



TOWNSHIP OF NEPTUNE

BOARD OF ADJUSTMENT

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FRANCIS E. PALADINO

June 10, 1997

Mr. Thomas M. Ross
3324 Highway 33
Neptune, New Jersey 07753

Re: Bl. 7013, Lot 8

Dear Mr. Ross:

Attached please find a certified copy of resolution 97-26 adopted on May 7 and memorialized on June 4 granting a Use Variance in connection with the above referenced application.

It will be necessary for you to publish a notice of the board's decision in the newspaper. I have forwarded a sample notice to your attorney for publication.

If you have any questions regarding this matter, please feel free to contact me and I will be glad to assist you.

Sincerely,

Gwendolyn O. Love
Administrative Officer

att.

cc: Raymond L. Ross, Esq. w/att.
Director of Code & Construction, w/att.
Construction Official, w/att.
Board of Health, w/att.
Environmental Commission, w/att.
Township Clerk, w/att.
Mercantile License Officer, w/att.

APPROVAL IS GRANTED HEREIN AND SUBJECT TO THE FOLLOWING
CONDITIONS;

(1) Applicant shall comply with any requirements established by, and obtain any necessary approvals of the following if applicable to the proposed application herein:

- (A) Monmouth County Planning Board;
- (B) New Jersey Department of Transportation;
- (C) Fire Marshall;
- (D) Township Engineer;
- (E) Board of Health;
- (F) Township Sewer Authority;
- (G) Soil Conservation and Sediment Control approvals and permits; and

(2) Subject to the applicant complying with any and all Federal, State, County and local laws, rules and regulations affecting or pertaining to the development or use of the site in question.

(3) The applicant shall construct the proposed 900 square foot garage on the premises, and shall store equipment in the garage. Additionally, all maintenance of any machines or vehicles shall be conducted inside the garage.

(4) The applicant shall comply with the suggestions of the Township Engineer contained in the March 13, 1997 correspondence within one year of the date of memorialization. However, the driveway paving shall be completed within 60 days of the memorialization date.

(5) The applicant shall not store any hazardous materials on the premises.

APPLICANT: THOMAS M. ROSS
APPLICANT'S ATTORNEY: RAYMOND L. ROSS, ESQ.
APPLICATION NUMBER: 97#3
BLOCK(S): 7013
LOT(S): 8
RESOLUTION NUMBER; 97-26

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE

APPROVAL OF USE VARIANCE

Mrs. Weber offered the following resolution, moved and seconded by Mr Noack;
and,

WHEREAS, Thomas M. Ross, (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:

Use variance to permit the operation of a lawn care company from his home in the ES zone.

WHEREAS, the application pertains to the premises designated as Block 7013 Lot(s) 8 on the Tax Map of the Township of Neptune, which said premises is located at 3324 State Highway 33 in the Township of Neptune, New Jersey (hereinafter referred to as the "premises"); and

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 public hearing(s) with regard to the referenced application on May 7, 1997; and

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

(1) The premises are located in the ES Zone.

(2) The premises have been a private residence for many years. Prior to purchasing the property, the applicant made inquiry of the Zoning Officer to see if he would be permitted to operate his lawn care company from his home. The applicant was told that this would be permitted. However, recently the applicant was advised that his business had grown too large to be considered a permitted home occupation. As a result of this determination, the applicant sought this relief.

(3) The applicant is already operating the business and intends to construct a large garage on the premises so that he can store all of his equipment inside. The applicant has already taken steps to create landscaping that hides the operation from the highway, and from the neighbors.

(4) According to the applicant, he will agree to avoid the storage of any hazardous materials on the premises, and will agree to meet the suggestions of the Township Engineer set forth in his March 13, 1997 correspondence.

(5) No one appeared in opposition. One neighbor appeared and was simply concerned about the storage of hazardous materials. Once these fears were addressed, he indicated that he was in favor of the application.

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

(1) Based upon the aforesaid findings of fact, the Board concludes that:

(A) The applicant has established and demonstrated that the premises are of such exceptional size or shape, and/or are so uniquely effected by exceptional topographic or physical features and/or are so uniquely effected by extraordinary and exceptional circumstances that the strict application of the zoning regulation would result in exceptional practical difficulties and/or exceptional or undue hardship; and

(B) The applicant has demonstrated that the purposes of the Municipal Land Use Law and the land use ordinances of the Township of Neptune would be advanced by the deviation from the zoning ordinance requirements at issue, the applicant has shown that the benefits of any deviation would substantially outweigh any detriment resulting from a grant of the application; and

(C) The applicant has established a particular case, and special reasons cognizable to the Zoning Board of Adjustment of the Township of Neptune which would justify a granting of a use variance.

(2) Based upon the aforesaid findings of fact, the Board further concludes that granting 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.

BE IT FURTHER RESOLVED by the Board that the use variance requested by the applicant be and is hereby granted:

(1) Use variance to permit the operation of a lawn care company from his home in the ES zone.

ROLL CALL VOTING

THOSE IN FAVOR: Martin, Noack, Loperfido, West, Weber, W. Williams

THOSE OPPOSED: Ruby

ABSENT: Paladino

ABSTAINED: None

MEMORIALIZATION VOTING


THOSE IN FAVOR: Martin, Noack, Loperfido, West, Weber, W. Williams

THOSE OPPOSED: None

ABSENT: None

ABSTAINED: None

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 May 7, 1997, and memorialized on June 4, 1997.



GWENDOLYN LOVE
Administrative Officer
Zoning Board of Adjustment
of the Township of Neptune

DATED: June 4, 1997

**NOTICE OF BOARD OF ADJUSTMENT DECISION
NEPTUNE TOWNSHIP BOARD OF ADJUSTMENT**

NOTICE is hereby given that pursuant to the requirements of the Zoning Ordinance of the Township of Neptune, the Board of Adjustment of the Township of Neptune granted the application of Thomas M. Ross for a Use variance to permit the operation of a lawn care company on the property known as Block 7013, Lot 8.

The determination of the Board of Adjustment is on file in the Neptune Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey, and is available for inspection during regular office hours in the office of the Administrative Officer to the Board.

This Notice is given pursuant to R.S. 40:55D-17g.

Date: July 3, 1997

Raymond Lee Ross, Esq.
Attorney for Applicant
3536 State Highway 66
Neptune, New Jersey 07753