



Fee Date: 06/16/2020

Check #:

Cash: 0

**ZONING PERMIT**

ID: 552584067

Date: 06/24/2020

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](http://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: 24 PHOEBE DR Block: 2603 Lot: 6 Zone: R-2

2. Applicant Name: RAYMUND VIDAL Phone No. [REDACTED] Fax No.

Applicant's Address: 24 PHOEBE DRIVE NEPTUNE, NJ 07753

Email: [REDACTED]

3. Property Owner Name: VIDAL, RAYMUND & MILLET Phone No. [REDACTED] Fax No.

Property Owner's Address: 24 PHOEBE DRIVE NEPTUNE, NJ 07753

Email: [REDACTED]

4. Present Approved Zoning Use of the Property: R-2

5. Proposed Zoning Use of the Property: R-2

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.

"I put in a concrete for parking space and basketball. Please note that this isn't a driveway since there isn't an apron. This is just simply space for our kids basketball. The detail dimensions and setbacks are attached in the report documents."

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: 38.90 % (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:**

**06/24/2020 ZONING VIOLATION REMEDIATION:**

The applicant has submitted this Zoning Permit Application to remediate an outstanding Zoning Violation on the property.

The initial Zoning Violation was issued on 12-10-2019. Extension granted as the property owner was away with the Army National Guard.

**ZONING VIOLATIONS NOTED:**

- Driveway expansion without first acquiring zoning approval.
- Disturbance of land without first acquiring Department of Engineering approval

This zoning permit application submitted on 06-15-2020 consists of:

- One (1) copy of the Zoning Permit Application.
- One (1) copy of the letter of correspondence regarding Impervious Coverage Area; Driveway Extension from John F Mann, PE to Ray Vidal, with attachments.
- One (1) copy of an email regarding Zoning Permit Extension Request for 24 Phoebe Drive
- One (1) copy of the Survey of property by Lakeland Surveying, dated 03-23-2020

**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. The applicant submitted one (1) copy of the Survey of property by Lakeland Surveying, dated 03-23-2020. No copies are being returned to the applicant.**

**The applicant indicates 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 R-2 Zoning District. The present zoning use of the property is a Detached Single Family Residence.**

The applicant describes the proposed work in detail:

"I put in a concrete for parking space and basketball. Please note that this isn't a driveway since there isn't an apron. This is just simply space for our kids basketball.

The detail dimensions and setbacks are attached in the report documents."

**The applicant does not describe all proposed work and structures as defined by the Land Development Ordinance in the detailed description. The applicant states to have constructed a basketball court attached to the existing driveway. The applicant has expanded on the existing driveway.**

**In reviewing the submitted plans it appears the applicant is proposing to construct in reference to:**

- Driveway Requirements**
- Driveway Design Standards**
- Building and Impervious Coverage**
- Plot Plan and As-Built Survey: Land Disturbance**

**DRIVEWAY REQUIREMENTS:**

Per Land Development Ordinance section 412.06:

A No non-residential driveway shall be located within ten (10) feet of an existing adjacent residential property, nor within five (5) feet of any other property line, unless otherwise regulated in this Chapter.

**ZONING NOTES:**

**- N/A**

B Access to a commercial parking garage or parking area for twenty-five (25) or more vehicles shall not be closer to the intersections of any two (2) streets than fifty (50) feet.

**ZONING NOTES:**

**- N/A**

C No access drive or driveway shall be located in any residential district to provide access to uses other than those permitted in such residential zone.

## ZONING NOTES:

- N/A

D No driveway shall serve any use other than the permitted use on the lot upon which the driveway is located.

E A barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both a parking lot within the site and from the Township sidewalk system.

F No lot containing a detached single-family dwelling shall contain more than one (1) principal driveway. In the case of a through lot, a driveway is to be provided only within the front yard area.

## ZONING NOTES:

- The applicant displays the detached single-family dwelling containing one (1) principal driveway.

- The proposed complies with the Land Development Ordinance.

G New driveways shall be prohibited in all Historic Zone Districts.

## ZONING NOTES:

- N/A

## DRIVEWAY DESIGN STANDARDS:

Per Land Development Ordinance section 505:

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.

## ZONING NOTES:

- The property is not located on a corner lot.

- The applicant displays a 24' wide driveway.

- The applicant displays the driveway to be setback 10' and 66' from the side yard lot lines.

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.

**ZONING NOTES:**

**- Department of Engineering review and approval is required.**

4 Width. The width of driveways shall be based on the following:

(Refer to TABLE 5.2)

**ZONING NOTES:**

**- The applicant displays a 24' wide driveway. The applicant does not intend to reduce the width of the driveway to the maximum permitted width. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.**

**- The applicant claims to have constructed a basketball court attached to the existing driveway. There are no Land Development Ordinances permitting what the applicant indicates. In accordance with Land Development Ordinance section 401, which states "All uses not expressly permitted in this Ordinance are hereby prohibited.". Zoning Board of Adjustment approval is required.**

**- REMEDIATION ACTION REQUIRED = The property owner shall submit a complete application to the Zoning Board of Adjustment with seven (7) days of this Zoning Determination, and acquire Zoning Board of Adjustment Approval within 60 days of this Zoning Determination. Failure to comply shall result in the continued enforcement of Land Development Ordinance, subject to the fines and penalties as identified in Land Development Ordinance section 1105.**

5 Grading. Driveway grades shall not exceed 6% at any point along the entire length of the driveway.

**ZONING NOTES:**

**- Department of Engineering review and approval is required.**

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.

**ZONING NOTES:**

**- Department of Engineering review and approval is required.**

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.

## **ZONING NOTES:**

- **Department of Engineering review and approval is required.**

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 does not display any obstructions of the clear sight triangles.**

BUILDING AND LOT COVERAGE:

## **ZONING NOTES:**

- **The applicant indicates the lot coverage to be 38.9%.**

## **PLOT PLANS AND AS-BUILT SURVEY: LAND DISTURBANCE**

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:**

**- Department of Engineering review and approval is required.**

The applicant does not display compliance with the Land Development Ordinance.

Zoning Board of Adjustment, and Department of Engineering approvals are required.

The property remains in Zoning Violation, subject to the fines and penalties as identified in Land Development Ordinance section 1105.

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**- REMEDIATION ACTION REQUIRED = The property owner shall submit a complete application to the Zoning Board of Adjustment with seven (7) days of this Zoning Determination, and acquire Zoning Board of Adjustment Approval within 60 days of this Zoning Determination. Failure to comply shall result in the continued enforcement of Land Development**



**Ordinance, subject to the fines and penalties as identified in  
Land Development Ordinance section 1105.**

\* Returned to the applicant:

- One (1) copy of the Zoning Determination.

**Status**

Approved

Denied

**Referrals**

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement