

Rec. 2/11/2021

**RESOLUTION
TOWNSHIP OF NEPTUNE
HISTORIC PRESERVATION COMMISSION
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
DENIAL OF REPLACEMENT WALKWAYS**

Denial: January 12, 2021

**IN THE MATTER OF: WILLIAM & RACHEL TAYOR (9 Broadway)
APPLICATION NO.: HPC2020-226**

WHEREAS, William and Rachel Taylor (the “Applicant”) has applied to the Township of Neptune Historic Preservation Commission (the “Commission”) seeking retroactive approval for the existing concrete paver walkways previously installed in flared area open space between the public sidewalk and the front and side entrances of the dwelling on the property pursuant to Sections 900-914 of the Township of Neptune Land Development Ordinance for lands known and designated as Block 247, Lot 13, on the official Tax Map of the Township of Neptune, and more commonly known as 9 Broadway, 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, and it otherwise appears that the jurisdiction and powers of the Commission have been properly invoked and exercised; and

WHEREAS, a public hearing was held remotely via Zoom on November 10, 2020, at which time testimony and the exhibits referenced below were presented on behalf of the Applicant and all interested parties having had an opportunity to be heard; and

WHEREAS, the following Exhibits were marked into evidence:

A-1 through A-12, inclusive.

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 seeks retroactive approval for the existing concrete paver walkways previously installed in flared area open space between the public sidewalk and the front and side entrances of the dwelling on the Property.

2. The subject Property is located within the HD-O Historic District Oceanfront and is improved with a dwelling constructed in around 1888 and is considered a “Key Structure” by date as defined in the Historic District’s Design Guidelines for Residential Structures (“Design Guidelines”).

3. The Applicant was represented by attorney James T. Hundley, who presented the evidence and provided arguments in support of the Application. According to Mr. Hundley, the

Applicant removed two (2) poured concrete walkways and replaced them with concrete pavers, together with installing a third concrete paver walkway. The Applicant's contention was that replacement of the sidewalks within the flared area with pavers should be permissible and not inconsistent with the Design Guidelines. The Applicant received a Notice of Violation in November 2018, which were followed by three (3) summons in March 2019 for construction within the flare, walkways within the flare, and construction without a HPC Certification of Appropriateness. The Applicant challenged all three summons, and agreed to make application before the HPC for a Certification of Appropriateness.

4. The Commission expressed concern that the relief sought was not available for a variety of reasons. First, the Commission found that the Applicant's removal of the concrete walkway within the flare amounted to a destruction of a preexisting non-conforming walkway, which once destroyed could not be replaced. Second, the Commission found that the walkways proposed by the Applicant were inconsistent with the size limitations of Section R of the Design Guidelines, and that hardscape in the flare is discouraged under all circumstances. Third, the Commission found that the concrete pavers were not historically consistent with respect to form, shape or color.

5. 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:

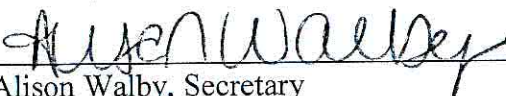
1. The Applicant retroactive approval for the existing concrete paver walkways previously installed in flared area open space between the public sidewalk and the front and side entrances of the dwelling on the Property.

2. The Commission concludes the removal and replacement of the preexisting poured concrete walkways within the flare, and the installation of a third walkway, all constructed with the same concrete paver material, is historically inappropriate and violates the Design Guidelines that provide that once a non-conforming structure within the flare is removed, it shall not be replaced. A Certificate of Appropriateness is therefore denied.

NOW, THEREFORE, BE IT RESOLVED, by the Historic Preservation Commission of the Township of Neptune on this 12th day of January, 2021, denying a Certificate of Appropriateness for Application No. HPC2020-226 for installation of three (3) concrete paver walkways on property located at Block 247, Lot 13, on the official Tax Map of the Township of Neptune, and more commonly known as 9 Broadway, Ocean Grove, New Jersey pursuant to Section 900-914 of the Township of Neptune Land Development Ordinance, is hereby memorialized.

BE IT FURTHER RESOLVED that the Commission Secretary is hereby authorized and directed to send a certified copy of this Resolution to the Applicant and shall make same available to all other interested parties.

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 January 12, 2021.


Alison Walby, Secretary
Township of Neptune
Historic Preservation Commission

1963923_1 NEPHPC-153 William Taylor (9 Broadway) Resolution Denying Concrete Paver Walkways (HPC2020-226) 1-12-2021

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