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Kristie Armour, Administrative Officer



James Gilligan, 2nd Vice Chairman
Thomas Healy
Frances Keel
Joe Sears
Alternates: Dr. James Brown
Naomi Riley
Michael Pullano

Office of the Neptune Board of Adjustment
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Neptune, New Jersey 07753
732-988-5200 Ext. 278 Fax: 732-988-4259
KArmour@neptuntownship.org

December 6, 2018

James and Lori Monteforte
2305 Logan Road
Ocean, NJ 07712

Re: Resolution ZBA#18/17 Case #: ZB18/11
Block(s): 5412, Lot(s): 13
Applicant: James & Lori Monteforte
Project Address: 223 S. Riverside Drive

Dear Mr. & Mrs. Monteforte:

Enclosed please find three [3] copies of the resolution adopted **November 7, 2018** and memorialized at the **December 5, 2018** public hearing of the Neptune Township Zoning Board of Adjustment.

Please be advised that it will be necessary for you to publish the decision of the Neptune Zoning Board of Adjustment, in one of the Township's official newspapers [the Coaster or Asbury Park Press] and return the original affidavit to this office for proof of publication. [Sample notice has been enclosed for your convenience].

If you have any questions regarding this matter, please feel free to contact me the number listed above and I will be glad to help you.

Sincerely,

Kristie Armour
Administrative Officer
Zoning Board of Adjustment

c: M. Shafai, Engineer (via e-mail)
J. Beahm, Planner (via e-mail)
W. Doolittle, Director of Construction
Heather Kepler/Diana Pajak (via e-mail)
B. Haney, Tax Assessor
G. Waterman, Zoning Officer
Zoning Bd File#18/11



Notice of Decision
Township of Neptune Zoning Board of Adjustment

Notice is hereby given that pursuant to the requirements of the Neptune Township Zoning Board of Adjustment, the Board has **granted/denied** the application submitted by:

_____ [Name of applicant and or developer]

for property located at _____ [List property location]

also known as Tax Block(s) _____ Lot(s) _____

The determination of the Neptune Township Zoning Board of Adjustment is on file at the Board Office located at the Municipal Complex, Land Use Office, 25 Neptune Boulevard, Neptune, NJ 07753; and is available for inspection during the regular business hours of 9 A.M. to 3 P.M. Monday through Friday.

Notice is given pursuant to R.S. 40:55D-17G.

Date _____ [Signature of applicant, attorney, or developer]

APPLICANT: JAMES & LORI MONTEFORTE
APPLICATION NUMBER: ZB18/11
BLOCK: 5412
LOT: 13
ADDRESS: 223 S. RIVERSIDE DR.
ATTORNEY FOR APPLICANT: PRO SE
RESOLUTION NUMBER: ZBA#18/17



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE**

WHEREAS, BOARD MEMBER THOMAS HEALY, offered the following Resolution moved and seconded by BOARD MEMBER BARBARA BASCOM:

WHEREAS, JAMES & LORI MONTEFORTE, hereinafter referred to as the “applicant” filed an application with the Zoning Board of Adjustment of the Township of Neptune, (hereinafter referred to as the “Board”) seeking the following relief:

Applicant is seeking a Bulk Variance for front yard setback on Prospect - 12' to building 9' to portico 24' required and any additional variances deemed necessary by the Board. The property in question is known as Block 5412, Lot 13, property street address of 223 S. Riverside Drive located in the Township of Neptune, New Jersey 07753.

WHEREAS, the application pertains to premises known and designated as Block 5412, Lot 13 on the Tax Map of the Township of Neptune, which premises are located at 223 S. Riverside Dr.;

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, November 7, 2018:

WHEREAS, the following items were entered as Exhibits at the hearing:

1. Exhibit A-1: Color renderings of elevations and comparison dated October 24, 2018

WHEREAS, The Board listened to the Testimony of the following:

1. JAMES MONTEFORTE - AIA

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

1. WALTER LUCAS – 105 PROSPECT AVE., LAKEWOOD
2. ANN LUCAS – 105 PROSPECT AVE., LAKEWOOD

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

1. WALTER LUCAS – 105 PROSPECT AVE., LAKEWOOD

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. Description of Plans: Master on first level with loft for grandkids. Open loggia in front of house with outdoor fireplace. Kitchen in circular area with view to pool. Raised to 10' Elevation. This is lower than the height of the house that was previously approved. (Reduction).
2. Will berm up the front/side of house with landscaping.
3. House requires 12' setback and portico sticks out 4' (so it is essentially a 12' setback from the house and an 8' setback from the portico).
4. Previously 39.2% lot coverage was approved and now it is requested that lot coverage be reduced 35.5% based on submission of revised plans. education.
5. All variances and prior approvals are reduced and only seek a 12' set back.
6. Rise of berm is 2 feet.
7. Revision of plan is significantly better design than prior approval which was 37' high and is now 33' to the Ridge.
8. Better, more private design which does not impact surrounding neighbors in a negative manner.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Neptune that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Township of Neptune.
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

BE IT FURTHER RESOLVED, by the Board of Adjustment of the Township of Neptune that the following be and are hereby **GRANTED**:

Applicant is granted a Bulk Variance pursuant to their application on the plans submitted, for front yard setback on Prospect - 12' to building 9' to portico, where 24' required and any additional variances deemed necessary by the Board.

The Board recommends that Applicant verify the street address to be designated for the subject property to determine the front yard/side yard of this corner property.

(if applicable) *****The Granting of these Variances are specifically conditioned upon the presentation and acceptance of a Final Site Plan to be provided to the Board of Adjustment at a later date with any and all other variance requests to be set forth in detail at that time with appropriate Notice, based on the Final Plans as submitted and/or later amended.**

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
 - b. MONMOUTH COUNTY PLANNING BOARD;
 - c. FIRE MARSHALL;
 - d. BOARD OF HEALTH;
 - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
 - g. BOARD OF ADJUSTMENT PLANNER
 - h. BOARD OF ADJUSTMENT ENGINEER
 - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
 - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
 - l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.

- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

ROLL CALL VOTE: Offered by: Thomas Healy Seconded by: Barbara Bascom

THOSE IN FAVOR: Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Naomi Riley, Michael Pullano, and Paul Dunlap

THOSE OPPOSED: None.

ABSENT: Frances Keel, Joe Sears, Dr. James Brown

ABSTAINED: None.

MEMORIALIZATION VOTE: Offered by: William Frantz Seconded by: Barbara Bascom

THOSE IN FAVOR: Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Naomi Riley, Michael Pullano, and Paul Dunlap

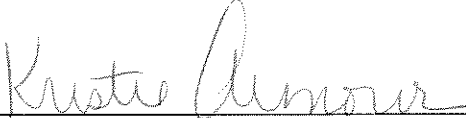
THOSE OPPOSED: None.

ABSENT: Dr. James Brown

ABSTAINED: None.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Neptune at its meeting on November 7, 2018 and memorialized at the meeting held on December 5, 2018,

Date: December 5, 2018



Kristie Armour, Administrative Officer of the
Zoning Board of Adjustment
Township of Neptune