles. Concrete there with no ample parking.
7. Proposed 2 story house on existing platform with 15 x16 ' deck with front porch 8 x 18 with steps that come down. There is a 14' differential from front door to land.
8. Short area in steep slope and will locate trees for removal and rebuild.
9. No disturbance of critical slope area or sf amounts. Just the steps and the deck are being disturbed. 3 BR requires 2 spaces so no change in drainage patterns, etc.
10. Existing piers will be reused. Have a side yard setback, combined side yard, steep slope disturbance and lot size variance. Minimal disturbance of critical steep slope if they put in walkway. They will show the connection between walkway and driveway.
11. Sewer connection is in rear of house and already exists. No land disturbance requires.

DOUGLAS COLEMAN, AIA:
DOUGLAS COLEMAN PHOTOS – PRIOR TO DEMOLITION.
ELEVATIONS SHOWN. To indicate height and steep slope.

JOSEPH KOCIUBA, PLANNER

12. A-2 picture of the old house.
13. R 3 zone. Pre existing nonconformities of lot, there is an undersized lot hardship. Using existing foundation to limit impact to steep slope. Impact to critical slopes and cannot place a home on property without impact on critical slope so using the existing

foundation makes the most sense. Side yard relief required. 4.6 previous, 10' required but is using the old footprint so relief on side yard setback and combined side yard setback is required. Plenty of light air and open space and can get it under c2 and c1 with topography under purpose A, safe residential and lessen impacts to lot, planning against natural disaster and minimize impact and desirable visual environment. Positives outweigh the detriments and does not impair the zone plan or ordinance.

14. Trees will be identified as which to be removed on the slope.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Neptune that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

a. Based upon the aforesaid findings of fact, the Board concludes that:
    i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Township of Neptune.
c. The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.

BE IT FURTHER RESOLVED, by the Board of Adjustment of the Township of Neptune that the following be and are hereby GRANTED:

The applicant is GRANTED approval to construct a new single-family residence on the property along with a front yard deck, steps, and a proposed 18' wide driveway AS SUBMITTED IN CONJUCTION WITH THE AMENDED PLANS FOR THIS HEARING. Applicant notes existing variances for lot area where 5,000 exist and where 7,500 square feet are required, a variance for lot width and lot frontage where 50 feet exist and where 75 feet are required, a variance for side yard setback where 10 feet are required and where 4.6 feet exist and are proposed, and a variance for combined side yard setback where 15 feet are proposed and 20 feet are required. Applicants also IS GRANTED a variance relief from the steep slope ordinance.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

(1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:

a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
b. MONMOUTH COUNTY PLANNING BOARD;
c. FIRE MARSHALL;
d. BOARD OF HEALTH;
e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
g. BOARD OF ADJUSTMENT PLANNER (Per Report)
h. BOARD OF ADJUSTMENT ENGINEER (Per Report);
i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
m. APPLICANT MUST SATISFY AND PAY FOR ANY TAX MAP REVISION FEE AS A CONDITION OF APPROVAL FOR ANY AND ALL SUBDIVISIONS OR OTHERWISE AS MAY BE DEEMED NECESSARY FOR RESOLUTION COMPLIANCE.

(2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

ROLL CALL VOTE:

THOSE IN FAVOR: Barbara Bascom, Brittany Dremluk, Shawn Weston, Naomi Riley, Danny Lynn, Lisa DiPace and William Frantz.

THOSE OPPOSED: None

ABSENT:

ABSTAINED:

MEMORIALIZATION VOTE:

THOSE IN FAVOR: Brittany Dremluk, Shawn Weston, Naomi Riley, and Lisa DiPace

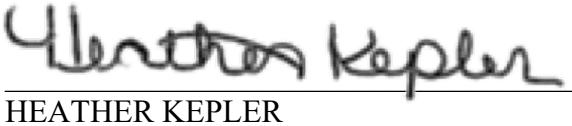
THOSE OPPOSED: None

ABSENT: Barbara Bascom, Danny Lynn, and William Frantz

ABSTAINED:

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Neptune at its meeting on October 7, 2026 and memorialized at the meeting held on November 4, 2026, 2026.

Date:



HEATHER KEPLER
Administrative Officer of the
Zoning Board of Adjustment.
Township of Neptune.