

Office of the Board of Commissioners
Borough of Monmouth Beach
SPECIAL MEETING
March 22, 2013

The following statement was read by Mayor Susan Howard:

This special meeting is called pursuant to the provisions of the open public meetings law. Notice of this meeting was transmitted to the Asbury Park Press on March 20 and published in the Press on March 22. In addition, a copy of this notice was posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on that date. The notice has remained continuously posted as required under the Statute.

Pledge of Allegiance

Mayor Howard called the meeting to order at 11:00 am

Present – Mayor Howard, Commissioner Cunniff (Commissioner Cunniff via telephone)
Absent – Commissioner McBride

Mayor Howard stated that the purpose of this special meeting was to grant construction variances to several homeowners who had requested them. She addressed all the homeowners and discussed the possible risks that they faced by not being fully compliant with the Borough's ordinance regarding floodplain construction standards.

Mayor Howard noted that the variances being requested were to grant relief from the requirement that Coastal A-Zone properties employ V-Zone construction standards. The Mayor stated that the homeowners' insurance carriers could possibly charge them higher flood insurance premiums down the road and she said she wanted to be sure that all of the homeowners were fully aware of the risks involved.

Mayor Howard said that normally the town would not have adopted the new standards so quickly but she did not want homeowners re-building to the old construction standards. Mayor Howard said there was a growing concern among coastal New Jersey communities about what actions FEMA might take in the future.

Commissioner Cunniff moved, seconded by Mayor Howard that the following Consent Agenda items be passed and adopted:

**A RESOLUTION GRANTING A VARIANCE TO LOT 22 BLOCK 44
(52 RIVERDALE AVENUE) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program; and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 22 Block 44 and more commonly known as 52 Riverdale Avenue seeks the following relief:

1. Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 22 Block 44, also known as 52 Riverdale Avenue, from the strict application of Floodplain Construction Standards in particular as follows:

1. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and
2. A Zone construction techniques shall be utilized; and
3. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
4. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

**A RESOLUTION GRANTING A VARIANCE TO LOT 8.01 BLOCK 45.01
(20 ROBBINS STREET) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program: and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 8.01 Block 45.01 and more commonly known as 20 Robbins Street seeks the following relief:

2. **Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and**

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 8.01 Block 45.01, also known as 20 Robbins Street, from the strict application of Floodplain Construction Standards in particular as follows:

5. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and

6. A Zone construction techniques shall be utilized; and
7. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
8. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

**A RESOLUTION GRANTING A VARIANCE TO LOT 13 BLOCK 61
(4 JESSICA PLACE) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program; and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 13 Block 61 and more commonly known as 4 Jessica Place seeks the following relief:

3. **Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and**

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 13 Block 61, also known as 4 Jessica Place, from the strict application of Floodplain Construction Standards in particular as follows:

9. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and
10. A Zone construction techniques shall be utilized; and
11. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
12. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

**A RESOLUTION GRANTING A VARIANCE TO LOT 1.02 BLOCK 54
(45 VALENTINE STREET) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program; and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 1.02 Block 54 and more commonly known as 45 Valentine Street seeks the following relief:

4. Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 1.02 Block 54, also known as 45 Valentine Street from the strict application of Floodplain Construction Standards in particular as follows:

13. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and
14. A Zone construction techniques shall be utilized; and
15. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
16. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

**A RESOLUTION GRANTING A VARIANCE TO LOT 8 BLOCK 61
(10 JESSICA PLACE) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program: and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 8 Block 61 and more commonly known as 10 Jessica Place seeks the following relief:

5. Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 8 Block 61, also known as 10 Jessica Place, from the strict application of Floodplain Construction Standards in particular as follows:

17. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and

18. A Zone construction techniques shall be utilized; and

19. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and

20. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

**A RESOLUTION GRANTING A VARIANCE TO LOT 8 BLOCK 18.01
(7 COTTAGE ROAD) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program: and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 8 Block 18.01 and more commonly known as 7 Cottage Road seeks the following relief:

6. Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and

WHEREAS, the property owner has represented that it will comply with the

standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 8 Block 18.01, also known as 7 Cottage Road from the strict application of Floodplain Construction Standards in particular as follows:

21. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and
22. A Zone construction techniques shall be utilized; and
23. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
24. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

**A RESOLUTION GRANTING A VARIANCE TO LOT 27.01 BLOCK 45.02
(4 JOHNSON STREET) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program; and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 27.01 Block 45.02 and more commonly known as 4 Johnson Street seeks the following relief:

- 7. Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and**

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 27.01 Block 45.02, also known as 4 Johnson Street, from the strict application of Floodplain Construction Standards in particular as follows:

25. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and

26. A Zone construction techniques shall be utilized; and

27. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and

28. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

End of Consent Agenda

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Commissioner Cunniff moved, seconded by Mayor Howard that the meeting be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Paul Drescher, 4 Jessica Place, pointed out that the Governor had been quoted in the Asbury Park Press as saying that the FEMA maps seemed to be restrictive along the coast.

Patrick Golden, the contractor and owner of 45 Valentine Street, said he had heard that there would be no more Coastal A Zone when the new FEMA maps were adopted; only a V or an A Zone.

Kevin Azzolini, 4 Johnson Street, asked if FEMA could place someone in a V Zone after construction. He asked what mattered most to the insurance companies, the construction standard employed or the height of the structure.

Mayor Howard said those were good questions but so far she has not been able to get clear answers about the possible impact to a homeowner's insurance.

Mr. Golden said he believed that more significance was given to the height of the structure.

There being no further comments or questions,

Commissioner Cunniff moved, seconded by Mayor Howard that the meeting be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Commissioner Cunniff moved, seconded by Mayor Howard that the meeting be adjourned.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-,
Absent -1-.

Mayor Howard

Commissioner Cunniff

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
March 22, 2013