

Zoning Permit



<input type="checkbox"/> ACCESSORY STRUCTURE (\$35)	<input type="checkbox"/> PORCH/DECK/BALCONY/ENTRY PLATFORM (\$35)
<input type="checkbox"/> COMMERCIAL/RESIDENTIAL ADDITION (\$35)	<input checked="" type="checkbox"/> RETAINING WALL (\$35)
<input type="checkbox"/> CONTINUING THE USE/OCCUPANCY OF A PROPERTY, BUILDING OR STRUCTURE UNDER NEW BUSINESS/PROPERTY OWNERSHIP (\$35)	<input type="checkbox"/> SIGN (\$35)
<input type="checkbox"/> DRIVEWAY (\$35)	<input type="checkbox"/> SOLAR PANEL (\$35)
<input type="checkbox"/> FENCE (\$35)	<input type="checkbox"/> STARTING/CHANGING A USE/OCCUPANCY OF A PROPERTY, BUILDING, OR STRUCTURE (\$35)
<input type="checkbox"/> HISTORIC DISTRICT: AC UNIT/GENERATOR/EXHAUST FAN (\$35)	<input type="checkbox"/> STORAGE SHED (\$35)
<input type="checkbox"/> IMPERVIOUS COVERAGE (\$35)	<input type="checkbox"/> SUBDIVISION (\$35)
<input type="checkbox"/> INTERIOR REMODELING (\$35)	<input type="checkbox"/> SWIMMING POOL/HOT TUB/TENNIS COURT (\$35)
<input type="checkbox"/> NEW PRINCIPAL STRUCTURE (\$35)	<input type="checkbox"/> ZONING DETERMINATION LETTER (\$35)
<input type="checkbox"/> OTHER: _____ (\$35)	

*Indicate location, height, and type of fence or wall on survey / plot plan.

PLEASE REVIEW THE ZONING PERMIT INFORMATION SHEET, AND ALL APPLICABLE LAND DEVELOPMENT ORDINANCE REQUIREMENTS, PRIOR TO COMPLETING THIS APPLICATION

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

As per the Neptune Township Land Development Ordinance Section 1102, a Zoning Permit shall be issued prior to the commencement or change of use of a property, building or structure; the occupancy of any building or structure; the construction, erection, reconstruction, alteration, conversion, or installation of any building or structure; or the issuance of a Certificate of Appropriateness, where applicable.

PLEASE NOTE: If any of the requested information is submitted incomplete, this application shall be returned, unprocessed.

PLEASE PRINT CLEARLY:

1. Block: 5310	Lot: 6	Zoning District: R-3	
2. Property Address: 300 LAKEWOOD ROAD			
3. Current Property Owner Information:			
<u>(AS IDENTIFIED ON THE TAX ASSESSORS RECORD)</u>		Applicant Information:	
Name: BENCH, TORY & RUFFUS, ROBERT J	Name: Army Group Exterior LLC (Florian Rucaj)		
Address: 300 LAKEWOOD ROAD	Address: 668 Upper Mountain Ave		
NEPTUNE, NJ 07753	Little Falls, NJ 07424		
Phone: (732)804-2357	Phone: (862)823-5198		
Email Address:	Email Address: armygrupexterior@gmail.com		

Zoning Permit

6. Describe in detail all zoning related activities you are proposing.

(PROVIDE DETAILED DESCRIPTION ON ADDITIONAL PAGES IF NECESSARY)

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 #: _____

(SUBMIT A COPY OF THE RESOLUTION WITH THE BOARD SIGNED PLANS WITH THIS APPLICATION SUBMISSION)

8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:

Building Coverage: 0 _____ % Lot Coverage: 0 _____ %

-----FOR OFFICE USE-----

Zoning Review Notes:

03/13/2024 **ZONING VIOLATION REMEDIATION:**

- The applicant has submitted this zoning permit application to remediate zoning violations noted on the property.

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ZONING VIOLATIONS NOTED:

- Construction of a Structural Retaining Wall without first acquiring zoning approval.

- Disturbance of land without first acquiring Township Engineering approval.

The property is located within the R-3 Zoning District.

The zoning use of the property is a Detached Single Family Residence.

The applicant and property owner affirm that the premises have not undergone any previous application to a Board of Jurisdiction, including the Zoning Board of Adjustment or Planning Board. It is acknowledged by the applicant and property owner that the Zoning Board of Adjustment and the Planning Board function as independent administrative municipal agencies, possessing the authority to adjudicate requests for deviations from the established Land Development Ordinance.

Furthermore, the applicant and property owner recognize that any variances granted by a Board of Jurisdiction (whether the Zoning Board of Adjustment or Planning Board) are binding throughout the property's existence. Such variances may include conditions and/or restrictions relating to the property's use and/or structures.

Zoning Permits;

Neptune Township Land Development Ordinance section 1102-A states:

- A When required. A zoning permit shall be issued prior to:
- 1 The commencement or change of use of a property, building or structure;
 - 2 The occupancy of any building or structure;
 - 3 The construction, erection, reconstruction, alteration, conversion, or installation of any building or structure;
 - 4 Issuance of a Certificate of Appropriateness, where applicable.

ZONING NOTES:

- The applicant has submitted this zoning permit application indicating the proposed demolition of a structural retaining wall that was constructed without the appropriate permits and the construction of a new structural retaining wall.

Zoning Permit Application Information Sheet;

With each Zoning Permit Application, you are required to submit the following:

For all projects within the Historic Zoning Districts:

- Four (4) copies of a current survey/site plan
- Four (4) sets of construction plans.

For all projects outside of the Historic Zoning Districts:

- **Three (3) copies of a current survey/site plan**
- **Three (3) sets of construction plans.**

Surveys must depict existing conditions, including the exact location of physical features such as metes and bounds, drainage, waterways, specific utility locations, and easements—all drawn to scale. All surveys must be prepared by a land surveyor. The survey information may be transposed to a site plan if the date of the survey, the preparer, and the project owner are noted on the site plan.

Vegetation, general flood plain determinations, or the general location of existing utilities, buildings, or structures may be shown by an architect, planner, engineer, land surveyor, certified landscape architect, or another 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**
- . Any other information regarding the lot and neighboring lots necessary to determine and enforce the Neptune Township Land Development Ordinance.**

ZONING NOTES:

- The applicant did not provide the appropriate plans clearly displaying the dimensional

parameters of all zoning related work as identified in the Neptune Township Land Development Ordinance.

- The applicant did not provide copies of the supporting documentation as identified in the Neptune Township Land Development Ordinance.

*** Construction of a Structural Retaining Wall without first acquiring zoning approval.**

*** Disturbance of land without first acquiring Township Engineering approval.**

Slope Regulations and Retaining walls;

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.

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.

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.

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.

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.

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.

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.

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.

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 NOTE:

- It is evident that steep and critical slope areas have been disturbed with the construction of the structural retaining wall that was constructed without the appropriate permits. Zoning Board of Adjustment review and approval is required for the disturbances both already performed and proposed.

- The applicant did not provide the appropriate construction plans and supporting documentation with this zoning permit application submission as identified in the Neptune Township Land Development Ordinance. The submitted plans do not display the existing and proposed topography. The applicant did not provide the appropriate calculations with plans. The applicant did not provide the appropriate certifications from the Engineer.

Retaining Walls;

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.
- 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.
- 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.
- 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.
- 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.
- 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.

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 NOTE:

- The applicant did not provide the appropriate construction plans displaying the proposed wall heights and compliance with the setback requirements. The applicant does display a proposed zero foot setback from the rear yard property line. Variances are required from the Zoning Board of Adjustment.

Plot Plans and As-Built Survey;

Neptune Township 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.

This zoning permit application is denied.

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

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The property remains in in violation of zoning regulations, and as such, it is subject to penalties outlined in the Neptune Township Land Development Ordinance, specifically in section 1105. It's crucial to note that each day of non-compliance constitutes a separate offense. As of today, the property has been in violation for 709 days since 04-04-2022.

Status

Approved Denied

Referrals

Construction HPC Engineering Planning Board Zoning Board Mercantile Code Enforcement