

## OCEAN BEACH SURF CLUB UNIT 1 CONSTRUCTION RULES Amended February 2014 APPLICATION

Any type of interior/exterior construction, alteration, fencing, deck, docks, pilings, bulkheads, etc. must be approved by the Board of Trustees, and, as required by statute, the Developer and Toms River Township/Borough of Lavallette (Bay Beach Way). In order to obtain this approval an Application must be submitted to the Board of Trustees via the Building and Grounds Chairperson before any type of construction activity, including demolition begins.

All Applications with attachments must be submitted in duplicate with the OBSC1 "Construction Permit Application" form. Detailed plans of major construction (construction requiring Toms River Township/Borough of Lavallette building permits) must accompany the Application. These plans must include architectural drawings showing normal building details including height from existing grade level east of Route 35 South before commencement of construction (as determined by a licensed land surveyor), width, type of siding, doors, windows, etc. Height measurement is from BFE +1 elevation. The Application must also include an updated lot survey detailing property line setbacks and current FEMA elevation certificate. A check for \$500.00, payable to "OBSC1", must be included with the application.

OBSC 1 approval will be granted within 45 days if the Construction Rules are met and if the General Welfare of the community is not adversely affected.

All approved plans must have a raised seal from OBSC 1 affixed to them before submitting to Toms River Township/ Borough of Lavallette. Approval is required from Toms River Township/Borough of Lavallette when called for by statute. After plans are approved by Toms River Township/Borough of Lavallette a copy with an approval stamp from Toms River Township/Borough of Lavallette must be submitted back to OBSC 1.

**Before commencing construction contact the local electric and telephone companies to avoid Toms River Township issuing a stop work order due to encroachment on utility lines.** Construction work may only be performed between September 15th and June 15th. If these dates are compromised, fines will be levied against the owner as described below (see Rules & Regulations, Rule 2-m):

### CONSTRUCTION RULES

#### A. Placement on Lot

##### 1. All lots East of State Highway #35 south

No building shall be built or placed closer than two (2) feet to the front lot (property) line, three (3) feet to the rear lot (property) line or two (2) feet to the left side lot (property) line when viewed from the road. Deed Restrictions **do not allow** for buildings larger than twenty-six (26) feet in length and twenty (20) feet in width on lots that measure twenty (25) feet x fifty (50) feet. All buildings must be erected on the left side of the lot when viewed from the road.

Two parking spaces must be provided on each building lot and are defined as an area eighteen (18) feet wide by eighteen (18) feet deep. Parking areas must be of a porous material such as pavers or stone. **No**

**blacktop (asphalt) or concrete is permitted.**

## 2. Oceanfront Lots

No building, alteration, addition or structure of any kind shall be erected closer than thirty-five (35) feet to the easterly side of the property line of an ocean front lot, nor closer than four (4) feet to the sidelines.

## 3. All Lots West of Route #35 South (Borough of Lavallette)

No building shall be built or placed closer than twenty one (21) feet to the front lot (property) line nor twenty (20) feet to any rear lot (property) line, nor closer to any (property) sideline than six (6) feet without the developer's approval.

Buildings along Route #35 cannot be closer than thirty-five (35) feet from Route #35. B. Building Height Restrictions (from By-laws: Article XII: Section 6 - Building Height Restrictions)

"A" ZONE: THE MAXIMUM BUILDING HEIGHT OF THE HABITABLE PORTION OF THE FOLLOWING BUILDINGS IN OBSC 1 SHALL BE 28' 0" MEASURED FROM THE TOP OF THE SILL PLATE FOR ZONE A TYPE CONSTRUCTION TO THE HIGHEST POINT OF THE BLDG.

"V" ZONE: THE MAXIMUM BUILDING HEIGHT OF THE HABITABLE PORTION OF THE FOLLOWING BUILDINGS IN OBSC 1 SHALL BE 28' 0" MEASURED FROM THE TOP OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER FOR "V" ZONE TO THE HIGHEST POINT OF THE BUILDING.

ONLY 2 STORY BUILDINGS ARE ALLOWED IN OBSC 1.

ANY BUILDING WHICH IS BUILT, ELEVATED OR RECONSTRUCTED IN ORDER TO MEET OR EXCEED MINIMUM BASE FLOOD ELEVATION LEVEL AND WHICH IS LOCATED IN "A" ZONE MAY INCLUDE UP TO 2 FEET OF FREEBOARD BETWEEN THE MINIMUM BASE FLOOD ELEVATION AND THE FINISHED FLOOR. IN THE EVENT THAT ADDITIONAL FREEBOARD OVER 2 FEET IS ADDED TO THE STRUCTURE, THEN SUCH ADDITIONAL FREEBOARD OVER 2 FEET WILL BE DEDUCTED FROM THE HABITABLE SPACE OF THE BUILDING MEASURED FROM THE TOP OF THE SILL PLATE IN "A" ZONE MEASURED TO THE HIGHEST POINT OF THE BUILDING.

NO BUILDING BUILT, ELEVATED OR RECONSTRUCTED LOCATED IN "V" ZONE SHALL BE PERMITTED TO INCLUDE ANY FREEBOARD BETWEEN THE MINIMUM BASE FLOOD ELEVATION AND THE LOWEST HORIZONTAL STRUCTURAL MEMBER UNLESS SUCH ADDITIONAL FREEBOARD IS DEDUCTED FROM THE HABITABLE SPACE OF THE BUILDING MEASURED FROM THE TOP OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER TO THE HIGHEST POINT OF THE BUILDING.

SPACE BELOW THE LOWEST FLOOR: "V" ZONE. SPACES BELOW THE LOWEST FLOOR SHALL NOT BE ENCLOSED UNLESS BREAKAWAY WALLS, OPEN WOOD LATTICE WORK OR INSECT SCREENING ARE USED PROVIDED THEY ARE INTENDED TO COLLAPSE UNDER WIND AND WATER LOADS WITHOUT CAUSING DAMAGE TO THE ELEVATED STRUCTURE.

IF BREAKAWAY WALLS ARE UTILIZED THEY SHALL NOT BE USED FOR HUMAN HABITATION.

1. Building height restrictions are inclusive of all appurtenances of the building including, but not limited to chimneys, railings, etc.

## **2. Attic Storage:**

A roof top attic area, not to exceed 200 square feet and a ceiling height not to exceed 6 feet 11 inches. This space is used for storage and mechanical equipment. This area is not to be used as a living space.

## **C. Outdoor Showers**

1. All Lots East of Route #35 South

Outdoor showers are permitted upon approval of Toms River Zoning & Bldg. Dept.

## **D. Curbs**

1. Every lot may have curbs along the private or public roadways that abut each lot. Curbs shall be made of concrete, Belgium Block, or any substance that is acceptable by the Building and Inspection Department of Toms River Township/Borough of Lavallette for curbs and by the Building and Grounds Trustee OBSC 1.

2. Drop down curbs or aprons of sixteen (16) inches maybe installed across all driveways. Aprons may be made of concrete, brick or pavers.

## **E. Storage**

1. Portable storage sheds similar to Rubbermaid are permitted. The location of the storage shed must not encroach onto the neighbor's parking area and must be set back from adjoining lots.

## **F. Balconies**

1. Second floors may have balconies or cantilever beyond the first floor by no more than three (3) feet. All of the balcony or cantilever must be within the property lines of the lot upon which the structure is built. Balconies or cantilevers are permitted on the driveway side only.

## **G. Decks/Patios**

1. All decks shall require the submission of an architectural drawing depicting a top view and an elevation survey, and a building permit from Toms River Township/Borough of Lavallette. No deck shall be higher than 12" above existing grade. On Bay Beach Way, decks must not project/extend beyond the bulkhead. All decks and patios must be made of a pervious material with the exception of the east side of ocean front lots.

## **2. Setbacks**

Decks and walkways shall be set back at least one (1) foot from property lines. On Bay Beach Way, decks

or walkways may extend up to the bulkhead, but must not overhang or cantilever beyond the bulkhead.

### 3. Benches and Railings

Any benches, railings, or other structures built into or on top of any deck or walkway shall not exceed a maximum height of thirty-two (32) inches above the surface of the deck. All such structures shall be set back at least one (1) foot from property. No spiked, pointed posts, poles nor any structures will be permitted on any deck or walkway.

### H. Walkways

1. All restrictions for decks apply to walkways except where the walkway is no more than four (4) inches above the ground surface without a permanent attachment to footings and structures a maximum of thirty (30) inches in width. Such walkways may be set back six (6) inches from property lines and do not require the submission of a survey or a Toms River Township/Borough of Lavallette Building Permit as long as such walkways do not become permanent in nature. If such walkways are subsequently desired to be made permanent, a formal application to Toms River Township/Borough of Lavallette is required.

### I. Fences

#### 1. Height

Fences not exceeding twenty-four (24) inches in height may be erected along the side property lines of any lot. Fences placed between the front and rear setbacks on Bay Beach Way shall not exceed six (6) feet in height. Also, fences along the property sidelines between the building and Bay Beach Way roadway shall not exceed twenty-four (24) inches in height.

#### 2. Fence Structure and Composition

Fences may be chain link, wooden picket, wooden post and rope, vinyl, plastic or any other type approved by the Board of Trustees. Chicken wire, stockade, barbed wire, razor wire, snow fence or any type of fencing not approved by the OBSC 1 Board of Trustees is not allowed.

#### 3. Perimeter Fences

Stockade fences or other solid fences up to six (6) feet in height are allowed on property lines that abut the communities of Lavallette, Rutherford Association and Brightwater Beach.

### J. Docks

All bulk headed lots are permitted to build docks attached to their bulkheads. Docks must be cantilevered or supported by pilings and may extend a maximum of five (5) feet from the bulkhead. The top of the dock surface cannot be higher than the bulkhead.

### K. Daily Fine for Violation of Construction Rules

Each day that work continues shall be considered a separate violation of rule 4 (a) Rules and

Regulations; Prohibited Work Periods. A fine in the amount of One Thousand Dollars (\$1,000) per day (Day 1 forward) shall be assessed against the lot where the violation occurred, and against all members and memberships having a joint or multiple membership interest with that lot. The total daily fine shall not exceed One Thousand Dollars (\$1,000) collectively between all members and memberships affected, however, may be collected in total from any one of them. The Board of Trustees has the right to take additional action they feel appropriate in addition to the daily fine. However, members or memberships that possess the appropriate permits and approvals during the period that construction is permitted, or written authorization for emergency repairs from the Buildings and Grounds Chairperson during the period when construction is prohibited, shall have an absolute defense to any penalty, suspension or action that the Board of Trustees may wish to impose. The Club (OBSC 1) shall also be entitled to recover from the member(s) any professional and/or legal fees incurred in enforcing the rules and regulations of OBSC 1. Amended 7/24/04 by vote of Board of Trustees. Amended by vote of Board of Trustees 4/30/09

## OCEAN BEACH UNIT NO. 1 DEED RESTRICTIONS

### BEACH CLUB

All property owners in this development are required to be members of a property owners' association known or to be known as "OCEAN BEACH CLUB" or similar name and to faithfully abide by its rules. No sale, resale, or rental of any property in Ocean Beach shall be made to any person or group of persons who are, have been, or would be disapproved for membership by the OCEAN BEACH CLUB.

The use of the bathing beaches is for the exclusive use of members in good standing of the OCEAN BEACH CLUB in Unit No. 1, and/or guests, and/or tenants of such members.

Being a private club the OCEAN BEACH CLUB shall make such rules as it deems necessary pertaining to the race, color, or creed of persons eligible for membership and any other rules or regulations it chooses.

Building Restrictions (Lots other than ocean front) except lots West of State Highway #35 Southbound:

No building shall be built or placed closer than two (2) feet to front lot (property) line, three (3) feet to rear lot (property) line, or two (2) feet to side lot (property)line.

It is not recommended, but is permissible upon special approval by the Ocean Beach Co. Developers, to have the front of buildings including porches, garages, etc., to total over twenty-four (24) feet. All buildings must be erected on the left side of lots when viewed from road. Vacant space on right side of lot when viewed from road.

Building Restrictions (ocean front lots)

No building, alteration, addition, or structure of any kind shall be erected closer than thirty-five (35) feet

to the easterly property line of an ocean front lot; nor closer than four (4) feet to side lines.

#### GENERAL RESTRICTIONS (Ocean Front Lots)

All toilets and plumbing shall be modern and sanitary. All electric wiring shall be approved by Toms River Township. No building, alteration, fence, or addition shall be made without the written approval of the Ocean Beach Co.

The use of property shall be exclusively for residential purposes. No business, factory, farm, fishery, or establishment whatsoever other than private residence shall be permitted. Temporary residences, such as tents, trailers, and/or movable forms of shelter shall not be permitted under any circumstances whatsoever. No more than one residence nor more than one family dwelling shall be allowed on any lot.

It is the intention of the Developers to make it mandatory that each property owner does not permit his buildings or grounds around same to become shabby, unpainted, or in a state of disrepair that would injure the general neat, well painted appearance of the development.

#### ANIMALS

The use of any part of the premises for harboring animals such as horses, cows, pigs, goats, sheep, pigeons, ducks, chickens, geese, etc., shall be prohibited. One dog or cat shall be permitted each property holder.

#### STORAGE

The portion of land upon which no buildings are erected shall be kept clean, free of trash, junk, lumber, building materials, food stuffs, garbage, and/or any other articles detrimental to the general neat appearance of the neighborhood. The use of the abovementioned vacant land is intended for automobile parking and/or terrace and/or garden.

#### UTILITIES

Utilities companies shall not be prevented from using the extreme back line of any property in this Development for the purpose of installing facilities necessary to furnish gas, water, electric light or telephone service in said Development.

#### BUILDING RESTRICTIONS (Lots west of State Highway #35 South (Borough of Lavallette))

Except on special approval of developers, no building shall be built or placed closer than twenty-one (21) feet to the road (property) line nor twenty (20) feet to the rear lot (property) line, nor closer to any sideline than six (6) feet.

No building, alteration, fence, or addition shall be made without the written approval of the Developers.

This shall also include docks, piling and bulkheads at Water Front.

No more than one, one story one family dwelling shall be allowed on any lot. -----

----- In addition to all restrictions and/or covenants listed above, the following Special Restrictions and/or Covenants for lots West of State Highway No. 35, Southbound shall apply.

#### SIGNS

The use of any type or kind of sign whatsoever on any part of the property is not permitted without the written permission of the developers.

#### EXPIRATION

These covenants are to run with the land and shall be binding on all parties and persons claiming under them until January 1, 2061, at which time said covenants shall automatically extend for an additional period of 50 years, unless by vote of the majority of the members of the Ocean Beach Club it is agreed to change said covenants in whole or in part.

NOTE: The Club Restrictions outlined above have been revised from the original restrictions and approved by the Developer. This has been done for clarification and to eliminate that portion thereof that would or might be considered illegal under existing laws.

"To the extent you would like to contest and/or otherwise resolve this matter through alternative dispute resolution (hereinafter "ADR") you may do so by making a written request for ADR and forwarding same to "Ocean Beach Surf Club - Unit 1, P.O. Box 213, Lavallette, New Jersey 08735" within 15 days of your receipt of this letter. Your request must include a detailed explanation why you contend that you are not in violation, your current daytime and evening telephone numbers, your current mailing address and your current electronic mail address to assure an expeditious ADR. Please note that if you do not correct the violations in accordance with this letter and you do not make a written request for ADR within 15 days of your receipt of this letter you shall be deemed to have waived your right to ADR and the Ocean Beach Surf Club will be entitled to take all appropriate action against you to enforce the Ocean Beach Surf Club governing documents, including but not limited to filing a complaint against you in the Superior Court of New Jersey."