

**RESOLUTION OF THE NEPTUNE TOWNSHIP
HISTORICAL PRESERVATION COMMISSION
REGARDING AN APPLICATION PENDING BEFORE
THE NEPTUNE TOWNSHIP ZONING BOARD FOR
THE PREMISES IDENTIFIED AS BLOCK 249 LOT 13
COMMONLY KNOWN AS 73 COOKMAN AVENUE**

WHEREAS, Richard and Jennifer Hart (hereinafter referred to as the "Applicant") appear to be the owners/applicant relating to the property identified above on the Tax Map of the Township of Neptune; and

WHEREAS, it appears that the applicant has submitted an application to the Neptune Township Zoning Board of Adjustment (hereinafter referred to as the "Board") seeking the issuance of certain relief, based upon the application submitted reviewed by the HPC; and

WHEREAS, N.J.S.A. 40:55D-110 provides: " The planning board or zoning board of adjustment shall refer to the Historic Preservation Commission ("HPC") every application for development submitted to either board for development in historic zoning districts or on historic sites designated on the zoning or official maps or identified in any component element of the master plan;." and

WHEREAS, regardless of approval from any other Board, a Certificate of Appropriateness must be obtained from the HISTORIC PRESERVATION COMMISSION (hereafter " HPC" or "Commission") **prior to** the procurement of a Construction permit and/or commencement of any "work" whether it requires a construction permit or not. Included in the term "work" is all painting, signage, repair, restoration, alteration, addition, or new construction where siding, windows, doors, trim, decorative ornament, porches, balconies, railings, shutters, awnings, fences, exterior lighting or roofs, or any change to any other exterior elements impacted by a proposed change or improvement; and

WHEREAS, the HPC recognizes that it may not have jurisdiction over the issuance of the relief which the applicant may be requesting; however, the HPC does have jurisdiction to decide whether the proposed work is historically appropriate as further set forth in the HPC's guidelines after the "Board" renders its decision; and

WHEREAS, it appears the Board did transmit to the Historic Preservation Commission copies of the application for the HPC's review; and

WHEREAS, the Commission during a public meeting held on the **13TH day of JULY, 2021** had the opportunity to review and consider the within application; and

WHEREAS, based upon the exhibits submitted and presented to the Commission and based upon the record of proceedings before this Commission which is incorporated into this Resolution as if set forth at length herein, the following findings of fact and conclusions of law have been made by this Commission; to-wit:

1. In the review and consideration of this application, the Commission is obliged to apply the Ocean Grove Commercial and/or Residential Design Guidelines (hereinafter the "Guidelines" or "Design Guidelines") and the applicable Ordinances of the Township of Neptune. The sole basis from any determination or recommendation by this Commission is based upon the application of the Guidelines and Township Ordinances. The Commission applies the Guidelines in the consideration of all applications within the historic district.

2. Several sections of the Ocean Grove Design Guidelines require the Historic Preservation Commission to determine whether the proposal is consistent with the historic district and should be referred to the Commission after any and all decisions of the Zoning Board of Adjustment.

3. **It does appear from the application that the applicant is not proposing to change the massing or footprint of the structure, and instead is seeking bulk variance relief to install gutters to help guide stormwater off the structure's roof and away from the structure, whereas stormwater currently is damaging the structure and entering the basement, further undermining the structure.**

4. **While the location of the to-be-installed gutters may require zoning relief in the form of a setback variance, the Commission whole-heartedly supports the Applicant's efforts to preserve and protect this residential structure, which is designated as a "Key Structure" under the aforementioned Design Guidelines. Installation of gutters appears have a valid need and should be permitted provided the Zoning Board finds that the requisite variance criteria have been satisfied. The Commission finds that such installation is essential to ensure the continued viability of this Key Structure.**

5. Although the Zoning Board has jurisdiction to review and consider and decide whether to approve the Application, the Commission has jurisdiction if the application is approved, to review same for historic appropriateness pursuant to N.J.S.A. 40:55D-110.

NOW, THEREFORE BE and IT IS HEREBY RESOLVED by the Historic Preservation Commission as follows:

Although the Commission is supportive of the Applicant's efforts to protect and preserve this Key Structure, and encourages the Board to grant the zoning relief necessary to allow for the installation of such protective measures, the Commission reminds the Board that this matter must be referred to the HPC and the HPC reserves its right to designate the Commission Chair or Co-Chair and Commission Attorney to appear before the Zoning Board to present the position of the Commission as to this application and to answer such additional inquiries presented by the Commission related to the application, however in the event the HPC does not send a representative to the Board, the HPC relies on this Resolution and the Applicant still must appear before the HPC for approval to proceed; and it is

FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Secretary, Zoning/Planning Board, Zoning Officer and that a copy be retained by the Commission for future reference.

Deborah Osepchuk, Chairwoman
Township of Neptune Historic
Preservation Commission

I HEREBY CERTIFY that the within is a true copy of the Resolution adopted by the Historic Preservation Commission at its meeting on JULY 13, 2021.

Date:

7/15/2021


ALISON WALBY, Secretary
HISTORIC PRESERVATION COMMISSION