

# R. C. SHEA & ASSOCIATES

COUNSELLORS AT LAW, P.C.

244 MAIN STREET

PO Box 2627

TOMS RIVER, NEW JERSEY 08754

(732) 505-1212

TOLL FREE (800) 556-SHEA

LAND USE FAX: (732) 505-5468

## BERKELEY TOWNSHIP OFFICE

HOLIDAY CITY PLAZA III

600 MULE ROAD, SUITE 16

TOMS RIVER, NJ 08757

BRICK AREA

(732) 451-0800

MANCHESTER AREA

(732) 408-9455

ROBERT C. SHEA  
MARC S. GALELLA †  
MICHAEL J. DEEM ▪  
CHRISTOPHER R. SHEA \*  
ROBERT C. SHEA II  
VINCENT J. DELRICCIO

\* Member NJ & PA Bars  
LLM in Trial Advocacy

† Member Nat'l Academy of Elder Law Attorneys  
▪ Certified by the Supreme Court of New Jersey as a Civil Trial  
Attorney  
Certified By The National Board of Trial Advocacy As A Civil  
Trial Advocate  
Rule 1:40 Qualified Mediator

May 11, 2022

### Via Hand Delivery

Borough of Seaside Park

**Attn: Karen Barna, Borough Clerk**

1701 North Ocean Avenue

P.O. Box B

Seaside Park, NJ 08752

### Via Hand Delivery

Borough of Seaside Park

Zoning/Code Enforcement Office

**Mr. Gary Stocco, Zoning Official**

313 SW Central Avenue

Seaside Park, NJ 08752

**RE: Beach I Inc.**

**Block 90, Lot 32**

**Borough of Seaside Park, Ocean County, New Jersey**

**Our File No. 14261**

To whom it may concern:

Please be advised that the undersigned represents **Beach I, Inc.**, the Owner of the property referenced above.

Accordingly, **Beach I, Inc.**, hereby encloses the following:

1. One (1) copy of the Development Application for Appeal/Interpretation with attached Schedule A and Exhibits;
2. One (1) completed W-9 form;

# R. C. SHEA & ASSOCIATES

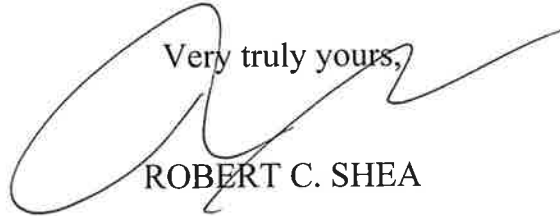
COUNSELLORS AT LAW, P.C.

Page 2 of 2

3. One (1) check in the amount of \$230.00 made payable to the Borough of Seaside Park, representing the application fee for Appeals;
4. One (1) check in the amount of \$460.00 made payable to the Borough of Seaside Park, representing the escrow fee for Appeals;
5. One (1) check in the amount of \$230.00 made payable to the Borough of Seaside Park, representing the application fee for Interpretation; and
6. One (1) check in the amount of \$460.00 made payable to the Borough of Seaside Park, representing the escrow fee for Interpretation.

Naturally, should you have any questions or wish to discuss the enclosed, please feel free to contact me. If I am not available, please ask to speak with my paralegal, Alexis Fox.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RCS', is written over the typed name 'ROBERT C. SHEA'.

ROBERT C. SHEA

RCS: agf



# Borough of Seaside Park

Borough Hall  
1701 North Ocean Avenue  
P.O. Box B  
Seaside Park, NJ 08752

(732) 793-3700 FAX (732) 793-3737

## Planning Board

### DEVELOPMENT APPLICATION

Application No. \_\_\_\_\_

See the Development Application Instructions & Filing Procedures for detailed instructions on completing this application. This application, together with the required fee, attachments and supporting documentation, must be filed with the Board Secretary not later than twenty-one (21) days prior to the scheduled Board meeting date. If this application involves erecting a new structure or substantial alteration of an existing structure, applicants should consult with the Construction Official for compliance with the Borough's Flood Plain Regulations prior to filing this application.

#### APPLICANT INFORMATION

Applicant Name: Beach I Inc.  
Address: 684 Spring Avenue  
City, State & Zip: Ridgewood, NJ 07451  
Telephone: ( 201 ) 921-9969 Fax: (        )       

If Applicant is not the Property Owner, the PROPERTY OWNER AUTHORIZATION section of this application must be completed. Applicant is

☒ Property Owner ☐ Tenant ☐ Contract Purchaser ☐ Other: \_\_\_\_\_

If the Applicant is a corporation or partnership, the name, address and percentage of ownership of all persons owning 10% or more of the corporate stock or partnership interest must be disclosed. Applicant is:

☐ Individual(s) ☒ Corporation ☐ Partnership ☐ Other: \_\_\_\_\_

100% Ownership-Beach I Inc.

#### PROPERTY INFORMATION

Street Address: 23 Farragut Avenue Block: 90 Lot: 32&33

Lot Dimensions (feet): 40 x 100 Lot Area (square feet): \_\_\_\_\_ Corner Lot ☐ Yes ☐ No

Zoning District: ☒ Residential ☐ Business ☐ Mixed Use ☒ Multiple Dwelling ☐ Boardwalk ☐ Public

Number of Buildings (excluding garages and storage sheds): \_\_\_\_\_

Current Use: ☐ Vacant

☐ Single Family Residence

☒ Two Family Residence

☐ Multi-Family Residence.....# OF DWELLING UNITS: \_\_\_\_\_

☐ Commercial.....# OF UNITS: \_\_\_\_\_ TOTAL GROSS FLOOR AREA (SQUARE FEET): \_\_\_\_\_

☐ Hotel-Motel.....# OF DWELLING UNITS (INCLUDING EFFICIENCIES): \_\_\_\_\_ # OF MOTEL ROOMS: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ No Change ☒

- ☐ Yes ☐ No • Does the proposal increase the present number of uses or dwelling units located on the property or within any building?
- ☐ Yes ☐ No • Have there been any previous Planning Board or Zoning Board of Adjustment hearings involving the subject property? If yes, attach a copy of the written decision(s).
- ☐ Yes ☐ No • Are there any deed restrictions, covenants or easements affecting the subject property? If yes, attach a copy.

☐ Yes ☐ No • Does applicant own adjacent property?

☐ Yes ☐ No • Is adjacent property vacant?

Check all applicable items. ☐ Property is located within 200 feet of Berkeley Township.  
☐ Property is located within 200 feet of the Borough of Seaside Heights.  
☐ Property is located adjacent to a County Road.  
☐ Property is located adjacent to a State Highway.

PROPOSAL INFORMATION. Summarize the proposed physical changes and use of the property. If the application includes a request for classification approval as an Exempt Site Plan, include the estimated cost of all structural, exterior and interior alterations.

See attached Schedule "A" regarding request for Appeal/Interpretation.

LOT INFORMATION			ON-SITE PARKING INFORMATION		
Required	Current	Proposed	Required	Current	Proposed
LOT WIDTH _____ FEET MIN	_____	_____	PARKING SPACES _____ MIN	_____	_____
LOT DEPTH _____ FEET MIN	_____	_____			
LOT AREA _____ S.F. MIN	_____	_____			

BUILDING INFORMATION			BUILDING INFORMATION - Corner Lots Only		
Required	Current	Proposed	Required	Current	Proposed
FRONT YARD _____ FEET MIN	_____	_____	FRONT YARD #1 _____ FEET MIN	_____	_____
REAR YARD _____ FEET MIN	_____	_____	FRONT YARD #2 _____ FEET MIN	_____	_____
SIDE YARD #1 _____ FEET MIN	_____	_____	SIDE YARD #1 _____ FEET MIN	_____	_____
SIDE YARD #2 _____ FEET MIN	_____	_____	SIDE YARD #2 _____ FEET MIN	_____	_____
BLDG HEIGHT _____ FEET MAX	_____	_____	BLDG HEIGHT _____ FEET MAX	_____	_____
BLDG COV _____ % MAX	_____	_____	BLDG COV _____ % MAX	_____	_____
_____ S.F. MAX	_____	_____	_____ S.F. MAX	_____	_____

#### ACTION REQUESTED.

☐ PLANNING BOARD

- ☒ Appeal Alleging Zoning Officer Error (N.J.S.A. 40:55D-70a)  
☒ Interpretation of Zoning Map or Zoning Ordinance & Special Questions (N.J.S.A. 40:55D-70b)  
☐ Request for "Bulk" Variances (N.J.S.A. 40:55D-70c)  
☐ Request for Use Variance (N.J.S.A. 40:55D-70d)  
☐ Request to Direct Issuance of a Permit to Build in Bed of Mapped Street (N.J.S.A. 40:55D-76a-1)  
☐ Request to Direct Issuance of a Permit to Build on Lot not Abutting a Street (N.J.S.A. 40:55D-76a-2)  
☐ Request for Issuance of Certificate of Non-Conforming Use (N.J.S.A. 40:55D-68)  
☐ Conditional Use Approval (N.J.S.A. 40:55D-67)  
☐ Waiver of Required Submissions  
☐ Extend Time Period for Previously Approved Application  
☐ OTHER: \_\_\_\_\_

- ☐ Exempt Site Plan Classification Approval  
Major Site Plan Approval:  
☐ Informal Review  
☐ Preliminary Plat  
☐ Final Plat  
☐ Combined Preliminary & Final Plat  
☐ Amended Preliminary & Final Plat  
☐ Request for Exception to Site Plan Requirements & Standards (N.J.S.A. 40:55D-51b)  
☐ Minor Subdivision Approval  
Major Subdivision Approval:  
☐ Informal Review  
☐ Preliminary Plat  
☐ Final Plat  
☐ Combined Preliminary & Final Plat  
☐ Amended Preliminary & Final Plat  
☐ Request for Exception to Subdivision Requirements & Standards (N.J.S.A. 40:55D-51a)

## APPLICANT'S EXPERTS. (If applicable)

Attorney Robert C. Shea, Esq., R.C. Shea & AssociatesAddress 244 Main StreetPO Box 2627, Toms River, NJ 08754Telephone ( 732 ) 505-1212Fax ( 732 ) 505-5468

Architect \_\_\_\_\_

Address \_\_\_\_\_

Telephone ( \_\_\_\_\_ ) \_\_\_\_\_

Fax ( \_\_\_\_\_ ) \_\_\_\_\_

Engineer \_\_\_\_\_

Address \_\_\_\_\_

Telephone ( \_\_\_\_\_ ) \_\_\_\_\_

Fax ( \_\_\_\_\_ ) \_\_\_\_\_

Other \_\_\_\_\_

Address \_\_\_\_\_

Telephone ( \_\_\_\_\_ ) \_\_\_\_\_

Fax ( \_\_\_\_\_ ) \_\_\_\_\_

## PROPERTY OWNER AUTHORIZATION. If the Applicant is not the property owner, provide the following information:

Property Owner Name: Beach I Inc.Address: 684 Spring AvenueRidgewood, NJ 07451Telephone: ( 201 ) 921-9969

Subject to applicable penalties, I hereby certify the statements and information submitted with this application are true; that all surveys, plot plans and drawings accurately reflect the current condition of the subject property; and I am the owner of the property the subject of the within application, and that said application is hereby authorized.

Date

5-10-22

Austin C.  
Signature of Property Owner or authorized agent  
Beach I Inc.

## REVIEW FEE ESCROW AGREEMENT &amp; APPLICANT CERTIFICATION.

Subject to applicable penalties, it is hereby certified the foregoing statements and information submitted with this application are true and that all surveys, plot plans and drawings accurately reflect the current condition of the subject property. It is further certified the undersigned is the applicant, a general partner of a partnership applicant, or an authorized officer of a corporate applicant.

In accordance with §25 of the Seaside Park Development Regulations Ordinance, the applicant agrees to pay the legal, planning, engineering and other professional costs incurred by the Borough of Seaside Park in reviewing this application, and in the event the initial Review Fee Escrow Deposit is not sufficient to cover the professional charges incurred in reviewing this application, agrees to deposit additional funds as determined by the Borough. The Planning Board or Zoning Board of Adjustment shall not be required to process the application or take further action on the application until such additional deposits are made. If these additional deposits remain unpaid for a period of sixty (60) days, this development application shall be deemed to be withdrawn and shall be dismissed without prejudice. In the event the fees imposed are not paid, any development approvals granted shall be considered null and void.

Sworn to subscribed before me this

10 day of May 2022

Austin C.  
Signature of Applicant or authorized agent  
Beach I Inc.

Notary Public

Lazaro Fernandez  
LAZARO FERNANDEZ  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES JULY 12, 2023

## Schedule A

### **Background and Facts**

Austin Landi (“Landi”) is the owner and sole member of Beach I, Inc. (“Beach I”). Beach I owns the property located at 23 Farragut Ave. in Seaside Park, also known as Block 90 Lot 32 (“property”). The property contains a two-family residence. Landi’s father personally occupies the second floor as his residence. On November 29, 2021, Landi applied to the Borough of Seaside Park (“Borough”) for a Zoning Permit, (**Exhibit A**) and Construction Permit (**Exhibit B**), seeking to “extend a pre-existing deck.” The current use was listed as “two-family residence.” The Building Permit mistakenly identified Landi as the owner in fee, instead of Beach I. Along with the applications, Landi submitted a set of plans dated October 26, 2021 and signed by Edward F. Angster (“plans”).

The plans were approved and stamped by the Borough on December 14, 2021. The Construction Permit was approved and issued on December 15, 2021 (**Exhibit C**). On January 4, 2022, Landi submitted a revised set of plans to the Borough (“revised plans”). The Borough approved the zoning permit on January 25, 2022 (**Exhibit D**). The approved Zoning Permit was signed by Gary Stocco (“Stocco”), the Zoning Official for the Borough. The Borough inspected the footings and issues an approval for same on January 27, 2022. (**Exhibit E**) On March 8, 2022, once construction was completed, the Borough performed a final inspection. The Borough then issued a final approval for the structure. (**Exhibit F**)

Despite already receiving a final approval, another inspection was performed by Stocco in early April. On April 22, 2022 Landi received a letter from Stocco, revoking Beach I’s zoning and building approvals, as well as ordered all work to cease (**Exhibit G**). The letter made several

inaccurate statements to support the revocation specifically: 1) that the applications did not disclose that the property was being used for a commercial purpose; 2) that the construction permit package did not list a licensed contractor; 3) that the deck encroached upon the side setback; 4) that the two-family structure would require a variance before any expansion and /or is not a valid two-family residential use; 5) that the deck was newly built and not an expansion. The letter then ordered that the deck and adjacent wall be torn down and reduced to its original size. It should be noted that the wall is only 3-ft, and was a pre-existing structure that was simply replaced.

### **Issues for Appeal**

Landi hereby makes this request for appeal pursuant to N.J.S.A. 40:55D-70(a), which states that the Board of Adjustment (“Board”) shall have the power to “hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance.” (“Appeal”) Landi appeals from the April 22, 2022 letter, in which Stocco, in his capacity as the Zoning Official, made several erroneous determinations.

Firstly, Stocco determined that the property was being used for a commercial purpose. This is inaccurate. Landi’s father personally makes use of the second floor as a residential dwelling. While it is true that Beach I owns the property, it does not conduct any commercial enterprise out of it. There is nothing to indicate that simply because the property is owned by a corporation, that the use associated with said property must be considered commercial in nature. While Landi does rent out the other floor of the building, the use is strictly residential.

Secondly, the letter claimed that a variance would be required for both a side setback encroachment and for the use of a two-family residence. As noted above, the Zoning Application that contained the description “two-family residence” was filed on November 29, 2021, five months before Stocco’s letter. The application and associated plans were then approved and signed, *by Stocco*, on January 25, 2022, three months before Stocco’s letter. Stocco reviewed the application and the plans, found nothing contrary to Borough code, and then approved them accordingly. Furthermore, the two-family residential use was a pre-existing use, and one that Stocco was most certainly aware of from his review and approval of the application. The application clearly notes the use as a “two family” use. This use has been in existence and has been recognized as a two-family use for decades.

As such, it is Landi’s position that the Board should find that Stocco’s determinations are incorrect. Furthermore, the Board should estop the Borough from invalidating the permits which they have already validated through the existing approvals and signatures of Borough authorities including Stocco himself.

Landi hereby further makes a request for interpretation pursuant to N.J.S.A. 40:55D-70(b), which states that the Board shall have the power to, “Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act.” Stocco does not cite to any Ordinance that he used to arrive at his determinations. Presumably however, Stocco must be relying on *something* in order to arrive at his conclusions. Therefore, Landi requests that the Board use its power to interpret whatever Ordinances Stocco is relying upon to make his determinations regarding both the use of the property and the variances he alleges Landi will require.



# **EXHIBIT A**



The Family Resort

# Borough of Seaside Park

CODE ENFORCEMENT OFFICE

732-250-7569

313 SW Central Ave. Seaside Park NJ 08752

File 732-375-3058

## ZONING PERMIT APPLICATION

PERMIT # \_\_\_\_\_

FEE REQUIRED \_\_\_\_\_

Note: In addition to compiling with the borough's Zoning Regulations, All constructed alterations additions must comply with §25-612 (Flood Plain Regulations) of the Seaside Park Development Regulations Ordinance.

Property Information Block 90 Lot 32  
Street Address of Worksite 23 Farragut Ave  
Lot Dimensions/area 40 by 100

Zoning District: ( ) RESIDENTIAL ( ) BUSINESS ( ) COMMERCIAL ( ) BOARDWALK ( ) PUBLIC

Current Use: \_\_\_\_\_ Single Family Residence \_\_\_\_\_ Two Family Residence  
\_\_\_\_\_ Multiple Dwelling Units - Number of Units \_\_\_\_\_  
\_\_\_\_\_ Commercial - Number of Units \_\_\_\_\_  
\_\_\_\_\_ Hotel-Motel - Number of Dwelling units \_\_\_\_\_ # of Efficiencies \_\_\_\_\_ # of Rooms \_\_\_\_\_  
\_\_\_\_\_ Mixed use - Dwelling Units \_\_\_\_\_ Commercial Units \_\_\_\_\_  
\_\_\_\_\_ Other \_\_\_\_\_

Proposed Use: \_\_\_\_\_ ( ) No Change is use

Description of work. Attach a plot plan, survey or sketch of property showing dimensions of buildings, set-backs and parking spaces.

extend a pre existing deck

Knowledge of previous applications to Planning Board/Zoning Board of Adjustment ( ) Yes ( ) No

Does the proposed work: Change the number of dwelling units? ( ) Yes ( ) No  
Reduce existing off-street parking? ( ) Yes ( ) No

Applicant Certification: I hereby certify that the above statements and the information submitted with this application are true.

Name Austin Handi

Address 23 Farragut Ave

City Seaside Park State NJ

Zip code 08752 Phone (HWC) 201-921-9969

☒ Property Owner \_\_\_\_\_ Authorized Agent \_\_\_\_\_ Contractor \_\_\_\_\_ Other \_\_\_\_\_

Applicant Signature: Austin Handi Date 11-29-21

\_\_\_\_\_ Approved (Subject to issuance of construction permit) \_\_\_\_\_ Denied

ANY DEVIATION FROM SUBMITTED PLANS WILL VOID APPROVAL

200-14D - Shall expire six (6) months after the date of issuance.

Zoning Official: \_\_\_\_\_

Date \_\_\_\_\_

# **EXHIBIT B**



# BUILDING SUBCODE TECHNICAL SECTION



Date Received  
Control #

Date Issued  
Permit #

A. IDENTIFICATION—APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000.

Block 90 Lot 32 Qualification Code \_\_\_\_\_

Work Site Location 23 Farragut Ave

Owner in Fee: Austin Landi

Tel. (908) 921-9169 e-mail Senacke@earthlink.net

Address 23 Farragut Ave Wesley Hill NJ 08858

Contractor: None Tel. ( )

Address \_\_\_\_\_ e-mail \_\_\_\_\_

Contractor License No. or Builder Registration No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Home Improvement Contractor Registration No. or Exemption Reason (if applicable): \_\_\_\_\_

Federal Emp. ID No. \_\_\_\_\_ FAX: ( )

JOB SUMMARY (Office Use Only)							
PLAN REVIEW		Date	Initial	INSPECTIONS		Dates (Month/Day)	
				Type:	Failure	Failure	Approval
<input type="checkbox"/>	No Plans Required			Footing			
<input type="checkbox"/>	All			Footing Bonding			
<input type="checkbox"/>	Footings/Foundations			Foundation			
<input type="checkbox"/>	Structural/Framework			Slab			
<input type="checkbox"/>	Exterior			Frame			
<input type="checkbox"/>	Interior			Truss Sys./Bracing			
Joint Plan Review Required:				Barrier-Free			
<input type="checkbox"/>	Elec.	<input type="checkbox"/>	Plumb.	<input type="checkbox"/>	Fire	<input type="checkbox"/>	Elevator
SUBCODE APPROVAL for PERMIT				Insulation			
Date:				Finished - Base Layer			
Approved by:				Finished - Final			
SUBCODE APPROVAL for CERTIFICATE				Energy			
Date:				Mechanical			
Approved by:				TCO			
<input type="checkbox"/>	CO	<input type="checkbox"/>	CCO	<input type="checkbox"/>	CA		
Date:				Other			
Approved by:				Final			
				Barrier-Free			

## B. BUILDING CHARACTERISTICS

Use Group: Present \_\_\_\_\_ Proposed \_\_\_\_\_

No. of Stories \_\_\_\_\_

Height of Structure \_\_\_\_\_ ft.

Area: Highest Floor \_\_\_\_\_ sq. ft.

New Bldg. Area/All Floors \_\_\_\_\_ sq. ft.

Volume of New Structure \_\_\_\_\_ cu. ft.

Max. Live Load \_\_\_\_\_

Max. Occupancy Load \_\_\_\_\_

Industrialized Building:

Site Approved \_\_\_\_\_ HUD \_\_\_\_\_

Est. Cost of Bldg. Work:

1. New Bldg. \$ \_\_\_\_\_

2. Rehabilitation \$ 7500

3. Total (1+2) \$ 7500

## C. CERTIFICATION IN LIEU OF OATH

I hereby certify that I am the (agent of) owner of record and am authorized to make this application.

Sign here: Austin Landi

Print name here: Austin Landi

## D. TECHNICAL SITE DATA

### DESCRIPTION OF WORK

Altering back deck to make bigger

### TYPE OF WORK:

- ☐ New Building
- ☐ Addition
- ☒ Rehabilitation
- ☐ Roofing
- ☐ Siding
- ☐ Fence \_\_\_\_\_ Height (exceeds 6')
- ☐ Sign \_\_\_\_\_ Sq. Ft.
- ☐ Pool
- ☐ Retaining Wall \_\_\_\_\_ Sq. Ft.
- ☐ Asbestos Abatement Subchapter 8
- ☐ Lead Haz. Abatement NJAC 5:17
- ☐ Radon Remediation
- ☒ Other enlarge deck
- ☐ Demolition

### FEE (Office Use Only)

\$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Administrative Surcharge \$ \_\_\_\_\_

Minimum Fee \$ \_\_\_\_\_

State Permit Surcharge Fee \$ \_\_\_\_\_

TOTAL FEE \$ \_\_\_\_\_

# EXHIBIT C



Date Issued  
Control #  
Permit #

11.15.21  
21-00298

## CONSTRUCTION PERMIT NOTICE

Block 90 Lot 32 Qualification Code \_\_\_\_\_

Work Site Location: 73 Farragut

### AUTHORIZED FOR:

☒ BUILDING

☐ ELECTRICAL

☐ PLUMBING

☐ FIRE PROTECTION

☐ ELEVATOR DEVICES

☐ DEMOLITION

☐ OTHER \_\_\_\_\_

Description of Work: Deck

*This notice shall be posted conspicuously at the work site and shall remain so until issuance of a certificate.*

**EXHIBIT D**



The Family Resort

# Borough of Seaside Park

## CODE ENFORCEMENT OFFICE

732-250-7569

313 SW Central Ave. Seaside Park NJ 08752

Fax 732-375-3058

PERMIT # 22-016

### ZONING PERMIT APPLICATION

FEE REQUIRED \$ 50

Note: In addition to compiling with the Borough's Zoning Regulations. All construction, alterations/additions must comply with §25-612 (Flood Plain Regulations) of the Seaside Park Development Regulations Ordinance.

Property Information Block 90 Lot 30

Street Address of Worksite: 23 Farveget Ave

Lot Dimensions/area: \_\_\_\_\_

Zoning District ( ) RESIDENTIAL ( ) BUSINESS ( ) MIXED USE ( ) MULTI DWELLING ( ) BOARDWALK ( ) PUBLIC

Current Use: \_\_\_\_\_ Single Family Residence ☒ Two Family Residence  
\_\_\_\_\_ Multiple Dwelling Units - Number of Units \_\_\_\_\_  
\_\_\_\_\_ Commercial-Number of Units \_\_\_\_\_  
\_\_\_\_\_ Hotel/Motel - Number of Dwelling units \_\_\_\_\_ # of Efficiencies \_\_\_\_\_ # of Rooms \_\_\_\_\_  
\_\_\_\_\_ Mixed use - Dwelling Units \_\_\_\_\_ Commercial Units \_\_\_\_\_  
\_\_\_\_\_ Other \_\_\_\_\_

Proposed Use: \_\_\_\_\_ ( ) No Change is use

Description of work: Attach your property survey for fences and sheds. Most other work will require a detailed plot plan showing dimensions of buildings, set-backs, front, side and rear, as well as ground coverage and structure coverage calculations.

extend a pre existing deck on  
backyard

revision to stamp

Knowledge of previous applications to Planning Board/Zoning Board of Adjustment ( ) Yes ( ) No

Does the proposed work: Change the number of dwelling units? ( ) Yes ( ) No  
Reduce existing off-street parking? ( ) Yes ( ) No

Applicant Certification: I certify that the above statements and the information submitted with this application are true.

Name Austin Land

Address 23 Farveget Ave

City Seaside Park State NJ

Zip Code 08752 Phone 201 921 9989 E-Mail Address \_\_\_\_\_

Property Owner: \_\_\_\_\_ Authorized Agent: \_\_\_\_\_

Applicant Signature: Austin Land

☒ Approved (Subject to issuance of construction permit)

Reason for Denial: \_\_\_\_\_

Approved after additional information is provided  
from Architect

ANY DEVIATION FROM SUBMITTED PLANS WILL VOID APPROVAL

Permit expires six (6) months after the date of issuance.

Zoning Official: [Signature]

Date 1/25/22

Seal Legend - Trinity

Land - Beach Plum

Sea - Striped Bass

Air - Sea Gull





*The Family Resort*

## *Borough of Seaside Park*

**ZONING & CODE ENFORCEMENT**

313 SW Central Avenue

Seaside Park, NJ 08752

Phone: 732-250-7569

### **ZONING PERMIT NOTICE**

BLOCK 90 LOT 32

DATE ISSUED 1-25-22

LOCATION 23 Farragut

PERMIT # 22-016

AUTHORIZED FOR: ☐ PAVING ☐ FENCE ☐ CURB/SIDEWALK ☐ OTHER

DESCRIPTION OF WORK Revision to stairs

This notice shall be posted conspicuously at site and shall remain so until completed project and inspection.

**EXHIBIT E**

Township of Lakewood  
Department of Inspection  
212 4th Street  
LAKEWOOD, NJ 08701  
(732) 384-3760



For Information Call: \_\_\_\_\_

Permit No. \_\_\_\_\_

## APPROVAL FOR BUILDING

	Date	Inspector
<input checked="" type="checkbox"/> Footing	11/20/20	SS
<input type="checkbox"/> Foundation	_____	_____
<input type="checkbox"/> Frame	_____	_____
<input type="checkbox"/> Mechanical	_____	_____
<input type="checkbox"/> Other	_____	_____
_____		
_____		
<input type="checkbox"/> Final	_____	_____

U.C.C. Form F-221A

# **EXHIBIT F**

BOROUGH OF SEASIDE PARK  
732-250-7569

23 LAMARCA ST Ave



For Information Call:

Permit No. 21-00278

## APPROVAL FOR BUILDING

	Date	Inspector
<input type="checkbox"/> Footing		
<input type="checkbox"/> Foundation		
<input type="checkbox"/> Frame		
<input type="checkbox"/> Insulation		
<input type="checkbox"/> Mechanical		
<input type="checkbox"/> Other		
<input type="checkbox"/> Other		
<input checked="" type="checkbox"/> Final	3-8-22	[Signature]

U.S.G. F221  
(Rev. 3/88)

# **EXHIBIT G**



The Family Resort

# Borough of Seaside Park

ZONING / CODE ENFORCEMENT OFFICE

732-250-7569  
Fax 732-375-3058

313 SW Central Ave. • Seaside Park, New Jersey 08752

April 22, 2022

Mr. Austin Landi  
DBA Beach I Inc.  
23 Farragut Avenue  
Seaside Park, NJ 08752

Re: Block 90 Lot 32

Dear Mr. Landi,

This letter shall serve as a revocation of your zoning and construction permits for failure to comply with the Borough of Seaside Park Zoning Ordinances. Specifically, the zoning and construction applications you submitted failed to indicate your property was being used for a commercial purpose, more specifically as a rental property. In your construction permit package, you completed the construction permits indicated contractor as "Self". Under UCC Code, if the property is being used as commercial use you must use a licensed contractor for all work and the home/property owner is unable to perform the scope of work that the permits were issued for.

On a site inspection conducted by myself and the assistant construction official, we observed that you built your new deck. Your application stated that you were to "extend a pre-existing deck" and were granted approval for direct replacement only. Furthermore, you have encroached upon the side setback under the zoning code and are in violation, as well as being in violation for building a paver all without permits. You indicated your home is a 2-family structure which would require obtaining a variance from the planning board for any expansion, which you also did not obtain.

Based upon the above, ALL construction must cease immediately, and the building and zoning approvals are now revoked. The deck and adjacent wall must be torn down or replaced to its original size and location. Stop Work Order notices have been placed on the structure and the deck is not allowed to be occupied by you or any tenants. If these conditions are not complied with and it is determined the deck is being used, you as the homeowner will be subject to additional enforcement action, which includes summons with a mandatory court appearance.



*The Family Resort*

# *Borough of Seaside Park*

## ZONING / CODE ENFORCEMENT OFFICE

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*In conclusion, you must remove the non-conformities on your property and/or seek relief from the municipal land use board in the Borough. Should you have any questions please contact me in writing.*

Sincerely,

Gary Stocco  
Zoning Official  
Director  
Zoning, Code Enforcement and Construction



**Request for Taxpayer  
Identification Number and Certification**

Give form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Beach I Inc.

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☒ Corporation ☐ Partnership

☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶

☐ Other (see instructions) ▶

☐ Exempt  
payee

Address (number, street, and apt. or suite no.)

684 Spring Avenue

City, state, and ZIP code

Ridgewood, NJ 07451

Requester's name and address (optional)

List account number(s) here (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

152 : 84 : 4882

or

Employer identification number

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Caution:** Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign  
Here

Signature of  
U.S. person ▶

Date ▶

5-10-22

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,