

Office of the Board of Commissioners
Borough of Monmouth Beach
SPECIAL MEETING
June 27, 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 June 24, 2013 and published in the Asbury Park Press on June 27, 2013. 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 9:00 am

Present – Mayor Howard, Commissioner Cunniff

Absent – Commissioner McBride

Mayor Howard stated that the purpose of this special meeting was to grant construction variances to three homeowners who had requested them, to approve a change order for the 2013 Beach Access Stair/Dune Walkover Replacement Project, and to introduce an amendment to the Borough's Flood Damage Prevention Ordinance.

Mayor Howard discussed the possible risks that homeowners faced by not being fully compliant with the Borough's ordinance regarding floodplain construction standards.

Mayor Howard said the variances being sought would 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 asked all those who were requesting variances if they were fully aware of the risks involved.

Those present acknowledged that they were fully aware of the possible consequences. The persons appearing on behalf of the properties were the following:

Jeffrey Campbell, 4 River Avenue, owner

Jerry Larson, Jerome Homes, contractor for 17 Riverdale Avenue, representing the Farmer's

Rob Roberto, 18 Anderson Street, owner

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

**A RESOLUTION GRANTING A VARIANCE TO LOT 48.01 BLOCK 45.01
(4 RIVER 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 48.01 Block 45.01 and more commonly known as 4 River 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 48.01 Block 45.01 and more commonly known as 4 River 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 7 BLOCK 52
(17 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 7 Block 52 and more commonly known as 17 Riverdale Avenue 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 7 Block 52 and more commonly known as 17 Riverdale Avenue, 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 1.02 BLOCK 45.03
(18 ANDERSON 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 45.03 and more commonly known as 18 Anderson Street 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 Lot 1.02 Block 45.03 and more commonly known as 18 Anderson Street, 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

RESOLUTION

BE IT RESOLVED by the Mayor and Commissioners of the Borough of Monmouth Beach that the following Change Order has been presented for approval for the following project:

Change Order #	Change Order #1
Project	2013 Beach Access Stair/Dune Walkover Replacement
Contractor	Causeway Construction LLC

BE IT FURTHER RESOLVED that this Change Order reflects modifications to the contract as a result of subsurface conditions, including lag bolts drilled and anchored into the concrete, the substitution of piles for the posts and concrete footings; the installation of a test pile and an increase in the handrail size from 1 ½ " to 2"; and

BE IT FURTHER RESOLVED that said revision will not result in an increase in the contract amount; and

BE IT FURTHER RESOLVED that the Borough Engineers, T&M Associates, in a letter dated June 19, 2013, have recommended that the change order be approved,

NOW, THEREFORE, BE IT FINALLY RESOLVED that Change Order #1 for the 2013 Beach Access Stair/Dune Walkover Replacement Project.

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

The Clerk read the following Ordinance by title only:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXII TITLED "FLOOD DAMAGE PREVENTION" OF THE CODE OF THE BOROUGH OF MONMOUTH BEACH

Commissioner McBride moved, seconded by Commissioner Cunniff that the Ordinance be passed on title only and that the Clerk be instructed to advertise the Ordinance for a public hearing to be held on July 9, 2013.

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

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-.

There being no public in attendance and no further business,

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-.

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-.

Mayor Howard

Commissioner Cunniff

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
June 27, 2013