

Fee Date: 09/21/2021 Check #: 1336

Cash: 0

ZONING REVIEW

ID: 556094939

Date: 09/27/2021

Fee: \$ 35.00

PROPOSED WORK

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

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at 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.

Location of property for which zoning permit is desired:

Street Address: W BANGS AVE Block: 1402 Lot: 2 Zone: R-5

2. Applicant Name: ST GEORGE GREEK ORTHODOX CHURCH Phone No. Fax No.

Applicant's Address: 1033 WEST PARK AVENUE OCEAN, NJ 07712

Email:

3. Property Owner Name: ST GEORGE GREEK ORTHODOX CHURCH Phone No. Fax No.

Property Owner's Address: 1033 WEST PARK AVENUE OCEAN, NJ 07712

Email:

- 4. Present Approved Zoning Use of the Property: Cemetery
- 5. Proposed Zoning Use of the Property: Cemetery
- 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.
- 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 USI	

Zoning Review Notes:

09/27/2021 This zoning permit application consists of:

- Two (2) copies of the zoning permit application with \$35 fee;
- Two (2) copies of a "Narrative of Development";
- Two (2) copies of a letter of correspondence from Foss, San Filippo & Milne, LLC Counselors as Law;
- Two (2) Copies of the PELIMINARY / FINAL MAJOR SITE PLAN by KCE LLC dated 09-14-2021.

The applicant/property owner certifies the premises has not been the subject of any application to the Zoning Board of Adjustment or Planning Board.

The applicant indicates the premises is located within the "CEM" Zone (Zoning District). This is false. The property is located within the R-5 Zone (Zoning District). Please refer to Land Development Ordinance section 403.05 pertaining to the R-5 – Multi-family Residential Zone (Zoning District).

The present zoning use of the property is a Cemetery (LDO section 403.05-B-2).

In reviewing the submitted documents, it appears the applicant is proposing work in reference to:

- Zoning Permit Application Information Sheet;
- Cemeteries:
- Fences and Walls;
- Slope Regulations and Retaining Walls;
- Retaining Walls;
- Refuse and Recycling Areas;
- Bulk Regulations: R-5.

Zoning Permit Application Information Sheet;

With each Zoning Permit Application you are required to submit: (for all projects within the Historic Zoning Districts) three (3) copies of a current survey/site plan and three (3) sets of construction plans;

(for all projects outside of the Historic Zoning District) two (2) copies of a current survey/site

plan and two (2) set of construction plans. Surveys must show the existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations and easements, all drawn to scale. All surveys must be prepared by a land surveyor. Survey information may be transposed to a site plan if the date of the survey and by whom and for whom it was prepared is noted on the site plan. Vegetation, general flood plain determinations or general location of existing utilities, buildings or structures may be shown by an architect, planner, engineer,

land surveyor, certified landscape architect or other person acceptable to the reviewing governmental body.

On all plans you are responsible for showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and proposed structures and substructures (drawn to scale), the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

ZONING NOTES:

- Per the detailed description of work ("Narrative of Development") the applicant indicates "... Renovate the existing refuse and top soil stockpile surround. Per the submitted plans the applicant is proposing a "Relocated Trash Receptacles" area. The applicant did not provide the appropriate construction plans for the proposed Refuse and Recycling Area displaying compliance with Land Development Ordinance section 515.

Cemeteries;

Land Development Ordinance section 412.03 states:

Buildings associated with principal cemetery uses shall be permitted provided the following requirements are met:

- 1. Building setbacks.
- 2. Minimum front yard shall be forty (40) feet

- 3. Minimum Side yard shall be twenty (20) feet
- 4. Minimum rear yard shall be twenty five (25) feet
- 5. Height. Maximum building height shall be twenty five (25) feet.
- 6. Fence or wall. A wrought-iron fence or stone wall may be provided at the perimeter of a cemetery tract. Said fence or wall may not exceed five (5) feet in height, except that intermittent piers may reach six (6) feet in height. A main entrance gate may exceed the permitted fence or wall height by 50%.

ZONING NOTES:

- The applicant is not proposing any new buildings, in the submission of this zoning permit application.
- The applicant indicates the proposed construction of a 4' high chain link fence, in the side and rear yard area, on top of a 5' high Structural Retaining Wall.

Fences and Walls:

Land Development Ordinance section 412.03-B states:

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved zoning permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article X in order for a determination to be made as to the proposed fence zoning conformance.

- 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:
- 1 Front Yards.
- 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.
- 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.
- 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, comers, gateways, and wall piers and entryways shall not exceed seven (7) feet in height.

ZONING NOTES:

- N/A
- Chain link fences shall be prohibited in front yards in all zone districts.

ZONING NOTES:

- N/A

- 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 measure from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.
- 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 indicates the proposed construction of a 4' high chain link fence, in the side and rear yard area, on top of a 5' high Structural Retaining Wall.
- 3 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:

- CONDITION OF APPROVAL The applicant/property owner shall comply 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:

- CONDITION OF APPROVAL The applicant/property owner shall comply with this LDO requirement.
- 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/property owner shall comply with this LDO requirement.
- Department of Engineering review and approval is required.
- 6 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 display any proposed obstructions of the sight triangle on the submitted plans.
- 7 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 applicant does not display any Utility Easements on the submitted plans.

8 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:

- The applicant is proposing to construct a 5' high retaining wall on the property. Department of Engineering approval is required.
- 9 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.

Slope Regulations and Retaining Walls;

Land Development Ordinance section 421 states:

- A The purpose of these regulations is: (1) to minimize potential detrimental impacts that are associated with the disturbance of established vegetation on existing steep slopes; (2) to avoid creating new steep slopes where the potential for detrimental impacts are increased; and (3) to minimize potential detrimental impacts by regulating the scale, mass and location of retaining walls. Detrimental impacts means any adverse impact to: public safety and the general welfare; private or public property; or, any historic, cultural, scenic or other environmental resource caused by the destabilization of a slope area or retaining wall as a result of erosion slumping, runoff or other consequence.
- B For the purposes of these regulations, "construction" shall mean any disturbance or improvement to land, including but not limited to buildings, structures, streets, driveways, parking areas, swimming pools, excavations, fill, grading, tree removal, stripping of vegetation and clearing, except that selective thinning of vegetation and site work approved by the approving authority for sidewalks and similar pedestrian ways, subsurface utility installations and drainage facilities shall not be considered construction.
- C Steep slopes shall not be disturbed and retaining walls shall not be installed except where the applicant demonstrates that each disturbance and/or retaining wall is essential to the reasonable use of the property and that no adverse impact to adjoining properties will result from the proposed construction.
- In the case of development applications before the Planning Board or the Zoning Board of Adjustment, the applicant shall submit a separate sheet as part of the overall development plan, identifying the extent of the steep slope disturbance and the use of retaining wall(s) and noting the justification(s) for the disturbance.
- In the case of Zoning Permit Applications, the applicant shall submit a grading plan in accordance with the zoning permit requirements contained in Article XI of this Land Development Ordinance.
- D Within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions.
- 1 Construction on steep slopes of fifteen (15) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulations:
- a A maximum of thirty (30) percent of the total lot area in this slope category may be used for construction purposes; and,
- b Construction shall not result in the creation of critical slope areas.

- 2 No construction shall be permitted in critical slope areas (slopes of 25 percent or greater) unless all of the following criteria are met:
- The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard;
- b The total area of removal or disturbance of vegetation in the critical slope area of the lot is no greater than twenty-five (25) square feet;
- The increase in impervious ground cover in the critical slope area of the lot is no greater than twenty-five (25) square feet;
- d The construction does not include the removal of any tree, having a diameter at point of measurement greater than eighteen (18) inches; and,
- e The applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.

ZONING NOTES:

- The applicant is proposing construction in a steep slope area exceeding thirty (30) percent of the total lot area in this slope category. The applicant does not demonstrate compliance with this Land Development Ordinance requirement. Planning Board approval is required.
- E Where construction will disturb steep sloped areas and areas abutting steep slopes, the plan shall provide the following design features, as applicable to the situation:
- 1 Any grading or disturbance in an area of steep slopes or in an area abutting a steep slope shall stabilize the soil as required to avoid detrimental impacts.
- 2 An area abutting a steep slope may be disturbed or completely removed, provided:
- The final grading does not result in a net increase in the total steep slope areas on the lot; and,
- b The removed soil is redistributed on site and/or removed from the site in accordance with other township requirements.
- The area along the top of a steep slope may be filled and a retaining wall(s) constructed, provided the retaining wall(s) and all other construction activities conform to regulations set forth herein.
- F Landscape Retaining Wall Setback Requirement. Landscape retaining walls shall not be located closer to a property line than one half (1/2) the height of the wall.

ZONING NOTES:

- N/A

- G Maximum Height of Structural Retaining Walls
- The maximum height of any structural retaining wall, section of structural retaining wall, or tier of a structural retaining wall, shall be no greater than eight (8) feet, unless in a front yard setback area, in which case the maximum height shall be no greater than four (4) feet.
- Multiple, staggered or tiered walls shall be considered single walls unless the minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than one and one-half (1-1/2) times the height of the lower section or tier. If there are more than three (3) single sections or tiers, the minimum distance between the top of any single section or tier and the

base (toe) of the next higher section or tier shall be not less than two (2) times the height of the lower section or tier.

- A structural retaining wall shall not extend in height for more than one (1) foot above the natural or approved finished grade at its top, unless proper surface drainage requires a greater height.
- Any combination of a structural retaining wall(s) and a safety fence shall not exceed twelve (12) feet.

ZONING NOTES:

- By definition in the Land Development Ordinance, the applicant is proposing to construct a Structural Retaining Wall in the side and rear yard areas.
- The applicant indicates the structural retaining wall shall not extend in height for more than one (1) foot above the natural or approved finished grade at its top.
- The applicant indicates the proposed construction of a 4' high chain link fence, in the side and rear yard area, on top of a 5' high Structural Retaining Wall.
- H Location of Structural Retaining Walls
- A structural retaining wall (top or bottom) shall be located no closer to a property line than the height of the wall or wall segment closest to the property line, and the applicant's engineer shall certify that a failure of the structural retaining wall will not have an adverse impact on any adjoining property or public right-of-way.
- 2 Structural retaining walls shall not be located in any public rights-of-way or utility easements.

ZONING NOTES:

- The applicant indicates the proposed 5' high Structural Retaining Wall to be setback more than 5' from the proximal side and rear yard property lines.
- I Safety Requirements of Structural Retaining Walls. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.

ZONING NOTES:

- The applicant indicates the proposed construction of a 4' high chain link fence, in the side and rear yard area, on top of a 5' high Structural Retaining Wall.
- J Design. A licensed structural or civil engineer shall design all structural retaining walls, with signed and sealed plans submitted for review and approval by the Construction Official, Borough Engineer, Planning Board Engineer or Zoning Board of Adjustment Engineer, whatever the case may be.

ZONING NOTES:

- The proposed Structural Retaining Wall is designed by Kennedy Consulting Engineers, LLC (KCE LLC).
- K Inspection. A licensed structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall.

ZONING NOTES:

- The applicant does not indicate in the detailed description or provide any supporting

structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall. The applicant does not demonstrate compliance with this Land Development Ordinance requirement. Planning Board approval is required.

Retaining Walls;

Land Development Ordinance section 527 states:

Design and maintenance of structural retaining walls shall be in accordance with the following standards:

A The applicant shall submit a plan indicating how all segments of the structural retaining wall, including any bench area located between two tiered wall sections, shall be maintained.

ZONING NOTES:

- Township Engineer review and approval is required.
- B The structural or civil engineer certifying the plans shall provide documentation as to the feasibility for replacing the structural retaining wall at the end of its useful life, and method of replacement by the property owner or homeowner's association.

ZONING NOTES:

- The applicant does not indicate in the detailed description or provide any supporting documentation certifying that the licensed structural or civil engineer will provide documentation as to the feasibility for replacing the structural retaining wall at the end of its useful life, and method of replacement by the property owner. The applicant does not demonstrate compliance with this Land

Development Ordinance requirement. Planning Board approval is required.

C The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.

ZONING NOTES:

- The applicant indicates the proposed construction of a 4' high chain link fence, in the side and rear yard area, on top of a 5' high Structural Retaining Wall.
- D The bench, or area between the top of one tier and the bottom (toe) of the next higher tier, shall be properly graded to facilitate drainage.

ZONING NOTES:

- Township Engineer review and approval is required.
- E A licensed landscape architect shall certify that landscaping installed in the vicinity of any structural retaining wall is appropriate for the location and does not have a root system that will impair the integrity of the retaining wall.

ZONING NOTES:

- The applicant does not indicate in the detailed description or provide any supporting documentation certifying that a licensed landscape architect shall certify that landscaping installed in the vicinity of any structural retaining wall is appropriate for the location and does not have a root system that will impair the integrity of the retaining wall. The applicant does not demonstrate compliance with this Land Development Ordinance requirement. Planning Board approval is required.

F Structural retaining walls shall be constructed of permanent materials such as concrete, pre-cast block, or masonry, and shall be designed to allow replacement of the wall at the end of its useful life.

ZONING NOTES:

- The applicant indicates the proposed Structural Retaining Wall shall be constructed of keystone.
- G Landscape retaining walls shall be constructed of durable or preservative treated wood, or other durable materials, and shall be designed to allow replacement of the wall at the end of its useful life.

- N/A

Refuse and Recycling Areas;

Land Development Ordinance section 515-A states:

All uses must provide an area used for refuse and recyclable disposal collection. All containers, bins, dumpsters and/or storage facilities shall be designed to reduce discernible odors and contain such within the storage facility area. Refuse and recycling areas shall comply with the following provisions:

A Non-residential uses.

- All non-residential refuse and recyclable disposal collection areas shall be suitably buffered and screened to minimize the impacts of noise, odors, disposal and collection activities and views of collection bins and dumpsters. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way. Buffering shall consist of a minimum four (4) foot wide area surrounding all sides of such facility exposed to view. If such facility is located on a site adjacent to a residential use or zone, such buffering shall consist of a minimum ten (10) foot area surrounding all sides of such facility exposed to view. Screening shall consist of a minimum six (6) foot-high masonry wall, solid wooden fence or accessory building with gates or doors and ramped access to facilitate the movement of bins or dumpsters. The base of such screen shall be planted with a minimum four (4) foot high evergreen hedge along the sides and rear of same.
- All storage facilities shall be located in proximity to one another or may be combined in a single common facility. Such facilities shall be centrally located and convenient for the users of the site. Designated recyclable storage facilities may be located inside a building. Such facilities shall not be located as to be visual focal points in courtyards or parking lots. Where located in a parking lot, such facilities shall not be permitted to be placed on the paved surface of the parking lot and shall be placed on a curbed area set back a minimum of two (2) feet from the curb edge of such parking lot. No refuse and recycling area may be located within a required principal building setback area.
- Adequate pedestrian and service vehicle access shall be provided to all storage facilities. Such vehicular access shall accommodate the type of service vehicles used for the collection of solid waste and designated recyclable materials.
- The size and capacity of all storage facilities shall be based on the size and capacity of containers, bins and/or dumpsters utilized, frequency of pickup and projected generation rates of users of the site.
- All non-residential uses shall be designed to have a temporary designated refuse and recyclable storage area located within the building occupied by such use. Such storage area may be located anywhere within the interior of a building, including basements, storage closets or attached garages, but shall not be situated in a hallway or corridor necessary for internal circulation or emergency access. Such area shall be designed to accommodate the average accumulated volume of designated recyclables and refuse per occupant per period of collection and any necessary storage equipment.

ZONING NOTES:

- Per the detailed description of work ("Narrative of Development") the applicant indicates "...
Renovate the existing refuse and top soil stockpile surround. Per the submitted plans the applicant is proposing a "Relocated Trash Receptacles" area. The applicant did not provide the appropriate construction plans for the

proposed Refuse and Recycling Area displaying compliance with Land Development Ordinance section 515.

Bulk Regulations: R-5.

Zoning Schedule B states:

Maximum Percent Building Cover: 50%

ZONING NOTES:

- The applicant indicates the proposed building cover to be "N/A"

Maximum Percent Total Lot Cover: 65%

ZONING NOTES:

- The applicant indicates the proposed construction of additional cartways.
- The applicant indicates the proposed Total Lot Cover to be 13.70%.

Planning Board, Department of Engineering and Construction Department approvals are required.

*Returned to the applicant:

- One (1) copy of the Zoning Determination; ·
- One (1) copy of the zoning permit application with \$35 fee;
- One (1) copy of a "Narrative of Development";
- One (1) copy of a letter of correspondence from Foss, San Filippo & Milne, LLC Counselors as Law;
- One (1) copy of the PELIMINARY / FINAL MAJOR SITE PLAN by KCE LLC dated 09-14-2021.

Status

Approved

Denied 🇹

Referrals

Construction

HPC .

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement