

RABAN & RABAN

— LLC —

Attorneys at Law

**11710 Long Beach Blvd.
Haven Beach, NJ 08008**

REGINALD J. RABAN (1945-2024)


JAMES S. RABAN* ▲

MEMBER OF NJ BAR *

MEMBER OF PA BAR ▲

TEL (609) 492-0533

FAX (609) 492-0464



October 31, 2025

Via Hand Delivery and Email Frontdesk@surfcitynj.org

Kathleen Gigantino
Surf City Land Use Board
813 Long Beach Boulevard
Surf City, NJ 08008

Re: Ziman Development, Inc. Bulk Variance
Block 91, Lots 20, 22, 24, and 24.01
258 N. 23rd Street, Surf City, NJ 08008

Dear Kathleen:

Enclosed please find the following with regard to the above referenced matter:

- (x) 12 copies of Land Use Board Application;
- (x) 12 copies of Variance Plan prepared by James Brzozowski of Horn, Tyson & Yoder, Inc.;
- (x) 12 copies of Tax Map with property Lot and Block highlighted;
- (x) 12 copies of 5 color photographs of property;
- (x) 1 copy of W-9 Form;
- (x) 1 Affidavit of Ownership;
- (x) 1 copy of the Signed Checklist;
- (x) 1 Public Notice;
- (x) 1 copy of Bond Application;
- (x) 1 copy of Corporate Resolution;
- (x) 1 copy of Disclosure of Ownership;
- (x) Application Fee check # 5337 Amount \$100.00;
- (x) Attorney Escrow check # 5338 Amount \$1,500.00; and
- (x) Please consent and/or approve for public hearing on December 17, 2025 at 7:00 p.m.

Kathleen Gigantino

October 31, 2025

Page 2

If you have any questions, please do not hesitate to contact me. Thank you for your courtesies and attention to this matter.

Very truly yours,



JAMES S. RABAN

JSR/dh

Encl.

cc: Ziman Development Inc. (via email)
James Brzozowski, P.E. (via email)
Frank Little, Jr., P.E., P.P., C.M.E (via email)
Kevin Quinlan, Esq. (via email)
Surf City Fire Company (via regular mail)

SURF CITY LAND USE BOARD CHECKLIST FOR INITIAL SUBMISSION

PLEASE NOTE: A signed, completed checklist must be received by the Land Use Board Clerk and attorney prior to deeming your application complete.

All applications and all required documents shall be submitted at least forty five (45) days prior to the regularly scheduled meeting of the Land Use Board at which consideration is sought.

**NUMBER OF COPIES REQUIRED - ALL DOCUMENTS MUST BE SUBMITTED AT THE SAME TIME.
INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED!!!!**

- 15 Copies of Application
 - 15 Copies of Variance Map, Site Plan, or Subdivision and all supporting documents
 - 15 Copies of Tax Map sheet with Block and Lot highlighted
 - 15 Copies of the Permit Refusal from the Zoning Officer
 - 15 Color Copies of Property Photos (min. 4 color photos taken within past 30 days.)
 - **1 copy of W-9 Form
 - **1 copy of Affidavit of Ownership, Consent, Authorization and Non-Collision
 - **1 copy of Signed Checklist (must be submitted with initial documentation. Application will not be accepted without signed Checklist.)
- **These items are to be included in initial package to board secretary only.

DISTRIBUTION

Please note it is the Applicant's responsibility to distribute completed applications

Kevin S. Quinlan, Esq., 207 W Main Street, Tuckerton, NJ 08087

- 1 Copy of complete Application
- 1 Copy of Variance Map, Site Plan or Sub-division map
- 1 Copy of Color Photos
- 1 Copy of Tax Map with property Lot and Block highlighted
- 1 Copy of Checklist

Frank Little, P.E. P.P., Owen Little and Associates, Inc 443 Atlantic City Blvd. Beachwood, NJ 08722

- 1 Copy of complete Application
- 1 Copy of Variance Map, Site Plan or Sub-division map
- 1 Copy of Color Photos
- 1 Copy of Tax Map with property Lot and Block highlighted

Surf City Fire Company 713 Long Beach Blvd, Surf City, NJ 08008

- 1 Copy of complete Application
- 1 Copy of Variance Map, Site Plan or Sub-division map
- 1 Copy of Color Photos

Board Clerk 813 Long Beach Blvd, Surf City, NJ 08008

- 1 Original of each Application Variance Plat, Site Plan or Sub-division Plat Tax Map Zoning Denial
- Color Photos items marked with ** (Check all that apply)
- 12 Copies of Application
- 12 Copies of Variance Map, Site Plan or Sub-division map
- 12 Copies of Color Photos
- 12 Copies of Tax Map with property Lot and Block highlighted
- 12 Copies of the Zoning Denial Letter
- Check for Application Fee \$ 100.00
- Check for Initial Escrow \$ 1,500.00

Sign Name

James S. Raban

Print Name

Attorney for Applicant

Date:

10/31/25

APPLICATION TO THE SURF CITY LAND USE BOARD

Name: Ziman Development, Inc.
 Block: 91 Lot(s): 20, 22, 24, & 24.01
 Street Address: 258 N. 23rd Street

Do not write below- for official use only	
Date Received:	<u>10/31/25</u>
Application Fee:	<u>\$ 100-</u>
Escrow Fee:	<u>\$ 1500-</u>
Collected By:	<u>Cathy Richter</u>
Application #:	<u>25-06</u>

CHECK AS MANY AS APPLY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Bulk Variance | <input type="checkbox"/> Minor Subdivision (Exempt) |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Major Subdivision/Preliminary |
| <input type="checkbox"/> Interpretation | <input type="checkbox"/> Major Subdivision/Final |
| <input type="checkbox"/> Informal | <input type="checkbox"/> Major Site Plan/Preliminary |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Major Site Plan/Final |
| <input type="checkbox"/> Other _____ | |

1. Applicant's Name: Ziman Development, Inc.
 Applicant's Address: 7702 Long Beach Blvd., Harvey Cedars, NJ 08008
 Phone: (609) 494-8010 Fax: ()

Applicant is the Owner Agent Contract Purchaser
 Applicant is Individual(s) Corporation Partnership/LLC

If applicant and/or owner is a corporation, LLC or Partnership, set forth the names and addresses of all stockholders or partners having 10% interest or more on a separate paper. Corporations must be represented by a New Jersey Licensed Attorney and provide a Resolution Authorizing the Application.

2. Owner's Name(s): Same as Applicant
 Address: _____
 Phone: () Fax: () e-mail: _____
All owners of the property must be identified and sign application. Use additional pages if necessary

3. Applicant's Attorney/Firm: James S. Raban
 Address: _____
 Phone: (609) 492-0533 Fax: (609) 492-0464 e-mail: _____

4. Applicant's Planner/Surveyor: Horn, Tyson & Yoder, Inc.
 Firm Name and Address: 8510 Long Beach Blvd., Long Beach Township, NJ 08008
 Phone: (609) 492-5050 Fax: (609) 492-4163

Applicant's Architect/Engineer: N/A
 Firm Name and Address: _____
 Phone: () Fax: () e-mail: _____

Attach additional sheet sheets if necessary.

5. Location of Property: Tax Map Block 91 Lot(s) 20, 22, 24, & 24.01
Street Address: 258 N. 23rd Street

Zone: RA Tract Area: 14,830 sq. ft. Lot Dimensions: 100' x 388.38' (irregular)

6. Current Use: 2-family Number of Dwelling Units: 2
Proposed Use: 2 single-family building lots Number of Proposed Lots: 2

7. Existing Restrictions:
(A) Deed Restrictions: _____ (attach copy) None
(B) Easements: See attached Easement (attach copy) None
(C) Condominium or Cooperative: _____ (attach copy) None

8. Proposed Restrictions: _____ None

9. Variance(s)/Waiver(s) Sought:
(A) List required variances: See attached Application Supplement None

Provide on separate paper the ordinance number(s) for which a variance(s) is/are being requested and the legal theory supporting the relief sought.


(B) List Waiver(s) requested: _____ None
If waivers requested provide on a separate paper the basis for the request.

10. Briefly describe any prior or currently pending proceedings before this Land Use Board or any other Federal, State, County or local board or Agency involving this property which is the subject of this application and attach copies of any applications, supporting documentation and decisions of the relevant body including any denials. (Attach additional sheets if necessary).
See attached Application Supplement. None

11. List all material submitted with this application i.e. plans, drawings, photos, calculations, reports etc.
-Minor subdivision plan prepared by Horn, Tyson & Yoder, Inc.
-5 photographs of the subject property

All owners of record must sign Application.

Dated: 10/30/25

X  _____
Michael Ziman, Owner
(Print name under signature)

Dated: _____

_____, Owner
(Print name under signature)

RABAN & RABAN

— LLC —

Attorneys at Law

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Haven Beach, NJ 08008**

REGINALD J. RABAN (1945-2024)

JAMES S. RABAN*▲

MEMBER OF NJ BAR *

MEMBER OF PA BAR▲

TEL (609) 492-0533

FAX (609) 492-0464

November 7, 2025

Via Email Frontdesk@surfcitynj.org

Kathleen Gigantino
Surf City Land Use Board
813 Long Beach Boulevard
Surf City, NJ 08008

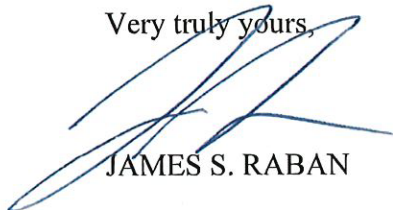
Re: Ziman Development, Inc. Bulk Variance
Block 91, Lots 20, 22, 24, and 24.01
258 N. 23rd Street, Surf City, NJ 08008

Dear Kathleen:

As you are aware, I represent Ziman Development, Inc. in the above-referenced Application. Kindly accept this correspondence in lieu of a more formal amendment to the Application. On page 2 of the Application, Section 6, the Application indicates that the proposed use is two single-family building lots. Please note that this was an error, and the Application shall be amended to reflect that the proposed use at the property is a single-family dwelling.

If you have any questions, please do not hesitate to contact me. Thank you for your courtesies and attention to this matter.

Very truly yours,



JAMES S. RABAN

JSR/dh

Encl.

cc: Ziman Development Inc. (via email)
James Brzozowski, P.E., P.P. (via email)
Frank Little, Jr., P.E., P.P., C.M.E (via email)
Kevin S. Quinlan, Esq. (via email)
R. S. Gasiorowski, Esq. (via email)
Patrick F. Varga, Esq. (via email)
Alexander F. Barth, Esq. (via email)

APPLICATION SUPPLEMENT

Ziman Development, Inc. (the “Applicant”) is seeking a bulk variance, to the extent required, relative to proposed development at the property designated as Lots 20, 22, 24, and 24.01 in Block 91 on the Tax Map of the Borough of Surf City, located at 258 N. 23rd Street. The subject property was previously developed with a two-family dwelling. It is a bayfront lot, with the only access to the property being by way of an access easement traversing Lots 16 and 18. In October 2024, the Applicant filed an Application with the Surf City Land Use Board (the “Board”) seeking minor subdivision approval to create two single-family building lots. The duplex was proposed to be demolished. Along with the request for minor subdivision approval, the Applicant requested a bulk variance based upon the fact that a portion of the existing access easement has a width of 20 feet, and Section 29-8.5(c) of Surf City’s Land Subdivision Ordinance states as follows: “Each lot must front upon an approved street at least 50 feet in width except lots fronting on streets described in subsection 29-6.2e, and except lots fronting on private roadways or easements; provided however, that no such private roadway or easement shall be less than 25 feet in width.”

Here, the subject property is served by an access easement, and the easement is 25 feet in width at the point where the easement terminates at the property. However, the existing access easement is L-shaped, and the easement is 20 feet wide at the street. The Board ultimately denied the subdivision application, reasoning that the easement previously served only one home, and the Board did not want to permit increased traffic through the easement with two homes being served by the easement in the event the subdivision was approved. A copy of Resolution No. 2024-19 denying the prior application is enclosed with this Application.

After the minor subdivision application was denied by the Board, the Applicant applied to the Borough of Surf City for a building permit to construct a new single-family dwelling at the property. The Borough approved the permit application, and construction of the new home has commenced. On October 9, 2025, Donald Hamiln (the "Plaintiff"), the owner of Lot 15 in Block 92, which is across N. 23rd Street from the Applicant's property, filed an Order to Show Cause and Verified Complaint seeking to stop construction of the single-family dwelling. The Plaintiff argued that the Borough of Surf City should not have issued a building permit to the Applicant based upon the fact that a portion of the access easement that serves the subject property is less than 25 feet in width, and based upon the fact that the property does not have any direct street frontage.

N.J.S.A. 40:55D-35, which is a section of the New Jersey Municipal Land Use Law, states as follows:

No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the official map or shall be (1) an existing State, county or municipal street or highway, or (2) a street shown upon a plan approved by the planning board, or (3) a street on a plat duly filed in the office of the county recording officer prior to the passage of an ordinance under this act or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, (1) such street shall have been certified to be suitably improved to the satisfaction of the governing body, or such suitable improvement shall have been assured by means of a performance guarantee, in accordance with standards and specifications for road improvements approved by the governing body, as adequate in respect to the public health, safety and general welfare of the special circumstance of the particular street and, (2) it shall have been established that the proposed access conforms with the standards of the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L. 1989, c. 32 (C. 27:7-91), in the case of a State highway, with the standards of any access management code

adopted by the county under R.S. 27:16-1 in the case of a county road or highway, and with the standards of any municipal access management code adopted under R.S. 40:67-1 in the case of a municipal street or highway.

N.J.S.A. 40:55D-35. The Applicant respectfully submits that this section is not applicable to the Applicant's situation based upon the fact that the property is served by an existing access easement. However, to the extent that the Board feels that this section does apply in this instance, N.J.S.A. 40:55D-36 gives the Board the authority to grant a variance to permit the issuance of a building permit when a property does not contain street frontage "subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the official map or on a general circulation plan element of the municipal master plan pursuant to paragraph (4) of subsection b. of section 19 of P.L.1975, c.291 (C.40:55D-28)." N.J.S.A. 40:55D-36.

Section 29-8.5(c) of Surf City's Land Subdivision Ordinance does not apply to this matter, as the Applicant is merely constructing a single-family dwelling at the property. There is no subdivision proposed, and Section 29-8.5(c) only applies in the context of new subdivisions. It is noteworthy that there is nothing contained within the Surf City Zoning Ordinance requiring a minimum width of easements within the Borough.

Notwithstanding the foregoing, if the Board finds that N.J.S.A. 40:55D-35 and/or Section 29-8.5(c) of the Land Subdivision Ordinance applies to the Applicant, the Applicant is entitled to a variance based upon the fact that the existing access easement, which varies in widths from 20 feet to 25 feet, safely provides access to the site for emergency vehicles. The easement is an easement by necessity, as there is no direct street access to the Applicant's lot. The single-family dwelling that is currently under construction at the property conforms to all bulk zoning

requirements; no variances are requested relative to the home itself. In the event that the Applicant is not permitted to construct a dwelling on the property, the Board would essentially be zoning this 14,830 square-foot bayfront property into inutility.

RESOLUTION NO. 2024-19

**RESOLUTION OF THE LAND USE BOARD OF THE
BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE
OF NEW JERSEY DENYING AN APPLICATION BY ZIMAN
DEVELOPEMENT FOR MINOR SUBDIVISION WITH
VARIANCE FOR EASEMENT WIDTH FOR PREMISES
IDENTIFIED AS LOTS 20, 22, 24 AND 24.01, BLOCK 91, 258
N. 23RD STREET.**

WHEREAS, Ziman Development, Inc., is the contract purchaser of property identified as Block 91, Lots 20, 22, 24 and 24.01 on the official tax maps of the Borough of Surf City also known as 258 N. 23rd Street and is authorized by the property owner to make this application.

WHEREAS, the Applicant was represented by James S. Raban, Esq.

WHEREAS, the Applicant has applied to the Borough of Surf City Land Use Board for Minor Subdivision approval. The Applicant proposes to demolish the existing residential structure and all associated improvements and subdivide the property into two (2) single family buildable lots.

WHEREAS, the property is in the RA (Residential) Zone.

WHEREAS, a public hearing was held on the Application on December 16, 2024 at which time exhibits were admitted into evidence and testimony was provided.

WHEREAS, in support of the application the following exhibits were offered and entered into evidence:

- A-1 Application.
- A-2 Minor Subdivision Map prepared by Horn, Tyson and Yoder dated 9/18/24.
- A-3 Color Photographs (7).
- A-4 Turning Radius Diagram prepared by Horn, Tyson and Yoder dated _____.

B-1 Board Engineer Review letter dated 11/20/24.

WHEREAS, Edward F. Liston, Esq. representing an interested party questioned whether the Board has jurisdiction to hear the matter whereas the Notice was not specific that variance relief was requested pursuant to N.J.S.A. 40:55D-60(c) and therefore the Notice was defective depriving the Board of Jurisdiction.

WHEREAS, counsel for the Board opined that the Notice was adequate to reasonably place interested parties on notice of the nature and extent of relief requested and therefore the Board has jurisdiction to hear the Application.

WHEREAS, the Board interpreted ordinance §29-8.5 as requiring any easement to maintain 25' for the entire length of the easement and therefore the Applicant requires a variance for the access easement of less than 25' for a portion of the existing easement.

WHEREAS, James Brzozowski, PE, PP, of Horn, Tyson and Yoder, Inc. was sworn and testified as follows:

1. The existing easement is 25' in width at the dividing line between Lot 18 and proposed new lot 24.03 but reduces to 20' over a portion of Lot 16.
2. A hardship exists due to the existing easement and other existing conditions of the property.
3. The easement is sufficient to support 2 residential lots.
4. Emergency vehicles would access the two proposed lots in the same manner as they currently are able to access the existing single-family dwelling located on Lots 20, 22 and 24.
5. The Turning Radius Overlay marked as Exhibit A-4 shows the ability of various sized emergency vehicles to access the new lots.

WHEREAS, the hearing was opened to the public and several interested parties testified against the granting of the subdivision and variance relief citing safety concerns and increase in intensity of use.

NOW THEREFORE, be it resolved by the Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, the Board makes the following findings of fact:

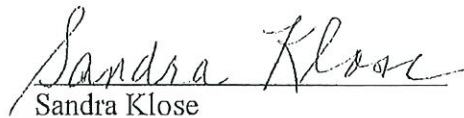
1. The Application was deemed complete, and the Applicant is authorized to make the Application and has standing.
2. Proof of Service and publication as required by law has been provided and determined to be in proper order.
3. A variance is required for easement width of 20 ft. where 25 ft. is required.
4. The Board has jurisdiction to hear the Application for minor subdivision with variance for easement width.

5. The Board finds that the applicant failed to satisfy his burden of proof under N.J.S.A. 40:55D-70(c) in that the applicant failed to offer credible testimony that the purpose of the Land Use Law would be advanced by deviation from the zoning ordinance requirement, that the variance could be granted without substantial detriment to the public good, that the benefits of granting the variance would substantially outweigh the detriment, nor that granting of the variances will not substantially impair the purpose and intent of the zone plan and/or zoning ordinances of the Borough of Surf City. Specifically, the Board finds that the increase in density and lack of sufficient access for emergency vehicles creates a significant safety issue and is a significant detriment which outweighs any benefits which are solely to the Applicant.
6. The Board has reviewed and adopts the engineering reports of Owen Little and Associates dated November 20, 2024 which comments therein shall be incorporated herein as if set forth in length in this resolution.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, that the application for subdivision and variance relief is hereby denied.

CERTIFICATION

I hereby certify that I, the undersigned, am Secretary to the Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, and am duly authorized to certify resolutions. I certify this Resolution was approved by the Land Use Board of the Borough of Surf City at its regular meeting held on December 16, 2024 and memorialized at the January 22, 2025 meeting of the Land Use Board.



Sandra Klose
Secretary to the Surf City Land Use Board

This Indenture, made the 16th day of November in the year One Thousand Nine Hundred and Seventy-one.

Between HELYN B. HAEBERLEIN, widow residing at 22567 LaVon Road St. Clair Shores, Michigan 48081

COUNTY OF OCEAN CONSIDERATION \$40,000.00 REALTY TRANSFER FEE \$20.00 DATE 3-3-71 BY [Signature]

party of the first part, hereinafter known as the grantor;

And AGNES D. PHILLIPS and ALICE M. SIVAK, as joint tenants and not as tenants in common residing at 18 Buttercup Lane Willingboro, New Jersey, 08046

party of the second part, hereinafter known as the grantee:

Witnesseth: That the said grantor, for and in consideration of FORTY THOUSAND and no/100 (\$40,000.00) - - - - - DOLLARS

lawful money of the United States of America, to her in hand well and truly paid by the said grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the said grantor being therewith fully satisfied, contented and paid, has given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed, and by these presents does give, grant, bargain, sell, alien, release, enfeoff, convey and confirm unto the said grantee, and to their heirs and assigns, forever.

ALL that certain lot, tract, or parcel of land and premises, situate, lying and being in the Borough of Surf City, in the County of Ocean, and State of New Jersey, known and designated as Lots 16 and 18 in Block 66 North of Division Avenue, on a map or plan entitled "Revised Map of the Borough of Surf City, N.J." made by Haines and Sherman, C.E., Oct. 1922, and duly filed in the Office of the Ocean County Clerk at Toms River, N.J. on Oct. 30, 1922 as Map A-283. The said lots are also known as Lot 16 and Lot 18 in Block 91 on the Tax Assessment Map of the Borough of Surf City.

BEGINNING at a point on the Southwesterly side line of 23rd Street, distant 350 feet northwestwardly from the northwesterly side line of Central Avenue, and running thence (1) southwestwardly and at right angles to 23rd Street, the distance of 100 feet to a point, and running thence (2) northwestwardly and parallel with 23rd Street, the distance of 100 feet to a point, and running thence (3) northeastwardly and at right angles to 23rd Street, the distance of 100 feet to the southwesterly side line of 23rd Street, and running thence (4) southeastwardly and along the southwesterly side line of 23rd Street, the distance of 100 feet to the point or place of BEGINNING.

BEING part of the premises conveyed to Robert W. Haeberlein and Helyn B. Haeberlein, his wife, by two deeds: (1) from Charles H. Peckelis and Alice H. Peckelis, his wife, dated Sept. 20, 1949, recorded Oct. 14, 1949 in D.B. 1336, page 290; (2) from Albert H. Jones and Susannah H. Jones, his wife, dated July 1, 1950, recorded Oct. 18, 1950 in D.B. 1375, p. 332. The said Robert W. Haeberlein died a resident of Michigan, on the 18th day of January, 1971, thereby vesting the fee in the above described premises in Helyn B. Haeberlein as surviving tenant by the entirety.

THIS conveyance is made subject to a driveway easement in favor of the lots lying to the northwest of the above described premises, said easement to be across the southeasterly 20 ft. of Lot 16, and the southwesterly 25 ft. of Lots 16 & 18. Said easement shall also be for the installation of utilities of all kinds both overhead and underground.

Together with all and singular the houses, buildings, trees, ways, waters, profits, privileges, and advantages, with the appurtenances to the same belonging or in anywise appertaining:

Also, all the estate, right, title, interest, property, claim and demand whatsoever, of the said Grantor, of, in and to the same and of, in and to every part and parcel thereof.

To Have and to Hold all and singular the above described land and premises, with the appurtenances, unto the said Grantee, their heirs, and assigns, to the proper use, benefit and behalf of the said Grantee. their and assigns forever:

And the said grantor does covenant:

1. That the title to said premises is vested in fee simple absolute in the said grantor.
2. That grantor has the right and authority to convey the said premises to the said grantee.
3. That the grantee shall have peaceable and quiet possession of the said premises free from all encumbrances.
4. That the same are now free and clear of all encumbrances whatsoever, except
None.
5. That the grantor will execute such further assurances and conveyances of the said land as may be reasonably required.
6. That the grantor will WARRANT and DEFEND the premises hereby conveyed against all persons lawfully claiming the same.

In Witness Whereof, the grantor has hereunto set her hand and seal, the day and year first above written.



Signed, Sealed and Delivered

Helyn B. Haerberlein L.S.
HELYN B. HAEBERLEIN

In the presence of

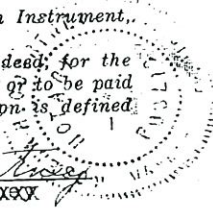
Rosemary A. Courtney L.S.

State of ~~DELAWARE~~ MICHIGAN)
County of WAYNE) ss.:

Be it Remembered, that on this 16th day of November in the year of Our Lord One Thousand Nine Hundred and Seventy-one, before me, the subscriber, ~~Notary Public of Michigan~~ A Notary Public of Michigan personally appeared HELYN B. HAEBERLEIN, widow

who, I am satisfied, is the grantor mentioned in the within Instrument, and thereupon she acknowledged that she signed, sealed and delivered the same as her act and deed, for the uses and purposes therein expressed, and that the full and actual consideration paid of to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1 (c), is \$ 40,000.00.

Rosemary A. Courtney
Notary Public of Michigan
My Commission Expires: Aug 25, 1975



Red ①

HELYN B. HAEBERLEIN, widow
22567 LaVon Road
St. Clair Shores, Michigan

TO
AGNES D. PHILLIPS and
AGNES M. SIVAK, as joint
tenants and not as tenants
in common, 18 Buttercup Lane
Willingboro, N.J. 08046

DATED November 16, 1971

RECORDED
OCEAN COUNTY CLERK'S
OFFICE
NOV 11 3 38 AM '71
PAGE 31
BOOK 3192
INDEXED
Micro-film
Photostated

Prepared by
JULIUS ROBINSON
COUNSELLOR AT LAW
BEACH, N.J.

3192

Surf City Borough Land Use Board

AFFIDAVIT OF OWNERSHIP, CONSENT, AUTHORIZATION,
and NON-COLLUSION

STATE OF NEW JERSEY :

: ss.

COUNTY OF _____ :

I, Ziman Development, Inc. being duly sworn according to law,
(Print owner(s) name(s))
upon my/our oath depose and say:

1. I/we am/are the only owner(s) of property known as 258 N. 23rd Street
(Street Address)

Surf City, Ocean County, New Jersey known as :

Block 91 Lot 20, 22, 24, 24.01
Block _____ Lot _____
Block _____ Lot _____

As shown on the Official Tax Maps of the Borough of Surf City.

2. I/we consent to the making of this application and the approval of the plans submitted herewith. I/we further agree to be bound by all representations and commitments made by myself/ourselves or my/our authorized agent. I/we further consent to the inspection of this property in connection with this application as deemed necessary by the members of the Land Use Board and/or other designated officials or representatives.

3. There has been no collusion between me/us and any member of the Borough of Surf City Land Use Board or any officials of the Borough of Surf City with respect to said application.

4. I/we hereby authorize James Raban, Esq. (Agent), to make application on my/our behalf. I further agree to be bound by all representations, promises and commitments made by my agent.
(Print agent name)

Dated: _____

JONATHAN MANN
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JULY 8, 2030
COMMISSION: #50131058

[Signature]
Signature of Owner

Michael Ziman
Print Name above

Ziman Development
Signature of Owner

Print name above

Sworn and Subscribed to before me
this 30 day of Oct, 2025.

[Signature]
Notary Public
Ocean
County

PUBLIC NOTICE

BOROUGH OF SURF CITY

PUBLIC NOTICE is hereby given that Ziman Development, Inc. (the “Applicant”) has applied to the Land Use Board of the Borough of Surf City (the “Board”), Ocean County, New Jersey for a bulk variance, to the extent required, relative to proposed development at the property designated as Lots 20, 22, 24, and 24.01 in Block 91 on the Tax Map of the Borough of Surf City, located at 258 N. 23rd Street. The subject property was previously developed with a two-family dwelling. It is a bayfront lot, with the only access to the property being by way of an access easement traversing Lots 16 and 18. The easement is 25 feet in width at the point where the easement terminates at the property. However, the existing access easement is L-shaped, and the easement is 20 feet wide at the street.

Section 29-8.5(c) of Surf City’s Land Subdivision Ordinance states as follows: “Each lot must front upon an approved street at least 50 feet in width except lots fronting on streets described in subsection 29-6.2e, and except lots fronting on private roadways or easements; provided however, that no such private roadway or easement shall be less than 25 feet in width.” Section 29-8.5(c) of Surf City’s Land Subdivision Ordinance does not apply to this matter, as the Applicant is merely constructing a single-family dwelling at the property. There is no subdivision proposed, and Section 29-8.5(c) only applies in the context of new subdivisions. It is noteworthy that there is nothing contained within the Surf City Zoning Ordinance requiring a minimum width of easements within the Borough.

Pursuant to N.J.S.A. 40:55D-35, which is a section of the New Jersey Municipal Land Use Law, no permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. The Applicant respectfully submits that this section is not applicable to the Applicant’s situation based upon the fact that the

property is served by an existing access easement. However, to the extent that the Board feels that this section does apply in this instance, N.J.S.A. 40:55D-36 gives the Board the authority to grant a variance to permit the issuance of a building permit when a property does not contain street frontage under certain conditions.

While the Applicant does not feel that a variance is required, in an exercise of caution, if the Board finds that N.J.S.A. 40:55D-35 and/or Section 29-8.5(c) of the Land Subdivision Ordinance applies to the Applicant, the Applicant will request a variance from the Board based upon the fact that there is an existing access easement that provides adequate access to the subject property. If the Board determines that any variances, exceptions or waivers are necessary or appropriate at the hearing, then such variances, waivers or exceptions will be requested.

A public hearing has been scheduled for December 17, 2025 at 7:00 p.m. at the Borough Hall Council Chambers located at 813 Long Beach Boulevard, Surf City, New Jersey, at which time any interested persons may appear and have an opportunity to be heard on this application.

Documents pertaining to this application are available for inspection by the public during normal business hours, 9:00 a.m. to 4:30 p.m., Monday through Friday, in the office of the Clerk of the Board in the Surf City Borough Hall, located at 813 Long Beach Boulevard, Surf City, New Jersey.

James S. Raban
Attorney for Applicant/Owner

File #3730

BOROUGH OF SURF CITY

813 Long Beach Boulevard, 08008 Telephone (609)494-3064

BOND APPLICATION

**The posting of a curb bond is to guarantee installation of curbing only. It is not a payment bond.
(Curb Bond will be two times the amount of curbing estimate from Contractor)*



Curb



Performance



Professional



Inspection Fees

Name Ziman Development, Inc. Date _____
(Person posting the bond)

Property Address 258 N, 23rd Street Phone Number 609-494-8010
(Where curbing will be done)

Block 91 Lot 20, 22, 24, 24.01 Bond Dollar Amount _____

Mailing Address for Return of Bond Money:

Ziman Development, Inc.

7702 Long Beach Blvd., Harvey Cedars, NJ 08008

Name of Person Responsible for Performance and Professional Fees: (buyer or seller, not contractor name)

Ziman Development, Inc.

Address 7702 Long Beach Blvd., Harvey Cedars, NJ 08008

Phone Number 609-494-8010

I acknowledge that I have 90 days to install the curbing.

X 
(Applicant's Signature)

(For Municipal Use Only)

Date Bond Posted _____ Bond Received by _____

_____ Copy of Bond to Applicant _____ Copy of Bond & Estimate to Borough Clerk

_____ Copy of Bond to Zoning / LUB/ Finance _____ Check # _____ receipted to Finance

_____ Passed inspection on _____ _____ Voucher mailed on _____

CORPORATE RESOLUTION

At a special meeting of the Board of Directors of ZIMAN DEVELOPMENT, INC., a New Jersey Corporation, held pursuant to written waiver of notice on 30th day of October 2025 a quorum being present, the following resolution was unanimously adopted;

BE IT RESOLVED, that the corporation proceed with an application for development before the Surf City Land Use Board relative to the property known as Lots 20, 22, 24, and 24.01 in Block 91 on the Tax Map of the Borough of Surf City, Ocean County, New Jersey.

FURTHER RESOLVED, that the President be and is hereby authorized and directed to execute and deliver such instruments in writing as may be required for the purpose of filing the application for development.

I, MICHAEL ZIMAN, do hereby certify that the foregoing is a true copy of a Resolution passed by the Board of Directors of ZIMAN DEVELOPMENT INC. at a meeting held for that purpose on October 30, 2025.

I further certify that I am the President of said corporation.

ZIMAN DEVELOPMENT, INC.

Date:

10/30/25


By: Michael Ziman, President

DISCLOSURE OF OWNERSHIP

Ziman Development, Inc.

NAME OF APPLICANT _____

APPLICANT IS A: Corporation X Partnership _____ Joint Venture _____

<u>Full Name of Individual Stockholder/ Partner</u>	<u>Address of Individual Stockholder/Partner</u>	<u>Share % Owned</u>
1. <u>Michael Ziman</u>	<u>14 Harbor Dr., Rumson, NJ 07760</u>	<u>50%</u>
2. <u>Gary Ziman</u>	<u>239 Park Ave., North Caldwell, NJ 07006</u>	<u>25%</u>
3. <u>Jill Ziman</u>	<u>239 Park Ave., North Caldwell, NJ 07006</u>	<u>25%</u>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

Number of Minority (less than 10%) owners not listed _____

Attach additional sheets in this format if necessary.

If corporation or partnership is shown as a greater than 10% owner, attach a similar breakdown of its individual owners.





