



Fee Date: 05/11/2020
Check #: 15054
Cash: 0

ZONING PERMIT

ID: 552460880

Date: 05/18/2020

Fee: \$ 35.00

PROPOSED WORK

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

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: 108 CLINTON PL **Block:** 5411 **Lot:** 10 **Zone:** R-2

2. **Applicant Name:** POOL TOWN **Phone No.** (732)505-9000 **Fax No.** (732)364-1815

Applicant's Address: 5500 RT 9 SOUTH HOWELL NJ 07731

Email: lauram@pooltown1.com

3. **Property Owner Name:** KOCHER, ROBERT P & KATHLEEN **Phone No.** **Fax No.**

Property Owner's Address: 108 CLINTON PL NEPTUNE, NJ 07753

Email:

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.**

"Install a 12X26 inground pool. filter. 3' of concrete patio. heat pump, and proposed 6' pvc fence around yard."

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:

05/18/2020 This zoning permit application submission consists of:

- One (1) copy of the Zoning Permit Application
- Two (2) copies of the Plot Plan/Grading Plan by Greensite Engineering & Consulting, LLC, dated 04-24-2020
- Two (2) copies of the Survey of Lands by Paul K. Lynch Land Surveyor Boundary Consultant, dated 11-26-19 (delivered via fedex on 05-15-2020 and added to this application. No note indicating the intent)

The property is located within the R-2 Zoning District. The present zoning use of the property is a Detached Single Family Residence (refer to LDO 403.02-B-4).

The applicant describes the proposed work in detail:

"install a 12X26 inground pool. filter.
3' of concrete patio. heat pump, and proposed 6' pvc fence around yard."

The applicant does not clearly describe all proposed work on the property in detail. In reviewing the submitted plans there are additional structures that require zoning review and approval that are not mentioned on the Zoning Permit Application, i.e. a structural retaining wall.

The applicant indicates the premises has not been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

SWIMMING POOL:

Land Development Ordinance section 411.12 states:

Swimming pools, hot tubs and tennis courts shall be permitted on all lots used for single family dwellings in residential districts and on any tract developed for multi-family development. Swimming pools, hot tubs and tennis courts are considered accessory structures, and shall require an approved zoning permit prior to construction, and shall be subject to the following provisions:

A Location. Any swimming pool, hot tub or tennis court shall only be permitted in a rear or side yard area.

ZONING NOTES:

- The applicant is proposing to construct an inground swimming pool in the rear yard area.

B Coverage. Tennis courts consisting primarily of grass shall not be considered impervious. Hot tubs and tennis courts shall be subject to the applicable lot coverage requirements set forth in this Ordinance. Any area paved with concrete, asphalt, brick or other solid surface which functions as a walkway to or completely surrounds a swimming pool or tennis court shall also be considered impervious.

ZONING NOTES:

- N/A. Refer to Ordinance NO. 15-09

C Setbacks. No part of the surface area of a swimming pool, hot tub or tennis court, including structures attached thereto, or any pool filtering equipment whether or not such is attached, shall be closer than ten (10) feet to any side or rear lot line. Any impervious area which functions as a walkway to or completely surrounds a swimming pool or tennis court shall be setback a minimum of three (3) feet from any lot line.

ZONING NOTES:

- The applicant indicates the proposed swimming pool to be setback 18.75' from the rear yard lot line and 20.5' and 39' from the side yard lot lines.
- The applicant is proposing pool filtering equipment to be set back 24' from the proximal side yard lot line and 33' from the rear yard lot line.

D Swimming pool fencing. A continuous fence consisting of a minimum of four (4) feet in height shall enclose the perimeter of the entire swimming pool area. Such fence shall be designed to securable control access to the swimming pool area. Where such fence is located on a corner lot, and the fence on the side facing the street is non-solid, that portion of the fence shall be adequately screened with evergreen shrubs not less than four (4) feet in height.

ZONING NOTES:

- On 03/19/2020 zoning approval was issued to construct a fence on the property. The applicant does not display the fence on the plans submitted with this zoning permit application.
- The applicant does not display any fences on the property.
- The applicant does not display compliance with this Land Development Ordinance requirement.

E Tennis court fencing. A fence consisting of a minimum of eight (8) feet in height to a maximum of twelve (12) feet in height for tennis courts shall be required. Said fence may not be located within a required setback area.

ZONING NOTES:

- N/A

F Swimming Pool Drainage. No swimming pool shall drain into a public sanitary sewer or be located in such a manner that water from the pool or filtering equipment drains onto another property.

ZONING NOTES:

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

STRUCTURAL RETAINING WALL:

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.

1 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.

2 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.

ZONING NOTES:

- The applicant is proposing construction in a steep slope area. Department of Engineering review and approval is required.

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:

(a) 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;

(c) 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:

- Per the submitted Plot Plan/Grading Plan by Greensite Engineering & Consulting, LLC, dated 04-24-2020, the applicant indicates the proposed construction on steep slope of $((25-23)/10)(100)=$ 20%.

- The applicant does not indicate the percent of the total lot area in this slope category to be used for construction purposes.

- The applicant indicates the proposed construction shall result in the creation of a critical slope area. $((28-24.5)/10)(100)=$ 35%.

- The applicant is proposing a total soil disturbance in the critical slope area greater than one (1) cubic yard. The applicant does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

- The applicant is proposing a total area of removal or disturbance of vegetation in the critical slope area greater than twenty-five (25) square feet. The applicant does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

- The applicant indicates an increase in impervious ground cover in the critical slope area of the lot is greater than twenty-five (25) square feet. The applicant does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

- The applicant does not indicate if the proposed construction includes the removal of any tree, having a diameter at point of measurement greater than eighteen (18) inches.

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:

(a) 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.

3 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.

ZONING NOTES:

- The applicant has not provided any information with this zoning permit application for the Township Engineer to review for compliance. The applicant does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

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

1 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.

2 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.

3 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.

4 Any combination of a structural retaining wall(s) and a safety fence shall not exceed twelve (12) feet.

ZONING NOTES:

- The applicant indicates the maximum height of the proposed structural retaining wall to be 2.4'.

- The applicant did not submit information indicating the proposed 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 does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

H Location of Structural Retaining Walls

1 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 structural retaining wall to present with a maximum height of 2.4'.

- The applicant indicates the proposed structural retaining wall to be setback 14' from the rear yard lot line and 9' and 26' from the side yard lot 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 structural retaining wall to present with a maximum height of 2.4'.

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 applicant did not submit construction plans by a licensed structural or civil engineer. The applicant does not display compliance with this Land Development Ordinance requirement. Denied zoning

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 did not submit a letter of intent from a licensed structural or civil engineer, stating that at the cost of the applicant, the licensed structural or civil engineer 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 display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

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:

- To be reviewed and approved by the Township Engineer.

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 did not submit documentation, from their structural or civil engineer certifying the plans, 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 display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment 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 structural retaining wall to present with a maximum height of 2.4'.

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:

- N/A

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 clearly identify the proposed landscaping to be installed in the vicinity of the structural retaining wall.

- The applicant did not submit any supporting documentation from a licensed landscape architect certifying that any proposed 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.

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 with modular blocks.

- To be reviewed and approved by the Township Engineer.

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.

ZONING NOTES:

- N/A

IMPERVIOUS COVERAGE:

- The applicant is proposing to construct a walkway around the proposed swimming pool.

- The applicant is proposing to construct a structural retaining wall.

- The applicant indicates the proposed Lot Coverage to be 21.1%

The applicant does not display compliance with this Land Development Ordinance requirement.

Zoning Board of Adjustment and Engineering approvals are required.

* Returned to the applicant:

- One (1) copy of the Zoning Determination

- One (1) copy of the Plot Plan/Grading Plan by Greensite Engineering & Consulting, LLC, dated 04-24-2020

- One (1) copy of the Survey of Lands by Paul K. Lynch Land Surveyor Boundary Consultant, dated 11-26-19 (delivered via fedex on 05-15-2020 and added to this application. No note indicating the intent)

Status

Approved

Denied

Referrals

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement