

**LEON S. AVAKIAN, INC.** *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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February 4, 2025

Zoning Board of Adjustment  
Township of Neptune  
25 Neptune Boulevard  
Neptune, NJ 07753

**Re: 67 Main Ave Realty, LLC (ZB 24/21)  
79 Main Avenue  
Block 162, Lot 7  
Our File: NTBA 24-24**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for a Use Variance approval for the above referenced project and reports as follows:

1. **Documents Reviewed:**

- A. Completeness Checklist and Application for Use and/or Bulk Variances, consisting of eleven (11) sheets, dated October 2, 2024.
- B. Community Impact Statement, consisting of 12 sheets, prepared by Andrew W. Janiw PP, of Beacon Planning and Consulting Services, LLC, dated September 2024.
- C. Survey of Property, consisting of one (1) sheet, prepared by Michael J Williams PLS, dated September 28, 2020, revised on May 9, 2023.
- D. Existing and Proposed Floor Plans, consisting of two (2) sheets, prepared by AMRARCH Design Studio, last revised on July 16, 2024.

2. **Site Analysis and Project Description**

- A. The subject property is a 1,913 square foot lot at the north-western corner of Main Avenue and New York Avenue in the HD-R-1 Historic District Single Family Residential Zone in the Ocean Grove section of Neptune Township. Currently present on the site is a 2.5-story frame dwelling and office built in 1890. Residential properties are located to the west, north, and south of the subject property. A mixed used building is located to the east of the subject property, across New York Avenue.
- B. A 1,105 sf office suite is currently located on the first floor of the structure, with two (2) residential units located on the second floor, one (1) consisting of one-bedroom and one (1) consisting of a two-bedroom residential unit. The partial attic space contains two (2) separate storage rooms.

- C. The existing non-conformities on the site are as follows:
- 10' front yard setback is required; 1.81' exist on NY Avenue
  - 4' porch setback is required; 2.79' exist on Main Avenue
  - 3.1' rear yard setback is required; 1.99' exists
  - 90% maximum lot coverage permitted; 100% exists
- D. The applicant is seeking use variance approval to renovate the interior of the building to create three (3) total residential units and remove the office use. The existing bedrooms on the second floor will remain, however, the applicant is proposing the existing first floor office space will be converted into a two-bedroom residential unit. The partial attic is proposed to become a study and bathroom for use by Unit 2, as well as a storage and mechanical room. All proposed improvements involve internal renovations of the building: new interior partitions, new electrical outlets and light fixtures, and new plumbing fixtures and lines. No improvements to the outside of the structure or the lot are proposed.

3. **Consistency with the Zone Plan**

The subject property is located in the HD-R-1 Historic District Single Family Residential Zone. The purpose of the HD-R-1 District is to provide for single family residential development at a density not exceeding 24.2 dwelling units per acre that is consistent with the established scale and pattern of development in the Ocean Grove portion of the Township. Permitted uses in the zone district include Community Center, Community shelter, Detached single-family residence, Park, Place of worship, and Ocean Grove Camp Meeting Association (OGCMA) facilities. **A d(1) use variance is required to allow for the proposed multi-family residence, which is not a permitted use in the zone district.**

4. **Required Proofs for Variance Relief**

A. *D(1) Use Variance*

**This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:**

- 1) Positive Criteria
  - (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Township is particularly suited for the proposed use despite the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.

(b) *Special Reasons.* The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

(a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principal that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.

(b) *The variance can be granted without a substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

5. **Additional Comments**

- A. Testimony should be provided regarding any proposed site improvements on the subject property.
- B. Changes to the building facade should be addressed.

6. **Conditions of Approvals**

- A. Historic Preservation Commission

Very truly yours,  
LEON S. AVAKIAN, INC.



Matt Shafai, P.E.  
Board Engineer



Jennifer C. Beahm, P.P.  
Board Planner