



Fee Date: 09/23/2021
Check #: 7813
Cash: 0

ZONING REVIEW

ID: 556105599

Date: 09/29/2021

Fee: \$ 35.00

PROPOSED WORK

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

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

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: 2201 W BANGS AVE Block: 816 Lot: 8 Zone: LI

2. Applicant Name: SML 2211, LLC Phone No. [REDACTED] Fax No.

Applicant's Address: 709 HIGHWAY 35 NEPTUNE CITY, NJ 07753

Email: [REDACTED]

3. Property Owner Name: SML 2211, LLC Phone No. [REDACTED] Fax No.

Property Owner's Address: 709 HIGHWAY 35 NEPTUNE CITY, NJ 07753

Email: [REDACTED]

4. Present Approved Zoning Use of the Property:

5. Proposed Zoning Use of the Property:

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:

09/29/2021 **ZONING VIOLATION REMEDIATION:**

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

ZONING VIOLATIONS NOTED:

- Expansion of the Nonconforming Detached Single Family Use by adding Vehicle storage without first acquiring zoning approval.
- Change the use of the property into Vehicle Storage without first acquiring zoning approval.
- Change the use of the property into an unknown commercial use without first acquiring zoning approval.
- Performing construction on a Nonconforming Structure containing a Nonconforming Use without first acquiring zoning approval.
- Abandoned the Nonconforming Detached Single Family Use.
- Disturbance of land without first acquiring Department of Engineering approval.
- Reconstruction of a Nonconforming Use and Structure, damaged by natural calamity without first acquiring zoning approval.

This zoning permit application submission consists of:

- Two (2) copies of the Zoning Permit Application with one (1) \$35 fee;
- Two (2) copies of the Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020;
- One (1) letter of correspondence from Mark A. Steinberg, dated 09-21-2021;
- One (1) letter of correspondence from Lortech Construction Engineering dated 02-19-2020;
- Two (2) copies of the Construction Plans by Grasso Design Group dated 07-21-2020.

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

The property is located within the LI Zoning District.

The applicant indicates the present zoning use of the property to be "preexisting residential". The indicated present zoning use is false. The applicant indicates the proposed zoning use of the property to be "residential".

Work has been performed in reference to:

- Zoning Permit Application Information Sheet;
- Nonconforming Uses, Structures, And Lots;
- Slope Regulations and Retaining Walls;
- Retaining Walls;
- Porch, Deck and Balcony Requirements;
- Zoning Schedule B: R-4;

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 surveys/site plans as indicated on the zoning permit application information sheet. One (1) copy of the submitted Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 is not to scale.
- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The submitted Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 does not display the existing conditions of the property as the property owner has disturbed and regraded the land to expand the driveway and alter the landscaping.
- In reviewing the Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 it has been discovered that the property owner of 2201 West Bangs Avenue has disturbed land and stored trucks and vehicles on the neighboring property identified as "W Bangs Ave", Block: 816, Lot: 7. A zoning violation shall be issued to the property owners of "W Bangs Ave", Block: 816, Lot: 7.
- The applicant did not submit the required construction plans as indicated on the zoning permit application information sheet. The submitted Construction Plans do not reflect the open permits applied for with the Construction Department.

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 Lot is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The existing Principal Structure is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The existing Accessory Structures (sink, chimney, counter, concrete block, ...) are nonconforming as they do not comply with the current Land Development Ordinance requirements.
- The existing Driveway is nonconforming as it does not comply with the current Land Development Ordinance requirements, and encroaches onto the neighboring property.
- The applicant/property owner certifies the premises has not been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

B No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure as follows:

1 Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire or other natural calamity, may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause being shown by the applicant, or such use shall not be rebuilt except as a conforming use.

2 Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.

3 A building containing residential non-conforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling unit.

ZONING NOTES:

- On 07-30-2019 the Principal Structure was intentionally damaged by fire. The applicant omitted this information in their zoning permit application submission.
- On 08-14-2019 the Construction Official issued a Notice of Unsafe Structure.
- On 05-11-2020 a demolition permit was filed with the Construction Department.

- On 10-07-2020, application was made to the Construction Department for "Re-Construction of Fire Damage". It is noted that the Construction Plans by Grasso Design Group dated 07-21-2020 and the letter of correspondence from Lortech Construction Engineering dated 02-19-2020 are the same documents that were submitted with this zoning permit application submission.

- The Construction Plans by Grasso Design Group dated 07-21-2020 and the letter of correspondence from Lortech Construction Engineering dated 02-19-2020 suggest the applicant is proposing to reconstruct a majority of the principal structures previous existing area. The submitted Construction Plans by Grasso Design Group dated 07-21-2020 do not identify fire damaged areas. The letter of correspondence from Lortech Construction Engineering dated 02-19-2020 indicates work to be performed on an as required basis.

C Non-conforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:

1 A non-conforming use or structure abandoned in accordance with this Ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims or retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be reputedly presumed by non-use for any period of two (2) or more years. Non-use by successive owners shall be considered continuous non-use.

2 The change of a non-conforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous non-conforming use, and a reversion to the previous non-conforming use shall not be permitted.

3 A non-conforming structure or use which has fifty percent (50 %) or more of its non-conforming area or value destroyed by fire or natural calamity shall be considered an abandonment thereof.

ZONING NOTES:

- On 07-30-2019 the Principal Structure was intentionally damaged by fire. The applicant omitted this information in their zoning permit

application submission.

- On 08-14-2019 the Construction Official issued a Notice of Unsafe Structure.

- On 05-11-2020 a demolition permit was filed with the Construction Department.

- On 10-07-2020, application was made to the Construction Department for "Re-Construction of Fire Damage". It is noted that the Construction Plans by Grasso Design Group dated 07-21-2020 and the letter of correspondence from Lortech Construction Engineering dated 02-19-2020 are the same documents that were submitted with this zoning permit application submission.

- The Construction Plans by Grasso Design Group dated 07-21-2020 and the letter of correspondence from Lortech Construction Engineering dated 02-19-2020 suggest the applicant is proposing to reconstruct a majority of the principal structures previous existing area. The submitted Construction Plans by Grasso Design Group dated 07-21-2020 do not identify fire damaged areas. The letter of correspondence from Lortech Construction Engineering dated 02-19-2020 indicates work to be performed on an as required basis.

- The applicant has abandoned the Nonconforming Detached Single Family Residence use of the property by non-use for any period of two (2) or more years, changing the use of the property into Vehicle storage, changing the use of the property into an unknown commercial use, and making application to reconstruct more than fifty per cent (50%) of its previous existing area damaged by fire. Zoning Board of

Adjustment approval is required to restore the Nonconforming Detached Single Family use and reconstruct the nonconforming structure.

D A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms; unless such structure is changed to a structure conforming to the requirements of this Chapter except that an existing one family structure may be rebuilt, enlarged, extended or added to provided:

- 1 The enlargement, extension or addition conforms to all zone requirements; or
- 2 The portion of the enlargement, extension or addition which does not conform to zone requirements consists entirely of the enclosure of existing side or rear porches.
- 3 Where a structure is nonconforming solely because it intrudes on the current required yard area.

A If the proposed horizontal addition to that building would not protrude into that required yard area, then the Zoning Official can issue the permit and no application to the Board of Adjustment is necessary.

B If a proposed vertical addition would be located within the building envelope or existing building footprint (and assuming no violation of height restriction or other ordinance provision), the Zoning Official may also issue a permit for such vertical expansion provided that the addition would not exacerbate the nonconformity.

4 An existing one-family structure located in a residential district destroyed by fire or other natural calamity may be rebuilt provided the new structure complies with all zone requirements relating to setbacks and height; however, the existing lot need not comply with minimum lot width, depth and area requirements where the existing condition is non-conforming.

ZONING NOTES:

- N/A

E The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply for, in writing, the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the responsibility of affirmatively proving the preexisting nonconforming use or structure. Application pursuant hereto may be made to the Zoning Board of Adjustment Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

ZONING NOTES:

- N/A

F Any parcel of land with an area or width less than that prescribed for a lot in the zone in which the lot is located may be used as a lot for any purpose permitted in the zone, if:

- 1 at the time of and since the adoption of the zoning ordinance making such lot nonconforming, the owner of the lot did not own adjoining property.
- 2 all other regulations prescribed for the zone are or can be complied with.

[NOTE: Added per Ordinance No. 08-03]

[NOTE: The previous section, §422, has been renumbered per Ordinance No. 03-035; prior section number assignment was §421]

ZONING NOTES:

- N/A

Driveway Design Standards;

Land Development Ordinance section 505 states:

- A Applicability. This article shall apply to all applications for development.
- B Design standards. The following standards shall be used to prepare and review any development plan that involves the construction of a new driveway or the expansion or repair of an existing driveway.
- 1 Lot access. Every use shall have driveway access to a street, except for historic zone districts. Such access shall be designed for the safety, control, efficient movement and convenience of motor vehicle traffic accessing the site, including service and emergency vehicles, and to promote safe, efficient and convenient traffic circulation generally within the Township.
- 2 Location. Driveways shall be located along the street line of a lot as follows:
- A A driveway on a corner lot shall be set back a minimum of forty (40) feet from the intersecting lot lines at the corner. A driveway for a single-family dwelling shall be set back a minimum of three feet (3) from a side lot line, unless such is a common driveway for dwelling units on adjacent lots. A driveway for uses other than single-family dwelling units shall be setback at least ten (10) feet from all property lines, excepting driveway intersections with public or private roadways.
- 3 Construction specifications. Driveways shall be paved with a minimum of four (4) inches of compacted sub-base material and two (2) inches of three-eighths inch roadway stone or comparable material or to an alternate standard as approved by the Township Engineer.
- 4 Width. The width of driveways shall be based on the following:
(Refer to TABLE 5.2)
- 5 Grading. Driveway grades shall not exceed 6% at any point along the entire length of the driveway.
- 6 Aprons. Driveway aprons shall be designed to permit access to any driveway from a street. Such apron shall be constructed between the curb or edge of street pavement and the sidewalk or, in the absence of sidewalk, for a distance of four feet back from the curb or edge of pavement. Driveway apron width may be enlarged to provide adequate turning radii for larger vehicles. The construction specifications of driveway aprons shall be pursuant to applicable Township ordinances or as approved by the Township Engineer.
- 7 Side slopes. Driveway side slopes shall be top soiled, seeded, fertilized and mulched or otherwise stabilized to prevent erosion. If banks exceed a slope of two increments vertical to one increment horizontal (two to one) and the slope face is not stable rock, retaining walls shall be constructed of a design approved by the Township Engineer.
- 8 Clear sight triangles. At locations where driveways approach sidewalks and streets in the public right-of-way, clear sight triangles shall be provided on both sides of such driveways. No vision-obstructing object with a height greater than 2 1/2 feet, as measured from the elevation of the driveway, shall be located in such areas formed by outward facing isosceles triangles, with equal sides of ten (10) feet in length consisting of the curb line of the driveway and the property line along the right-of-way.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The submitted Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 does not display the existing conditions of the property as the property owner has disturbed and regraded the land to expand the driveway and alter the

landscaping. The applicant does not demonstrate compliance with this Land Development Ordinance. Zoning Board of Adjustment approval is required.

Zoning Schedule B: LI;

Zoning Schedule B states:

Maximum Percent Building Coverage: 40%

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. The submitted Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 does not display the existing conditions of the property as the property owner has disturbed and regraded the land to expand the driveway and alter the landscaping. The applicant does not demonstrate compliance with this Land Development Ordinance. Zoning Board of Adjustment approval is required.

- The applicant is proposing to reconstruct a Nonconforming Detached Single Family Residence located within the LI (Light Industrial) Zoning District. Zoning Board of Adjustment approval is required.

Maximum Percent Total Lot Coverage: 70%

ZONING NOTES:

- The applicant did not submit the required surveys/site plans as indicated on the zoning

permit application information sheet. The submitted Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 does not display the existing conditions of the property as the property owner has disturbed and regraded the land to expand the driveway and alter the landscaping. The applicant does not demonstrate compliance with this Land Development Ordinance. Zoning Board of Adjustment approval is required.

- The applicant is proposing to reconstruct a Nonconforming Detached Single Family Residence located within the LI (Light Industrial) Zoning District. Zoning Board of Adjustment approval is required.

- The applicant has disturbed land, and expanded the Driveway associated with the restoration of a Nonconforming Detached Single Family Residence located within the LI (Light Industrial) Zoning District. Zoning Board of Adjustment approval is required.

ZONING VIOLATION REMEDIATION ACTION REQUIRED:

- Cease any further disturbance of land.

- All vehicles must be removed from the property immediately.

- All construction equipment must be removed from the property immediately.

- All debris must be removed from the property immediately.

- All structures constructed and placed on the property without first acquiring zoning approval must be removed from the property, until zoning approval is acquired.

- A complete Zoning Board of Adjustment application submission must be made on or before 10-05-2021.

The applicant does not demonstrate compliance with the Land Development Ordinance requirements.

The property remains in zoning violation. Failure to comply with the above indicated ZONING VIOLATION REMEDIATION ACTION REQUIRED by 10-06-2021 shall result in the continued enforcement of the Land Development Ordinance.

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

* Returned to the applicant:

- One (1) copy of the Zoning Determination;
- One (1) copy of the Zoning Permit Application with one (1) \$35 fee;
- One (1) copy of the Survey of Property by Charles Surmonte P.E. & P.L.S., dated 03-30-2020 (the not to scale copy);
- One (1) copy of the Construction Plans by Grasso Design Group dated 07-21-2020.

Status

Approved Denied

Referrals

Construction HPC Engineering Planning Board Zoning Board Mercantile Code Enforcement