

August 19, 2024

Mrs. Kristie Dickert,
Administrative Officer
Zoning Board of Adjustment
Neptune Township
P.O. Box 1125
Neptune, NJ 07754-1125

Re: SRT2 Realty (E. Tice)
98 Lawrence Avenue (Ocean Grove)
Block 201, Lot 4
Use & Bulk Variances
Our File: NTBA 24-15

Dear Mrs. Dickert:

Our office received and reviewed materials that were submitted in support of an application for use and bulk variance approval for the above referenced project. The following documents were reviewed:

1. Documents Reviewed:

- Cover Letter of completeness of application submission prepared by Brad M. Thompson, PE, of Najarian Associates, dated June 7, 2024.
- Completeness checklist for use and/or bulk variances, dated June 6, 2024.
- Escrow Agreement dated June 6, 2024.
- Zoning Permit application, denied, undated.
- Resolution of SRT2 Realty, LLC, dated May 20, 2024.
- Monmouth County Lease Agreement Document Summary Sheet dated September 7, 2023.
- Description of Property prepared by Charles Surmonte, PE, LS, dated August 25, 2023.
- Community Impact Statement, prepared by Najarian Associates, dated July 15, 2024.
- House Renovation Plan consisting of five (5) sheets, prepared by Mark Toconita, RA, dated May 16, 2024.
- Survey of Property consisting of one (1) sheet, prepared by Charles Surmonte, PE, LS, dated August 24, 2023.

- Use Variance Plan consisting of two (2) sheets, prepared by Thomas P. Mendola, PE, of Najarian Associates, dated May 16, 2024.

2. Site Analysis and Project Description

The subject property consists of Block 201 and Lot 4, a 2, 400 sq. ft. property located on the west side of Lawrence Avenue in a HD-B-1 Historic Mixed Use Zone District. The property is currently developed and consists of one (1) single-family 2 ½ story, 758 sq. ft. dwelling in the front of the property., and one (1) single-family 1-story dwelling consisting of 500 sq. ft. in the rear of the property. Residential properties surround the subject lot, as well as one commercial lot located south of the property.

The applicant is proposing to renovate the front single-family dwelling by adding a 53 sq. ft. addition to the first-floor kitchen space, as well as an addition of a 70 sq. ft. covered porch across the rear of the front dwelling. Also proposed is to replace the current rear walkway with a 101 sq. ft. new one, and to install a 5 sq. ft. bay window and a 5 sq. ft. gas fireplace on the south side of the house.

3. Consistency with the Zone Plan

The subject property is located in the HD-B-1 Historic District Mixed Use Zone District. Permitted uses within this Zoning District are detached single-family residences; furniture stores; floor covering stores; home furnishing stores; household appliance stores; radio, television & other electronic stores; computer & software stores; musical instrument stores; music stores (CDs, cassettes, videos, records); hardware stores, convenience stores; general stores; retail bakeries; delicatessens; butcher shops; fish & seafood markets; fruit and vegetable markets; pharmacies & drug stores; cosmetics, beauty supplies & perfume stores; food (health) supplement stores; health & personal care stores; swimwear stores; jewelry stores; shoe stores; hobby, toy & game stores; bicycle stores; sporting goods stores (excluding firearms); arts & craft shops; family book stores; magazine/newspaper stands; general merchandise stores; florists/flower shops; gift shops; greeting card stores; seasonal holiday stores; office equipment, supplies & stationery stores; art dealers; antique shops; commercial banking; savings institutions; banks; credit unions; consumer lending; real estate credit; all other non-depository credit intermediation; financial clearinghouse & reserve activities; investment banking & securities; securities brokerage; direct life insurance carriers; direct health & medical insurance carriers; insurance agencies & brokerages; claims adjusting; all other insurance related activities; offices of real estate agents; offices of real estate appraisers; claims adjusting; all other insurance related activities; consumer electronics & appliances rental; video tape & disc rental; home health equipment rental; consumer goods rental; musical instrument rental; general rental centers;

sports & recreation instruction; art, music, dance & martial-arts instruction; all other miscellaneous schools & instruction; offices of physicians (except mental health); offices of physicians, mental health; offices of dentists; offices of chiropractors; offices of optometrists; offices of physical, occupational and speech therapists, and audiologists; offices of podiatrists; all other outpatient care centers; diagnostic imaging centers; home health care services; ambulance and first aid services; nonresidential services for elderly & disabled persons, including adult daycare; child care center; public parks and recreational facilities; theater, performing arts; grantmaking foundations; civic & social organizations; labor unions & similar labor organizations; full-service restaurants; restaurants; restaurant, take-out; snack & nonalcoholic beverage bars; barber & beauty shops, beauty salons & parlors, hairdressers; cosmetic salons & cosmetology services; hotel beauty parlors and beauty shops; manicure salon or nail services; Wig grooming service; diet & weight reducing centers; scalp treatment; consumer electronics repair & maintenance; household item repair and maintenance; computer & office machine repair & maintenance; communication equipment repair & maintenance; commercial equipment (excluding auto & electrical) repair & maintenance; appliance repair & maintenance; furniture cleaning, refinishing, and repair shops; musical instrument repair shop; leather goods repair services; shoe repair services; bicycle repair shops; locksmiths; coin-operated laundries & dry cleaners; dry-cleaning & laundry services (excluding coin-op); linen supply, tailor and mending of garments; film developing services, retail; offices of lawyers; offices of certified public accountants; other accounting services, architectural services; landscape architectural services; professional planning services; engineering services; building inspection services; custom computer programming services; computer facilities management services; other computer related services; administration & general management consulting services; other scientific & technical consulting services; advertising agencies; other services related to advertising; photography studios & videography services; all other professional, scientific & technical services; office administrative services; Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional, and accessory uses in the district; facilities support services; employment placement agencies; private mail centers; quick printing; all other business support services; travel agencies; couriers; local messengers; **The expansion of the existing non-conforming two-family residential use constitutes a d(2) variance.**

4. Bulk and Zoning Requirements

	Required	Existing	Proposed
Minimum Lot Area	3,600 sq. ft.	2,400 sq. ft. (E)	2,400 sq. Ft. (E)
Max Density	24.2 DU/Ac	36.3 DU/Ac (E)	36.3 DU/Ac (E)
Max Floor Area Ratio	2.8	0.71	0.71
Minimum Lot Width	30 ft.	25 ft. (E)	25 ft. (E)
Minimum Lot Frontage	30 ft.	25 ft. (E)	25 ft. (E)
Minimum Lot Depth	60 ft.	96 ft.	96 ft.
Lot Coverage	95%	63%	68.1%
Building Coverage	90%	53.4%	57.4%
Building height	35 ft.	27.55 ft.	27.55 ft.
Front Setback	0 ft.	7.4 ft.	7.4 ft
Rear setback	3.1 ft.	1.4 ft. (E)	1.4 ft. (E)
Side Setback	0 ft.	1.4 ft.	1.4 ft.
Combined Side Setback	0 ft.	4.4 ft.	4.4 ft
Max Number of Stories	3	2 ½	2 ½
Minimum Improvable Area (M.I.A)	2,100 sq. ft.	2, 322.5 sq. ft.	2, 322.5 sq. ft.
M.I.A Diameter of Circle	30 ft.	25 ft. (E)	25 ft. (E)

(E) = Existing non-conformity

- A. The minimum lot area required is 3,600 sq. ft., whereas the existing lot area is 2,400 sq. ft. This is an existing non-conformity
- B. The maximum lot density is 24.2 dwelling units per acre, whereas the existing lot density is 36.3 dwelling units per acre. This is an existing non-conformity, that due to the proposed improvements constitutes an expansion of the use, requiring a d(5) density variance.
- C. The minimum lot width is 30 ft, whereas the existing lot width is 25 ft. This is an existing non-conformity.
- D. The minimum lot frontage is 30 ft, whereas the existing lot frontage is 25 ft. This is an existing non-conformity.
- E. The minimum required rear setback is 3.1 ft., whereas the existing rear setback is 1.4 ft. This is an existing non-conformity.
- F. The required minimum improvable area diameter is 30 ft., whereas the existing diameter of circle is 25 ft. This is an existing non-conformity.

5. Required Proofs for Variance Relief

- A. **A d(2) use variance for the expansion of a non-conforming use is required.** To obtain a d(2) use variance, the Applicant must show that the proposal meets three separate criteria.
- 1) **Special Reasons.** Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
 - 2) **Intent of the Zone Plan (negative criterion #1).** The Applicant must prove that the proposed expansion does not substantially impair the intent of the zoning ordinance or master plan.
 - 3) **Detriment to the Public Good (negative criterion #2).** The Applicant must prove that the expansion of the proposed use would not have a substantial detriment on nearby properties.
- B. **D(5) Increase in Density.** The application requires a d(5) variance to allow for an increase in density over the maximum permitted in the zone district.
- 1) To meet the positive criteria for a d(5) variance, the applicant should prove the particular suitability of the site in accommodating the use, despite the increase in density over what is permitted in the zone district.
 - 2) The negative criteria should focus on the impact of the deviation. The applicant must present evidence that the negative impacts of non-compliance with the permitted density can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

6. Additional Comments

- A. The applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The proposed conditions plan indicates that the proposed bay window and proposed gas fireplace will have an area of 5 sq. ft. each, however the impervious coverage calculations indicate an area of 4 sq. ft. for each. This should be clarified.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.
Board Engineer



Jennifer C. Beahm, P.P.
Board Planner

MS:clb:mcs

cc: All Board Members

Monica Kowalski, Esq., Board Attorney

Jennifer Beahm, P.P., Board Planner

Jeffery Beekman, Applicant's Attorney (info@beekmanlaw.com)

Brad Thompson, P.E., Applicant's Engineer (bradt@najarian.com)

Mark Toconita, Applicant's Architect (mftoco@hotmail.com)

Christine A. Nazzaro-Cofone, Applicant's Planner (cocofone@cofoneconsulting.com)