

October 11, 2022

Neptune Township Planning Board
25 Neptune Boulevard
P.O. Box 1125
Neptune, NJ 07754-1125

**Re: Raffaella A. Pagano
109 Prospect Avenue
Minor Subdivision Application
Lot 7, Block 5405
Our File: NTPB 22-19**

Dear Board Members:

Our office has received and reviewed an application for Minor Subdivision approval in conjunction with the above referenced project. The following documents have been reviewed:

1. Submitted Documents

- Boundary & Topographic Survey for Block 5405, Lot 7, 109 Prospect Avenue prepared by Justin J. Hedges, PLS, CFS of Insite Surveying, dated March 14, 2022, last revised March 24, 2022.
- Minor Subdivision Plan for Block 5405, Lot 7, 109 Prospect Avenue prepared by Patrick R. Ward, P.E., P.P., of Insite Engineering, LLC, dated May 24, 2022, with no revision date.

We have completed our review of the submitted documents and offer the following comments:

2. Site Analysis

- A. The Minor Subdivision application currently consists of one (1) existing lot, Lot 7 in Block 5405. The property is 15,341 square feet (0.352 Ac) with dual frontage on Prospect Avenue and Valley Road.
- B. The minor subdivision consists of an existing two-story single-family dwelling. The Applicant is proposing to subdivide the property and create two (2) single family lots. The existing dwelling will remain.
- C. The Applicant shall confirm that the existing dwelling is serviced by Municipal water and sanitary sewer services. The Applicant does not propose any Right-of-Way improvements with this application.

- D. The property is encumbered with several environmental constraints discussed herein that include flood hazard, steep slope & tree removal compliance.
- E. The Applicant should more accurately identify the location of the proposed dwelling to ensure compliance with these constraints.

3. Application Completeness Checklist & Waivers

A separate attachment is provided with this report, identifying the following:

- A. Completeness waiver request made by the Applicant.
- B. Completeness checklist identifying items that should be provided by the Applicant on the plan drawings.

4. Surrounding Uses

- A. Land uses surrounding the subject property are similarly zoned R-3 (Moderate Density Residential Zone) and contain a mix of single-family residential uses.

5. Zoning Requirements

- A. The property is located in the (R-3) Moderate Density Residential Zone. Detached single family residences are a permitted use within the zone.

Description	Required	Existing	Proposed Lot 7.01	Proposed Lot 7.02
Minimum Area	7,500 sf	25,586 sf (0.587 AC)	15,341 sf (0.352 AC)	10,246 sf (0.235 AC)
Minimum Lot Frontage	75 ft	179.3 ft	112.79 ft	95.81 ft
Minimum Lot Width	75 ft	172.4 ft	108.83 ft	89.35 ft
Minimum Lot Depth	100 ft	170.1 ft	164.27 ft	142.00 ft
Minimum Front Yard Setback Valley Road	20 ft.	32.6 ft	32.6 ft	To Comply
Minimum Front Yard Setback Prospect Avenue	20 ft	18.4 ft (N/C)	18.4 ft (N/C)	To Comply
Minimum Side Setback	10 ft	92.4 ft	21.26 ft	To Comply
Minimum Total Side Setback	20 ft	(N/A)	(N/A)	To Comply
Minimum Rear Setback	30 ft	100.7 ft	92.4 ft	To Comply
Maximum Building Coverage	30%	7.2%	11.93%	To Comply
Maximum Lot Coverage	45%	33%	26.33%	To Comply
Maximum Building Height	2 ½ stories 35 ft	(N/R)	(N/R)	To Comply
Minimum Improvable Area	2,000 sf	11,826 sf	6,903 sf	2,829 sf
Minimum Diameter of Circle	29 ft	104.4 ft	59.09 ft	49.66 ft
Density	5.80	1.70	2.84	4.26

(V) variance required (N/A) not applicable (N/R) not reported (N/C) existing non-conformity

Private Garage

Description	Required	Existing	Proposed Lot 7.01	Proposed Lot 7.02
Minimum Rear Yard Setback	5 ft	91.9 ft	55.9 ft	To Comply
Minimum Side Yard Setback	5 ft	55.9 ft	32.90 ft	To Comply
Maximum Area	784 sf	651 sf	651 sf	To Comply

(NC) existing non-conformity (NR) not reported

- B. The property is located in the (R-3) Moderate Density Residential Zone. Detached single-family residences are permitted uses within this zone. The Applicant does not propose any development under this application.
- C. The Applicant propose the following Bulk Variances with the application:
 - 1) Minimum front setback of 18.4 feet for both existing Lots 7 and 7.01, where 20 feet is required, **(Existing non-conformity)**.
- D. Ordinance Section 505.B.4 Table 5.2 requires a single-family dwelling maximum driveway width of 22 feet. The Applicant proposes to maintain the existing driveway on proposed Lot 7.01, which is over the required width allowed (\pm 25 feet). **A waiver is required. Testimony to be provided.**

6. Minor Subdivision Plan

- A. Proposed lot and block numbers should be assigned by the Neptune Township Tax Assessor.
- B. Ordinance Section 512.B – requires as a part of a minor subdivision, metal alloy pins of a permanent character shall be installed at all lot corners of all approved lots. The plan shall be revised to reflect this requirement.
- C. If the Applicant is proposing to perfect this subdivision by Deed, the deeds and easement descriptions shall be reviewed and approved by the Board Attorney and Engineer prior to filing.

7. Environmental Impact

- A. The Applicant is required to provide testimony for the Environmental Impact Statement in compliance with Township of Neptune Land Development Ordinance No. 4-23; Section 2 entitled “Environmental Impact Statement”. The Applicant shall provide testimony with regard to the key elements of the Environmental Impact Statement with regards to noise, lighting, air pollution and impacts within the Flood Hazard Area.

8. Flood Hazard Regulations

- A. In accordance with the Preliminary Flood Insurance Rate Map dated January 30, 2015, the property is within Zone AE 10 (elevation 10 feet above mean sea level) and the 500-year flood zone.
- B. However, the Township of Neptune building code requires that structures located in a flood zone in Neptune Township shall be elevated to 12 feet minimum above mean sea level to the first floor. **Testimony to be provided.** The proposed lot 7.02 buildable area is within elevation 10.
- C. In accordance with Ordinance Section 19-5.2.a.1, new construction and substantial improvements of any residential structure within any Advisory Hazard Zones V and A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the advisory base flood elevation or advisory two-tenths (0.2%) percent annual chance flood elevation, whichever is more restrictive.
- D. The Applicant shall provide testimony with regard to Ordinance Section 419.H.1.(a) – all new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of structure. Applicant shall address all improvements, including storage areas and site amenities.

9. Steep Slopes

- A. The Applicant shall address steep slope in accordance with Ordinance 421.
 - 1) Ordinance Section 421.D.1.(a) requires a maximum of thirty (30) percent of the total lot area in slopes fifteen (15) percent or greater, but less than twenty-five (25) percent may be utilized for construction.
 - 2) Ordinance Section 421.D.2(e) does not permit construction in critical slope area of twenty-five (25) percent or greater unless the Applicant demonstrates that the proposed slope disturbance is essential to a reasonable use of the property.

The Applicant shall update the plan drawings to indicate critical area and what portions of the lot could be utilized.

10. Tree Removal Permit

The Applicant must comply with Tree Removal Permit Ordinance Section 525.

- A. A tree removal permit is required for removal of all trees 4" caliper or greater.

- B. Replacement tree requirements must be complied with. Replacement tree values must be calculated and enforced by the Conservation Officer.

11. Miscellaneous

- A. The owner must sign the minor subdivision plan, with their signature notarized on the drawing.
- B. Monmouth County Planning Board approval or Letter of Exemption is required.
- C. The Applicant shall provide testimony for existing utilities for each individual lot. Testimony should address serviceability of utilities for each lot and that all utilities will be placed within an easement for future maintenance.
- D. Prior to issuance of a zoning permit, an individual lot grading and elevation plan should be provided for review and approval by the municipal engineer in accordance with Ordinance Section 1102.D. In addition to a grading plan, a drywell design with calculations shall also be provided.
- E. The Applicant shall provide testimony for street trees in accordance with Ordinance Section 523.
- F. In accordance with Ordinance 511 (Lighting), the Applicant shall provide testimony with regards to existing lighting levels on Valley Road and Prospect Avenue if additional lighting is required.
- G. The Applicant shall address the proximity of the building to the flood zone and compliance with ordinances:
 - 1. Section 419.A.7 – Ensure that potential buyers are notified if a property is in an area of special flood hazard.
 - 2. Section 419.A.8 – Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

If perfected by deed, the above language should be included within the deed. If by map, notes should be added to the plan.

- H. The minor subdivision plan shall address sight triangle easement for the corner lot in accordance with Ordinance Section 520.
- I. The Applicant shall provide testimony on the following:

- 1) Overhead wires will be placed underground or relocate for proposed Lot 7.01.
 - 2) Removal of asphalt driveway and pavers on proposed Lot 7.02
 - 3) Concrete pad along new proposed lot line.
- J. The following approvals will be required for construction permits
- 1) Grading Plan Review
 - 2) Soil Erosion & Sediment Control Permit
 - 3) Road Opening Permit
 - 4) Approved lot numbers as assigned by the Neptune Tax Assessor Ordinance 812.03.B.12
 - 5) Construction Permit per Ordinance No. 13-11 Section 419.F Special Flood Hazard Area (Floodplain Manager)
- K. The Applicant shall provide testimony for street trees in accordance with Ordinance Section 523.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant.

Should you have any questions or require additional information, please contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer Beahm, P.P.
Planning Board Planner



Peter R. Avakian, P.E., P.P.
Planning Board Engineer

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cc: Mark Kitrick, Esq., Board Attorney
Lois D. Sutton, Esq., Applicant's Attorney
Patrick P. Ward, P.E., P.P., Applicant's Engineer
Raffaella Pagano, Applicant

NT/PB/22/22-19

APPLICATION COMPLETENESS CHECKLIST & WAIVERS

Completeness Waiver Request

In accordance with the Minor Subdivision Checklist, Ordinance Section 802.A and 812.03, the following waivers have been requested:

Ordinance Section 802.A

- A. Ordinance Section 802.A.4b requires proof of submission to Freehold Soil Conservation District or letter of exemption from Freehold Soil Conservation District.
- B. Ordinance Section 802.A.5 requires Tree Removal Application package in accordance with Section 525.
- C. Ordinance Section 802.A.6 – Environmental Impact Statement
- D. Ordinance Section 802.A.7 – Stormwater Management Report
- E. Ordinance Section 802.A.9 requires copy of the Letter of Interpretation (LOI) or letter of exemption or proof of submission to the New Jersey Department of Environmental Protection regarding the presence of wetlands.
- F. Ordinance 802.A.10 requires proof of submission to CAFRA.

Completeness Checklist

In accordance with the Minor Site Plan and Minor Subdivision Checklist Section 812.03, the following information should be provided on the plans.

- A. Ordinance Section 812.03.b(2)c – Tax map sheet number within the block.
- B. Ordinance Section 812.03.B.4 - Flood hazard areas within the property. Based upon topography and FEMA mapping elevation 10 is within the buildable area of the new lot.
- C. Ordinance Section 812.03.b.6 – Tree Removal Plan in accordance with Ordinance 525.

- D. Ordinance Section 512.03.B.8 – Water main along Prospect Avenue
- E. Ordinance Section 812.03.B.12 -Proposed lot numbers as assigned by the Neptune Tax Assessor.
- F. Ordinance Section 812.03.B.15 requires sufficient grading information for the Planning Board Engineer to review the proposed changes and impact of the project.
- G. Ordinance Section 812.03.B.16 - Name of owners of all properties within two hundred (200') feet of the site.
- H. Ordinance Section 812.03.B.22 requires drawn details of the type of screening to be utilized for refuse storage areas, outdoor equipment and bulk storage areas.
- I. Ordinance Section 812.03.B.25 – requires floor plans and building elevation drawings of any proposed structure. Based on the topography of the new lot, our office recommends a preliminary plan along with grading to address what could be built on the property.