BOROUGH OF NEPTUNE CITY
LAND USE BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
BULK VARIANCE RELIEF

Approved: May 20, 2025
Memorialized: June 17, 2025

MATTER OF: RACHEL WEISS AND BRIAN CORBETT

APPLICATION NO.: 25-03

WHEREAS, Rachel Weiss and Brian Corbett (the "Applicants") have applied to the Borough of Neptune City Land Use Board (the "Board") for bulk variance relief pursuant to N.J.S.A. 40:55D-70c for lands designated as Block 9 Lot 5 on the official tax map of the Borough of Neptune City, more commonly known as 25 Evergreen Avenue, Neptune City, NJ 07753 (the "Property") in the RC Residential Commercial Zone District; and

WHEREAS, a complete application has been filed, the fees as required by Borough ordinance have been paid, proof of service and publication of notice as required by law has been furnished and determined to be in proper order and it otherwise appears that the jurisdiction and powers for the Board have been properly invoked and exercised; and

WHEREAS, a public hearing was held on May 20, 2025, in the Municipal Building, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided an opportunity to be heard.

NOW, THEREFORE, the Board makes the following findings of fact based on evidence presented at its public hearing at which a record was made:

1. The Applicants are seeking bulk variance relief to construct an addition to both the first and second floors of the existing single-family dwelling, located within the RC Residential Commercial Zone.

2. Based upon the information provided at the outset of the hearing, it was acknowledged that the house in question, being a two (2) bedroom style home, was constructed in the 1920s. It requires bulk variance relief as has been described in the application package, most notably, the front yard variance along Evergreen Avenue and Steiner Avenue, where twenty-five (25) feet are required and 24.3 feet is proposed on Evergreen Avenue and 14.5 feet is proposed along Steiner Avenue. The Applicants are proposing additions to both the first and second floor as noted in the plans submitted by the architectural firm of Kurt Ludwig of Middletown, New Jersey. There was no proposal to remodel the facade of the dwelling. The garage is pre-existing in nature.

3. After discussion amongst the Board, Board Professionals, and the Applicants, it was agreed that the Board Engineer would confer with the Applicant's architect to finalize certain minor details regarding the proposed expansion of the dwelling, location of the fence, and any other variance relief that could be identified. This would include keeping the fence at a maximum height of six (6) feet, which also requires bulk variance relief.

4. There were no members of the public expressing an interest in the application.

NOW, THEREFORE, the Board makes the following conclusions of law based upon the foregoing findings of fact:

1. The Applicants have requested bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting the construction of additions to the first and second floors with associated improvements to the first and second floors of an existing single-family dwelling, which is a permitted use in the R-C Zone.

2. The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-70c, provides Boards with the power to grant variances from strict bulk and other non-use related issues when an applicant satisfies certain specific proofs which are enunciated in the statute. Specifically, under the "c(1)" criteria, an applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness, or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, an applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece. f property or any structure lawfully existing. hereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the "c(2)" criteria, an applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the MLUL would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted pursuant to the Zoning Ordinance.

3. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or "(c)" variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when an applicant has satisfied both these tests that a Board, acting pursuant to the MLUL and case law, can grant relief. The burden of proof is upon an applicant to establish these criteria.

4. The Board finds that the Applicant has satisfied the positive criteria to permit flexible bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2).

5. The Board specifically finds that the proposed additions to the existing single-family dwelling would be aesthetically preferable and create a more visually desirable environment. The Board also finds that the proposed expansion of the existing dwelling would still provide adequate light, air, and open space. This would benefit the community. The Board finds that the proposed renovations to the dwelling promotes the establishment of appropriate population density. The goals of planning as enumerated in N.J.S.A. 40:55D-2 have therefore been advanced. The Board concludes that the Applicants have satisfied the c(2) positive criteria.

6. Turning to the negative criteria, the Board finds that the proposed variance relief will not result in increased traffic, noise, or permitted population density. The Board, therefore, concludes that granting the requested bulk variance relief would not substantially impair the purpose and intent of the Zoning Ordinance or Zone Plan or be substantially detrimental to the public good. The Board concludes, therefore, that the Applicant has satisfied the negative criteria.

7. The Board concludes that the positive criteria substantially outweighs the negative criteria and bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2) may be granted.

NOW, THEREFORE, BE IT RESOLVED on this 17th day of June 2025, by the Borough of Neptune City Land Use Board, that the Board memorializes the action taken by it on May 20, 2025, approving the bulk variance relief sought by the Applicants, Rachel Weiss and Brian Corbett in application no. 25-03, pursuant to N.J.S.A. 40D:55-70c(2), subject to the following conditions:

1. Applicants shall comply with standard Land Use Board conditions as set forth in attached Schedule A.

2. The development of this dwelling shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board with this application, as revised by the terms herein.

3. Except where specifically modified by the terms of this Resolution, the Applicants shall comply with the recommendations contained in the Reports of the Board's Professionals.

4. All grading, drainage and landscaping on the Property shall comply with all Township Ordinances and regulations and will be subject to the approval of the Board Engineer and the Township Engineer.

5. The Applicants shall submit revised architectural plans subject to review and approval by the Board Engineer.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicants and to the City Clerk, Engineer, Attorney, Planner, and Tax Assessor, and shall make same available to all other interested parties.

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Neptune City Land Use Board, Monmouth County, New Jersey, at a public meeting held on June 17, 2025.

Susan Y. Hewitson, Secretary
Neptune City Land Use Board