

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:30pm. 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 on December 14, 2017 in the Beach Haven Times and the Asbury Park Press.

Motion to approve the minutes of the previous meeting, August 3, 2018, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

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

ORDINANCE #2018-13 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 LOT ELEVATIONS

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

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

ORDINANCE #2018-14 FIRST READING

AN ORDINANCE AMENDING CHAPTER 16 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "LAND SUBDIVISION" AS IT PERTAINS TO LOT ELEVATIONS

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 ordinance by title and number and stated that proof of publication is on hand and the ordinance has been posted.

ORDINANCE #2018-12 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 13 ENTITLED "ZONING" AS IT PERTAINS TO GARAGE SALE AND REAL ESTATE SIGNS

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Mr. Bruce Shapiro representing the Ocean County Board of Realtors wanted to thank the Harvey Cedars Board of Commissioners for amending the sign ordinance to better meet the needs for realtors.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

A copy of the full ordinance as adopted is filed in the ordinance book.

RESOLUTION #2018-093: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerken, to approve the request by Robert Rue for the use of Sunset Park for the use of the thirty-first annual Harvey Cedars Catboat Race on Sunday, September 2, 2018 (raindate September 3rd) from 12:00pm to 2:00pm.

PRIVILEGE OF THE FLOOR –

Mike Paulik, resident on Middlesex Ave., expressed his frustration with the Army Corps beach replenishment project. He stated that the beaches on and around Middlesex Ave. have been unfairly impacted more than other sections of beaches in Harvey Cedars. Mr. Paulik stated that as a result of having his beaches affected three times over the past eight years, the residents nearby Middlesex Ave. have lost thousands of dollars in rental revenue. Mayor Oldham agreed that the Army Corps project should have been completed a while ago and expressed his frustration with the timeline of the project.

Mr. Grybowski, resident looking to raise his home, asked the Commissioners to consider a revision to Ordinance #2018-13 which would exclude house raises from having to raise the fill on their lots citing cost factors. The Mayor expressed that raising lot elevations would benefit property owners from flood losses. The Board agreed to consider the matter.

TOPICS OF INTEREST –

Chief Burnaford stated the Dog Day Race was a success with a turnout of 998 runners. Fireworks are planned for Saturday, September 1st, weather permitting.

Motion to adjourn: Commissioner Gerken
Second: Commissioner Garofalo

Meeting adjourned at 4:47pm.

ORDINANCE NO. 2018-13

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 LOT ELEVATIONS

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars is obligated from time to time to review and update existing ordinances that are inconsistent, ambiguous and/or outdated; and

WHEREAS it is the intent of the Board of Commissioners to minimize public and private losses due to flood conditions by regulating elevation of lots.

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

Section 1. Section 12-8.7 entitled “Provision for Flood Hazard Reduction” paragraph A.2(c) is hereby amended to read as follows:

(c) For all interior spaces below the first floor living space, i.e. garage and storage areas, FEMA Technical Bulletin No. 2 shall not apply. All interior spaces below the first floor living space, in all flood zones, which includes the area below the Base Flood Elevation (BFE), with the exception of elevator shafts, and a non-heated space not to exceed 100 sq. ft. for a foyer and stairwell, and a non-heated space not to exceed 100 sq. ft. for a mechanical room, shall be unfinished with no insulation and be breakaway construction with a permitted exterior finish in accordance with the applicable Flood Zone Regulations.

In addition, all houses shall be on structural piling which shall extend to and carry the structural support of the first floor living space. No concrete walls or foundations are permitted. Consideration may be given by the Construction Dept. when existing houses on existing foundations are being raised to or above the BFE under FEMA guidelines.

Section 2. Section 12-8.11 entitled “Lot Elevation Below Borough Street Profile – Building Permits” is deleted in its entirety and replaced by Section 12-8.11 entitled “Lot Elevation” as follows:

12-8.11 Lot Elevation. No building permit shall be issued for new construction and for additions, alterations or repairs to existing structures unless the land complies with the lot elevations as set forth herein.

A. Land East of Long Beach Boulevard.

Any land eastward of Long Beach Boulevard must be filled with clean fill to a minimum elevation of eight (8) inches above the higher of the following:

1. the established Borough Street Profile as defined herein.
2. the crown of the road or easement bordering said land.

All applications for building permits shall include a plot plan drawing showing a profile of the established Borough Street Profile, the relationship of the property along said profile, and the existing and proposed grades in conformance with this paragraph. In the event the building department determines that the plot plan must be reviewed by the municipal engineer, then the cost of said review shall be borne by the applicant.

B. Land West of Long Beach Boulevard.

Any land westward of Long Beach Boulevard must be filled with clean fill to a minimum elevation of twenty (20) inches above the crown of the road fronting said land.

If any land referred to herein does not front on an improved municipal street, then the reference point for lot elevation purposes shall be taken from the crown of the road of the nearest municipal improved street to said land as determined by the municipal engineer.

All applications for a building permit shall include a plot plan showing the existing and proposed grades in conformance with this paragraph. The use of retaining walls and drainage swales will be permitted in order to contain the fill and provide proper drainage.

C. Borough Street Profile defined.

The established Borough Street Profile shall be a line drawn from a starting point at the east edge of the pavement thirty (30) feet east from the centerline of Long Beach Boulevard except as follows:

1. Thirty five (35) feet east from the centerline of Long Beach Boulevard for 85th Street.
2. Forty (40) feet east from the centerline of Long Beach Boulevard for 86th Street.

Said starting point having an elevation established in 1988 (NAVD) Datum, the slope of the line shall be 2.1 percent extending eastwardly and perpendicular to Long Beach Boulevard.

D. All lot grades shall be established in 1988 (NAVD) Datum.

E. Additions, alterations and repairs.

In the case of additions, alterations or repairs to existing structures, the above requirements shall apply when:

1. Additions, alterations or repairs exceed seventy-five (75%) percent of square footage of the existing structure.
2. Any structure on a building lot is moved from its existing foundation for the purpose of installing piling or to raise the structure to a higher elevation.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 5. This Ordinance shall take effect upon final adoption after publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **August 21, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **September 7, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk

ORDINANCE NO. 2018-14

**AN ORDINANCE AMENDING CHAPTER 16 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED
“LAND SUBDIVISION” AS IT PERTAINS TO LOT ELEVATIONS**

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

- Section 1.** Section 16-7.3.f entitled “Lots” is deleted in its entirety and replaced to read as follows:
f. No building permit shall be issued for new construction and for additions, alterations or repairs to existing structures unless the land complies with the lot elevations as set forth in Section 12-8.11 entitled “Lot Elevation”.
- Section 2.** This ordinance shall take effect after a second reading and publication, in accordance with law.
- Section 3.** Ordinances or parts of ordinances inconsistent herewith are repealed.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **August 21, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **September 7, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk