

William Frantz, Chairman
Thomas Healy, 2nd Vice Chairman
Barbara Bascom
Dr. James Brown
Michael Pullano
Naomi Riley
Alternates: Derel Stroud
Shane Martins
Shawn Weston



Monica C. Kowalski, Esq.
Matt Shafai, PE, PP
Jennifer C. Beahm, PP, AICP
Kristie Dickert, Administrative Officer

Office of the Neptune Board of Adjustment
2201 Heck Avenue, P.O. Box 1125
Neptune, New Jersey 07753
732-897-4162 Ext. 204
KDickert@neptunetownship.org

December 8, 2023

Sent Via e-mail KPape@hpnjlaw.com and First-Class Mail

Kenneth L. Pape, Esq.
Heilbrunn Pape
516 State Route 33
Millstone, NJ 08535

**Re: Resolution ZBA#23-21
Block 129, Lot 6
Applicant: 34 OPOG, LLC (The Albatross)
Project Address: 34 Ocean Pathway (Ocean Grove, NJ)**

Dear Mr. Pape:

Enclosed please find three [3] original copies of the resolution adopted **November 1, 2023** and memorialized at the **December 6, 2023** public hearing of the Neptune Township Zoning Board of Adjustment.

Please be advised that it will be necessary for you to publish the decision of the Neptune Zoning Board of Adjustment, in one of the Township's official newspapers [the Coaster or Asbury Park Press] and return the original affidavit to this office for proof of publication. [Sample notice has been enclosed for your convenience].

If you have any questions regarding this matter, please feel free to contact me the number listed above, and I will be glad to help you.

Sincerely,


Kristie Dickert
Administrative Officer
Zoning Board of Adjustment

c: M. Shafai, Engineer (via e-mail)
J. Beahm, Planner (via e-mail)
G. Waterman, Zoning Officer (via e-mail)
H. Kepler, HPC Administrator (via e-mail)
Zoning Bd File#23/08



Notice of Decision
Township of Neptune Zoning Board of Adjustment

Notice is hereby given that pursuant to the requirements of the Neptune Township Zoning Board of Adjustment, the Board has **granted** the application submitted by:

[Name of applicant and or developer]

for property located at _____
[List property location]

also known as Tax Block(s) _____ Lot(s) _____

The determination of the Neptune Township Zoning Board of Adjustment is on file at the Board Office located at the Engineering/Planning Building, 2201 Heck Avenue, Neptune, NJ 07753; and is available for inspection during the regular business hours of 9 A.M. to 3 P.M. Monday through Friday, or it can be e-mailed to you by sending a request for same to kdickert@neptunetownship.org.

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

Date _____
[Signature of applicant, attorney, or developer]

APPLICANT: 34 OPOG LLC - ALBATROSS
APPLICATION NUMBER: ZB 23/08
BLOCK: 129
LOTS: 6
ADDRESS: 34 OCEAN PATHWAY
ATTORNEY FOR APPLICANT: KENNETH PAPE, ESQ
RESOLUTION NUMBER: ZBA#23-21



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE
PRELIMINARY AND FINAL SITE PLAN
“THE ALBATROSS”**

WHEREAS, BOARD MEMBER SHANE MARTINS, offered the following Resolution moved and seconded by **BOARD MEMBER SHAWN WESTON**:

WHEREAS, 34 OPOG LLC – ALBATROSS by and through their Attorney, **KENNETH PAPE, ESQ** 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:

34 OPOG, LLC made application to the Neptune Township Zoning Board of Adjustment for Preliminary and Final Site Plan Approval, together with bulk variance relief use variance and “D-2” and/or “D-3” relief as applicable, as same are set forth and defined in N.J.S.A. 40:55D-70, et sq. The applicant’s property is located in the HD-0 Zone District of the Township of Neptune and is known as Block 129, Lot 6, also known as 34 Ocean Pathway, in the Ocean Grove Section, of the Township of Neptune, Monmouth County, New Jersey.

The applicant proposes to reduce the impervious lot coverage from 90.05% to 86.10%.

Portions of the existing concrete driveway are to be removed and replaced with a combination of landscaping, lawn and sidewalk.

The applicant’s plans identify improvements to the property including the restoration of the first floor, including the restaurant area, and modification of the floor plan of the second, third and fourth floors of the building.

Improvements to the basement area are proposed to include storage and spa facilities for the guests.

Applicant further proposes to introduce an elevator to service the hotel building.

The applicant expressly requests the following relief:

1. Modification of a pre-existing, non-conforming use. The property is currently operated as a thirty-nine (39) room hotel. The applicant proposes to modify the interior design, which modifications will result in a reduction of the number of guest rooms to twenty-seven (27) and one (1) additional caretaker's accommodation.
2. D-1 relief to permit the operation of a restaurant open to the public.
3. Two of proposed rooms #5 and #8 are 164+/- square feet, where 175 square feet is required. Variance relief is requested for same.

There are pre-existing non-conforming, conditions on the property including:

- a. Lot frontage of 45.74 feet, where 60 feet is required along Ocean Pathway. This is a pre-existing condition that is not exacerbated by current application.
- b. Lot Frontage of 45.67 feet, where 60 feet is required along McClintock Street. This is a pre-existing condition that is not exacerbated by current application.

The Applicant reserves the right to request additional bulk variance and/or design waiver relief if same is determined to be necessary or appropriate by the Board or its staff prior to or during the public hearing.

WHEREAS, the application pertains to premises known and designated as **Block 129, Lots 6** on the Tax Map of the Township of Neptune, which premises are located at; **34 Ocean Pathway, Ocean Grove, NJ 07756**

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, August 16, 2023 and November 1, 2023:

WHEREAS, the following items were entered as Exhibits at the hearing:

1. Survey of Property – June 13
2. Deed
3. Survey of Property – Oct 5
4. Architectural Plans
5. Zoning Permit Denial
6. Checklist & Application
7. Community Impact Statement
8. Avakian Review #1
9. Color Rendering on Survey
10. Front Elevation Rendering
11. Revised Architectural Plans
12. Grading Plans
13. Color Rendering of Portion of Side

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

- 1. DANIEL CARUSO, PE**
- 2. MARK PAVLIV, AIA**
- 3. M. MCKINLEY MERTZ, PP**

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

- 1. JOHN DAILEY, 30 OCEAN PATHWAY, OCEAN GROVE, NJ 07756**
- 2. THOMAS MCKEON, ESQ. 40 OCEAN PATHWAY**
- 3. NANCY TIGHE: 36 MCCLINTOCK**
- 4. KEVIN BRANSLEY, ESQ (Attorney for Ocean Pathway Condominiums)**

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

- 1. NONE**

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:

AUGUST 16, 2023 HEARING:

ALBATROSS – 34 OPOG, LLC

1. Notice – Mr. Beekman (prior attorney) mistakenly put 54 rooms in the Public Notice but there are 39 guest rooms reducing to 27. Same is an error but does not render the notice deficient for purposes of renovation of the existing building.
2. Mark Steinberg, Esq. starts as representative of the applicant and advises that the subject property currently contains 39 guest rooms and will reduce to 27 guest rooms with each having a bathroom, caretaker's suite and one with a kitchenette, elevator, roof, exterior, front steps, remove fire escape and chimney and more impervious coverage and building will be fully handicapped accessible.
3. MARC A. PAVLIV, AIA testifies as to the architectural features and advises that this is a "key structure" in Ocean Grove and is iconic for its use. Refers to A-1 Set of Plans – 21 pages. 1881 structure.
4. All of the proposed renovated rooms comply with Ordinance per Board Engineer's letter in that all are over 175 sq ft except proposed Units #5 and #8. Those have existing bearing walls and stairs and are 164 square feet. Applicant cannot meet the condition on these two rooms based on existing structure. They are the smallest of the rooms.
5. Common space requires 15%. Applicant advises they are at 17.5% and complies with Ordinance. Board Engineer Shafai requests calculation for this 17.5 % with a table on the cover sheet of the Architectural plans.
6. Trash is to be collected and stored. Collected and kept in basement until brought to curb and there is a trash area outside where there is a "planter space" and can be outdoor trash container which can be screened with board-on-board fence.

7. Exterior lights: Plans shows lanterns being proposed, 8 in front and 4 in rear. They are gas lanterns and has piping per the two documents P10 and P11, (progress plans by mechanical engineer). There will be 1.5 cubic feet of gas per hour flow with a 25-40 watts light which is a “glow” and is not transferring onto neighbors’ property. No overflow. These lights are integral to aesthetics and restoration. There are lantern locations with copper housings.(A-2 for the gas lantern plan online). Will not exceed .5 footcandles.
8. The existing concrete driveway is originally proposed to remain for service deliveries and will also provide access to the elevator. Installation will make building totally barrier free. Someone can be brought there to rear of building and drop off. This will not be used for parking. Will verify with the property owner. A discussion ensues as to utilization of the existing driveway and potential for drop off and deliveries which may impact rear neighbors.
9. Two rooms on first floor (suites – empire suite) has a kitchenette with refrigerator and convenience microwave. No actual cooking. Only in this one suite.
10. This is considered a hotel, not a rooming house. (owner)
11. Engineering Letter: Para 5: BULK REQUIREMENTS SHEET A1 ON PLANS WAS A TYPO AND THEY WILL CORRECT. LOT WIDTH IS 30’ (HERE 45’) AND LENTGH IS 60 AND WILL CORRECT ZONING TABLE ON A1 OF PLANS.
12. Engineering Letter: Para 6: Ordinance requirements. West elevation. Adding to 3rd floor level 9.5’ area of new construction. Overhang is continuing. Runs the length of the building. Sheet A21 – continuation of roof line for 9.5’ for mansard roofing. A5 and A21. If variance required, Applicant requests same, but this is under 24” so should not need a variance.
13. Engineering Letter: Para 8:
 - a. Limited to guest recreation (spa) Will update that sheet and terminology and will be a hotel guest recreation area – guest use exclusively. Meeting room for undefined space. Roll out beds/mattresses, etc. is a storage room. Does not change percentage of public space. Business office will be for administration purposes only and is a locked space. Currently is for use in hotel. Elevator will function down here as well. SPA AREA WILL BE ONE BIG ROOM.
 - b. Caretaker Suite – no kitchen but has full access to commercial kitchen. Current space has access to full bathroom and full commercial kitchen. Not in the room. This is how it currently exists. No change. Need to provide testimony on the d3 condition whether or not the stove remains in the Empire Suite. Steinberg: Grove Suite has wet bar, microwave and refrigerator. Empire Suite has KITCHEN not kitchenette. If Board feels this is not appropriate, then would like to maintain the kitchen with 24” stove.
 - c. Signs: Current signs are existing and will be painted ONLY. No intent to put in new signs and will remain. Signs have been there over a century.
 - d. Refuse area: dry storage in basement and area outside for trash. Enclosed with board on board fenced detail and approved by HPC. (A-3 for detail).
 - e. Confusion about 3-4 stories. This is a 4-story building. Was 2 story on west side with cottage to east. Cottage removed and then became 2 story on OP, then was expanded to rear section for the two stories to McClintock. Then, two floors were added to the front of the building and then third floor was added with mansard at

3rd floor level. Entire mass called 3 story in survey but is a 4-story building in front and can be changed on survey. Applicant request to CHANGE SURVEY TO SHOW AS 4 STORY EXISTING;

- f. Commentary on Driveway for the Evening: NO PARKING IN THE DRIVEWAY WITH SIGNAGE AND WILL PROVIDE A PATH 3 FEET WIDE ACCESS STRIPED FOR WALKWAY UP TO THE ELEVATOR ON MCCLINTOCK NO PARKING SIGN. MAKE IT MORE AESTHETICALLY PLEASING. DESIGNATED WALKWAY – 36' WITH 6" OF PAINT IS 42".
- g. BASEMENT AREA SPA WILL BE A FLEX SPACE FOR THE HOTEL GUESTS. SMALL MEETING ROOM.

14. RON RUDOLPH: 44 OCEAN PATHWAY RESIDENCE: Trying to maintain the nature of the hotel. Came up with a plan to restore it to its grandeur. Continuous use as a hotel. Will not be a rooming or boarding house. Will have minimum and maximum stays per NJ regulations for hotels. Operates 24 hours. Open all year round. Will have about ½ the rooms with less traffic demands and less occupancy demands. May have some events. Have a 40-seat restaurant. Would prefer to keep the small kitchenette in the one room. Is a great amenity and need those type of facilities. One suite will have a microwave and the other will have a small stove and would like to keep it.
15. Rudolph: Back side will be made to look more aesthetic. Been in hotel business for 5 years and operates The Majestic hotel on Main in OG. WILL EMBELLISH THE WALKWAY TO THE SATISFACTION OF THE HPC. VISUAL DELINEATION OF WALKWAY.

34 OPOG LLC – ALBATROSS CONTINUATION HEARING – NOVEMBER 1, 2023

KENNETH PAPE, ESQ. SUBSTITUTES IN FOR OPOG, LLC:

Board notes that there are 6 members present and all are qualified to move forward on this approval.

1. Mr. Pape moves forward with a statement/proffer of initiative on behalf of Ron Rudolph, Managing Member of OPOG, LLC which indicates desire to renovate hotel with considerable improvements to building. The Statement is read, and Mr. Rudolph verbally confirms on the record that the statement is accurate.
2. Dan Caruso, PE, prepared simple site plan.
3. Mark Pavliv, AIA – provides architectural clarification on inside. Two rooms are less than 175 sf in size due to structural elements of the building. Storage area in basement and small spa area.
4. Applicant is seeking a D3 conditional Use and has noticed as a D1 in order to reestablish a public restaurant use. (It should be noted that there is conflicting testimony as to whether or not there was a prior “public” use restaurant, but all parties acknowledge there was a restaurant on the site historically at the very least, for its patrons. Applicant testifies that is can confirm historic public use but will provide proofs for the requested D1 Variance rather than seeking a certification of use.

5. There are 27 rooms proposed in the renovated structure with 1 caretaker's apartment. The site currently has 39 rooms with 1 apt. There is a basement in building where Applicant would like to establish a small spa room for guests. This is not on premises. Would be from outside service, reservation only. Relationship with existing spa to provide the service. Store suitcases, etc.
6. Applicant proposes changes to the driveway to McClintock. It is proposed that the driveway be reduced to 21' in length from 43' in length. It will be for short term parking, coming and going. One stall for one car and will be short term parking. All deliveries shall be made through the front door, not the rear access and not the rear driveway. Applicant shall remove over 200 sf of concrete and will install lawn grass and landscaping. The remaining area will be a parking stall and handicapped sidewalk to go to elevator. There is a proposed fence on that side with limit of 3' high so no blockage of utility meters. Should utility company need to do work, that panel to be removed and then reinstalled.
7. Applicant has included a restaurant on plan with 28 indoor seats and 12 outdoor seats. The additional variance relief is to open the restaurant to the public. Open door, reservations encouraged rather than "walk ins" Further, Applicant agrees to make it clear on their website and on a booking website (if possible) that "there is no parking onsite" and the restaurant and other amenities shall be "street parking only".
8. **DANIEL W. CARUSO, PE:** SITE PLAN: driveway is 20' in length, barrier free sidewalk, opens into larger area of pavers. Percentage of property to go green (area by sidewalk, patio area and areas next to elevator shaft and next to building 4.5% going up) Are there bollards by AC system? Yes. They remain secure. BEAHM: is there a turning template for this spot? Not yet but will provide. However, there is no change to the driveway. They are just shortening it. **Applicant, after discussion, agrees to move the sidewalk over to fence and the curb cut will be increased by 3' to create a better flow. Design to be submitted to Board Planner and Engineer for approval to help increase turning radius and aesthetics. Fence to be removed. No fencing shall be installed.**
9. **MARK PAVLIV, AIA:** Describes 2 undersized apartments Units #5 and 8 are undersized 164 SF as opposed to 175 SF. Avg units are 235sf. Those rooms have become larger after renovation and now have barrier free bathrooms. Structural limitations on these two rooms exist as they have plumbing chases, fire walls and other structural issues. One unit (The Empire Suite) has a kitchen.
 - a. Basement plan. Laundry – storage room 285 sf and lobby and spa waiting space, 518 sf. To be used by hotel guests only. Those sheets have been "bubbled out" and will now be storage and the spa is hotel guests. Services to be discussed.
10. **MCKINLEY MERTZ, PP:** Walk around site and team meetings. Reviewed planning documents, master plan and zoning ordinance and discussion with professionals. Seeks a D3 conditional use variance; HDO zone 2 conditions not met are two undersized suites. Second, are providing cooking features in Empire Guest Suite for a longer stay unit. This does go against zoning ordinance.
 - a. Proofs, use can continue on site, will continue to function successfully and site is appropriate for the use. These issues are de minimis in nature. Hotel has been around for over 100 years. There is one suite for a larger room and long term stay. Does not make the hotel unsuitable for its use.
 - b. D1 – restaurant open to the public. Dining facilities for the guests had been active. However, the site itself is designed for only 28 seats and 12 outdoor seats which are seasonal use seats. There is an option to bring in the public to the space rather than just guests. Historic dining opportunities become open to the public. There have been functions in the past in this space for the public and these can be

substantiated if necessary by submission. This area has been a common accessory use and Applicant would request that same continue.

- c. The Hotel is close to beach and downtown. This brings the amenity back to the public for first time in quite some time.
- d. Per MLUL, “c” variances are required to continue:
 - i. Min Lot width and frontage. 60’ but here is 45’.
 - ii. Front flared open area of 1’ is historic as an existing condition. Applicant proposed to eliminate the encroachment, but HPC prefers they keep the historic component, and no exacerbation of any existing condition is proposed.
 - iii. There is sufficient space for variety of uses and applicant is developing for a community aspect with conscience.
 - iv. Site is particularly suited for the proposed use, one more amenity to community in a historic hotel
 - v. This is a historic hotel and district. Not changing the essence of it, are enhancing them and is supporting and enhancing the historic community of Ocean Grove.
 - vi. The rehabilitation of the historic building is consistent with master plan and is in accordance with zoning ordinance. Applicant would like to bring public into the space for community aspect and amenity. For the restaurant, there is a technical requirement for parking variance, but the variance is subsumed into the D1 use variance.
 - vii. Any restaurant will use “open table” reservations to state clearly, (there will be clear language) that there is no onsite parking. This enhances planning testimony because clear language is required and those coming to town understand this is a challenge. Ocean Grove is a destination town with limited parking.
 - viii. The variances are with the non-conformity and move with the application.
 - ix. There is no signage proposed for the Restaurant.
- 11. Board Member Bascom opines that there are need for restaurants in town. The only way to get in is with reservation. Likes to see this within the building, elevator and handicapped accessible.
- 12. Board Member Martins – the fence is an issue for him. Parking is what the parking is. Not hung up on it. Ocean Grove is a vibrant community. Willing to support this but so many people living there. One person annoyed or angry animosity spreads. Everyone agrees that this is admirable. Martins proposes that Applicant remove rear fence for a fresh start and Applicant agrees to same.
- 13. Board Member Stroud – does not believe restaurant should open to public, wants fence to run the whole length of the building.
- 14. Board Member Weston – restoration is great. Restaurant is not an issue. Parking in OG is more cosmic. The “hangup” is the jigsaw on back area of hotel. But, the hotel is now ADA compliant. There is less worry with delivery in front of building and compromise on turning radius and driveway apron movement. These should be conditional for approval.
- 15. Board Member Riley is concerned with issue about parking as well. Opening it to the public. Neighbors may have that peace and quiet. Intentional hours winter/summer would be helpful. Applicant agrees to limit hours of the Restaurant to end at 10:00 p.m. which satisfies Board Member Riley.

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**:

Applicant 34 OPOG, LLC is granted Preliminary and Final Site Plan Approval (based on the revised plans as submitted to the Zoning Board with this application or as may be amended through testimony herein and approved by the Board Engineer and Board Planner), together with bulk variance relief use variance and "D-2" and/or "D-3" relief as applicable, as same are set forth and defined in N.J.S.A. 40:55D-70, et sq. The applicant's property is located in the HD-0 Zone District of the Township of Neptune and is known as Block 129, Lot 6, also known as 34 Ocean Pathway, in the Ocean Grove Section, of the Township of Neptune, Monmouth County, New Jersey.

The applicant proposes to reduce the impervious lot coverage from 90.05% to 86.10% and is granted any variance for same. Portions of the existing concrete driveway are to be removed and replaced with a combination of landscaping, lawn and sidewalk per the agreed upon design, which shall be submitted and approved by Board Engineer and Planner. **Applicant as stipulated agrees to move the rear sidewalk over to neighboring property fence line and the curb cut will be increased by 3' in the opposite direction to create a better flow/turning radius and aesthetics. Design to be submitted to Board Planner and Engineer for approval. Applicant further agrees to remove the existing fence and confirms that no fencing shall be installed on the referenced property line.**

The applicant's plans identify improvements to the property including the restoration of the first floor, including the restaurant area, and modification of the floor plan of the second, third and fourth floors of the building which are granted. Improvements to the basement area are granted to include storage and spa facilities for the guests which shall be run on a reservation or "upon request" basis only, but not an "open for business" with walk in appointments.

Applicant further proposes to introduce an elevator to service the hotel building and any necessary variances for same are hereby granted.

The applicant is expressly granted the following relief:

1. Modification of a pre-existing, non-conforming use. The property is currently operated as a thirty-nine (39) room hotel. The applicant shall modify the interior design, which modifications will result in a reduction of the number of guest rooms to twenty-seven (27) and one (1) additional caretaker's accommodation.
2. D-1 relief to granted for the operation of a restaurant open to the public. Reservations preferred – no onsite parking to be clearly described on all available websites for reservations or otherwise. HOURS FOR RESTAURANT SHALL END AT 10:00 P.M.
3. Two of proposed rooms #5 and #8 are 164+/- square feet, where 175 square feet is required. Variance relief is granted for same.
4. Variances are also granted so that Applicant can providing cooking features per the plans submitted, in the larger "Empire Guest Suite" as an "extended stay" unit.

There are pre-existing non-conforming, conditions on the property which are all **GRANTED** variances as advised, including but not limited to:

- c. Lot frontage of 45.74 feet, where 60 feet is required along Ocean Pathway. This is a pre-existing condition that is not exacerbated by current application.
- d. Lot Frontage of 45.67 feet, where 60 feet is required along McClintock Street. This is a pre-existing condition that is not exacerbated by current application.
- e. Any relief for the rear, front or side elevations/story height are hereby granted based on the exterior elevation designs submitted, which have not been altered and are hereby approved.

THE GRANTING OF ALL VARIANCE RELIEF IS CONDITIONED UPON THE RECIEPT OF HISTORIC PRESERVATION COMMISSION APPROVAL FOR THE ARCHITECTURAL AESTHETICS OF THE SUBJECT PROPERTY IN ITS DESIGN. HOWEVER, ANY APPROVALS BY THE HPC SHALL NOT INCLUDE ANY REFERENCE TO THE HEIGHT OF THE BUILDING, PROJECTIONS FROM BUILDING AS APPROVED AS WELL AS THE DRIVEWAY OR RELOCATION OF CURB CUT EXTENSION WHICH IS REQUIRED BY THE ZONING BOARD OF ADJUSTMENT FOR TURNING RADIUS SAFETY AS DISCUSSED FOR ADA COMPLIANCE.

(if applicable) ***The Granting of these Variances are specifically conditioned upon the presentation and acceptance of a Final Site Plan to be provided to the Board of Adjustment at a later date with any and all other variance requests to be set forth in detail at that time with appropriate Notice, based on the Final Plans as submitted and/or later amended.

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.
- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

ROLL CALL VOTE: Offered by: Shane Martins Seconded by: Shawn Weston

THOSE IN FAVOR: Barbara Bascom, Naomi Riley, Derel Stroud, Shane Martins, Shawn Weston, and William Frantz

THOSE OPPOSED: None.

ABSENT: Dr. James Brown, Michael Pullano, and Thomas Healy

ABSTAINED: None.

MEMORIALIZATION VOTE: Offered by: Barbara Bascom Seconded by: Derel Stroud

THOSE IN FAVOR: Barbara Bascom, Naomi Riley, Derel Stroud, Shane Martins, Shawn Weston, and William Frantz


THOSE OPPOSED: None.

ABSENT: Thomas Healy and Michael Pullano

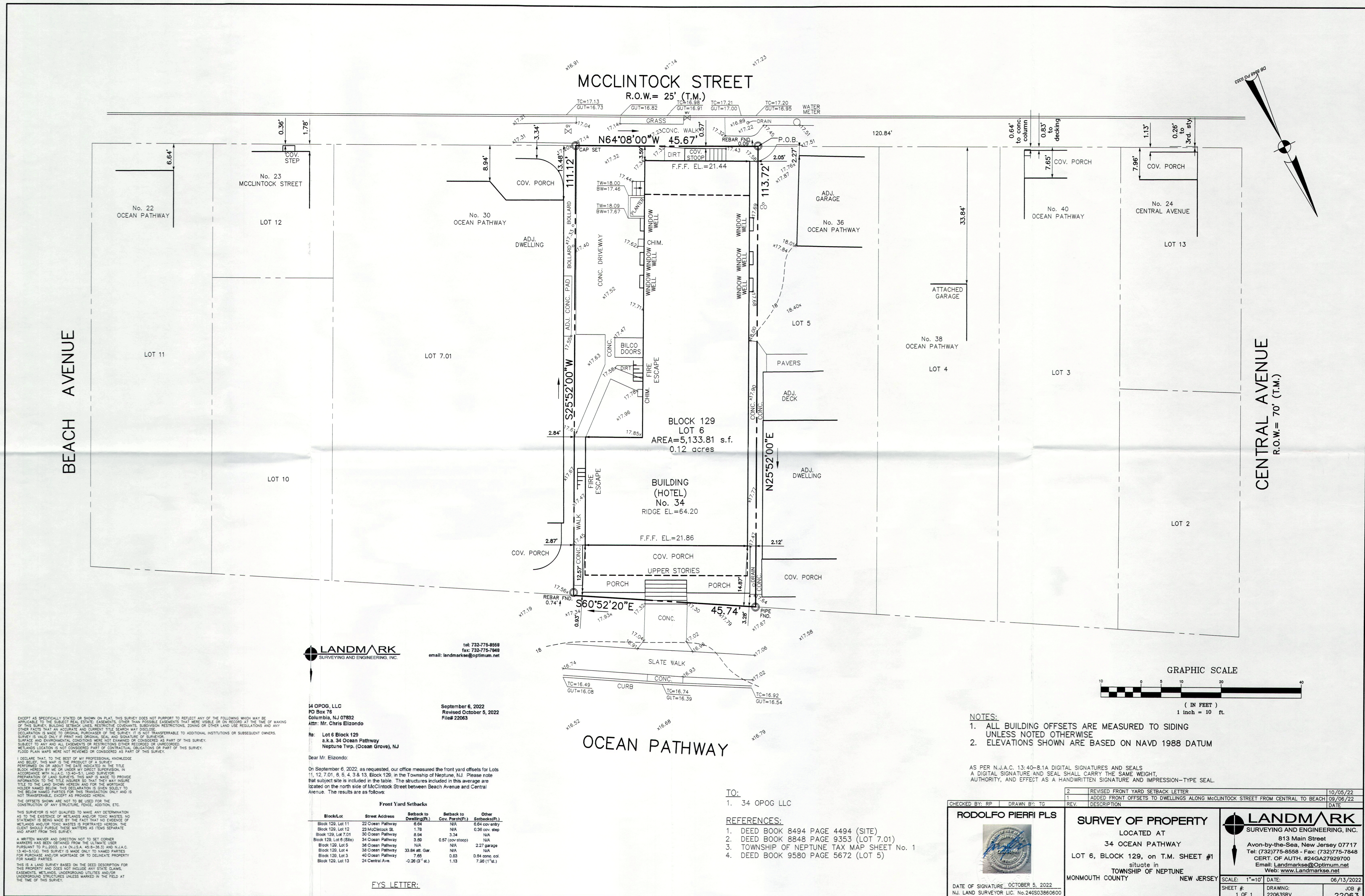
ABSTAINED: None.

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 NOVEMBER 1, 2023 and memorialized at the meeting held on **DECEMBER 6, 2023**,

Date: December 8, 2023



KRISTIE DICKERT, Administrative Officer of the
Zoning Board of Adjustment
Township of Neptune



EXISTING AREAS
LOT AREA 5,133.81 SF

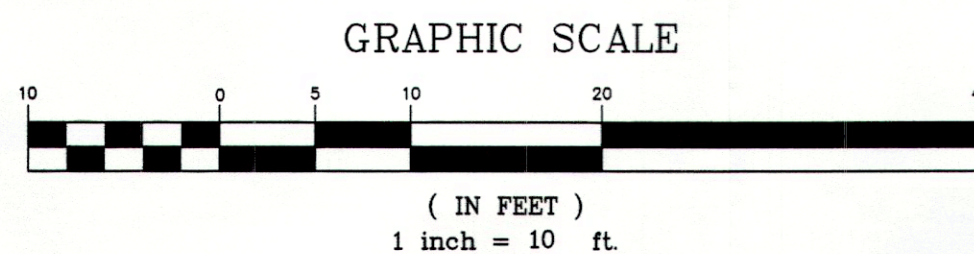
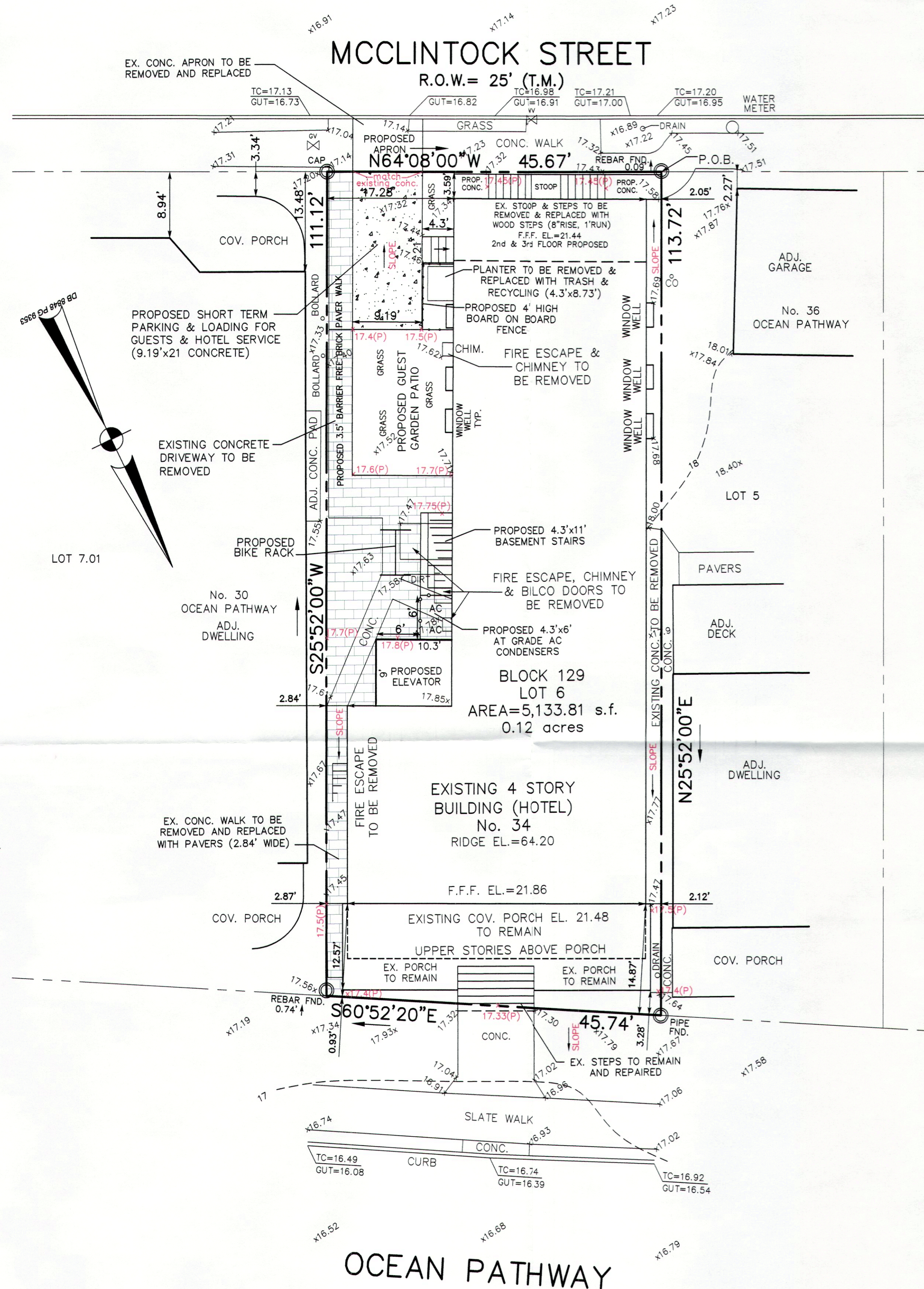
BUILDING 3,229.64 SF
COVERED PORCH 154.24 SF
FRONT STEPS 24.49 SF
EAST SIDEWALK 202.96 SF
WEST SIDEWALK 123.42 SF
BILCO DOORS 33.92 SF
DRIVEWAY 768.56 SF
PLANTER FRAME 6.32 SF
BASEMENT STEPS 10.78 SF
REAR STEPS 15.53 SF
REAR STOOP 16.28 SF
REAR WALK 36.99 SF

TOTAL EXISTING LOT COVERAGE 4,623.13 SF
(90.05%)

PROPOSED AREAS
LOT AREA 5,133.81 SF

HOTEL 3,195.78 SF
ELEVATOR 92.70 SF
COVERED FRONT PORCH 154.24 SF
FRONT STEPS 56.09 SF
FRONT WALK 3.42 SF
REAR STOOP 13.20 SF
BASEMENT STEPS 47.30 SF
REAR SIDE STEPS 15.12 SF
DRIVEWAY 200.85 SF
REAR STEP PAD 40.87 SF
BRICK PAVERS 636.98 SF
REAR STEPS 39.60 SF

TOTAL PROPOSED LOT COVERAGE 4,496.15 SF
(87.58%)



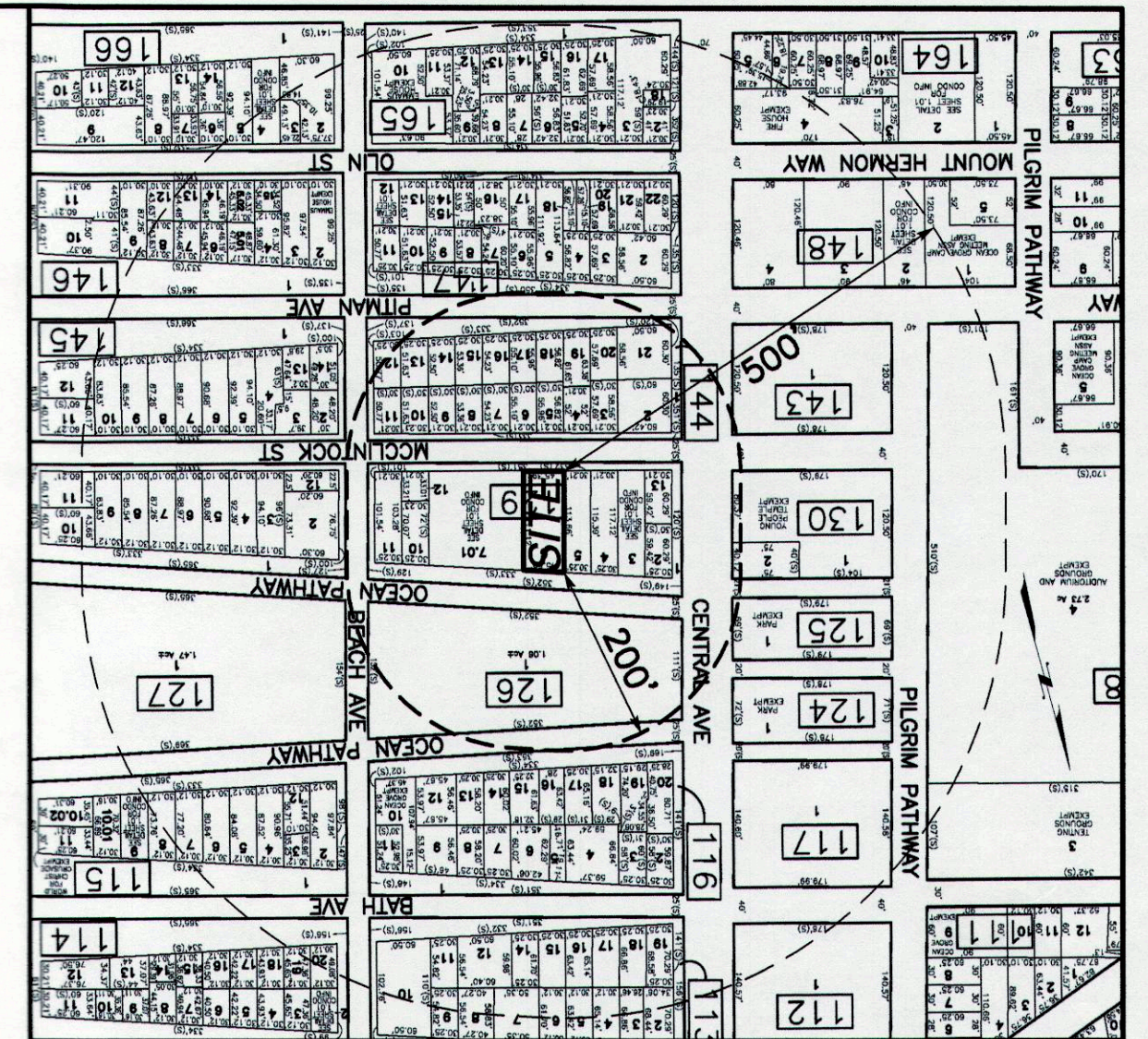
LEGEND

- = EXISTING CONTOUR
- x20.0 = EXISTING SPOT ELEVATION
- [21] = PROPOSED CONTOUR
- x100.7 (P) = PROPOSED SPOT ELEVATION
- ⊙ = DOWNSPOUT W/SPLASH BLOCK
- slope = DIRECTION OF STORM WATER FLOW

NOTES:

- ALL BUILDING OFFSETS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE
- ELEVATIONS SHOWN ARE BASED ON NAVD 1988 DATUM
- ALL ZONING INFORMATION AS PER ARCHITECT

CHECKED BY: DC	DRAWN BY: TG	3	REVISE AS PER TOWNSHIP MEETING	11/3/23
CHECKED BY: DC	DRAWN BY: TG	2	REVISE AS PER ARCHITECTS PLANS	09/18/23
CHECKED BY: DC	DRAWN BY: TG	1	REVISE ELEVATOR DIMENSION & AREA CALCULATION	3/14/23
CHECKED BY: DC	DRAWN BY: TG	REV.	DESCRIPTION	DATE
GRADING PLAN LOCATED AT 34 OCEAN PATHWAY LOT 6, BLOCK 129, on T.M. SHEET #1 situate in TOWNSHIP OF NEPTUNE MONMOUTH COUNTY NEW JERSEY				
DANIEL W. CARUSO, P.E. N.J. PROFESSIONAL ENGINEER - GE35687				
LANDMARK SURVEYING AND ENGINEERING, INC. 813 Main Street Avon-by-the-Sea, New Jersey 07717 Tel: (732)775-8558 - Fax: (732)775-7848 CERT. OF AUTH. #24GA27929700 Email: Landmarkse@optimum.net Web: www.Landmarkse.net				
SCALE: 1"=10' DATE: 06/13/2022				
SHEET # 1 OF 1 DRAWING: 22063PPrev11-02-23 JOB #: 22063				



LOCATION MAP

LANDMARK
SURVEYING AND ENGINEERING, INC.

tel: 732-775-8558
fax: 732-775-7848
email: landmarkse@optimum.net

34 OPOG, LLC
PO Box 78
Columbia, NJ 07832
Attn: Mr. Chris Elizondo

September 6, 2022
Revised October 5, 2022
File# 22063

Re: Lot 6 Block 129
a.k.a. 34 Ocean Pathway
Neptune Twp. (Ocean Grove), NJ

Dear Mr. Elizondo:

On September 6, 2022, as requested, our office measured the front yard offsets for Lots 11, 12, 7.01, 6, 5, 4, 3 & 13, Block 129, in the Township of Neptune, NJ. Please note that subject site is included in the table. The structures included in this average are located on the north side of McClintock Street between Beach Avenue and Central Avenue. The results are as follows:

Front Yard Setbacks				
Block/Lot	Street Address	Setback to Dwelling (ft.)	Setback to Cov. Porch (ft.)	Other Setbacks (ft.)
Block 129, Lot 11	22 Ocean Pathway	8.84	N/A	8.84 cov. entry
Block 129, Lot 12	23 McClintock St.	1.78	N/A	0.36 cov. step
Block 129, Lot 7.01	30 Ocean Pathway	8.84	3.34	N/A
Block 129, Lot 6 (Site)	34 Ocean Pathway	3.59	0.57 (cov. stoop)	N/A
Block 129, Lot 5	36 Ocean Pathway	N/A	N/A	2.27 garage
Block 129, Lot 4	38 Ocean Pathway	33.84 att. Gar.	N/A	N/A
Block 129, Lot 3	40 Ocean Pathway	7.85	0.83	0.84 sono. col.
Block 129, Lot 13	24 Central Ave.	-0.26 (3' st.)	1.13	7.96 (1" st.)

FYS LETTER:

