

NOTICE OF APPEAL OF ZONING OFFICER'S DECISION

TOWNSHIP OF NEPTUNE ZONING BOARD OF ADJUSTMENT

Subject Property: Block 613, Lot 8
Street Address: 216 Highway 35
Property Owner: Abbas Osman Family Trust
Appellant: Abbas Osman Family Trust

PLEASE TAKE NOTICE that the undersigned, owner of the premises in the Township of Neptune designated on the Neptune Tax Map as Block 613, Lot 8, and also known and designated as 216 Highway 35 in Neptune Township located in the B-1 Zone District hereby appeals to the Township of Neptune Zoning Board of Adjustment, pursuant to Neptune Township Ordinance §LDO-706(A) and N.J.S.A. 40:55D-70(a), regarding the Zoning Officer's decision dated September 8, 2025 ("Denial"), purporting that the Appellant must apply for use and parking variances for the Subject Property referenced above.

The grounds for appeal include the following:

1. The Appellant filed a Zoning Permit Application for a prospective tenant, Collaborative Support Programs of New Jersey, Inc ("CSPNJ"), a non-profit wellness center that provides community-based services, including supportive and referral services for housing, human rights advocacy, and other social services. A copy of the Zoning Permit Application and a letter from Victor Luna, CEO of CSPNJ is attached hereto as Exhibit A. The Zoning Permit also notes that the use "will never offer housing or rehabilitation services...[and] will never provide Vocational Rehab service."
2. The Denial purports to deny the zoning permit for non-permitted use, specifically, "[t]he proposed change of use/occupancy of the property, building or structure to a Community Center (642229) is not a listed permitted use within the B-1 Zoning District." A copy of the Zoning Determination is attached hereto as Exhibit B. In the same Zoning Determination, the zoning officer noted that "[t]he B-1 Zoning District specifically permits 'Social Assistance (NAICS 624, except Vocational Rehab Services, Community NAICS 6242).'"
3. In the Zoning Permit Application, the Appellant referenced the incorrect NAICS code for the proposed use as 642229, which does not exist. This was addressed in a subsequent letter to the zoning officer to be corrected as 624229, which is also a permitted use within the B-1 Zone. A copy of the letter with the correct NAICS code is attached hereto as Exhibit C.
4. The Denial also purports to deny the zoning permit for insufficient parking, calculating that the property will need 55.87 off-street parking spaces for 13,968 s.f. See Exhibit B. In the Zoning Permit Application, the Appellant noted that the guests of CSPNJ rely on

public transportation and do not own cars, the reason why the subject property is the optimal location based on the access to public transportation. The existing parking spaces on the property will be used solely for CSPNJ staff.

5. The use proposed by the Appellant's tenant is a permitted use within the Town Commercial (B-1) Zoning District pursuant to Neptune Township Ordinance LDO-404.01.

TAKE FURTHER NOTICE that you are hereby required to immediately transmit to the Secretary of the Zoning Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

Cleary Giacobbe Alfieri Jacobs, LLC
Attorneys for Appellant

Dated:

By: /s/ Salvatore Alfieri
Salvatore Alfieri, Esq.