

**RESOLUTION HPC2020-019
TOWNSHIP OF NEPTUNE
HISTORIC PRESERVATION COMMISSION
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
DENIAL OF EXTERIOR PAINT COLOR**

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

**IN THE MATTER OF: DAVID AND MARISA AUSTIN (61 Stockton Avenue)
APPLICATION NO.: HPC2020-048**

WHEREAS, David and Marisa Austin (the “Applicant”) have applied to the Township of Neptune Historic Preservation Commission (the “Commission”) seeking to paint 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 281, Lot 10 on the official Tax Map of the Township of Neptune, and more commonly known as 61 Stockton 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 referenced below 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
- A-2 Color Photographs of Other Victorian-style Homes with HC-4 Paint

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 paint the exterior of the existing residential building on the Property.**

2. The subject Property contains 3,600 square feet with a combined 120-feet of frontage along the northeastern corner of Stockton Avenue and Pilgrim Pathway. The Property is situated within the HD-R-1 Historic District Residential 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. The Applicant identified themselves as the Owner of the subject property and testified that they proposed to repaint the exterior of the existing residential home utilizing certain Benjamin Moore Historic Collection paints as follows:

Main Color:	Hawthorne Yellow	Benjamin Moore HC-4
Trim:	Windham Cream	Benjamin Moore HC-6
Accent Color:	Hale Navy	Benjamin Moore HC-154

4. The Commission noted that Section 902A of the Ordinance provides: “any painting of any part of the exterior existing structure, building or improvement in any of the historic colors approved by the Historic Preservation Commission by Resolution and on display in the office of the Secretary of the

Historic Preservation Commission” does not require an applicant to obtain a certificate of appropriateness from the Commission.

5. Ms. Austin testified that she was not previously aware that the Hawthorne Yellow HC-4 color was not listed on the HPC pre-approved paint charts, but that she nonetheless sought approval to use this color to cover the previously painted cedar shake of her home. The Applicant’s color choices for trim and accent are acceptable, however the Commission expressed concern that the Applicant’s main color choice was perhaps too bright for such a large house in such a prominent location. Moreover, the Commissioners expressed their own personal opinions that such a large home required greater than three (3) colors, and the Applicant should consider a more varied color pallet.

6. Ms. Austin further testified that in the event the HPC did not approve the preferred color choices, she had considered the following alternative color schemes as a backup:

Main Color:	Yarmouth Blue	Benjamin Moore HC-150
Trim:	Monterey White	Benjamin Moore HC-27
Accent Color:	Hale Navy	Benjamin Moore HC-154

The Commission explained to the Applicant that all of their alternative choices were listed on HPC pre-approved paint charts, such that all they needed was to submit an application, which could be approved administratively without need for public hearing. The Applicants acknowledged their understanding of the process, but asked for a formal decision on whether the Commission would either approve or deny their preferred color pallet that included Hawthorne Yellow HC-4 color.

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 proposes to re-paint the exterior of their existing residential building 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. However, “the repainting of any exterior existing structure, building or improvement in the same color is specifically excluded from the requirements of the sub-section. Further, any painting or any part of the exterior, existing structure, building or improvement in any of the historic colors approved by the Historic Preservation Commission by Resolution and on display in the Office of the Secretary of the Historic Preservation Commission are specifically excluded from the requirement to make a formal application. The Commission may examine the paints’ importance to the Township of Neptune and the extent to which it has historical and/or architectural value, such that the re-painting 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 by both the Applicant and any objectors or other interested parties, and reach a decision which is based upon findings of fact and conclusions of law which are not arbitrary, unreasonable or capricious.

3. The Commission concludes that the building proposed for the exterior painting is a Key Structure which is of significant historic architectural and aesthetic significance. The building is approximately 135 years old and has a prominent location in the Historic District. The Commission notes that the proposed Hawthorne Yellow HC-4 color is part of the Benjamin Moore Historic Collection, but is not listed on the pre-approved color charts.

4. The Commission finds and concludes that Hawthorne Yellow HC-4 color is not acceptable for this application, as its usage on a home this large, and in such a prominent corner location, is inconsistent with the Design Guidelines.

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. HPC2020-048 for the exterior painting of the existing residential home

located at Block 281, Lot 10, 61 Stockton Avenue, Ocean Grove, New Jersey, pursuant to Sections 900-914 of the Township of Neptune Land Development Ordinance, is hereby memorialized as follows

1. The Applicant is DENIED authorization to paint the exterior of the existing residential building on the Property with Hawthorne Yellow HC-4 color, which although part of the Benjamin Moore Historic Collection, such color is not listed on the pre-approved color charts.
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. Henderson

SECONDED BY: Mr. Rudell

ROLL CALL:

YES: Mrs. Henderson and Mr. McKeon

NO: Mrs. Heinlein, Mrs. Osepchuk, Mr. Rudell, Mr. Steen, and Mr. Wierzbinsky

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