

**APPLICATION TO APPEAL DENIAL OF ZONING  
and/or HISTORIC PRESERVATION COMMISSION**

Application # \_\_\_\_\_ / \_\_\_\_\_

Date Filed \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Hearing Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**TYPE OF VARIANCE REQUESTED:**

- Bulk Variance (front, side/rear setback, other) – Specify: \_\_\_\_\_
- Bulk Variance (lot coverage): \_\_\_\_\_
- Use Variance (proposal not permitted in zone): \_\_\_\_\_
- Appeal/Interpretation of Decision: \_\_\_\_\_
- Other - Specify: Appeal of Historic Preservation Commission ("HPC") denial of application for Certificate of Appropriateness

1. Property Address: 7 Ocean Pathway, Ocean Grove
2. Block: 115 Lot: 6
3. Property is located in HD-O Zoning District, according to Neptune Township Land Development Ordinance.
4. Name of Applicant: Terrie O'Connor  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
5. Name of Owner: Terrie O'Connor  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
6. Interest of Applicant, if other than Owner: N/A
7. Name of Contact Person: William I. Strasser, Esq.  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
8. Applicant's Attorney: William I. Strasser, Esq. Company: Strasser and Associates, P.C.  
Mailing Address: 7 East Ridgewood Avenue, Paramus, New Jersey 07652  
Phone #: 201-445-9001 Fax #: 201-445-1188 Cell #: \_\_\_\_\_  
E-mail Address: wis@strasserlaw.com / dm@strasserlaw.com / ks@strasserlaw.com
9. Applicant's Engineer: \_\_\_\_\_ Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
10. Applicant's Architect: Mark Alexander Pavliv, AIA Company: The Architect's Studio  
Mailing Address: 77 Main Ave., Suite 101, Ocean Grove, New Jersey 07756  
Phone #: 732-776-8777 Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: mp77aia@aol.com
11. Applicant's Surveyor: Micahael Williams, PLS Company: \_\_\_\_\_  
Mailing Address: 56 Main Street, Ocean Grove, New Jersey 07756  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
12. Applicant's Planner: TBD Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**DESCRIPTION OF PROPERTY** (e.g., Single Family Dwelling, Commercial/Retail):

Existing use of property: Single Family Residence

Proposed use of property: Single Family Residence

Special Flood Hazard Area: \_\_\_\_\_

**PRINCIPAL USE:** See also: attached plans and HPC Exhibits submitted herewith

	REQUIRED and/or PERMITTED	EXISTING	PROPOSED
LOT SIZE	1,800 sf	2,481.95	no change
LOT COVERAGE	< (90.0%)	1,480.7 sf	2,193.8 sf (52.36 %)
BUILDING COVERAGE	< (85.0%)	1,179.7 sf	1,692.8 sf (68.23%)
BUILDING HEIGHT	35 ft.	32.5 ft.	32.5 ft.
FRONT SETBACK	Section 413.06 D	9.61 ft.	no change
REAR SETBACK dwelling /porch	Section 413.06 D	29.97 ft. / 28.47 ft.	10.90 ft. / 3.30 ft.
SIDE SETBACK	2.0 ft.	varries- see plans	varries -see plans
COMBINED SIDE SETBACK	4.0	varries -see plans	varries- see plans

(If multiple lots and/or buildings, please attach additional detailed listing for each.)

**ACCESSORY** (if applicable): N/A

	REQUIRED and/or PERMITTED	EXISTING	PROPOSED
LOT SIZE			
LOT COVERAGE			
BUILDING COVERAGE			
BUILDING HEIGHT			
FRONT SETBACK			
REAR SETBACK			
SIDE SETBACK			
COMBINED SIDE SETBACK			

(If multiple lots and/or buildings, please attach additional detailed listing for each.)

8. Have there been any previous applications to the Planning Board or Board of Adjustment involving these premises?

YES  NO

If YES, please give date(s): \_\_\_\_\_

Result of decision: \_\_\_\_\_

9. **Justification/reason(s) for variance(s) requested.** (Be as specific as possible; attach additional sheets if necessary.):

Appeal of Historic Preservation Commission ("HPC") denial of application for Certificate of Appropriateness

HPC Application: HPC2023-71

SEE ATTACHED

**TOWNSHIP OF NEPTUNE  
MONMOUTH COUNTY, NEW JERSEY**

**NEPTUNE TOWNSHIP BOARD OF ADJUSTMENT  
APPEAL OF  
HISTORIC PRESERVATION COMMISSION  
WRONGFUL DENIAL OF APPLICATION NO. HPC2023-071**

**IN THE MATTER OF: TERRIE O'CONNOR  
7 OCEAN PATHWAY, OCEAN GROVE, NEW JERSEY 07756  
BLOCK 115, LOT 6**

The applicant, Terrie O'Connor (hereinafter the "Applicant") is the owner of lands known and designated as Block 115, Lot 6, on the official Tax Map of the Township of Neptune, and more commonly known as 7 Ocean Pathway, Ocean Grove, New Jersey 07756 (the "Property"), by and through her attorneys, Strasser & Associates, P.C., hereby appeals the decision of the Township of Neptune Historic Preservation Commission (hereinafter "HPC") which denied application No. HPC2023-071 (hereinafter the "Application") by a vote of 4-3. The Application sought approval for a proposed rear addition and various renovations to the existing 2 ½ story, wood -frame single-family landmark dwelling located at the Property. Said denial of the Applicant was memorialized on March 12, 2024, by a vote of the HPC and the adoption of the Resolution attached hereto and made a part hereof.

This appeal challenges, the HPC's denial of the Application and respectfully requests the Neptune Township Zoning Board of Adjustment (hereinafter "ZBA") overturn said denial as same was arbitrary, unreasonable, capricious, and not decided in conformance with the Ocean Grove Historic District Architectural Design Guidelines for Residential Structures ("Design Guidelines"). More specifically, the Applicant, by and through her architect, Mark Alexander Pavliv, AIA/CID/NCARB, made significant revisions to the plans and specification of the project, which was previously issued a Zoning Permit, in an effort to satisfy the concerns of the HPC. The plans currently before the ZBA are the result of multiple Tech Committee meetings and public hearings before the HPC in which the Applicant addressed and responded to the concerns of the HPC in writing, through testimony, and ultimately through revisions to the plans and specifications for the project. All prior plans, written responses to HPC application review letters and transcripts of the HPC proceedings shall be made available for the ZBA's review and reference.

A copy of the plans, specification, and exhibits presented to the HPC which were subject to the HPC's ultimate denial are enclosed herewith for the ZBA's review and reference. As set forth in the plans, specifications, and HPC exhibits, the Application and proposed renovations are consistent with the site utilization of adjacent or comparable structures and conform with the Design Guidelines as testified by the Applicant and her architect.

Despite the foregoing, the HPC wrongfully denied the Applicant's request for the issuance of a Certificate of Appropriateness in connection with the Application.

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

Denied: January 30, 2024

**IN THE MATTER OF: TERRIE O'CONNOR (7 Ocean Pathway)**

**APPLICATION NO.: HPC2023-071**

**WHEREAS**, Terrie O'Connor (the "Applicant") has applied to the Township of Neptune Historic Preservation Commission (the "Commission") seeking approval for a residential addition, reconfiguration of the 2<sup>nd</sup> floor rear roof such that the rear side appears as a front of home, together with related the addition, relocation and/or replacement of doors and windows and siding for the existing residential building pursuant to Sections 900-914 of the Township of Neptune Land Development Ordinance for lands known and designated as Block 115, Lot 6, on the official Tax Map of the Township of Neptune, and more commonly known as 7 Ocean Pathway, 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, proof of service and publication of notice is required by law has been furnished and determined to be in proper order, and it otherwise appears that the jurisdiction and powers of the Commission have been properly invoked and exercised; and

**WHEREAS**, public hearings were held remotely using the Zoom platform on November 14, 2023, December 12, 2023 and January 30, 2024, at which time testimony and the filed application were presented on behalf of the Applicant and all interested parties having had an opportunity to be heard.

**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 is seeking approval for a residential addition, reconfiguration of the 2<sup>nd</sup> floor rear roof such that the rear side appears as a front of home, together with related the addition, relocation and/or replacement of doors and windows and siding for the existing residential building.

2. The subject property is located within the HDR-1 Historic District Residential Zone and is improved with a single-family Eastlake-style dwelling constructed in or about 1857, which is designated as an "Key Structure" as defined in the Historic District's Design Guidelines for Residential Structures ("Design Guidelines").

3. Beginning November 14, 2023, the Applicant appeared together with her architect, Mark Pavlic, who described the Applicant's proposal. The Commission's review of the

Application was put on hold that evening when it was determined that a site visit was in order, as well as the absence of any Tech Notes with the Application materials.

4. The Applicant met with the Tech Committee on January 8, 2024, at which time it was determined that many issues raised previously by the Commission had been addressed. However, the Tech Review Committee continued expressing its concern regarding several elements of the Applicant's revised proposal. First, a second, 1st floor door off the porch (face east) had been retained despite several Commission members questioning the appropriateness of a room having multiple doors into the same room and leading out onto the same porch. The Commission asked whether a window in place of this second door would be more historically appropriate. The Applicant elected to retain this second door leading onto the rear, first floor porch. Second, the existing structure contains roughly 1,697 square feet. The proposed addition will be 1,158 square feet, bringing the total size of the resulting proposed dwelling to 2,755 square feet. Excluding outdoor porches (which are not generally factored into square footage calculations), the proposed addition increases the size and massing of this Key Structure by 42%. The Commission raised concerns at the public hearing that the proposed alteration to the massing of the original Key Structure, questioning whether such an increase in massing is appropriate. Third, the Commission continued expressing concern that the proposed addition appeared to, "add a new house to the back of an old house."

5. The Commission determined that Mr. Pavliv's efforts to revise the plan did not adequately address these concerns or sufficiently mitigate their impact. The Commission further concluded that the proposed addition was not consistent with the site utilization of adjacent or comparable structures, was simply too large as proposed, and failed to maintain the characteristics of this Key Eastlake structure, thereby rendering it inconsistent with Section IV.B, Form, Height and Mass, of aforementioned Design Guidelines at page 13, which provides that "proposed renovations of residential buildings should *recreate or reconstitute* the original form, height and mass or *maintain* the characteristics of the current structure where form, height and mass are either historically or architecturally significant". (original emphasis).

**NOW, THEREFORE, THE COMMISSION** makes the following conclusions of law based upon the foregoing findings of fact:

1. The Applicant proposes a residential addition, reconfiguration of the 2<sup>nd</sup> floor rear roof such that the rear side appears as a front of home, together with related the addition, relocation and/or replacement of doors and windows and siding for the existing residential building on the Property.

2. The Commission concludes the proposal was inconsistent with and not in conformity with the §IVB of the Design Guidelines and the Ordinance. A Certificate of Appropriateness is therefore denied.

**NOW, THEREFORE, BE IT RESOLVED**, by the Historic Preservation Commission of the Township of Neptune on this 30<sup>th</sup> day of January, 2024 that the Certificate of Appropriateness application No. HPC2023-071 for the addition and alternation of the existing single family

residential structure located at Block 115, Lot 6, 7 Ocean Pathway, Ocean Grove, New Jersey, is DENIED pursuant to Section 900-914 of the Township of Neptune Land Development Ordinance.

Nephpc233 Terrie O'connor (7 Ocean Pathway) Resolution Denying Addition (Hpc2023-\_\_\_) 1.30.2024 Srt(3509018.1)

10. If a Zoning denial or denial from the Historic Preservation Commission has been received as part of this application, please attach.

The required submission for all applications to be complete is:


- Twenty-five (25) copies of a completed application form, inclusive of any supporting information.
- Twenty-five (25) copies and one (1) CD\* of survey and/or plan(s) with one (1) additional copy of survey and/or plan(s) on 11' x 17' sheet(s).

\*See §802B - Completeness Checklist for Use Variance and Bulk Variance Request for details on submission requirements.

**AFFIDAVIT OF APPLICATION**

State of New Jersey  
County of Monmouth

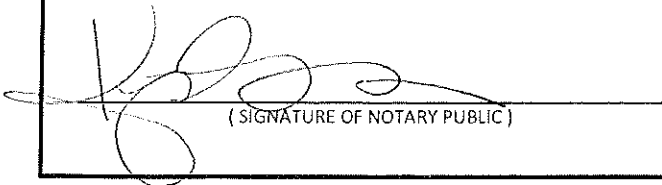
Terrie O'Connor, being of full age, being duly sworn according to Law, on oath  
(INSERT APPLICANT'S NAME)  
deposes and says that all the above statements are true.

  
(ORIGINAL SIGNATURE OF APPLICANT TO BE NOTARIZED)

Terrie O'Connor  
(PRINT NAME OF APPLICANT)

Sworn and subscribed before me this  
22nd day of March, 2024

[ NOTARY SEAL ]

  
(SIGNATURE OF NOTARY PUBLIC)

KAREN MARY SCIANO  
A Notary Public of New Jersey  
My Commission Expires July 18, 2025

**OWNER'S AFFIDAVIT OF AUTHORIZATION AND CONSENT STATEMENT OF LANDOWNER**  
**WHERE APPLICANT IS NOT LANDOWNER**

*(Original signatures only – copies will not be accepted)*

In the matter before the Zoning Board of Adjustment in the Township of Neptune,  
( INSERT PLANNING BOARD or BOARD OF ADJUSTMENT )  
State of New Jersey, County of Monmouth, I/We, Terrie O'Connor,  
NAME(S)  
with mailing address of [REDACTED]  
( INSERT PROPERTY OWNER'S MAILING ADDRESS )  
of full age being duly sworn according to oath depose(s) and say(s):

"I/We am/are the Owner(s) of the subject property in connection with this application  
designated as Block(s) 115 Lot(s) 6,  
also known as 7 Ocean Pathway, Ocean Grove.  
( INSERT PHYSICAL ADDRESS OF SUBJECT PROPERTY )

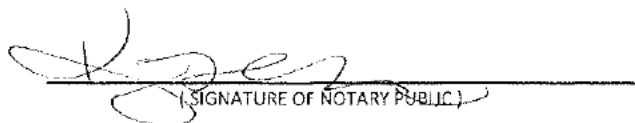
I/We authorize William I. Strasser, Esq., attorney for the Applicant  
( INSERT NAME OF OWNER(S)' REPRESENTATIVE APPEARING BEFORE THE BOARD )  
to appeal to the Planning Board/Board of Adjustment of the Township of Neptune for such  
relief as may be required relating to the property listed above, consent to such appeal and  
application, and agree that the decision of the Planning Board/Board of Adjustment on such  
appeal shall be binding upon me/us as if said appeal has been brought and prosecuted directly  
by me/us as the Owner(s).

  
( ORIGINAL SIGNATURE OF APPLICANT TO BE NOTARIZED )

( ORIGINAL SIGNATURE OF APPLICANT TO BE NOTARIZED )

Sworn and subscribed before me this

22<sup>nd</sup> day of March, 2024

  
( SIGNATURE OF NOTARY PUBLIC )

[ NOTARY SEAL ]

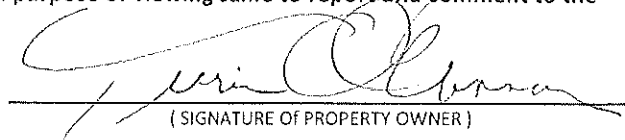
KAREN MARY SCIANO  
A Notary Public of New Jersey  
My Commission Expires July 18, 2025



SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Township of Neptune Planning Board or Board of Adjustment, any of said Board's professionals or any reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for the limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: 3/22/24

  
(SIGNATURE OF PROPERTY OWNER)

STATEMENT FROM TAX COLLECTOR

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Property location: \_\_\_\_\_

Status of municipal taxes: \_\_\_\_\_

Status of assessments for local improvements: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
( AUTHORIZED SIGNATURE OF TAX COLLECTOR )

**ESCROW AGREEMENT**

I/We fully understand an "Escrow Account" will be established to cover the costs of professional services which may include engineering, planning, and/or architectural services, and any other expenses incurred in connection with the review of this application before the Planning Board/Board of Adjustment.

The amount of the Escrow deposit will be determined by the Neptune Township Land Development Ordinance §1000 - Application and Escrow Fees, Table 10.02 - Escrow Fees.

It is the policy of Neptune Township that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion; in such cases, the Applicant will be notified of any anticipated charges and the amount of the additional deposit required.

Payments shall be due within fifteen (15) days of receipt of the request for additional Escrow Funds. If payment is not received within that time, the Applicant will be considered to be in default, and such default may jeopardize further appearance before the Board, and delay any and all pending approvals and the issuance of building permits. Continued failure to submit requested funds will result in legal action against the property.

In accordance with N.J.S.A. 40:55D-53.1, all unused portion of the Escrow Account will be refunded upon written request from the Applicant, and verification by the Board's professionals who reviewed the application.

By signature below, I/We acknowledge receipt of Neptune Township's §1000 - Application and Escrow Fees, and agree to all conditions listed.

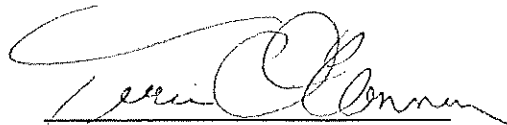
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Name of Applicant: Terrie O'Connor  
( PLEASE PRINT )

Property Address: 7 Ocean Pathway, Ocean Grove

Block: 115 Lot: 6

Applicant: Terrie O'Connor  
( PRINT NAME )

  
( SIGNATURE OF APPLICANT )

Date: 3/22/24

Owner: Terrie O'Connor  
( PRINT NAME )

  
( SIGNATURE OF OWNER )

Date: 3/22/24