

**RESOLUTION HPC 2020-018
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: PHILIP & BONNIE NORK (104 Franklin Avenue)
APPLICATION NO.: HPC2020-035**

WHEREAS, Philip and Bonnie Nork (the "Applicant") have applied to the Township of Neptune Historic Preservation Commission (the "Commission") seeking to (1) replace exterior stairs with concrete stairs, pursuant to Sections 900-914 of the Township of Neptune Land Development Ordinance for lands known and designated as Block 277, Lot 5 on the official Tax Map of the Township of Neptune, and more commonly known as 104 Franklin 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 otherwise appear is to have 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 replace exterior side stairs (on the New Jersey Avenue frontage) with concrete stairs to the dwelling on the Property.**

2. The subject Property contains 2,580 square feet and has 43 feet of frontage along the southerly side of Franklin Avenue. The subject Property is situated within the HD-R-1 (Historic District Residential) Zone and is improved with a single story framed dwelling constructed in 1910, which is designated as a "Key Structure" (by date) as defined in the Historic District's Design Guidelines for Residential Structures ("Design Guidelines").

3. The Applicants, Mr. and Mrs. Nork, testified as to their desire to retain the side concrete steps that were installed without prior approval, rather than replace these concrete steps with a wood or wood-like material as specified by the Design Guidelines.

4. Mrs. Nork testified that use of concrete should be considered consistent with the Design Guidelines, since in her opinion usage of these materials are evident within Ocean Grove. Mr. Nork expressed her opinion that original homes in Ocean Grove had brick or stone steps, but was unable to offer any support for that opinion.

5. The Commission responded by identifying the general and specific provisions with the Design Guidelines supporting the position that “wood” stairs, or materials resembling wood material, were the traditional materials used for construction of exterior steps. The Commission further pointed out that the few examples where non-traditional materials were found within Ocean Grove were due to unique situations and/or hardships involving those specific properties and their owners, where exceptions were made due to those unique situations.

6. The Commission explained to the Applicant that the issue with concrete was limited to usage for the stairs from the house to grade; there was no issue with the Applicant retaining the concrete landing, provided the slate placed atop the concrete landing was removed.

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 seeks approval from the Commission to maintain the unapproved as-built concrete side steps (on the New Jersey Avenue frontage), rather than replacing these with steps that are compliant with the Design Guidelines.

2. Under Section IV.R of the Design Guidelines, when considering an application to install architectural landscape treatments, the Commission may examine the residential home’s components’ importance to the Township of Neptune and the extent to which it has historic and/or architectural value, such that their removal 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 by both the Applicant and all objectors, and reach a decision on which is based upon findings of fact and conclusions of law that is not arbitrary, unreasonable or capricious.

3. The existing residential home was built around 1910, which the Commission concludes renders the subject building a Key Structure (by date).

4. The Commission further concludes that while the Applicant now appears to recognize the historic significance of the residential home and the requirements of the Design Guidelines, its desire to retain the non-conforming concrete side steps is not accordance with Section IV of the Design Guidelines and the Ordinance.

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. HPC2020-035 for a Certificate of Appropriateness to retain the non-conforming concrete side steps identified in this Resolution for the property located at Block 277, Lot 5, 104 Franklin 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. The Applicant shall have fifty (50) days from the memorialization of this Resolution to remove the non-conforming concrete side steps; replacement steps shall be compliant with the Design Guidelines.
2. 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.
3. The Applicant shall comply with all Township Zoning Department requirements.

4. The Applicant shall provide a certification that taxes are paid to date of approval.
5. 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. McKeon

ROLL CALL:

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

NO: None

ABSTAINED: Mr. Wierzbinsky

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