



Fee Date: 08/13/2019

Check #: 2870

Cash: 0

### ZONING PERMIT

ID: 551093845

Date: 08/19/2019

Fee: \$ 35.00

#### PROPOSED WORK

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Adding a New Use to a Property | <input type="checkbox"/> Home Occupation                    | <input type="checkbox"/> Private Garage        |
| <input type="checkbox"/> Air Condensor Unit(s)                     | <input type="checkbox"/> Interior Remodel - Comm / Res      | <input type="checkbox"/> Residential Addition  |
| <input type="checkbox"/> Commercial Addition                       | <input type="checkbox"/> New Accessory Structure            | <input type="checkbox"/> Signs                 |
| <input type="checkbox"/> Continuing/Changing Use                   | <input type="checkbox"/> New Commercial Business            | <input type="checkbox"/> Solar                 |
| <input type="checkbox"/> Deck/Balcony                              | <input type="checkbox"/> New Ownership of Property/Business | <input type="checkbox"/> Storage Shed          |
| <input type="checkbox"/> Driveway / Sidewalk / Apron               | <input type="checkbox"/> New Residence                      | <input type="checkbox"/> Swimming Pool/Hot Tub |
| <input checked="" type="checkbox"/> Fence/Retaining Wall           | <input type="checkbox"/> Porch                              | <input type="checkbox"/> Zoning Determination  |
| <input checked="" type="checkbox"/> Other: _____                   |   |  |

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at [www.neptunetownship.org/departments/land-use](http://www.neptunetownship.org/departments/land-use).

**ALL APPLICATIONS WITHIN THE HISTORIC DISTRICT REQUIRE HPC APPROVAL.**

**IF ANY OF THE REQUESTED INFORMATION IS SUBMITTED INCOMPLETE,  
THEN THIS APPLICATION SHALL BE RETURNED UNPROCESSED.**

1. Location of property for which zoning permit is desired:

Street Address: 1111 11TH AVE Block: 302 Lot: 29 Zone: LI

2. Applicant Name: Mark Steinberg Phone No. (732)774-5665 Fax No. (732)774-9219

Applicant's Address: 2300 Route 66 NEPTUNE, NJ 07753

Email:

3. Property Owner Name: El Metate Corp. Phone No. [REDACTED] Fax No.

Property Owner's Address: 1111 11TH AVENUE NEPTUNE, NJ 07753

Email: [REDACTED]

4. Present Approved Zoning Use of the Property: The property consists of one building containing two commercial units for permitted uses within the

5. Proposed Zoning Use of the Property: The property consists of one building containing two commercial units for permitted uses within the

6. Describe in detail the activity or activities you are proposing. If you are proposing construction, then describe in detail the dimension and setbacks. If you are proposing a use, then describe the proposed use.

"Continued use of business and warehouse operation, maintain fence at current height for security, change prior approved landscaping and permission to maintain storage units within the property as shown on proposed site plan"

7. Has the above referenced premises been the subject of any prior application to the ZONING BOARD OF

**ADJUSTMENT or PLANNING BOARD?**

Yes  No  If Yes, state date:

Board: Resolution # (if any): (submit a copy of the Resolution)

8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:

Building Coverage: 0

Lot Coverage: 0 (Please include calculations)

**40:55D-68.3. Penalty for false filing.** Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing. any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

-----FOR OFFICE USE-----

**Zoning Review Notes:**

08/19/2019 ZONING VIOLATION REMEDIATION:

The applicant has submitted this zoning permit application to remediate zoning violations on the property.

**REMAINING ZONING VIOLATIONS NOTED:**

- Construction of fences on the property without first acquiring zoning approval.
- Construction of signage (El Metate) without first acquiring zoning approval.
- Altered the site plan from Planning Board approved resolution 99-22, without first acquiring zoning approval.
- Adding a use (storage of trailers) to the property without first acquiring zoning approval.

The property is located in the LI Zoning District. The applicant indicates the present approved and proposed zoning use of the property to be "warehouse". This is incorrect. The property consists of one building containing two commercial units for permitted uses within the zoning district.

The present approved zoning uses on the property are:

1. Art, music, dance & martial-arts instruction (#25) = Asbury Park Jiu Jitsu
2. Other Grocery & Related Products Wholesale (#169) = El Metate Corp

The use was reviewed with the property owner and associates.

The applicant describes the proposed zoning work in detail:

"Continued use of business and warehouse operation, maintain fence at current height for security, change prior approved landscaping and permission to maintain storage units within the property as shown on proposed site plan"

When asked, on this zoning permit application, if the premises has been subject to any prior application to the Zoning Board of Adjustment or Planning Board, the applicant indicates "unknown to this owner". This is incorrect. In prior meetings with the property owner and associates, it was indicated that the premises was subject to Prior Planning Board approval. The property owner and associates were provided a copy of the Board approvals (which consisted of plans and resolution).

FENCE AND WALL REQUIREMENTS:

ZONING VIOLATION: - Construction of fences on the property without first acquiring zoning approval.

Per Land Development Ordinance section 412.07-B:

Fences and walls in non-historic zone districts. Fences and walls in non-historic zone districts shall be permitted accessory structures subject to the following provisions:

Front Yards.

(a) For residential uses, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level and shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative walls are permitted to be located in front yards for residential uses, provided such shall not exceed two and one half (2 1/2) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height. For corner lots the second front yard now considered a side yard may have a solid fence, six (6) feet in height extending to the front buildings line of the dwelling unit and shall not interfere in the site triangle.

ZONING NOTES:

- N/A

(b) For non-residential uses, fences and decorative walls may be erected in the front yard extending to the rear or side lot lines, provided:

(i) When such fences and walls are located within fifteen (15) feet of a street line they shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed five (5) feet in height.

(ii) When such fences and walls are located more than fifteen (15) feet from a street line they shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed seven (7) feet in height.

ZONING NOTES:

- N/A

(c) Chain link fences shall be prohibited in front yards in all zone districts.

ZONING NOTES:

- N/A

Side and Rear Yards.

(a) For residential uses, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls for residential uses are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

ZONING NOTES:

- N/A

(b) For non-residential uses, both decorative walls and solid or non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

ZONING NOTES:

- The applicant has constructed an 8' high, more than 50% open, fences in the side yard areas. The applicant proposes to maintain the 8' high fence opposed to constructing a compliant fence on the property. The applicant does not display compliance with the Land Development Ordinance. Zoning Board approval is required.

Finished Exterior Side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.

ZONING NOTES:

- The constructed complies with this LDO requirement

Materials. No fence or wall shall be constructed or installed with barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals. In addition, chain link fences are specifically prohibited in front yard in all zones.

ZONING NOTES:

- The barbed wire has been removed from the fence.

Drainage. Fences and decorative walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.

ZONING NOTES:

- CONDITION OF APPROVAL= The applicant shall comply with this LDO requirement.

Obstruction. No fence shall be constructed within any sight triangle as defined in this article, or installed so as to constitute a hazard to traffic or public safety.

ZONING NOTES:

- The applicant does not indicate any obstructions of a sight triangle.

Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.

ZONING NOTES:

- The submitted survey does not indicate any easements.

Retaining Walls. Any permitted wall proposed to be used as a retaining wall may be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.

ZONING NOTES:

- N/A

Exceptions. Fences or walls that constitute a permitted buffer area screen approved as part of a site plan application shall be excepted from the above height and location provisions. In addition, fencing required to enclose a tennis court shall be excepted from the above maximum height provisions. Said fence shall not exceed twelve (12) feet in height, as measured from ground level, and may not be located within a required setback area.

ZONING NOTES:

- N/A

**ZONING VIOLATION:**

- Construction of signage (El Metate) without first acquiring zoning approval.

**ZONING NOTE:**

- The applicant is proposing to construct a wall mounted sign on the property. The applicant did not submit the required plans displaying compliance with Land Development Ordinance section 416. In prior meetings with the property owner and associates, the zoning ordinance was reviewed and the type of required plans were indicated. The applicant does not display compliance with the Land Development Ordinance.

**ZONING VIOLATION:**

- Altered the site plan from Planning Board approved resolution 99-22, without first acquiring zoning approval.

**ZONING NOTES:**

- In prior conversations and meetings with the property owner and associates, the prior Board approved site plan was reviewed. The property owner agreed to restore the site to the conditions (parking configuration, striping, landscaping,.....) of that site plan.

- The applicant is now proposing to alter the Board approved site plan. Zoning Board of Adjustment approval is required.

**ZONING VIOLATION:**

- Adding a use (storage of trailers) to the property without first acquiring zoning approval.

**ZONING NOTES:**

- The property owner is in the process of removing the storage trailers from the property in accordance with the court agreement.

- The applicant is has changed the use of the property, adding a nonconforming trailer storage element. Items being stored in the trailers are appliances from the property owners separate Laundry business. Zoning Board of Adjustment approval is required. 412.21-D

Zoning Board of Adjustment approval is required.

**Status**

Approved  Denied

**Referrals**

Construction  HPC  Engineering  Planning Board  Zoning Board  Mercantile  Code Enforcement