APPLICANT: ATKINS DEVELOPMENT LLC
APPLICATION NUMBER: ZB26/02
BLOCK: 412
LOT(S): 18
ADDRESS: 511 ATKINS AVENUE
ATTORNEY FOR APPLICANT: MARK AIKINS, ESQ.
RESOLUTION NUMBER: 26/04

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

WHEREAS, BOARD CHAIR BILL FRANTZ, offered the following Resolution moved and seconded by **BOARD MEMBER BRITTANY DREMLUK:**

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:

The applicant is seeking "D/Use" variances to permit the construction of two (2) two unit townhouse buildings (4 total dwellings), with driveway, parking areas, landscaping and other site improvements at the property and to exceed maximum density of 8.7 dwelling units/acre where 21.2 dwelling units/acre is proposed. Applicant is also requesting a "C/Bulk" variances for minimum front yard setback, minimum rear yard setback, and maximum building heigh

WHEREAS, the application pertains to premises known and designated as Block 412, Lot(s) 18 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, **JULY 8, 2026 AND 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. Submitted revised plans through August 14, 2026.
2. A-1 Site plan dated August 14, 2026
3. A-2 Architectural Plans dated August 2, 2026
4. A-3 color rendering of site – October 7, 2026
5. A-4 Planner prepared multi-page exhibit from September 2, 2026 (neighborhood and 2 family lot next door)

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

1. **ROBERT HUDAK, PP**
2. **JAMES MONTEFORTE, AIA**
3. **BRANDI KELLY – INSIGHT ENGINEERING**

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

1. **ANDREA GROEZINGER – OWNER/NEIGHBOR/BUSINESS OWNER**

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

1. **NOT APPLICABLE**

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. Property contains an ABANDONED USE. This was a garden center and applicant wishes to construct 2 2-family townhouse units. Applicant advises homes are particularly suited to this site.
2. JAMES MONTEFORTE, AIA – OCEAN TOWNSHIP NJ. Discusses lot dimensions which are 50' on 7th Avenue and 60' in width on 6th avenue. About 150' long on Atkins Avenue. Each proposed unit has a 300 sf garage. Proposed 4 units, 3 BR unit which are 1400 sf each, one garage and one parking space outside each.
3. There is 35' to ridge height but 28' to mean height. This will not be affordable housing here but will be subject to Affordable Housing. Neptune has no obligation at this time but the Developer is required to pay into the trust fund.
4. Public has concerns of severe flooding on that intersection asks that this be taken into consideration so development will not make the flooding worse.
5. BRANDI KELLY – INSIGHT ENGINEERING testifies.
6. Rear yard setback in zone is 30' and 20' is required so this is not technically consistent with the zoning bulk standards.
7. Variance for fence on side of house – for solid fence required.
8. Defer to the Board's planner for screening for AC units and garbage. Foundation plantings proposed with evergreen screens. Provide minimum tree size, 3" deciduous and 24" for shrubs. Decorative street lighting fixtures.
9. Grading and drainage for site, collected at inlet in proposed condition to 20' long drywell but will reduce post development flow rate by putting roof runoff into the ground. Board needs to know this will function as designed for public good.
10. Pit must show no negative impact. We have a resident comment on flood and we need to know no negative impact. Should be done or have been done already for this application to proceed.
11. Need a solution to garbage bins; a sidewalk or path to get to them. Need a solution to get to them.
12. Applicant will stipulate curb and sidewalk replacement.

13. Applicant returns with revised plan with changes, yard space – relocated AC units to side property lines and relocated trash bins on sides next to AC with hardscape on sides to drag to road. Walkway has been revised. Denser evergreen buffer on north side of property where the property line has garages and storage sheds.
14. In the revised plan, Applicant reduced impervious coverage. Prior coverage was 59.3% and now is 58.3 % and the drainage test pit provided on July 30th with copies provided to the Board Engineer. Geo Tech report ANS Consultants August 4th. Ground water 6' below grade and fine sand 12-14" above. The pit proposed and tested shows no negative impact and can address flow.
15. The sidewalk was replaced along Atkins Avenue recently so less is now required.
16. Sheet flow/drywell constructed. Seasonal high-water table will be confirmed as its constructed. Less runoff than current property and will attenuate that on site and decrease the existing condition. Will collect all from gutters into system and go into the sub soils and reduce the flow into ground.
17. ROBERT HUDAK, PP. is familiar with the site and existing conditions and the property requires a D1 use variance and D5 density variance with several bulk variances.
18. Lot is particularly suited based on location and has commercial and residential interfaces:
    a. Motorcycle yard and commercial uses across the street and additional 2 family dwelling with single family homes.
    b. Step down in intensity of commercial character
    c. Removes some right of way encroachments.
    d. Can the property physically accommodate the proposed development? It can accommodate the 2, 2 family homes (4 units) and improved drainage and storm water development.
    e. Project does not create an intensity which overwhelms the site. Property is particularly suitable for this use.
    f. Applicant's proposal provides, under the Master Plan, a logical transition of uses in certain areas and replaces an obsolete use. Development meets the residential character. Planner discusses light industrial uses and Atkins between 5th and 8th as a transition area.
    g. D5 use. Can the site accommodate the use for bulk standards and does not create the hallmarks of overdevelopment. It complies and circulation functions.
    h. Bulk Variances subsumed; improves existing non-conforming condition. Complies with height even with 3 stories. Reflects scale of existing neighborhood.
    i. Negative criteria, no substantial detriment for public good. Can park the use on-site and the development enhances light air and open space and does not have detrimental effect on zone plan and neighborhood.
    j. Note: Door area to garbage cans – 42" wide for easier maneuverability.

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. Special reasons have been demonstrated and the Board accepts the opinion of the Applicant's planner, with commentary from the Board Planner, as to these reasons as well as the enhanced proofs required.
d. 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 "D/Use" variances to permit the construction of two (2) two unit townhouse buildings (4 total dwellings), with driveway, parking areas, landscaping and other site improvements at the property and to exceed maximum density of 8.7 dwelling units/acre where 21.2 dwelling units/acre is proposed. Applicant is also requesting a "C/Bulk" variances for minimum front yard setback, minimum rear yard setback, and maximum building height.

A variance for a solid side yard fence is granted as may be required and Applicant stipulates to curb and sidewalk replacement as set forth herein. Construction shall be in accordance with the AMENDED PLANS as submitted to this Board for the October hearing and significant deviation from same shall require an amendment of plans before this Board.

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

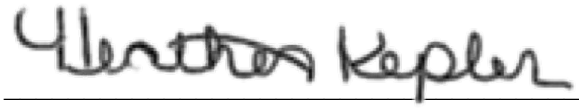
THOSE OPPOSED: None

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.