

EXHIBIT D

ZONING BOARD OF ADJUSTMENT
ZBA RESOLUTION #25/06 & PLANS AND
APPLICATION AS SUBMITTED TO THE
ZONING BOARD OF ADJUSTMENT,
RELIED UPON FOR THE CERTIFICATE OF
APPROPRIATENESS APPLICATION

APPLICANT: SRT2 REALTY, LLC
(ELIZABETH TICE, MAN. MEM.)
APPLICATION NUMBER: ZB24/12
BLOCK: 98
LOT: 4
ADDRESS: 98 LAWRENCE AVENUE
ATTORNEY FOR APPLICANT: JEFFERY BEEKMAN, ESQ.
RESOLUTION NUMBER: 25/06



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE
USE AND BULK VARIANCE FOR SMALL ADDITION
ON MULTI-FAMILY RESIDENTIAL USE
(EXPANSION OF PRE-EXISTING, NON-CONFORMING USE)**

WHEREAS, VICE CHAIR SHANE MARTINS, offered the following Resolution moved and seconded by BOARD MEMBER DR. JAMES BROWN:

WHEREAS, SRT2 REALTY, LLC by and through their Attorney, JEFFERY BEEKMAN, 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:

Applicants are seeking Use Variance approval to renovate the front single-family dwelling by adding a 53 sq. ft. addition to the first-floor kitchen space, as well as an addition of a 70 sq. ft. covered porch in the rear of the front dwelling. Applicants are also proposing to replace the current rear walkway with a 101 sq. ft. new walkway and install a 5 sq. ft. bay window and a 5 sq. ft. gas fireplace on the south side of the house. The applicant is represented by Jeffrey P. Beekman, Esq.

WHEREAS, the application pertains to premises known and designated as Block 98, Lot 4 on the Tax Map of the Township of Neptune, which premises are located at 98 Lawrence Avenue, Neptune, NJ 07753;

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, (Originally scheduled for 9/4/2024; carried to;) DECEMBER 4, 2024.

WHEREAS, the following items were entered as Exhibits at the hearing, including but not limited to; any and all documentation as submitted and appearing on the Neptune Township website (NeptuneTownship.org) for presentation at the Public Meeting conducted either "In Person" or via Zoom with public notice along with any and all documentation provided at the Public Hearing as so denoted as "Exhibit" after identification and submission into the record; to wit;

SRT2 Realty (Tice) 98 Lawrence

1. Community Impact Statement
2. Survey
3. Lease Assignment (copy)
4. Zoning Permit Denial
5. Architectural Plans
6. Use Variance Plans
7. Checklist & Application
8. Resolution of SRT2 Realty LLC
9. Avakian Review #1
10. 94 Lawrence Property Card
11. 96 Lawrence Property Card
12. Mark Toconita RA Architecturals
13. Najarian Assoc. Variance Plan
14. Neighbor Chimney Comparison
15. PQ 98 Lawrence Property Cards
16. PQ 98 Lawrence Rear Yard Comparison
17. Sanborn Maps- 3 Pages

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

1. ELIZABETH TICE- MANAGING MEMBER LLC

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

1. NOT APPLICABLE

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

1. NOT APPLICABLE

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:

1. This is a modest addition to property which is preexisting non-conforming use. Both units in the subject structure are significantly small.
2. Making a functional kitchen, porch on rear and fireplace repair with a replacement of the existing walkway, will benefit the property. In total, this is less than 225 sf (230 total) for the expansion. The only reason the applicant is before the Board and required to appear is that this proposed construction constitutes a D2 expansion of use on a property which has been there forever as a multi-family property.
3. Per Board Planner **JENNIFER BEAHM**, there are proof for the expansion of the site to indicate the site can accommodate the proposed expansion of use. The standard for zoning is a lesser standard. In this situation, there is an expansion for 50 SF for kitchen, covered porch and 5 SF for fireplace. The site can absolutely accommodate the use and is still subject to HPC approval for exterior. This is a functional expansion for the rental

units. Beahm submits that this is minor ask and takes no exception to same and benefit outweigh any negative. The conditions are existing and the building coverage for the 2 family dwelling with proposed addition, is still under allowable coverage for the site.

4. **VICE CHAIR SHANE MARTINS** appreciates that the applicant is asking for permission rather than forgiveness in this pending application.

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 is granted use variance relief for approval to renovate the front single-family dwelling by adding a 53 sq. ft. addition to the first-floor kitchen space, as well as an addition of a 70 sq. ft. covered porch in the rear of the front dwelling. Applicants shall also replace the current rear walkway with a 101 sq. ft. new walkway and install a 5 sq. ft. bay window and a 5 sq. ft. gas fireplace on the south side of the house per the plans submitted.

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.
- m. APPLICANT MUST SATISFY AND PAY FOR ANY TAX MAP REVISION FEE AS A CONDITION OF APPROVAL FOR ANY AND ALL SUBDIVISIONS OR OTHERWISE AS MAY BE DEEMED NECESSARY FOR RESOLUTION COMPLIANCE.

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

ROLL CALL VOTE:

THOSE IN FAVOR: MARTINS, BROWN, BASCOM, FRANTZ, RILEY, WESTON, DREMLUCK, DIPACE.

THOSE OPPOSED: NONE

ABSENT:

ABSTAINED:

MEMORIALIZATION VOTE:

THOSE IN FAVOR: ALL IN FAVOR

THOSE OPPOSED: NONE

ABSENT:

ABSTAINED:

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 DECEMBER 4, 2024 and memorialized at the meeting held on March 5, 2025,

Date: March 27, 2025

HEATHER KEPLER
Administrative Officer of the
Zoning Board of Adjustment.
Township of Neptune.

Block 201	Land Desc 25X96	Owners Name	Land 305,800	Exemption	Net Taxable Value Deductions
Lot 4	Blgd Desc 2SF-1SF	Street Address	Bank 00000	Lepr 386,400	Code Cd No-Ow
Qual	Addl Lota	City & State	Zip 07756	Total 692,200	Value 0
Acct# 00020920	Acresage 0.000	Class 2	Property Location 98 LAWRENCE AVE	Zone HD81	

DESCRIPTION	SKETCH
SITE INFORMATION Sewer: SEW/WATER Water: Gas: SEWER ONLY Topography: LEVEL Road: PAVED	
BUILDING INFORMATION Type and Use: N.A. Story Height: TWO STORY Style: COLONIAL Exterior Fin: FRAME Roof Type: GABLE Roof Material: SHINGLE Foundation: BRICK Condition: NORMAL Quality: 17 Source: DWG VACANT Bath: Mod: Avg: 2 Old: Kitchen: Mod: Avg: 1 Old: Room Count: Tot: 6 Bed: 3 Bth: 2 Year Built: 1880 Eff Age (Years): 35 Livable Area: 1247 BASEMENT 432 SF FIRST STORY 655 SF UPPER STORY 592 SF 1 FORCED HOT AIR 1247 SF 3 FIXTURE BATH 2 UNFIN ATTIC 432 SF EXP. ATTIC (UNF) 432 SF ENCLOSED PORCH 24 OPEN PORCH 101 SF	
SALE DATE 00/00/00 SALE PRICE 0	

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05/15/24

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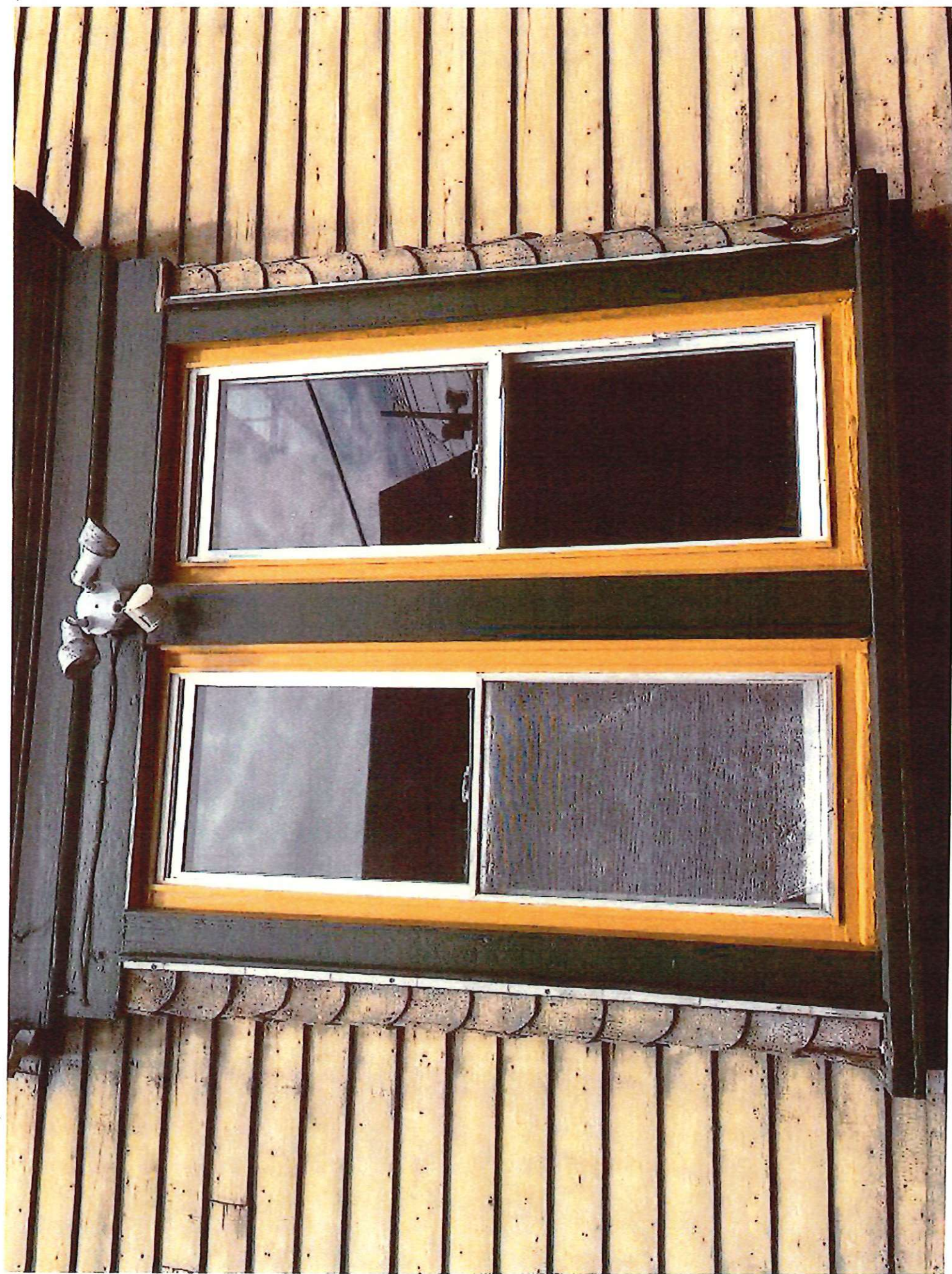
PQ - 98 Lawrence

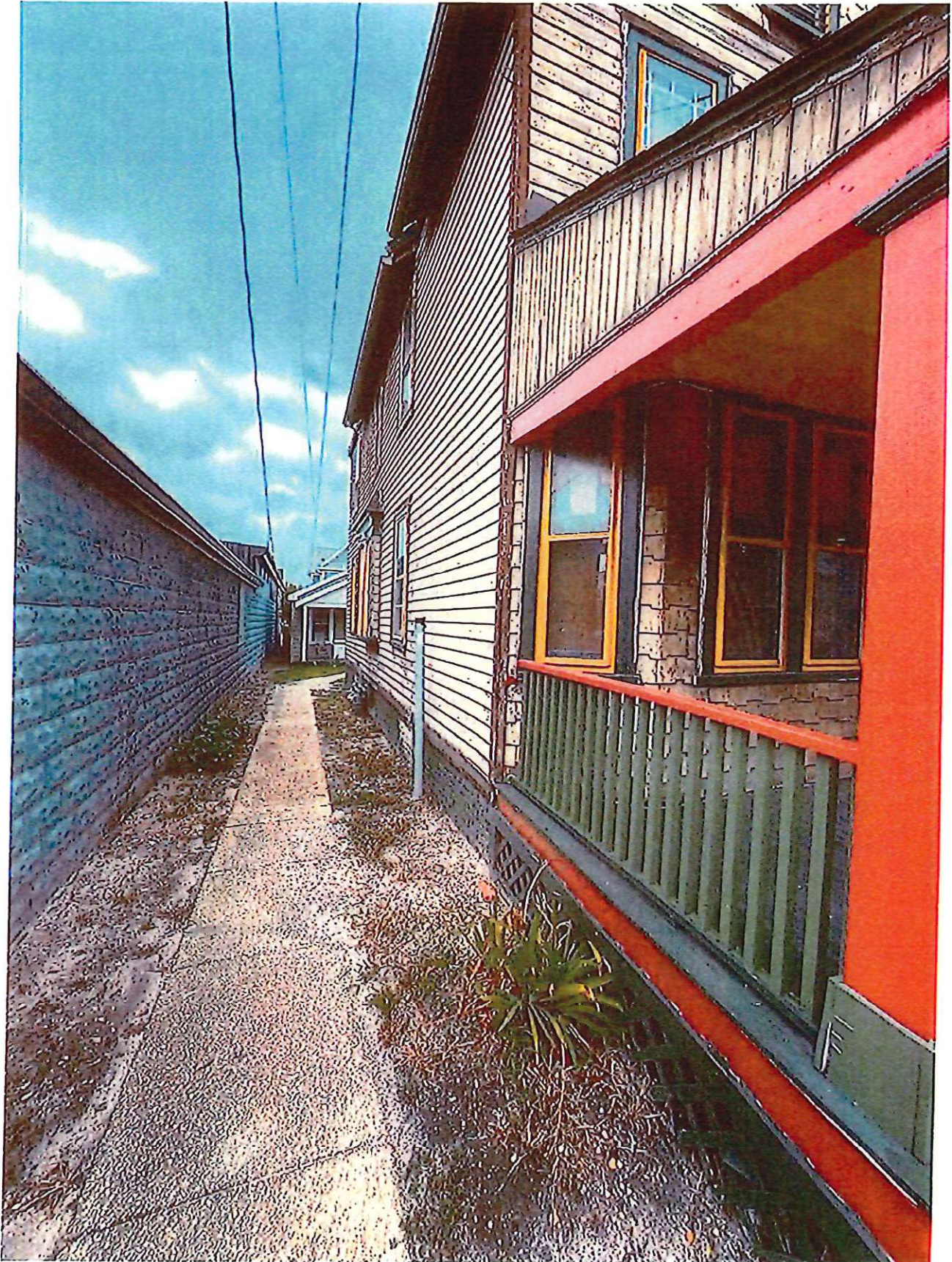
Block 201	Land Desc	Owners Name	Land	32,300	Exemption	Net Taxable Value Deductions
Lot 4	Bldg Desc	Street Address	Bank	Inpr	53,200	Code
Qual	Addi Lots	City & State	Zip	07756	Total	85,500
Acct#	Acresage	0.000	Class	2	Property Location	98 LAWRENCE AVE
			Zone	MOB1		

DESCRIPTION	SKETCH
<p>SITE INFORMATION</p> <p>Sewer: SEW/WATER Water: SEWER ONLY Gas: LEVEL Topography: PAVED Road: PAVED</p> <p>BUILDING INFORMATION</p> <p>Type and Use: N.A. Story Height: ONE STORY Style: BUNGALOW Exterior Fin: FRAME</p> <p>Roof Type: GABLE Roof Material: SHINGLE Foundation: CONCRETE SLAB Condition: NORMAL Quality: 17 Source: ESTIMATED</p> <p>Bath: Mod: Avg: 1 Old: Kitchen: Mod: Avg: 1 Old: Room Count: Tot: 3 Bed: 1 Bth: 1 Year Built: 1930 Eff Age (Years): 35 Livable Area: 453</p> <p>FIRST STORY 453 SF CONC. SLAB 453 SF 1 FLOOR OR WALL F 453 SF 3 FIXTURE BATH 1 OPEN PORCH 72</p> <p>SALE DATE 00/00/00 SALE PRICE 0</p>	



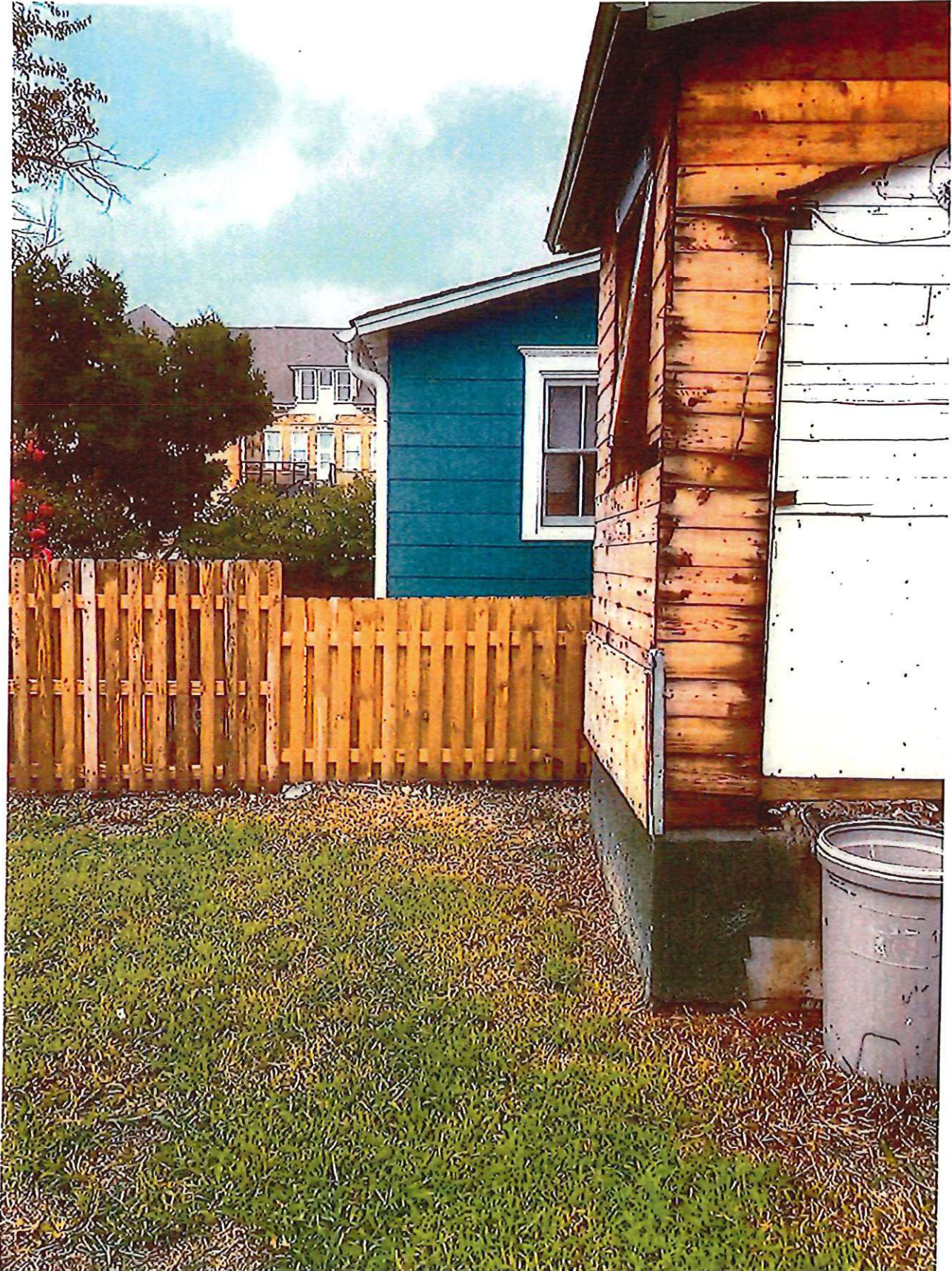




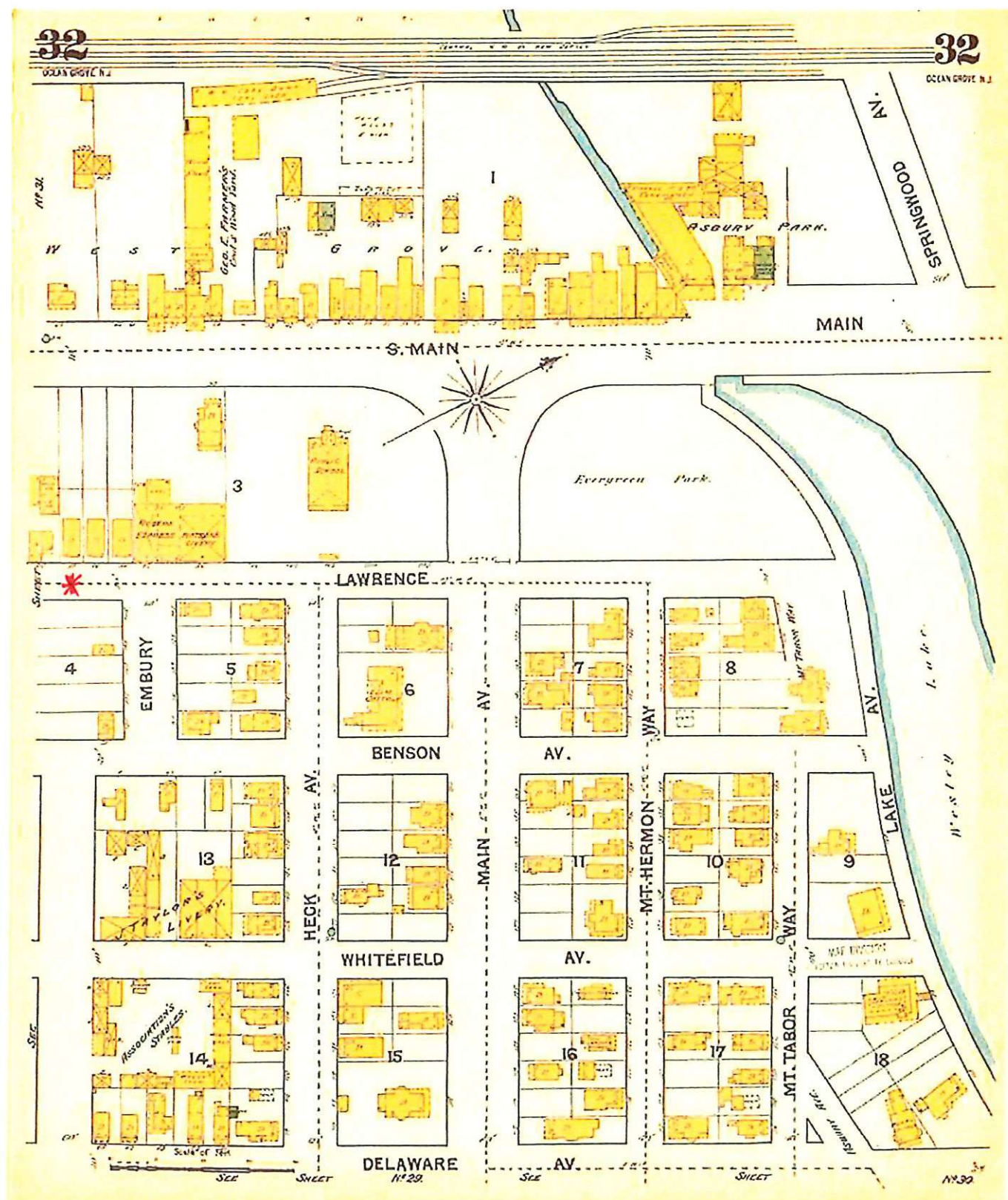


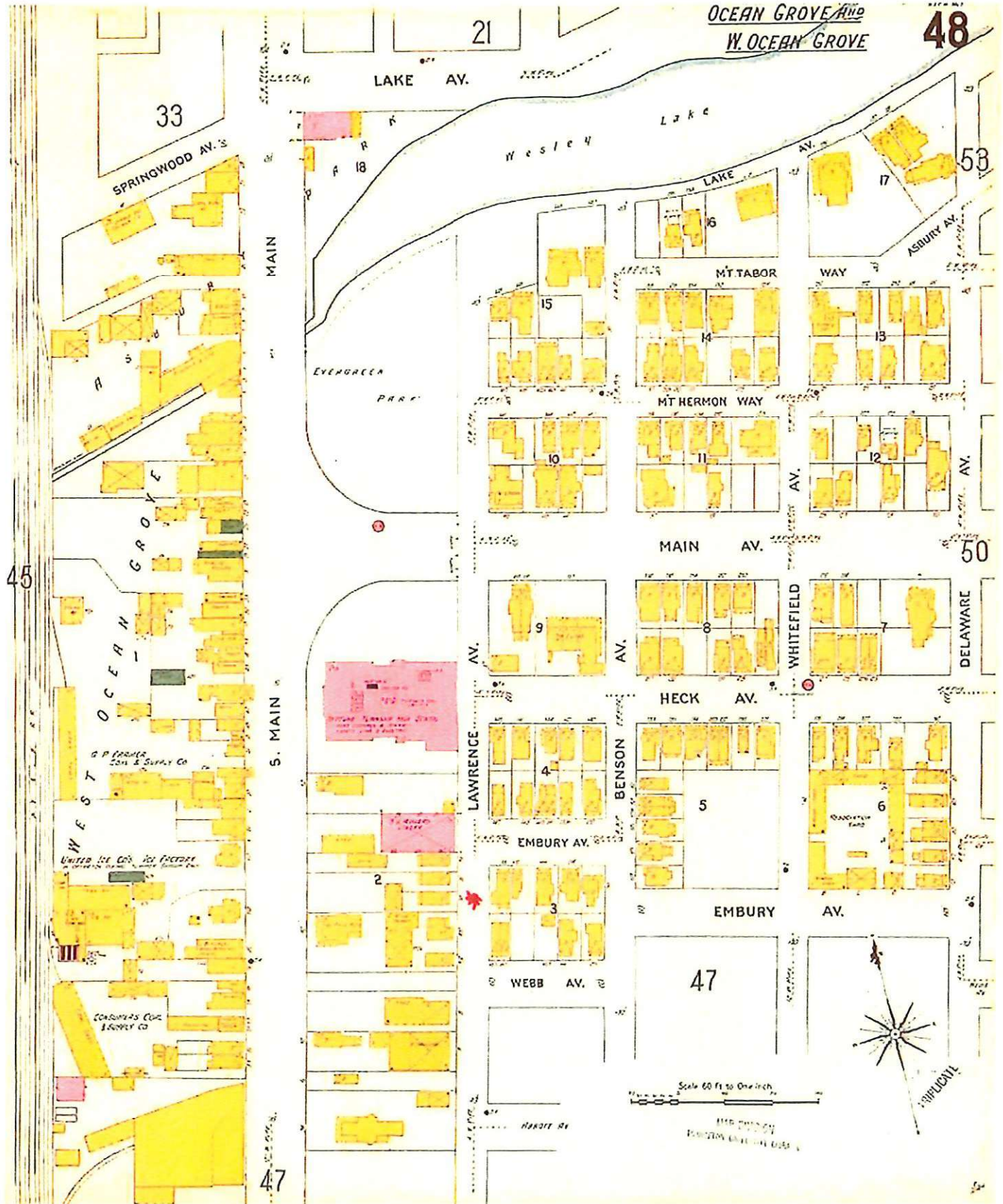
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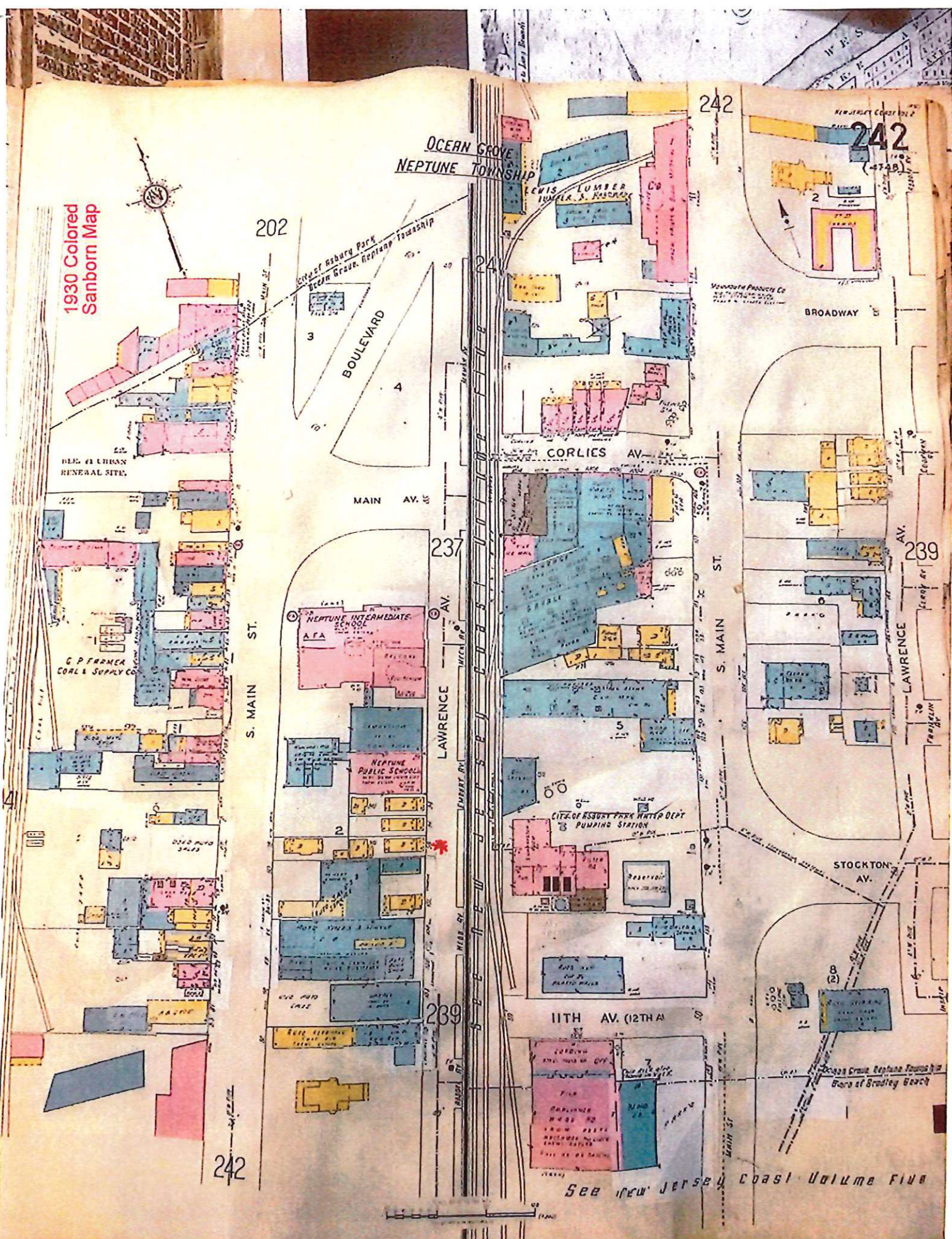






1905 Sanborn Map

1930 Colored
Sanborn Map



Rear Yard Comparison

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