



ANSELL GRIMM & AARON PC

COUNSELORS AT LAW

1500 LAWRENCE AVENUE
CN7807
OCEAN, NEW JERSEY 07712
732-922-1000
732-922-6161 (FAX)

365 RIFLE CAMP ROAD
WOODLAND PARK, NEW JERSEY 07424
973-247-9000
973-247-9199 (FAX)

214 CARNEGIE CENTER
SUITE 112

PRINCETON, NEW JERSEY 08540
609-751-5551

140 GRAND STREET
SUITE 705

WHITE PLAINS, NEW YORK 10601
800-569-3886

41 UNIVERSITY DRIVE
SUITE 400

NEWTOWN, PENNSYLVANIA 18940
267-757-8792

www.ansellgrimm.com

RICHARD B. ANSELL ‡
PETER S. FALVO, JR.
JAMES G. AARON
PETER B. GRIMM
MITCHELL J. ANSELL
BRIAN E. ANSELL ‡
ALLISON ANSELL †
MICHAEL V. BENEDETTO
DAVID B. ZOLOTOROFÉ
DONNA L. MAUL*
RICK BRODSKY*
LAWRENCE H. SHAPIRO*
ROBERT A. HONECKER, JR. ☐§
JENNIFER S. KRIMKO
FREDERICK C. RAFFETTO-
JOSHUA S. BAUCHNER*
DAVID J. BYRNE ☐
ANDREA B. WHITE **

EDWARD J. AHEARN
JASON S. KLEIN*
MELANIE J. SCROBLE
BARRY M. CAPP*
DOUGLAS A. DAVIE*
MARK M. WIECHNIK
ELYSA D. BERGENFELD
RICHARD B. LINDERMAN ☐
KEVIN M. CLARK
KRISTINE M. BERGMAN ☐
JESSICA T. ZOLOTOROFÉ
TARA K. WALSH*
RAHOOL PATEL*
NICOLE D. MILLER ☐
ALFRED M. CASO
ANTHONY J. D'ARTIGLIO*
SETH M. ROSENSTEIN*

COUNSEL
HON. ANTHONY J. MELLACI, JR., J.S.C. (RET)
STACEY R. PATTERSON*
JAMES A. SYLVESTER
ROY W. HIBBERD †
HON. RAYMOND A. HAYSER, J.T.C. (RET)
LISA GOLDWASSER*

ROBERT I. ANSELL
RETIREE

IN MEMORIAM
LEON ANSEHELEWITZ (1929-1986)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)

LICENSED ALSO IN:
Δ D.C. • MASS. • N.Y. • WASH.
☐ PENN. - FLA. • CALIF.

† FELLOW, AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

‡ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY

§ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CRIMINAL TRIAL ATTORNEY

* CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

April 24, 2020

Via Email and Regular Mail

Ms. Kristie Dickert
Neptune Township Zoning Board of Adjustment
25 Neptune Boulevard
Neptune, NJ 07753

**Re: Collard Realty -- 1906 Rutherford Ave.
Block 1002, Lots 1, 16
Our File #92002-2**

Dear Ms. Dickert:

In regard to the above captioned matter, please accept this letter amendment to the previously filed application for Block 1002, Lot 16.

Based upon the previous hearings before the Neptune Township Board of Adjustment, we are hereby amending the above captioned application as follows:

Applicant seeks to allow a portion of the existing building located at 1906 Rutherford Avenue, Neptune, for warehousing/self-storage. Since warehousing/self-storage is not a permitted use in the C-7 Route 35 Commercial District, a use variance is required pursuant to Section 40:55D-70.1.d(1) of the Municipal Land Use Law. In the event the parking or a loading zone/space becomes an issue, the Applicant has secured an easement over property immediately east of the subject premises at 211 Highway 35, Neptune, NJ, otherwise known as Block 1002 Lot 1. That property is owned by 201 Hwy. 35, LLC. In addition, the applicant requests to use the remainder of the building located at 1906 Rutherford Avenue, Neptune for any use permitted in the zone regardless of the parking and/or loading requirements of that use since it has secured a parking easement on the adjacent property which has sufficient spaces to

April 24, 2020

Page 2.

accommodate any parking required for 1906 Rutherford without creating a diminution in spaces for the uses on 211 Highway 35. To the extent

that the number of parking spaces and/or loading zone does not comply with the ordinance requirements, the applicant shall seek a variance for same.

Applicant also seeks, if required, variances for any existing non-conformities as this is an existing building and site. No improvements to the site are contemplated at this time which would require any new variances.

Applicant expressly makes application for any additional variances, exceptions, waivers and other approvals as reflected on the filed plans (as same may be further amended from time to time without further notice) and as may be determined to be necessary by the Board during the review and processing of the application.

Based on these amendments, we have provided new notice to all property owners within 200' of Block 1002, Lots 1 and 16. In addition, a new notice is being published in the Asbury Park Press. A copy of that notice is enclosed. I have also enclosed twenty (20) copies of this letter for distribution to the Board and the Board professionals.

If you should have any questions or require additional information, please let me know.

Thank you for your time, cooperation and courtesies, I remain,

Very truly yours,

Peter S. Falvo, Jr. (mw)

PETER S. FALVO, JR.

A Member of the Firm

Email: psf@ansellgrimm.com

Direct Dial: 732-643-5287

Encl.

PSF/mw

C: Monica C. Kowalski, Esq. (via email)
Tom Collard (via email)

NEPTUNE TOWNSHIP – COUNTY OF MONMOUTH

IN THE MATTER OF THE APPLICATION

OF COLLARD REALTY, LLC. FOR PREMISES

KNOWN AS LOTS 1 AND 16 IN BLOCK 1002

ON THE OFFICIAL TAX MAP OF NEPTUNE TOWNSHIP

ALSO KNOWN AS 211 HIGHWAY 35 AND 1906 RUTHERFORD AVENUE,

NEPTUNE

NOTICE OF

PUBLIC HEARING

Notice is hereby given that the undersigned has applied to the Neptune Township Zoning Board of Adjustment for the following:

The Applicant is the owner of the property located at 1906 Rutherford Avenue in Neptune NJ. This property is also known as Block 1002, Lot 16. Applicant seeks to allow a portion of the existing building located at 1906 Rutherford Avenue, Neptune, for warehousing/self-storage. Since warehousing/self-storage is not a permitted use in the C-7 Route 35 Commercial District, a use variance is required pursuant to Section 40:55D-70.1.d(1) of the Municipal Land Use Law. In the event the parking or a loading zone/space becomes an issue, the Applicant has secured an easement over property immediately east of the subject premises at 211 Highway 35, Neptune, NJ, otherwise known as Block 1002 Lot 1. That property is owned by 201 Hwy. 35, LLC. In addition, the applicant requests to use the remainder of the building located at 1906 Rutherford Avenue, Neptune for any use permitted in the zone regardless of the parking and/or loading requirements of that use since it has secured a parking easement on the adjacent property which has sufficient spaces to accommodate any parking required for 1906 Rutherford without creating a diminution in spaces for the uses on 211 Highway 35. To the extent the number of parking spaces and/or loading zone does not comply with the ordinance requirements, the applicant shall seek a variance for same.

Applicant also seeks, if required, variances for any existing non-conformities as this is an existing building and site. No improvements to the site are contemplated at this time which would require any new variances.

Applicant expressly makes application for any additional variances, exceptions, waivers and other approvals as reflected on the filed plans (as same may be further amended from time to time without further notice) and as may be determined to be necessary by the Board during the review and processing of the application.

You are in receipt of this notice because 1906 Rutherford Avenue, Neptune and/or 211 Highway 35, Neptune are within 200 feet of your property.

A hearing will be held on this application by the Zoning Board of Adjustment of the Township of Neptune on **May 6, 2020**. The meeting will be held **remotely via ZOOM**. The meeting will commence at **7:30 PM** at which time you may participate via ZOOM and present any objection or questions you may have. Instructions on how to access the meeting via ZOOM are listed below:

PUBLIC ACCESS TO ZOOM MEETING:

To access the virtual hearing, you must join the ZOOM meeting. To access the ZOOM meeting, you will need access to computer with internet access and/or dial in through a mobile or land line phone to log into the meeting. To join the ZOOM meeting, click on the link below and type in the Meeting ID and Password. You will join the meeting and be able to listen and view the evidence shared on the screen at the meeting. You will also be able to access the agenda and files pertaining to the applications for the meeting on the Neptune Township

Website found on this page: <http://neptunetownship.org/agendas-minutes/zoning-board-adjustment>

Join Zoom Meeting

<https://us02web.zoom.us/j/82791958443?pwd=UzBhamFpOFQzRFNuNU0vb0p0ZkU4Zz09>

Meeting ID: 827 9195 8443

Password: 600398

One tap mobile

+164655 8656,,82791958443#,,#,600398# US (New York)

+13126266799,,82791958443#,,#,600398# US (Chicago)

Dial by your location

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US

Meeting ID: 827 9195 8443

Password: 600398

Find your local number: <https://us02web.zoom.us/j/82791958443?pwd=UzBhamFpOFQzRFNuNU0vb0p0ZkU4Zz09>

PUBLIC PARTICIPATION IN ZOOM MEETING:

You will be able to participate when the Board Chairman opens the meeting to the public for the public participation portion of the meeting at the end of testimony for each of the applicants and/or their professionals' for you to ask questions and/or cross examine these witnesses and make statements. The Board Chairman will limit public comments to 5 minutes per person. We ask that if you have questions of the applicant prepared in advance, that you e-mail them to the Board Secretary at kdickert@neptunetownship.org prior to the meeting. Your question will be acknowledged and read into the record and answered. If you have information or exhibits you wish to be considered and entered into the record, you will have to e-mail them to the Board Secretary kdickert@neptunetownship.org in advance of the meeting so they may be marked into evidence. For those who are in opposition of the proposal, you have the right to obtain an attorney to represent you, although this is not a requirement.

PUBLIC ACCESS TO APPLICATION FILES:

You will be able to access the application files that are shown in the meeting via the Neptune Township Website found on this page:

<http://neptunetownship.org/agendas-minutes/zoning-board-adjustment>

ALTERNATE ACCESS TO APPLICATION FILES:

If you are unable to access the information for the application via computer, or need assistance in logging on or using this technology, you may contact the Board Secretary, Kristie Dickert, at 732-988-5200 Ext. 278 or kdickert@neptunetownship.org. If you would like to view the files in person, you may schedule an appointment with the Board Secretary. If you wish a particular file be e-mailed or mailed to you, you must request that with 72 hours advanced notice.



PETER S. FALVO, JR., ESQ.
ANSELL GRIMM & AARON, P.C.
ATTORNEYS FOR THE APPLICANT

April 22, 2020