

Office of the Board of Commissioners
Borough of Monmouth Beach
SPECIAL MEETING
January 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 published in the Asbury Park Press on January 18, 2013 and 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 6:00 pm.

Present – Mayor Howard, Commissioner Cunniff, Commissioner McBride
Also Present – Gerald Chismar, Administrator, Dennis Collins, Borough Attorney

Mayor Howard stated that the purpose of this special meeting was to hold hearings on several variance applications that had come before the Board of Commissioners. She said the homeowners were seeking relief from the new regulations that had been adopted by the borough based upon on FEMA's recommendations, specifically from the requirement to build to the V-zone construction standards.

The Mayor said variances were being sought for the following properties:

11 Anderson Street
50 Riverdale Avenue
54 Navesink Drive
7 Griffin Street

Mayor Howard addressed the homeowners of the properties in question. She said that she wanted them to understand the possible risk they took by not building to the new regulations. The Mayor said they faced the possibility of being charged higher insurance rates and she wanted to be sure that they understood that risk.

The first variance to be considered was for 54 Navesink Drive. The homeowner, Greg Herschenfeld, was present.

Mayor Howard asked Mr. Herschenfeld if he understood the risk he took by not building to the new requirements and Mr. Herschenfeld said he was aware of the risk.

Commissioner McBride moved the following Resolution, which was seconded by Commissioner Cunniff:

**A RESOLUTION GRANTING A VARIANCE TO LOT 88.01 BLOCK 28
(54 NAVESINK DRIVE) 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 owners of the residence located on Lot 88.01 Block 28 and more commonly known as 54 Navesink Drive seek the following relief:

- 1. Relief from the requirement that Coastal AE Zone properties employ V-Zone construction standards**

WHEREAS, the property owners have represented that they 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 owners do not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owners only seek 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 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 88.01 Block 28, also known as 54 Navesink Drive from the strict application of Floodplain Construction Standards in particular as follows:

1. The owners 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 Owners are 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 owners, by proceeding to construct in accordance with this variance approval, acknowledge that the Borough of Monmouth Beach has granted this approval based on the owners' voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owners.

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

Upon the call of the roll the foregoing Resolution was adopted by the following vote:
Ayes -3-, Nays -0-.

The next variance to be considered was for 11 Anderson Street. The owner/contractor, Kenneth Shaw, was present.

Mr. Shaw said the ABFE for the house at 11 Anderson St. was 9' and he would be in full compliance of the ABFE plus 36" of freeboard. He said he was seeking relief from the requirement to build to V-Zone construction standards within the Advisory Coastal A Zone.

Mayor Howard asked Mr. Shaw if he was fully aware of the risk he took by not building to the new requirements and Mr. Shaw responded that he was aware of the risk.

Commissioner McBride moved the following Resolution, which was seconded by Commissioner Cunniff:

**A RESOLUTION GRANTING A VARIANCE TO LOT 41.01 BLOCK 45.02
(11 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 41.01 Block 45.02 and more commonly known as 11 Anderson 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 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 41.01 Block 45.02, also known as 11 Anderson 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

Upon the call of the roll the foregoing Resolution was adopted by the following vote: Ayes - 3-, Nays -0-.

The next variance to be considered was for 50 Riverdale Avenue. The homeowner, Adam Levy, was present as was his contractor, Patrick Golden.

Mr. Levy told the Commissioners that he was going to raise his house and that his ABFE was 9' and the proposed elevation of the finished first floor would be 13'. Mr. Levy said he too was asking for relief from the requirement to build to V-Zone requirements.

Mayor Howard asked Mr. Levy if he was aware of the risk he took by not building to the new requirements and Mr. Levy responded that he was aware of the risk.

Commissioner Cunniff moved the following Resolution, which was seconded by Commissioner McBride:

**A RESOLUTION GRANTING A VARIANCE TO LOT 12 BLOCK 44
(50 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 owners of the residence located on Lot 12 Block 44 and more commonly known as 50 Riverdale Avenue seek the following relief:

3. Relief from the requirement that Coastal AE Zone properties employ V-Zone construction standards

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 AE 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 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 12 Block 44, also known as 50 Riverdale Avenue 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

Upon the call of the roll the foregoing Resolution was adopted by the following vote: Ayes - 3-, Nays -0-.

The last variance to be considered was for 7 Griffin Street. The homeowner, Darren Weinstein, was present as was his contractor, Peter Brown. Mr. Weinstein was also seeking relief from the V-Zone construction regulations.

Mayor Howard asked Mr. Weinstein if he was aware of the risk he took by not building to the new requirements and Mr. Weinstein said he was aware of the risk.

Commissioner Cunniff moved the following Resolution, which was seconded by Commissioner McBride

**A RESOLUTION GRANTING A VARIANCE TO LOT 8 BLOCK 44.02
(7 GRIFFIN 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 Block 44.02 and more commonly known as 7 Griffin 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 he 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 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 44.02, also known as 7 Griffin 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

Upon the call of the roll the foregoing Resolution was adopted by the following vote: Ayes - 3-, Nays -0-.

Don Clare, the Borough's Construction Official and Floodplain Manager, came to the meeting after being contacted by the Mayor.

Mr. Clare distributed a drawing and discussed design standards and regulations and shared some new information that he had learned from various officials who had attended the workshop on January 19th. He acknowledged that there had been conflicting information given to homeowners from FEMA and NFIP personnel at the workshop and the resulting confusion was understandable.

There was a lengthy discussion involving various design and construction regulations between Mr. Clare and the contractors and residents that were in attendance.

On January 18, the following bids were received by the Clerk for a project entitled "Repair and Reconstruction of Deck and Snack Bar Area." The bids received were the following:

Bidder	Proposal A	Proposal B	Alternate A1
Structural Concepts, Inc.	\$1,114,420.00	\$1,306,020.00	\$235,000.00
Cypreco Industries, Inc.	\$1,230,100.00	\$1,431,750.00	\$235,000.00
Altec Building Systems	\$1,322,800.00	\$1,529,000.00	\$376,00.00
G&P Parlamas, Inc	\$1,372,750.00	\$1,543,000.00	\$94,000.00
Precision Building and Construction	\$1,425,488.78	\$1,731,563.80	\$79,242.00
<i>Engineer's Estimate</i>	<i>\$1,509,650.00</i>	<i>\$1,745,750.00</i>	<i>\$94,000.00</i>

Mayor Howard said that there had been a problem with the two lowest bidders and it was decided that the Borough would re-bid the project.

Commissioner McBride moved the following Resolution which was seconded by Commissioner Cunniff:

RESOLUTION

BE IT RESOLVED by the Mayor and Commissioners of the Borough of Monmouth Beach that the bids received on Friday, January 18, 2013, for a project entitled "Monmouth Beach Bathing Pavilion – Repair and Reconstruction of Deck and Snack Bar Area," are hereby rejected; and

BE IT FURTHER RESOLVED that T & M Associates be and are hereby authorized to effectuate the re-bid of that project.

Upon the call of the roll the foregoing Resolution was adopted by the following vote: Ayes - 3-, Nays -0-.

There being no further business,

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

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

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

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

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