

**RESOLUTION HPC 2020-016
TOWNSHIP OF NEPTUNE
HISTORIC PRESERVATION COMMISSION
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
DENIAL OF EXTERIOR ALTERATIONS**

**Denied: March 10, 2020
Memorialized: May 12, 2020**

**IN THE MATTER OF: MICHAEL PENNISI & DOUG MAIER (34 SEA VIEW AVENUE)
APPLICATION NO.: HPC2020-032**

WHEREAS, Michael Pennisi & Doug Maier (the "Applicant") have applied to the Township of Neptune Historic Preservation Commission (the "Commission") seeking to install ten (10) wall mounted packaged terminal air conditioning units to the exterior of the existing residential building, pursuant to Sections 900-914 of the Township of Neptune Land Development Ordinance for lands known and designated as Block 105, Lot 4 on the official Tax Map of the Township of Neptune, and more commonly known as 34 Sea View Avenue, Ocean Grove, New Jersey 07756 (the "Property"); and

WHEREAS, a complete application has been filed, the fees as required by Township Ordinance have been paid, proof of service and publication of notice is required by law has been furnished and determined to be in proper order, and it otherwise appears that the jurisdiction and powers for the Commission have been properly invoked and exercised; and

WHEREAS, a public hearing was held on March 10, 2020 in the Township Municipal Building, at which time testimony and the exhibits attached hereto were presented on behalf of the Applicant and all interested parties having an opportunity to be heard; and

WHEREAS, the following Exhibits were marked into evidence:

A-1 Application Package

NOW THEREFORE, BE IT RESOLVED the Commission makes the following findings of fact based on evidence presented at its public hearing at which a record was made:

1. **The Applicant is seeking approval to remove portions of the existing siding by allowing exterior wall penetrations adjacent to ten (10) bedrooms to allow each such room to be served by its own wall mounted packaged terminal air conditioning ("PTAC") units along both side facades of the existing residential home on the Property.**

2. The subject Property is a corner lot and contains 1,950 square feet with 30 feet of frontage along the southerly side of Sea View Avenue. The subject Property is situated within the HD-O Historic District Oceanfront Zone and is improved with a three-story framed dwelling, which is designated as a "Key Structure" as defined in the Historic District's Design Guidelines for Residential Structures ("Design Guidelines").

3. Owner and Applicant Michael Pennisi testified that he proposed to install ten (10) PTAC units to serve ten (10) bedroom units that would he and his partner intended to operate as a bed and breakfast. Mr. Pennisi described the existing heating and cooling provided for the structure, which consisted of electric baseboard hearing and window air conditioning units. Mr. Pennisi and his partners are undertaking to rehabilitate the structure, including replacing these existing HVAC systems. Mr. Pennisi testified that it, upon the recommendation of his HVAC contractor, Binsky & Snyder, the only feasible means of allowing each bedroom unit to control its air conditioning would be through installation of PTAC units, particularly since the Property lacks room to accommodate the exterior installation of air

conditioning condensers. Mr. Pennisi described the PTAC units as providing both heating and cooling, which would be ventilated through wall-mounted grates, the sample specifications of such systems and grating were provided as part of the Application. Mr. Pennisi offered his opinion that such installations would be less impactful than the existing window based air conditioning units, and also safer when compared the existing electric baseboard heating system. The installation of such units had already commenced, including wall penetrations and siding removal, and sleeves pre-installed to accommodate such installation.

4. Upon questioning by the Commission, Mr. Pennisi acknowledged that the vinyl siding and exterior walls had already been cut, but that such work was ceased upon learning that a Certificate of Authorization would be required to undertake the required exterior alterations. Mr. Pennisi further acknowledged that PTAC grates serving more than half of the proposed bedroom units (proposed Unit Nos. 5, 6, 7, 8, 9 and 10) would be visible from the street.

5. The Commission cautioned the Applicant that the HPC has never before countenanced the deliberate penetration of exterior walls to permit the installation of air conditioning units, which it determined was both “horrendous” and completely inconsistent with the Design Guidelines. The Commission further questioned the Applicant’s position that there was no room available for exterior air conditioning units, explaining that there likely was sufficient room to provide for condensers required to cool a structure of this size. The Commission also questioned how and why a single family residential structure, even operated as a board house (i.e., bed and breakfast), would require independently controlled HVAC for each bedroom, which was stylistically more akin to an unapproved hotel use.

6. The Commission expressed its concerns about the damage that had been done to the exterior walls and siding, and further explained that it was now the Applicant’s burden to repair the extensive amount of damage they had inflicted and to restore the exterior walls and siding to mitigate such damage.

7. There were no members of the public who expressed an interest in the application.

NOW, THEREFORE, THE COMMISSION makes the following conclusions of law based upon the foregoing findings of fact:

1. The Applicant is seeking approval to remove portions of the existing siding and exterior walls adjacent to ten (10) bedrooms to allow each such room to be served by its own wall mounted packaged terminal air conditioning (“PTAC”) units on the Property.

2. Section 902A of the Ordinance, states that any exterior alteration on existing structures or buildings or other improvements on their sites shall be subject to review by the Commission for a Certificate of Appropriateness. The Commission may examine the sidings’ importance to the Township of Neptune and the extent to which it has historical and/or architectural value, such that the siding would be detrimental to the Historical District and public interests. It is the Commission’s responsibility, acting in a quasi-judicial manner, to weigh all the evidence presented before it by both the Applicant and all interested parties, and reach a decision which is based upon findings of fact and conclusions of law and is not arbitrary, unreasonable or capricious.

3. The Commission finds that the building is a Key Structure which has historic, architectural and aesthetic significance. The building is approximately 120 years old and has a prominent location in the Historic District.

4. The Commission further concludes the penetration of exterior walls and siding is discouraged pursuant to §IV.F of the Design Guidelines and the Ordinance. A Certificate of Appropriateness is therefore denied.

NOW, THEREFORE, BE IT RESOLVED, by the Historic Preservation Commission of the Township of Neptune on this 12th day of May, 2020 that the action of the Commission taken on March 10, 2020 denying Application No. HPC2020-032 a Certificate of Appropriateness for the removal of portions

of the existing siding and exterior walls adjacent to ten (10) bedrooms to allow each such room to be served by its own wall mounted packaged terminal air conditioning units on the side facades of the existing residential home located at Block 105, Lot 4, 34 Sea View Avenue, Ocean Grove, New Jersey, pursuant to Sections 900-914 of the Township of Neptune Land Development Ordinance, is hereby memorialized as follows:

Application is denied subject to the following conditions:

1. Payment of all fees, costs, escrows due or to become due (if applicable). Any monies are to be paid within twenty (20) days of said request by the Commission Secretary.
2. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Neptune, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Commission Secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

Deborah Osepchuk, Chairwoman
Township of Neptune Historic
Preservation Commission

ON MOTION OF: Mrs. Heinlein

SECONDED BY: Mr. Steen

ROLL CALL:

YES: Mrs. Heilein, Mrs. Henderson, Mr. McKeon, Mrs. Osepchuk, Mr. Rudell, Mr. Steen, and Mr. Wierzbinsky

NO: None

ABSTAINED: None

ABSENT: Mr. MacMorris and Mrs. Shaffer

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Township of Neptune Historic Preservation Commission, Monmouth County, New Jersey at a public meeting held on May 12, 2020.

Kristie Dickert, Secretary
Township of Neptune Historic
Preservation Commission