

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:35pm. Commissioners Gerkens and Garofalo were present.

The Mayor asked all to rise for the Pledge of Allegiance.

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough's website and was published in the Beach Haven Times on December 10, 2015 and the Asbury Park Press on December 15, 2015.

Motion to approve the minutes of the previous meeting, August 16, 2016, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

The Mayor read the following ordinances by title and number and asked for a motion to introduce.

ORDINANCE #2016-11 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$52,150 FROM THE UTILITY CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

ORDINANCE #2016-12 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ZONING" AS IT PERTAINS TO HOME OCCUPATIONS, HEIGHT LIMITS AND FENCE PERMITTING

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, Gerkens

ORDINANCE #2016-13 FIRST READING

AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "BUILDING AND HOUSING" AS IT PERTAINS TO HOURS OF CONSTRUCTION

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Gerkens, Garofalo

The Mayor read the following resolutions by title only and asked for motions to adopt after reading each title. Copies of the full resolutions are attached hereto and made a part hereof:

RESOLUTION #2016-078:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$25,000.00 – COMMUNITY DEVELOPMENT BLOCK GRANT FOR HANDICAP ACCESSIBLE EQUIPMENT FOR BEACH ACCESS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2016-079: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

PRIVILEGE OF THE FLOOR –

Alan Donahower asked for a storm report. The Mayor said the storm (Tropical Storm Hermine) is being monitored; it looks like it will stall, hopefully it will move. The Mayor said he has been talking to the State about the cost of filling sections of the beach and also talking to the County to see if they can share the 25% local cost; the cost per cubic yard of sand is cheaper if more is pumped. The Mayor fears that if the dredge leaves it may not come back since 95% of the island has been replenished.

A brief discussion was held with the public regarding the use of mats on the walkovers; mats are preferred over the wooden rollouts.

Jim Loudon mentioned that the beaches were looking much better (cleaner); the Mayor stated another day was added to the raking schedule.

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerkens

Meeting adjourned at 4:45pm.

ORDINANCE NO. 2016-11

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE
SUM OF \$52,150 FROM THE UTILITY CAPITAL IMPROVEMENT FUND FOR
CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF HARVEY CEDARS as follows:**

Section 1. Pursuant to the applicable statutes of the State of New Jersey, there is hereby authorized the capital improvements within the Borough of Harvey Cedars as follows:

A. For the purchase of a utility pickup truck there is hereby appropriated the sum of \$52,150.00

Section 2. This Utility Capital Improvement Ordinance is to be financed from the utility capital funds that the Borough presently has on hand.

Section 3. The Utility Capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended utility capital budget and utility capital program as approved by the Director, Division of Local Government Services as on file with the municipal clerk and is available for public inspection.

EFFECTIVE DATE: October 10, 2016

ORDINANCE NO. 2016-12

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “ZONING” AS IT PERTAINS TO HOME OCCUPATIONS, HEIGHT LIMITS AND FENCE PERMITTING

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, as follows:

Section 1. Section 13-7.2 entitled “Height Limits” paragraph (d) is hereby supplemented as follows:

In the case of cul-de-sac lots, the frontage shall be measured at the front setback line.

Section 2. Section 13-7.13 entitled “Flood Zone” is hereby amended by changing three hundred (300) to one hundred (100).

Section 3. Section 13-9.2 entitled “Accessory Uses and Buildings Permitted” is hereby rescinded in its entirety and supplemented as follows:

13-9.2 Accessory Uses and Buildings Permitted.

Model homes, if permitted at the discretion of the Planning Board, shall be occupied by no more than the owner and one (1) person employed in such office.

Section 4. Section 13-9.3 entitled “Area and Yard Requirements” is hereby renumbered as Section 13-9.4 entitled “Area and Yard Requirements”.

Section 5. New Section 13-9.3 entitled “Home Occupations” is hereby supplemented as follows:

13-9.3 Home Occupations.

Home Occupation shall mean a business, profession, occupation or trade conducted for gain or support entirely within a residential building which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such buildings. A home occupation shall further be defined as an accessory use.

- a. Home occupations shall be conducted only by members of a family residing in a dwelling unit plus not more than one (1) person not a resident of the dwelling unit, and conducted entirely within the dwelling or accessory building.
- b. All vehicles used in connection with home occupations shall be of a size, and be located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood.
- c. Private garages may be used provided that no more than two (2) commercial vehicles, not exceeding two (2) tons each, shall be parked or stored inside.
- d. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 400 square feet shall be used for the purpose of a home occupation.
- e. Two (2) off-street parking spaces are required in addition to the two (2) required for residential parking.
- f. One (1) unlighted sign of a maximum of four (4) square feet is permitted. A sign permit is required.
- g. The home occupation shall not generate the business or care of more than two (2) clients at any one time and shall be by appointment only.
- h. No home occupation shall:

1. Store material outdoors so as to disrupt the quiet nature and visual quality of the neighborhood.
2. Cause a nuisance to the neighborhood for reason of noise, odor, congestion, traffic, vibration, electrical or other interference and other causes.
3. Cause vehicular traffic that will create a nuisance to the neighborhood or be detrimental to the residential character of the neighborhood.
4. Offer for sale or sell articles except such as may be produced by members of the immediate family residing in the dwelling and others as herein provided.
5. Include the breeding, raising, care, boarding or maintenance of animals.

Section 6. Section 13-15.2 entitled “Fence Permit” paragraph (a) is hereby amended by changing sixty (60) inches to seventy (70) inches.

Section 7. Section 13-15.2 entitled “Fence Permit” paragraph (c) is hereby amended to read as follows:

A fence permit is required for new or replacement fences from the zoning office.

Section 8. This Ordinance repeals any inconsistent ordinance or ordinances or part of parts thereof.

Section 9. If any provision, section, subsection, or paragraph of this Ordinance shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this Ordinance.

Section 10. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

EFFECTIVE DATE: October 10, 2016

ORDINANCE NO. 2016-13

AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “BUILDING AND HOUSING” AS IT PERTAINS TO “HOURS OF CONSTRUCTION”

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS as follows:

Section 1. Section 12-9.1 entitled “Hours of Construction” is hereby amended in its entirety as follows:

12-9.1 Days and hours. Construction and demolition activity, excluding emergency work, shall be performed as follows:

- a. Mondays through Fridays
 1. After Labor Day through Memorial Day beginning no earlier than 7:00 a.m. and ending no later than 6:00 p.m.
 2. From the day after Memorial Day through Labor Day beginning no earlier than 8:00 a.m. and ending no later than 6:00 p.m.
- b. Saturdays beginning no earlier than 8:00 a.m. and ending no later than 6:00 p.m.
- c. No construction activity shall be performed on Sundays, except by the homeowner beginning no earlier than 8:00 a.m. and ending no later than 6:00 p.m.

Section 2. If any provision, section, subsection, or paragraph of this Ordinance shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this Ordinance.

Section 3. This Ordinance shall take effect after final adoption and publication in accordance with law.

EFFECTIVE DATE: October 10, 2016

RESOLUTION #2016-078

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$25,000.00 –
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HANDICAP ACCESSIBLE EQUIPMENT FOR BEACH ACCESS**

WHEREAS NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Commission of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$25,000.00, which is now available from the U.S. Housing & Urban Development (through Ocean County Planning Board) CDBG CT#1510-16 in the amount of \$25,000.00.

BE IT FURTHER RESOLVED that the like sum of \$25,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Community Development Block Grant CT#1510-16 – Beach Access.

BE IT FURTHER RESOLVED that the above is a result of funds from U.S. Housing & Urban Development (through Ocean County Planning Board) CDBG CT#1510-16, in the amount of \$25,000.00.

PASSED ON: September 2, 2016