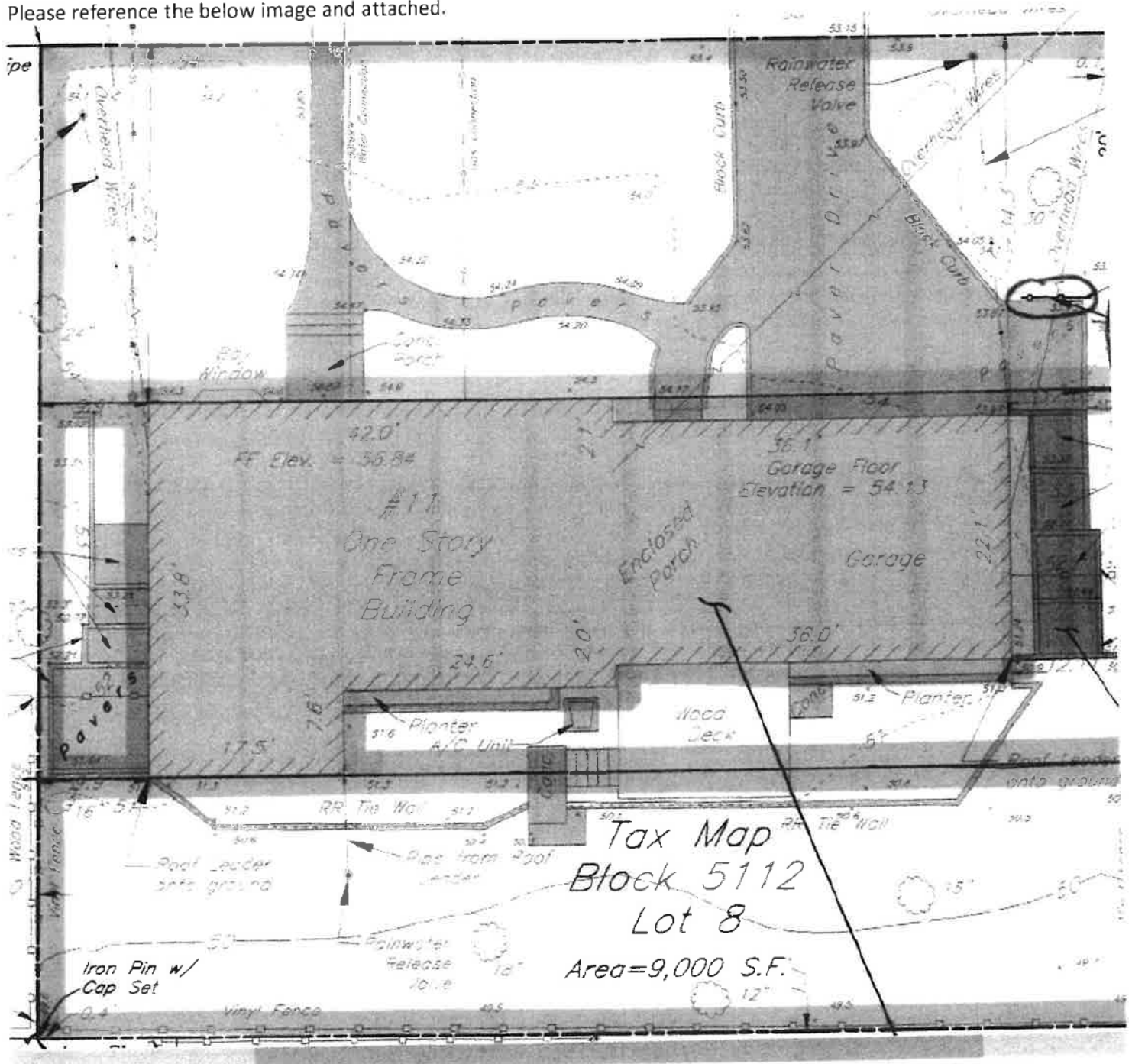


Jared Pape

From: George Waterman <gwaterman@neptunetownship.org>
Sent: Thursday, October 12, 2023 2:34 PM
To: Jared Pape; [REDACTED]
Cc: [REDACTED]
Subject: RE: Zoning Violations - 11 Hampton Court, Neptune, NJ (Block 5112, Lot 8)
Attachments: HPSC3027.pdf; 11 Hampton Court - Zoning Denial - Issued 08-03-2023.pdf

Good Afternoon,

Please reference the below image and attached.



The Green boxed in area represents the Front Yard Area

The Orange represents the Side Yard Area

The Pink boxed in area represents the Rear Yard Area.

The Neptune Township Land Development Ordinance defines the yard areas as follows:

Yard, Front – An open, unoccupied space (unless occupied by a structure hereinafter specifically permitted) extending across the full width of the lot and lying between the street line and the building line. In the Historic District-Oceanfront District the yard, front shall be the yard between the building line and leasehold line abutting the Historic Flared Avenue Open Space.

Yard, Rear - An open, unoccupied space (unless occupied by an accessory structure) extending across the full width of the lot between the rear lot line and the building line.

Yard, Side - An open, unoccupied space (unless occupied by an accessory structure) extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the building line.

Neptune Township Land Development Ordinance section 412.07-B-1-(a) states the following:

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved zoning permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article X in order for a determination to be made as to the proposed fence zoning conformance.

B. Fences and walls in non-historic zone districts. Fences and walls in non-historic zone districts shall be permitted accessory structures subject to the following provisions:

1. Front Yards.

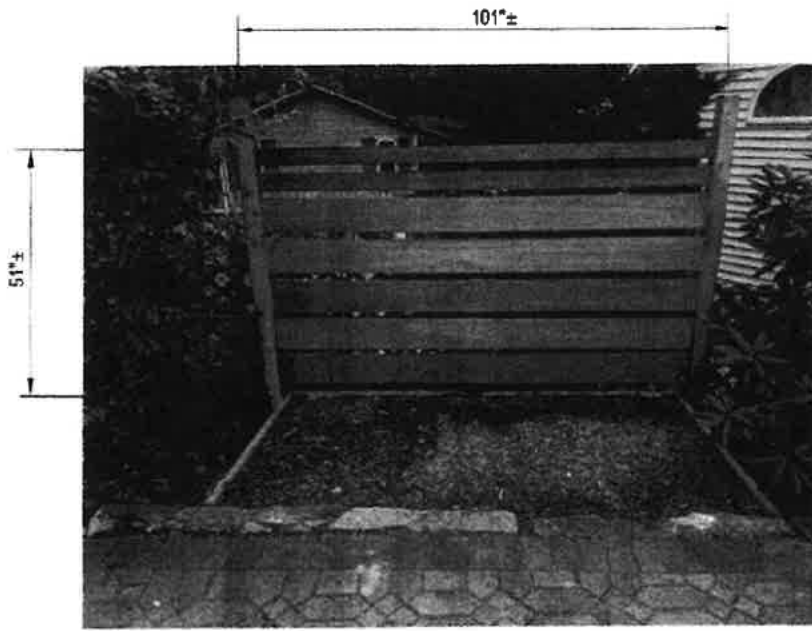
- (a) For residential uses, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level, and shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative walls are permitted to be located in front yards for residential uses, provided such shall not exceed two and one half (2 ½) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height. For corner lots the second front yard now considered a side yard may have a solid fence, six (6) feet in height extending to the front buildings line of the dwelling unit and shall not interfere in the site triangle.**

[NOTE: Amended per Ordinance No. 15-28]

The ordinance says that fences within that Front Yard Area, may not exceed 4' in height. Fence posts in the Front Yard Area, may not exceed five (5) feet in height. Also, fences within the front yard area must be at least 50% non-solid and open.

If you reference the above image and attached, I circled the noncompliant portions of the fence in red. Those noncompliant sections of fence can be brought into compliance, (by the fence being made 4' high, posts may not exceed 5' in height, and made to be at least 50% open), removed, or acquire variances from the Zoning Board of Adjustment, that I indicate in the 08-03-2023 zoning determination issued (attached).

Please note that the below indicated fence is not at least 50% open, and more than 4' in height.



4'-3" HIGH WOOD SCREEN FENCING (SOUTH)

Also please note that nothing is mentioned about the fence on the side property line in the front yard area. That must be addressed also.

Neptune Township Land Development Ordinance section 412.07-B-2-(a) states the following:

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved zoning permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article X in order for a determination to be made as to the proposed fence zoning conformance.

2. Side and Rear Yards.

- (a) For residential uses, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls for residential uses are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measure from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

The ordinance says that fences within that Side Yard Area and Rear Yard Area, may not exceed 6' in height. Fence posts in the Side Yard Area and Rear Yard Area, may not exceed seven (7) feet in height.

Regards,

George Waterman
Assistant Land Use Administrator / Zoning Officer
Township of Neptune
25 Neptune Boulevard
Neptune, NJ 07753



KEY MAP
SCALE: 1" = 150'

GENERAL NOTES

1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
2. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
3. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
4. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
5. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
6. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
7. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
8. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
9. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.
10. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL LOT.

MAXIMUM PERCENT TOTAL LOT COVERAGE
3.784 S.F. ± (SHADED AREA)

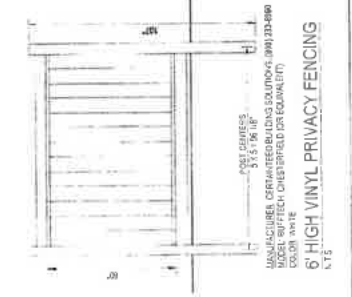
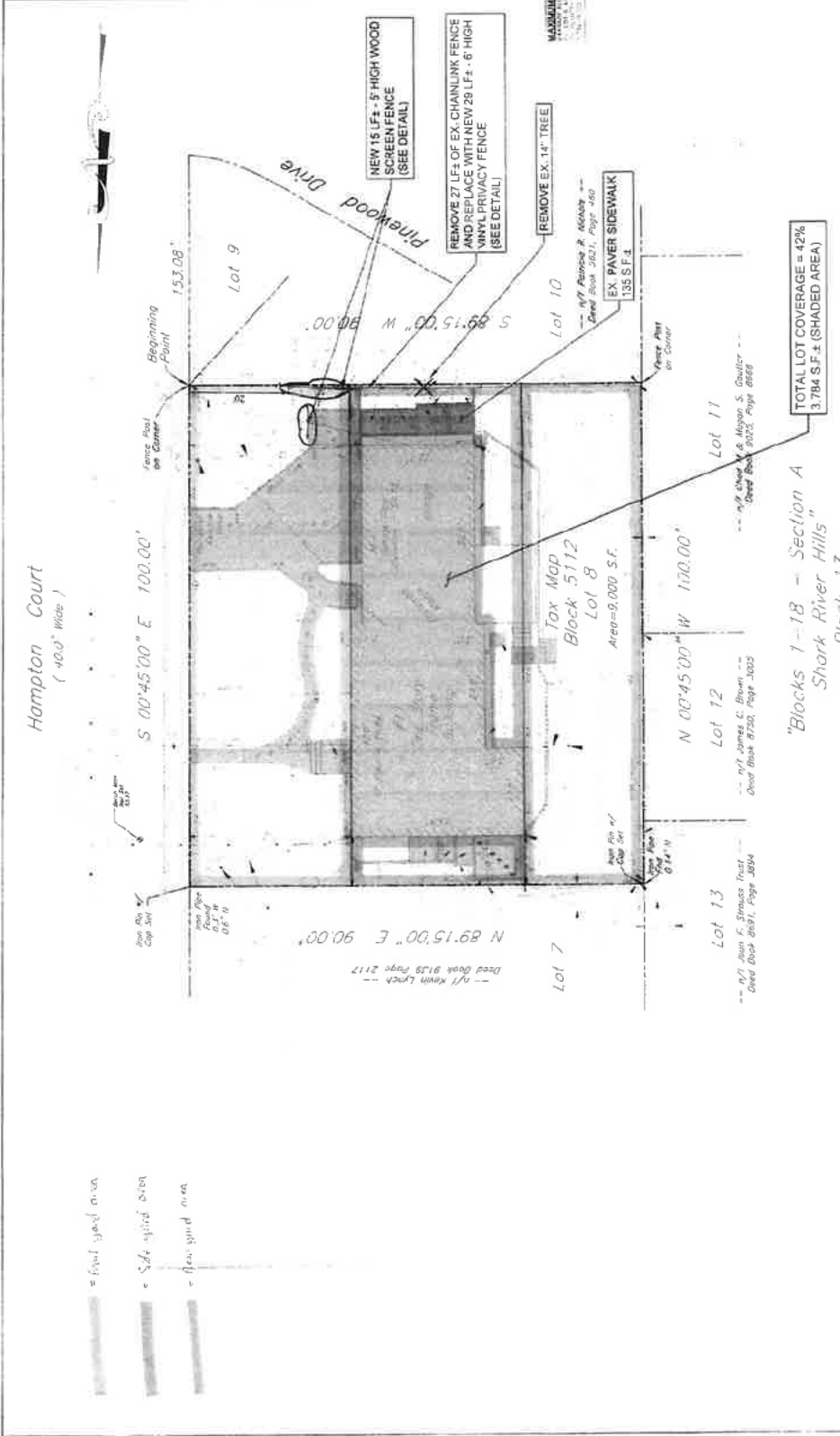


SITE IMPROVEMENTS PLAN
GRAPHIC SCALE: 1" = 10'

MERIDIAN ENGINEERING GROUP, INC.
1000 W. 10TH AVENUE, SUITE 1000
DENVER, CO 80202
TEL: 303.733.1100
WWW.MERIDIANENGINEERING.COM

PREPARED FOR:
LOT 8 IN
BLOCK 5112
11 HAMPTON COURT
NORTHFIRE TOWNSHIP
MONTGOMERY COUNTY, NEW JERSEY

LESLIE A. WALKER III, P.E.
DATE: 08/11/2010



- Front yard area
- Side yard area
- Rear yard area

ERRATA AND NOTES

1. All dimensions are based on GIS data and are subject to change.
2. Unimproved utility lines shown are based on physical evidence and maps. It is the user's responsibility to verify the location and depth of all utilities prior to any excavation or construction.



Fee Date:
Check #:
Cash: 0

ZONING REVIEW

ID: 562230657

Date: 08/03/2023

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: 11 HAMPTON CT Block: 5112 Lot: 8 Zone: R-3

2. Applicant Name: WALL CONGREGATION OF JEHOVAHS WITNE Phone No. [REDACTED] Fax No.

Applicant's Address: 11 HAMPTON CT NEPTUNE, NJ 07753

Email: [REDACTED]

3. Property Owner Name: WALL CONGREGATION OF JEHOVAHS WITNE Phone No. [REDACTED] Fax No.

Property Owner's Address: 11 HAMPTON CT NEPTUNE, NJ 07753

Email: [REDACTED]

4. Present Approved Zoning Use of the Property: Detached Single Family Residence

5. Proposed Zoning Use of the Property: Detached Single Family Residence

6. Describe in detail the activity or activities you are proposing. If you are proposing construction, then describe in detail the dimension and setbacks. If you are proposing a use, then describe the proposed use.

7. Has the above referenced premises been the subject of any prior application to the ZONING BOARD OF ADJUSTMENT or PLANNING BOARD?

Yes No If Yes, state date:

Board: Resolution # (if any): (submit a copy of the Resolution)

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

Building Coverage: 0

Lot Coverage: 0 (Please include calculations)

40:55D-68.3.Penalty for false filing. Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing. any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

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

Zoning Review Notes:

08/03/2023 **ZONING VIOLATION REMEDIATION:**

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

-

ZONING VIOLATIONS NOTED:

- Disturbance of land without first acquiring Department of Engineering approval.

- Increased the impervious coverage without first acquiring zoning approval.

- Construction of fences without first acquiring zoning 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 certifies that the premises has been the subject of prior application to the Zoning Board of Adjustment. The applicant did not provide the resolution number or submit copies of the resolution(s) with Board approved signed plans as indicated on the zoning permit

application and on the zoning permit application information sheet. The applicant/property owner is aware that the Zoning Board of Adjustment and the Planning Board are independent administrative municipal agencies with the ability to adjudicate requests to deviate from the established Land Development Ordinance. Any variances granted by a Board of Jurisdiction run with the life of the property. The applicant does not demonstrate compliance. This zoning permit application is denied.

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

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 after zoning approval is acquired and prior to performing the work.

*** Increased the impervious coverage without first acquiring zoning approval.**

Zoning Schedule B: R-3 states:

Maximum Percent Total Lot Coverage: 45%

ZONING NOTES:

- The applicant indicates the Total Lot Coverage to be 42%.

*** Construction of fences without first acquiring zoning approval.**

Fence Regulations;

Neptune Township Land Development Ordinance section 412.07B states:

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved zoning permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article X in order for a determination to be made as to the proposed fence zoning conformance.

B Fences and walls in non-historic zone districts. Fences and walls in non-historic zone districts shall be permitted accessory structures subject to the following provisions:

1 Front Yards.

a For residential uses, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level and shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative walls are permitted to be located in front yards for residential uses, provided such shall not exceed two and one half (2 1/2) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height. For corner lots the second front yard now considered a side yard may have a solid fence, six (6) feet in height extending to the front buildings line of the dwelling unit and shall not interfere in the site triangle.

b For non-residential uses, fences and decorative walls may be erected in the front yard extending to the rear or side lot lines, provided:

i When such fences and walls are located within fifteen (15) feet of a street line they shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed five (5) feet in height.

ii When such fences and walls are located more than fifteen (15) feet from a street line they shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed seven (7) feet in height.

c Chain link fences shall be prohibited in front yards in all zone districts.

ZONING NOTES:

- The applicant has constructed a 5' high solid fence in the front yard area. The applicant does not intend to remove the nonconforming fence from the property or take measures to bring the fence into compliance. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance. A variance is required from the Zoning Board of Adjustment.

2 Side and Rear Yards.

a For residential uses, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls for residential uses are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

b For non-residential uses, both decorative walls and solid or non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

ZONING NOTES:

- The applicant has constructed a 6' high solid fence in the side yard area on the property.

3 Finished Exterior Side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.

ZONING NOTES:

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

4 Materials. No fence or wall shall be constructed or installed with barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals. In addition, chain link fences are specifically prohibited in front yard in all zones.

ZONING NOTES:

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

5 Drainage. Fences and decorative walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.

ZONING NOTES:

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

6 Obstruction. No fence shall be constructed within any sight triangle as defined in this article, or installed so as to constitute a hazard to traffic or public safety.

ZONING NOTES:

- The applicant does not display any obstructions on the submitted plans.

7 Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.

ZONING NOTES:

- N/A

8 Retaining Walls. Any permitted wall proposed to be used as a retaining wall may be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.

ZONING NOTES:

- N/A

9 Exceptions. Fences or walls that constitute a permitted buffer area screen approved as part of a site plan application shall be excepted from the above height and location provisions. In addition, fencing required to enclose a tennis court shall be excepted from the above maximum height provisions. Said fence shall not exceed twelve (12) feet in height, as measured from ground level, and may not be located within a required setback area.

ZONING NOTES:

- N/A

Penalties:

Neptune Township Land Development Ordinance section 1105-A states:

A Fines.

1 Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$2,000.00 as such court in its discretion may impose; or if the parties so convicted be a natural person, such person may be imprisoned for such term not exceeding 90 days as such court in its discretion may impose, or appear at community service not exceeding 90 days or any combination thereof as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

2 The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment, or both, specified above.

ZONING NOTES:

- The zoning violations are noted as occurring on 05-23-2023. To date the property has been in zoning violation for 72 days. The property remains in zoning violation subject to the penalties as indicated in the Neptune Township Land Development Ordinance.

- The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinances. The above noted variances are required from the Zoning Board of Adjustment. This zoning permit application is denied.

Status

Approved

Denied

Referrals

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement