



Borough of Bradley Beach
Zoning Officer
701 Main Street
Bradley Beach, NJ 07720
(732) 776-2999 ext 1038 Fax(732) 775-8168
zoningofficer@bradleybeachnj.gov

Application Date: 2/14/2019
Application Number: ZA-18-0212
Permit Number: _____
Project Number: _____

Fee: \$45

Denial of Application

Date: 2/14/2019

To: POOL & SPA DR
1714 HIGHWAY 35
WALL, NJ 07719

CC: App Tele:(732) 681-0532
App Email:CONTACT@THEPOOLANDSPADOC.COM

RE: 5 MADISON AVE
Block: 85 Lot: 17 Qual: Zone: R-1

Dear POOL & SPA DR ,

The following comments were made during the denial process:

The property is located within the R-1 Zone. The present approved zoning use of the property is a Single Family Dwelling.

The property is a corner lot.
LOT, CORNER - A parcel of land at the intersection of and fronting on two or more streets.

YARD, REAR - An open unoccupied space, extending the full width of the lot and situated between the rear lot line and the rear building line of the principal structure. The depth of the rear yard shall be measured at right angles to the rear lot line. In the case of a corner lot, the rear yard shall mean the open unoccupied space extending the width of the lot, situated between the rear lot line and rear building line of the principal structure, exclusive of the area between the side street line and side building line closest to the side street, extended.

The applicant describes the proposed work in detail:
"Installation of modified rectangle inground pool w/ 138 sf patio
Pool code aluminium picket fence w/ self latching gate."

The applicant is proposing additional work not indicated in the detailed description.

SUBDIVISION:

- Through agreement with the neighboring property owner, the applicant is proposing to subdivide a portion of the neighbors property.
- The applicant did not submit a copy of a survey/site plan of the neighboring property displaying compliance with the new location of the property line. Zoning Board of Adjustment review and approval is required.

BUILDING AND LOT COVERAGE:

ZONING NOTES:

- THE APPLICANT DID NOT SUBMIT A COPY OF THEIR CALCULATIONS SHEET.
- The applicant indicates the building coverage to be 48.2%.
- The applicant indicates the proposed lot coverage to be 53.6%.
- The applicant did not provide a copy of their calculations sheet.

PRIVATE SWIMMING POOLS:

Per Borough of Bradley Beach Ordinance section 406:
§ 406-3 Required approvals and permits; fees.

- A. No person or entity shall construct, build or locate, install, alter or operate a private swimming pool in the

Borough of Bradley Beach without first obtaining approval of the Zoning Official and a building permit from the Construction Official. No person or entity shall construct, build or locate, install, alter or operate a semipublic swimming pool, accessory to a hotel, motel, bed-and-breakfast, townhouses or apartment complex, without first obtaining site plan approval from the Planning Board and a building permit from the Construction Official. Wading pools are exempt from approval and permitting requirements.

B. Applications for approval for a private swimming pool shall be submitted in writing to the Zoning Official, with such plans, documents and detail as provided for in Subsection D. All applications for approval by the Zoning Official shall be accompanied by an application fee in the amount of \$25. Where an application is denied by the Zoning Official for failure to comply with any of the requirements of this chapter, the applicant may apply to the Zoning Board of Adjustment to appeal the interpretation of the Zoning Official or to seek the appropriate variance or variances that may be required.

C. Applications for site plan approval for a semipublic swimming pool shall be submitted to the Planning Board, as required by Chapter 270, Land Development, and with such additional plans, documents and detail as further provided for in Subsection D. All applications for site plan approval shall be accompanied by fees, as provided for in Chapter 270, Land Development.

D. Applications for approval for swimming pools shall include as a minimum the following information:

- (1) Plot plan, drawn to scale, showing the size, shape and location of the pool relative to property lines, and buildings on the site.
- (2) Size and location of pool decks, aprons, walks, etc.
- (3) Type, size and materials of construction of the pool.
- (4) Plumbing fixtures, including waste disposal facilities.
- (5) Location of filtration system and electrical service.
- (6) Safety features, including fences, gates, etc.
- (7) Details and specifications for proposed pool.

E. Upon receipt of approval from the Zoning Official, or where variances are required from the Zoning Board of Adjustment, for private swimming pools or receipt of site plan approval from the Planning Board for semiprivate swimming pools, the applicant shall apply to the Construction Official for a building permit. All applications for a building permit for a swimming pool shall be accompanied by an application fee of \$0.0050 per gallon of pool capacity, provided that the minimum fee for said application shall be \$25.

§ 406-4 Layout and design.

A. Swimming pools and accessories thereto shall be permitted in the rear yard area only.

ZONING NOTES:

- The applicant is proposing to construct a private swimming pool in the side yard area. The applicant does not display compliance with this ordinance requirement. Zoning Board of Adjustment approval is required.

B. Swimming pools, pool decks and pump and filtration systems shall maintain the following minimum setbacks:

(1) Side lot line: six feet.

ZONING NOTES:

- The applicant is proposing a side yard setback of 3.5'. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

(2) Rear lot line: six feet. *Good.*

ZONING NOTES:

- The applicant is proposing a rear yard setback of 32.8'.

(3) Primary structure: 15 feet.

ZONING NOTES:

- The applicant is proposing a setback of 7' from the primary structure. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

(4) Accessory structure: 10 feet.

ZONING NOTES:

- The applicant is proposing a setback of 4' from the proximal accessory structure. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

C. Swimming pools shall be such that proper and adequate water supply and waste disposal facilities are available and that they are not in conflict with provisions of the uniform construction code and the construction standards stated therein.

ZONING NOTES:

- Construction Department review and approvals is required for construction related requirements.

D. Filtration systems shall be located in the rear yard area and screened so as not to be visible from the street or neighboring properties.

ZONING NOTES:

- The applicant is proposing to construct the filtration system in the side yard area. The applicant does not display compliance with this ordinance requirement. Denied zoning.

E. All pools shall comply with the following minimum standards:

- (1) The bottom of in-ground pools shall be a minimum of two feet above the seasonal high ground water table.
- (2) Pool materials shall be durable, waterproof and easily cleaned. The bottom and sides of pools shall be either white or a light color except that aluminum paint shall not be used as a finish. The sides and bottoms of pools shall be smooth and free of cracks and open joints. Walkways around pools shall be slip-proof and easily cleaned.
- (3) The critical depths of swimming pools, i.e., depths at both ends and at the location of a change in slope in the pool, shall be conspicuously marked in a permanent manner on both the vertical and horizontal surfaces of the pool and shall be visible in and out of the water.
- (4) Overflows shall be of sufficient size and grade to receive and carry off overflows. Overflows shall be designed to permit cleaning and repair.
- (5) All swimming pools, where the depth exceeds two feet at the shallow end, shall have a minimum of one staircase or ladder that shall be constructed of a nonslip tread. Step holes shall not be permitted.
- (6) The pool area shall be completely enclosed with a permanent fence of durable material at least four feet in height with self-closing gates. Gates shall be locked at all times that the pool is not in use. A self-latching device shall be placed at the top of the gate and made inaccessible to small children.
- (7) Installation of the pool and the circulation and filtration systems, including pumps, drains, piping and connections, shall be in accordance with the manufacturers' specifications and subject to final inspection and approval by the Borough Plumbing Inspector.
- (8) All pools, except wading pools, shall be equipped with at least one drain at the deepest point of the pool that is capable of emptying the entire pool.
- (9) The installation, maintenance, repair and control of plumbing facilities for swimming pools shall comply with the provisions of this chapter, Chapter 450, Zoning, and all current BOCA Codes. In the event of inconsistencies, the provisions of this chapter and Chapter 450, Zoning, shall control in all respects.

§ 406-5 Existing pools.

Sections of this chapter relating to the location and construction of swimming pools shall not apply to pools existing as of the date of this chapter except that any alteration of an existing pool that affects its size or location shall be made in accordance with the provisions of this chapter. Provisions of this chapter relating to the operation, maintenance, and safety shall apply to all pools within the Borough regardless of when constructed or installed.

§ 406-6 Noncomplying swimming pools; noise.

A swimming pool constructed, altered, or operated in violation of the provisions of this chapter is hereby declared a nuisance and detrimental to the public health. In addition, no activities shall be conducted at a private or semipublic swimming pool that results in excessive noise levels at adjoining properties.

§ 406-7 Responsibility of property owner.

It shall be the responsibility of a property owner to maintain any pool located on his property in accordance with the provisions of this chapter and in accordance with the codes established or utilized in the Borough. Should any property owner fail to maintain any pool on his property in accordance with this chapter or fail to comply with orders issued by the appropriate Borough officials in enforcing this chapter, he shall be subject to a notice of violation and/or citation by the said official.

§ 406-8 Violations and penalties.

A person who violates any provision of this chapter shall be subject to a fine of not less than \$100 nor more than \$1,000 and may be imprisoned for up to 30 days in the county jail for each violation of the provisions of this chapter.

PERMITTED YARD ENCROACHMENTS:

Per Land Development Ordinance section 450-13-G:

No building or part thereof shall be erected within or project into any required yard area except in accordance with the following provisions:

G. Air conditioners, HVAC and other mechanicals shall not be permitted in the required area setbacks. Exception: Replacement of existing HVAC and air-conditioning units shall be permitted in their current location. Under no circumstances shall the HVAC and/or air-conditioning units be located closer than six inches from the side and rear lot lines.

[Added 10-25-2011 by Ord. No. 2011-19; amended 5-23-2017 by Ord. No. 2017-15]

ZONING NOTES:

- On the submitted plans the applicant indicates "Relocate existing A/C condensers units to meet building code separation requirements to pool water (as needed)". The applicant is proposing to perform work "as needed". The applicant does not provide an exact location displaying compliance with the Land Development Ordinance. Denied zoning.

FENCE REGULATIONS:

Per Land Development Ordinance section 450-44:

A. All fences may be erected, altered or reconstructed to a height not exceeding three feet above ground level when located in any front yard, four feet in any side yard and six feet in any rear yard. For purposes of this section only, an alleyway will not be considered a street.

[Amended 2-10-2009 by Ord. No. 2009-4]

ZONING NOTES:

- The applicant is proposing to construct a 4' high fence in the side yard area, on the side yard lot line and rear yard area.

B. All fences must be erected entirely within the property line. No fence shall be erected within any public right-of-way.

ZONING NOTES:

- The proposed fence shall be constructed on the property.

C. All fences shall be maintained in a safe, sound and upright condition.

ZONING NOTES:

- CONDITION OF APPROVAL: The proposed shall be maintained in a safe, sound and upright condition.

D. No fence shall be erected that is embedded with or made of pieces of glass, sharpened metal or sharp or otherwise hazardous material, nor shall any fence be erected which is intended to wound or injure persons or animals.

ZONING NOTES:

- The applicant shall comply with this Land Development Ordinance requirement.

E. Nothing in this section shall be applied as to restrict the construction of a retaining wall necessary to retain earth at the level which it existed at the time of the passage of this chapter.

ZONING NOTES:

- N/A

The applicant does not display compliance with the indicated ordinances or the Land Development Ordinance (Zoning Ordinance).

Zoning Board of Adjustment and Construction Department approvals are required.

Sincerely,

George Waterman, Zoning Official