



Fee Date: 10/05/2021
Check #: 4075
Cash: 0

ZONING REVIEW

ID: 556157995

Date: 10/08/2021

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.

1. **Location of property for which zoning permit is desired:**
Street Address: 112 EMBURY AVE **Block:** 223 **Lot:** 2 **Zone:** HDR1
2. **Applicant Name:** SWEENEY, JAMES & ERIN **Phone No.** [REDACTED] **Fax No.**
Applicant's Address: 112 EMBURY AVENUE OCEAN GROVE, NJ 07756
Email: [REDACTED]
3. **Property Owner Name:** SWEENEY, JAMES & ERIN **Phone No.** [REDACTED] **Fax No.**
Property Owner's Address: 112 EMBURY AVENUE OCEAN GROVE, NJ 07756
Email: [REDACTED]
4. **Present Approved Zoning Use of the Property:** Detached Single Family Residence
5. **Proposed Zoning Use of the Property:** Detached Single Family Residence
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.**
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:

10/08/2021 ZONING VIOLATION REMEDIATION:

The applicant has submitted this Zoning Permit Application to remediate zoning violations issued on the property.

ZONING VIOLATIONS NOTED:

- Construction of Fences without first acquiring Zoning Approval.
- Failure to acquire a Certificates Of Appropriateness from the Historic Preservation Commission (Fences).
- Construction of a Patio without first acquiring Zoning Approval.
- Failure to acquire a Certificates Of Appropriateness from the Historic Preservation Commission (Patio).
- Construction of Structures (Walkways) on the property without first acquiring Zoning Approval.
- Construction of Structures (Walkways) encroaching onto Ocean Grove Camp Meeting Association property without first acquiring Zoning Approval.
- Failure to acquire a Certificates Of Appropriateness from the Historic Preservation Commission (Walkways).
- Construction of Structures (Light Posts) on the property without first acquiring Zoning Approval.
- Construction of Structures (Light Posts) encroaching onto Ocean Grove Camp Meeting Association property without first acquiring Zoning Approval.
- Producing a strong, dazzling light or a reflection of a strong, dazzling light or glare beyond its lot lines.
- Failure to acquire a Certificates Of Appropriateness from the Historic Preservation Commission (Light Posts).
- Failure to acquire a Certificates Of Appropriateness from the Historic Preservation Commission (Storage Shed).

This zoning permit application submission consists of:

- One (1) Zoning Permit Application with \$35 fee;
- Four (4) copies of the Survey Update/Asbuilt by Lakeland surveying dated 10-28-2019.

The applicant/property owner certifies that the premises has not been the subject of any prior application to the Zoning Board of Adjustment. On the zoning permit application the applicant/property owner is referencing a prior zoning permit application, not an application to the Zoning Board of Adjustment.

The property is located within the HD-R-1 Zoning District.

The applicant indicates the present and proposed zoning use of the property to be "Residential". The present zoning use of the property is a Detached Single Family Residence. This is a permitted (conforming) use of the property as indicated in Land Development Ordinance section 407.01-B-3.

Work has been performed in reference to:

- **Zoning Permit Application Information Sheet;**
- **Nonconforming Uses, Structures, and Lots;**
- **Fence Requirements;**
- **Performance Standards for All Uses: Glare;**
- **Storage Shed**
- **Zoning Schedule B: HD-R-1;**

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. Survey's 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:

- The applicant did not submit the required construction plans as indicated on the zoning permit application information sheet.

Nonconforming Uses, Structures, And Lots;

Land Development Ordinance section 422 states:

The following provisions shall apply to valid non-conforming use, structures and lots at the time of adoption of this Ordinance:

A A use, building or structure which is lawfully in existence at the effective date of this Ordinance and shall be made non-conforming at the passage of this Ordinance or any applicable amendment thereto, may be continued as otherwise provided in this section.

ZONING NOTES:

- The existing Principal Structure is nonconforming as it does not comply with the current Land Development Ordinance requirements.

- The existing front Porch is nonconforming as it does not comply with the current Land Development Ordinance requirements.

Fence And Wall Requirements;

Land Development Ordinance section 412.07-A states:

A Fences and walls in historic zone districts. Fences and walls in historic zone districts shall be permitted accessory structures subject to the following provisions (see also Appendix B):

1 Design guidelines. All fences and walls are subject to the review and approval of the Historic Preservation Commission for conformity to its Guidelines and for compatibility with the particular design and style of the structure on the lot.

ZONING NOTES:

- HPC review and approval is required for compliance with the design guidelines.

2 Prohibited locations. No fence or wall shall be erected in any required flared setback area, as described elsewhere herein, east of Central Avenue. For all properties east of Central Avenue, no fence or wall shall be erected in a front yard area or on front yard lot lines.

ZONING NOTES:

- N/A

3 Front yard fence height. Fences located in a front yard area or on lot lines abutting a front yard area, where permitted, shall not exceed a height of two and one-half (2 ½') feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.

ZONING NOTES:

- The applicant has constructed what is indicated to be a 2' high fence in front yard area.

- The applicant has displayed compliance with this Land Development Ordinance requirement for the fence constructed in the front yard area, remediating the zoning violation.

- The property remains in violation for Failure to acquire a Certificates of Appropriateness (COA) from the Historic Preservation Commission (HPC).

- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Immediate removal of the Fence in the front yard area from the property until a COA is acquired from the HPC. The property remains in zoning violation and subject to the penalties as indicated in Land Development Ordinance section 1105.

4 Front yard fence type. Fences located in a front yard area or on lot lines abutting a front yard area, where permitted, shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as stockade and board-on-board shall be considered solid fences and are prohibited in or along front yards.

ZONING NOTES:

- The applicant has constructed what is indicated to be a 50% open fence.

- The applicant has displayed compliance with this Land Development Ordinance requirement for the fence constructed, remediating the zoning violation.

- The property remains in violation for Failure to acquire a Certificates of Appropriateness (COA) from the Historic Preservation Commission (HPC).

- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Immediate removal of the Fence in the front yard area from the property until a COA is acquired from the HPC. The property remains in zoning violation and subject to the penalties as indicated in Land Development Ordinance section 1105.

5 Side yard fence height. Fences located in or along a side yard area shall not exceed a height of four (4) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.

ZONING NOTES:

- N/A

6 Rear yard fence height. Fences located in a rear yard area or on lot lines abutting a rear yard area shall not exceed a height of five (5) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.

ZONING NOTES:

- The applicant has constructed a fence in the rear yard area. The applicant has omitted the rear fence from this zoning permit application. The applicant did not indicate the location height or type of fence on the surveys as indicated on the zoning permit application. The applicant does not demonstrate compliance with this Land Development Ordinance requirement.

- The property remains in violation for the construction of a Fence without first acquiring zoning approval, and for failure to acquire a Certificates of Appropriateness (COA) from the Historic Preservation Commission (HPC).

- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Immediate removal of the Fence in the rear yard area from the property until zoning approval is acquired and a COA is acquired from the HPC. The property remains in zoning violation and subject to the penalties as indicated in Land Development Ordinance section 1105.

7 Wall height. Walls located in or along any front, side or rear yard, where permitted, shall not exceed thirty (30) inches in height. The height of decorative elements, articulated corners, gateways and wall piers shall be included in the wall height measurement.

ZONING NOTES:

- N/A

8 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 property owner shall comply with this Land Development Ordinance requirement.

9 Prohibited materials. Chain link type fences shall be prohibited in any historic zone district. In addition, 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.

ZONING NOTES:

- CONDITION OF APPROVAL: The property owner shall comply with this Land Development Ordinance requirement.

10 Drainage. Fences and 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 property owner shall comply with this Land Development Ordinance requirement.

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

ZONING NOTES:

- N/A

12 Use of vegetation. Except where specifically prohibited under the terms of this chapter or any other applicable ordinance or regulations of the Township, nothing herein shall be construed to prohibit the use of hedges, trees or other planting anywhere on the lot.

ZONING NOTES:

- N/A

13 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 easements on the property.

14 Fence height sketch. Appendix B represents the maximum permitted height for fences relative to their location on the property.

Performance Standards for All Uses: Glare;

Land Development Ordinance section 402-B states:

An application for a permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a zoning permit may be issued with the condition that no certificate of occupancy will be issued until

such time as this documentation is submitted with respect to the particular occupant. A new application and a new certificate of occupancy shall be required in the event of a change of any user of any structure.

B Glare. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining dwelling units, adjoining districts or streets.

ZONING NOTES:

- The applicant has constructed light posts on the property and encroaching onto Ocean Grove Camp Meeting Association property without first acquiring zoning approval.

- The applicant does not demonstrate compliance with this Land Development Ordinance requirement as one light post has been constructed encroaching onto the neighboring property and the other does not display a lighting and glare plan.

- The property remains in violation for the construction of light posts on the property and encroaching onto Ocean Grove Camp Meeting Association property without first acquiring zoning approval, and for failure to acquire a Certificates of Appropriateness (COA) from the Historic Preservation Commission (HPC).

- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Immediate removal of the light posts from the neighboring property and from the property until zoning approval is acquired and a COA is acquired from the HPC. The property remains in zoning violation and subject to the penalties as indicated in Land Development Ordinance section 1105.

Storage Shed;

Land Development Ordinance section 411.11 states:

Private residential storage sheds shall comply with the following regulations:

- A Size. No shed* shall exceed 175 square feet in floor area.
- B Height. No shed shall exceed fifteen (15) feet in height.
- C Location. No shed shall be located in a front yard.
- D Setback. Sheds may be placed no closer than five (5) feet from a side or rear property line, except in historic zone districts. Sheds in historic zone districts must conform to principal building setback requirements.
- E Quantity. No more than one (1) tool shed per lot shall be permitted, except that on lots 12,500 square feet or larger two (2) tool sheds may be permitted.

ZONING NOTES:

- On 02-10-2020 the property owner received zoning approval to construct a conforming Storage Shed on the property. In comparing the submitted Survey Update/Asbuilt by Lakeland surveying dated 10-28-2019 to the zoning permit application submitted on 02-06-2020 a Nonconforming Storage Shed has been constructed on the property. The Storage Shed does not comply with the approved setbacks. The Storage Shed constructed is not the Storage Shed that received zoning approval. A Nonconforming Storage Shed has been constructed on the property without first acquiring zoning approval. This is a violation of the Land Development Ordinance.

- The applicant does not demonstrate compliance with Land Development Ordinance section 411.11.

- The property is in violation for the construction of a Storage Shed without first acquiring zoning approval, and for failure to acquire a Certificates of Appropriateness (COA) from the Historic Preservation Commission (HPC).

**- ZONING VIOLATION REMEDIATION ACTION
REQUIRED: Immediate removal of the Storage
Shed from the property until zoning approval is
acquired and a COA is acquired from the HPC.
The property is in zoning violation and subject to
the penalties as indicated in Land Development
Ordinance section 1105.**

Plot Plans and As-Built Survey

Land Development Ordinance section 1010 states:

- A Two signed and sealed copies of individual plot plans in accordance with NJAC 3:40-7.3 shall be submitted to the Township Engineer to accompany any permit application for any new construction and for any building addition or land disturbance greater than 150sf or 50sf in Ocean Grove section. The individual plot plan shall be utilized to review the project for adequate drainage and grading and compliance to all applicable Township standards.
- B The Township Engineer will review the submitted documents and either disapprove or approve the submitted plot plan. The applicant will be notified if any revisions are required.
- C The Construction Official shall not issue any construction permit until the Township Engineer approves the proposed individual plot plan.
- D Each individual plot plan shall be drawn to scale of not less than one inch equaling 50 feet, signed and sealed in accordance with N.J.A.C. 13:40-7.3 by a professional licensed to practice in the State of New Jersey, and shall be no smaller than 8 ½ inches by 14 inches.
- E Individual plot plans shall include the following information:
- 1 Bearing and distances.
 - 2 North arrow, written and graphic scale.
 - 3 Existing/proposed easement and dedications.
 - 4 Existing/proposed building, pool, decks, patios, porches, sheds and accessory structures dimensions.
 - 5 Existing/proposed sidewalks, driveways and retaining walls.
 - 6 Building envelope graphically depicting and dimensioning zoning setback requirements and/or setbacks approved by the Board if (applicable).
 - 7 Street name, right-of-way width, pavement width and composition of the street(s) fronting the lot.
 - 8 The title block on the plot plan must include the property address, the block and lot number of the property in question and the name of the applicant.
 - 9 Limits of clearing and soil disturbance. Show number of trees over four (4) inches diameter to be removed.
 - 10 Existing trees to be protected and remain. Include tree replacement plan, if applicable as per 525 of the Land Development Ordinance (LDO).
 - 11 Location of wetlands, floodplains, stream encroachment lines and/or any other environmental constraints to the property. If there are no wetlands, then a note should be added to the plan stating that no wetlands exists on the subject property.

12 Sufficient street elevations including center line, gutter and top of curb (if applicable); existing and proposed lot elevations to include, at a minimum, property corners, midpoints of property lines, building corners and center of lot; the finished floor, basement and garage floor elevations of the proposed adjacent dwellings, corner elevations and topography within 10 feet of property lines or as far as necessary to determine adequate drainage characteristics. All elevations shall be according to the NGVD (National Geodetic Vertical Datum) and the source of datum so noted. Any specific circumstances for which elevation requirements cannot be met will be subject to review by the Township Engineer and Construction Official on a case-by-case basis. Under no circumstances shall individual lots be graded in such a manner as to redirect stormwater runoff onto an adjacent and/or downstream property or disturb or change the existing drainage patterns of an adjacent lot. Drainage flow arrows shall be provided to clearly depict the directions of stormwater runoff. No grading or the creation of sump conditions shall be permitted on adjacent lot(s) unless permission has been specifically granted, in writing, by the owner of said adjacent lot(s).

13 Location of any storm drainage pipes within 25 feet of the property including pipe size, grade and invert.

14 Lot grading shall be designed to provide positive runoff with grades at a minimum slope of 1.5%.

15 Swales designed to convey surface runoff shall be designed with suitable subgrade material containing well-draining sand or gravel, stone, sand mix topsoil or other material acceptable to the Township Engineer. A construction detail shall be included on the plan.

16 Utility connections, including, but not limited to, water, sanitary sewer, gas, electric, telephone and cable.

17 Elevations, cross sections, details, and dimensions of driveways and retaining walls.

18 The plan shall show new or existing utilities to be utilized in accordance with applicable standards.

19 Location and direction of all existing and proposed downspouts.

20 If sidewalk and/or curbing is proposed details to be provided and sufficient proposed grades to ensure positive drainage.

21 A separate road opening permit is required for any disturbance in the Township Right of Way.

22 Prior Board approval or waiver granted for construction in easements.

23 Other items that may be required by the Township Engineer for proper construction of the site

F Plot plans of Planning Board approved projects still required individual grading plans and shall match the intent of approved subdivision/site plans.

G If a basement is proposed, a subsurface soil investigation certified by a licensed engineer shall be submitted with the plot plan.

H The applicant shall submit a foundation survey to the Zoning Officer prior to an inspection of the foundation for approval and backfilling. This survey shall include the location of the foundation and the actual floor elevations. If the as-built survey establishes locations or elevations different from those submitted in the plot plan, changes in the proposed grading shall be noted. A revised grading plan shall be submitted to the Engineering and Planning Department and a revised building plan to the Construction Official.

I The applicant shall submit one (1) copy of a final as-built survey for new construction, building addition or land disturbance over 150sf or 50 sf for Ocean Grove. Building additions signed and sealed by a professional engineer or land surveyor licensed in the state of New Jersey prior to requesting a final certificate of occupancy (CO) inspection from the Municipal Engineer.

J The as-built plan shall address constructed conditions and/or location of:

- 1 Final grading elevations;
- 2 Roads including curbing and sidewalks;
- 3 Utilities, new or existing;
- 4 Building location (s);
- 5 Driveways and parking lots;
- 6 Location and direction of downspouts;

7 Stormwater management facilities, including as-built topographic contours and volume calculations;

8 Walls and fences, and

9 Lighting

10 Planting(s)

11 Signage

12 Refuse Area

13 Other structures or conditions deemed pertinent by the Municipal Engineer.

K Exemption from the requirements of this section for new construction, building addition or land disturbance under 150sf or 50sf for Ocean Grove requires the approval of the Township Engineer, said exemption to be contingent upon:

1 Proof that the subject addition is not in a flood hazard zone

2 A survey locating the existing dwelling and showing the proposed improvements

3 A site inspection by a Township engineering inspector to verify that the proposed addition will not create drainage problems.

4 A notarized letter from the property owner stating there will be no adverse drainage impacts.

5 Submission of a \$75.00 review fee; In the event that the review of the application does not prove acceptable for an exemption, a full grading plan/plot plan shall be submitted along with required application and fees for review.

ZONING NOTES:

- The applicant has disturbed more than 50 square feet of Land without first acquiring Department of Engineering approval.

- ZONING VIOLATION REMEDIATION ACTION REQUIRED:

After acquiring zoning approval and a COA from the HPC, submit a complete Grading Permit Application to the Department of Engineering and acquire approval from the Township Engineer.

Zoning Schedule B: HD-R-1;

Zoning Schedule B: HD-R-1 states:

Maximum Percent Building Cover: 85%

ZONING NOTES:

- The applicant indicates the Building Cover to be 40%.

- The applicant did not provide a copy of their calculations sheet as indicated on the zoning permit application information sheet and on the zoning permit application.

Maximum Percent Total Lot Cover: 90%

ZONING NOTES:

- The applicant indicates the Building Cover to be 70.2%.
- The applicant did not provide a copy of their calculations sheet as indicated on the zoning permit application information sheet and on the zoning permit application.

ZONING VIOLATION REMEDIATION ACTION REQUIRED:

- Removal of the Fence in the front yard area from the property until a COA is acquired from the HPC.

- Removal of the Fence in the rear yard area from the property until zoning approval is acquired and a COA is acquired from the HPC.

- Removal of the light posts from the neighboring property and from the property until zoning approval is acquired and a COA is acquired from the HPC.

- Removal of the Storage Shed from the property until zoning approval is acquired and a COA is acquired from the HPC.

- After acquiring zoning approval and a COA from the HPC, submit a complete Grading Permit Application to the Department of Engineering and acquire approval from the Township Engineer.

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The property remains in zoning violation. Failure to comply with the above indicated ZONING VIOLATION REMEDIATION ACTION REQUIRED on

or before 10-15-2021 shall result in the continued enforcement of the Land Development Ordinance.

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Remediation with the Construction Department and Department of Engineering is required.

This zoning permit application submission is denied.

* Returned to the applicant:

- One (1) copy of the Zoning Determination;
- Three (3) copies of the Survey Update/Asbuilt by Lakeland surveying dated 10-28-2019.

Status

Approved Denied ✓

Referrals

Construction HPC ✓ Engineering ✓ Planning Board Zoning Board Mercantile Code Enforcement