

## SWIMMING POOLS

A **Development Permit** (zoning review) **is required** for the installation/construction of swimming pools.

### For Zoning Approval:

Submit the **\$400 fee** (\$100 application fee and \$300 grading fee), three copies of the completed Application for Development Permit, including **notarized** Authorization and three copies of the grading/pool placement plan which clearly show the location of the pool and patio area, existing and proposed grading, the distance to all property lines as well as distance from the principal structure, fence placement and information on type of fencing and height for same.

**Please Note: To determine how to place your pool, you need the regulations for your Zone and the portion of the Ordinance which deals with Swimming Pools (follows). The following is some useful information to assist you:**

- Pool pumps must be located at least 20 feet from all side and rear property lines in all Zones.
- In the R-1 and R-1A Zones the pool must be located at least 25 feet from the principal structure and 15 feet from side and rear property lines.
- In the R-2 and R-3 Zones the pool must be located at least 15 feet from the principal structure and 15 feet from side and rear property lines.
- No pool can be located within the front yard.
- The Zoning Officer will measure from the furthest point of the principal structure which may be steps.
- The Zoning Officer will measure to the concrete; not the water's edge.
- The Zoning Officer does not include the water/pool within the impervious coverage calculation.

### After Zoning Approval:

You must obtain a Building Permit from the Construction Official's Office.

**Note:** Little Silver's Construction services are shared with the Borough of Red Bank, 90 Monmouth Street, Red Bank, New Jersey 732-530-2760.

Final Inspection **is required** by the Building Inspector upon completion of installation. To schedule a Final Inspection, please call 732-530-2760. **Failure to schedule an inspection may result in Enforcement Action**

Department of Planning & Zoning

## SECTION 8-21 PRIVATE SWIMMING POOLS

### A. Type of Pools.

1. Permanent underground.
2. Permanent above ground: above ground pools equipped with fences built above the top level of the pool.
3. Temporary above ground: above ground pools not equipped with fences built above the top level of the pool.

B. Lighting. All lighting fixtures for a private swimming pool shall be installed so as to comply with all applicable safety regulations, and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.

C. Electric Lines. All electrical service lines shall be buried underground cable and/or conduit shall be in accordance with the building.

D. Building Permit. When an application is made for a permit to construct and locate a private swimming pool, the Applicant shall show an approval from the Board of Health of the Borough as to the suitability and adequacy of design, materials and construction or construction specifications of said pool, including all accessory equipment, apparatus and appurtenances thereto. The application for a private swimming pool building permit shall identify the building lot, the location of the residence, location of swimming pool, all accessory equipment and apparatus, type of pool, all basic dimensions, location of steps, diving stands, boards and location and detail specification of enclosure and gate on the lot.

E. Pool Location. An outdoor private swimming pool shall be located not less than twenty-five feet (25') from the side or rear of the residence on a building lot in a R-1 or R-1A Zone and fifteen feet (15') in any other zone. No pool, pool fence or pool accessory shall be located in a front yard.

F. Pump Location. The pump of a filtration or pumping station of a private swimming pool shall be located not less than twenty feet (20') from any side or rear property line.

G. Drainage. Private pools situated or extended above ground level and less than fifty (50) feet from an abutting property shall be surrounded by a suitable grading or drainage system leading to a street or brook so as to be able to carry away all the water in the pool in the case of a break.

H. Enclosures. Private swimming pools, spas and hot tubs shall be enclosed in accordance with Sections H. and I.

Outdoor private swimming pool: An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above finished ground level measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between finished ground level and the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above finished ground level, such as an above-ground pool, the barrier shall be at finished ground level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

2. Openings in the barrier shall not allow passage of a 4 inch (102 mm) diameter sphere.

3. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches (44 mm) in width. Decorative cutouts shall not exceed 1 3/4 inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Decorative cutouts shall not exceed 1 3/4 inches (44 mm) width.

6. Maximum mesh size for chain link fences shall be a 1 1/4 inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1- 3/4 inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than 1 3/4 inches (44 mm) .

8. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

a. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened. The alarm shall have a minimum sound pressure rating of 85 dBA at 10 feet (3048 mm) and the sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones and door bells. The alarm shall automatically reset under all conditions. The alarm shall be equipped with manual means, such as touchpads or switches, to deactivate temporarily the alarm for a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches (1372 mm) above the threshold of the door.

b. The pool shall be equipped with an approved power safety cover.

9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a barrier which meets the requirements of items 1 through 8 of Section H. A removable ladder shall not constitute an acceptable alternative to enclosure requirements.

10. Prohibited locations; Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

11. Exemptions: The following shall be exempt from the provisions of this section:

- a. A spa or hot tub with an approved safety cover.
- b. Fixtures which are drained after each use.

I. Access gates shall comply with the requirements of items 1 through 7 of Section H and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate:

(a) the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and (b) the gate and barrier shall not have an opening greater than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism.

**APPLICATION FOR DEVELOPMENT PERMIT** (website version)

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1. Name of Applicant(s):	2. Telephone:
3. Mailing Address:	Zip:
4. Agent for Service and Notice if other than Applicant:	5. Telephone:
6. Agents Mailing Address:	Zip:

**DEVELOPMENT**

7. Location – Street Address:			
8A. Lot(s) and Block(s) number(s):	8B. Zone:	8C. Current Use:	
9. Owner’s Name and Address (If different from Applicant)			
10. Describe Proposed Development (Attach Plans, Maps, Statements and other information to describe development.)			
11. Development Name (If any):			
12. Check (✓) If Proposed	A. New Building <input type="checkbox"/> Construction	B. Interior <input type="checkbox"/> Renovations	C. Exterior <input type="checkbox"/> Renovations
D. Subdivision <input type="checkbox"/>	E. Site Improvements or Revisions <input type="checkbox"/>	F. Sign <input type="checkbox"/>	G. Fence <input type="checkbox"/>
H. Removal or <input type="checkbox"/> Demolition	I. Change in <input type="checkbox"/> Occupancy	J. Change in use <input type="checkbox"/>	K. Other <input type="checkbox"/> Attach Descriptions
L. Pod			
Signature of Applicant or Agent:			Date:
Type or Print Name of Applicant or Agent:			

**ZONING OFFICER REVIEW**

13. Action Required	A. Planning Board <input type="checkbox"/>	B. Board of Adjustment <input type="checkbox"/>	C. Board Action <input type="checkbox"/> Not Required
14. Applications Required:	<input type="checkbox"/>	F. Appeals	<input type="checkbox"/>
A. Minor Subdivision	<input type="checkbox"/>	G. Interpretations	<input type="checkbox"/>
B. Major Subdivision	<input type="checkbox"/>	H. Bulk Variance (s)	<input type="checkbox"/>
C. Site Plan	<input type="checkbox"/>	I. Use Variance	<input type="checkbox"/>
D. Conditional Use	<input type="checkbox"/>	J. Direction for Building Permit Insurance	<input type="checkbox"/>
Permit			
E. Sign			
Note: Planning Board may not grant more than one area variance.			
15. Notice of Public Hearing required <input type="checkbox"/>	Fee is \$	16. Fee Paid <input type="checkbox"/>	
17. Other required approvals (or comments).			

Approved by:

Date:

Michael D. Biehl, Zoning Officer

**APPLICATION FOR DEVELOPMENT PERMIT/page 2**

Authorization is hereby given to the Borough of Little Silver, its agents, employees and representatives to inspect all or any part of the above property, whether interior or exterior, at any reasonable hour of the day, with respect to any matters relating to the Application for Development, within the judgment of the Borough or such representatives related thereto. This Authorization shall permit representatives to take photographs and to make sketches and notes with respect to the subject property.

**CHECK WHICHEVER IS APPLICABLE**

\_\_\_\_ I/We am/are the Owner(s) of record of the above referenced property and concur with the Application for Development submitted to the Borough of Little Silver.

\_\_\_\_ I/We certify that I/we have the permission of the owner(s) of the above referenced property to make this application for development and present these plans to the Borough of Little Silver.

\_\_\_\_\_, of full age, being duly sworn, according to law, upon my oath, depose and say that I am authorized to make this application and that all of the statements and information contained in the application, plans, attachments and other documents submitted herewith are true.

\_\_\_\_\_  
Applicant's Signature

Sworn and Subscribed to before  
me this     day of                     , 20     .

\_\_\_\_\_  
Notary Public