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**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**SEPTEMBER 1, 2010**

A Regular Meeting of the Mayor and Council of the Borough of Belmar on the above date at 8:00 p.m. in the Municipal Building.

PRESENT: Mayor Pringle, Councilwoman Deicke, Councilman Wright, Councilman Doherty, Councilman Magovern, Karl Kemm, Esq., Borough Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 28, 2009 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE:** Our troops and their families

**PETITIONS:**

**APPROVAL OF MINUTES:**

**REPORTS OF MAYOR AND COUNCIL:**

**PUBLIC SESSION:** Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

**CONSENT AGENDA:**

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**RESOLUTIONS BY CONSENT:**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2010 COMMUNITY DEVELOPMENT PROJECTS**

**RESOLUTION RELEASING MAINTENANCE BOND FOR S.E.K.I. AT 1601 ROUTE 71, LLC**

**RESOLUTION AWARDED CONTRACT FOR EIGHTH AVENUE INFRASTRUCTURE IMPROVEMENTS**

**RESOLUTION APPOINTING AND CONFIRMING A PLANNER FOR THE AMENDMENTS TO THE SEAPORT REDEVELOPMENT PLAN PROJECT**

**RESOLUTION APPOINTING SPECIAL II POLICE OFFICERS FOR 2010**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS – SEPTEMBER 1, 2010**

**ORDINANCES:**

Second Reading & Public Hearing:

**2010-18**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX WATER-SEWER UTILITY DEPARTMENT TO REVISE AND ADD ADDITIONAL FEES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**2010-19**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI POLICE REGULATIONS, SECTION 16-3 REGULATION OF NOISE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**2010-20**

**ORDINANCE REAPPROPRIATING \$100,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL INLET TERRACE WATER MAIN PROJECT IN ORDER TO PROVIDE FOR THE WATER, SEWER AND STORM DRAIN REPLACEMENT IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

**RESOLUTION AWARDING CONTRACT FOR EIGHTH AVENUE  
INFRASTRUCTURE IMPROVEMENTS**

First Reading & Introduction

**2010-21**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE SEAPORT REDEVELOPMENT PLAN**

**PUBLIC SESSION:**

**ADJOURN**

**RESOLUTION NO 2010-**

**RESOLUTION APPOINTING AND CONFIRMING A PLANNER FOR THE AMENDMENTS TO THE SEAPORT REDEVELOPMENT PLAN PROJECT**

**WHEREAS**, there exists a need for professional services for a planner to consult on the amendments to the Seaport Redevelopment Plan; and

**WHEREAS**, a contract for professional services pursuant to N.J.S. 40A:11-5(1)(a)(I) and N.J.S.19:44A-20.5 may be awarded without advertisement for bids or bidding in that the required services must be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which requires knowledge of an advanced and specialized type.

**WHEREAS**, Maser Consulting P.A. has submitted the attached Agreement to provide said services; and

**WHEREAS**, this contract is not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4, et seq.; and

**WHEREAS**, compensation for the professional services shall be as listed in the agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, New Jersey, as follows:

1) The Mayor, the Borough Clerk, the Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the attached Agreement with Maser Consulting P.A. and all other documents and undertake all actions reasonably necessary to effectuate the award of the Agreement herein.

2) This contract is award without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a); and

**BE IT FURTHER RESOLVED** that the Borough Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

Council member offered the above resolution and moved its adoption. Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Doherty				
Mr. Magovern				
Mrs. Deicke				
Mr. Wright				
Mayor Pringle				

Adopted:

ADD CERTIFICATION AS TO FUNDS

**RESOLUTION NO. 2010-**

**RESOLUTION APPOINTING SPECIAL II POLICE OFFICERS FOR 2010**

Be it resolved that the Mayor and Borough Council of the Borough of Belmar that the following persons are hereby appointed and confirmed as of September 1, 2010, as a Class II Special Police Officer.

Dawn Coppola  
Harrison Theibault  
Joseph Gawlik  
Ryan Maguire  
Mark Cosentino  
Clint Barsa  
Ryan Bradley  
Robert Miller  
Ryan Cullinane

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Doherty				
Mr. Magovern				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO 2010-**

**RESOLUTION AWARDING CONTRACT FOR EIGHTH AVENUE  
INFRASTRUCTURE IMPROVEMENTS**

**WHEREAS**, on July 1, 2010 the Borough of Belmar received bids for the Eighth Avenue Infrastructure improvements;

**WHEREAS**, "Certification As To Availability Of Funds" is annexed hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council on this 1<sup>st</sup> day of September 2010 that:

1. Contract is awarded to Mark Woszczak Mechanical Contractor, Inc., 1700 W. Atlantic Avenue, Manasquan, NJ 08736 in the amount of \$660,000.00

-----  
**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I herewith certify that, as of September 1, 2010 funds are available for the proposed contract noted above.

Robbin D. Kirk  
Chief Financial Officer

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Doherty				
Mr. Magovern				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO 2010-**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2010 COMMUNITY DEVELOPMENT PROJECTS**

**WHEREAS**, Certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the County of Monmouth expects to receive an allocation for **FY 2010** from the United States Department of Housing and Urban Development; and

**WHEREAS**, the County of Monmouth has submitted its Annual Plan for FY 2010 to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as **Borough of Belmar** with a grant allocation of **\$202,527.00**

**WHEREAS**, the **Borough of Belmar** hereby met all the requirements for the release of funds to begin incurring costs for this project; and

**WHEREAS**, the **Borough of Belmar** has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS", which is included as appendix I of the Project Agreement.

**NOW, THEREFORE BE IT ORDAINED**, that the Mayor and Municipal Clerk of the **Borough of Belmar** are authorized to execute with the County of Monmouth the attached Project Agreement.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

**RESOLUTION NO 2010-**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

**WHEREAS**, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for **FY 2010**; and

**WHEREAS**, the county is making some of these funds available to certain participating municipalities and non-profit; and

**WHEREAS**, it is required that the **Borough of Belmar** execute a project agreement with Monmouth County to undertake a project known as **Improvements to Public Facilities**; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the **Borough of Belmar** sign additional certifications in order to receive these funds; and

**WHEREAS**, The **Borough of Belmar** has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

**WHEREAS**, a copy of that policy is attached to and made part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the **Borough of Belmar** has met the conditions of receiving a **FY 2010** allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that the funds have been used for lobbying.

**BE IT FURTHER RESOLVED**, that the Mayor of the **Borough of Belmar** is hereby authorized to sign the attached certifications which will become part of the **FY 2010** Project Agreement.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mr. Doherty				
Mr. Magovern				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO. 2010-**

**RESOLUTION RELEASING MAINTENANCE BOND FOR  
S.E.K.I. AT 1601 ROUTE 71, LLC**

**WHEREAS**, SE.K.I. LLC c/o Francola Inc. has requested a release of their maintenance bond for 1601 Highway 71, Block 168 Lots: 1.01 and 1.02; and

**WHEREAS**, the request was submitted to the Borough Engineer for his inspection and recommendation, and

**WHEREAS**, in response Birdsall Engineering, Inc. forwarded their letter to the governing body indicating that “All required items of work have been completed in substantial compliance with the approved plans and are acceptable”; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Belmar that, in accordance with the recommendation of Birdsall Engineering, Inc. the maintenance bond be released in the amount \$1,000.00.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:    AYES            NAYS            ABSTAIN    ABSENT

Mrs. Deicke  
Mr. Magovern  
Mr. Doherty  
Mr. Wright  
Mayor Pringle

Adopted:

2010-18

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XXIX WATER-SEWER UTILITY DEPARTMENT  
TO REVISE AND ADD ADDITIONAL FEES,  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY**

**WHEREAS**, the Borough of Belmar wished to amend certain sections of the ordinance relating to the fees for the Water-Sewer Utility Department.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXIX Water-Sewer Utility Department, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

**Section I.** Chapter XXIX Water-Sewer Utility Department, is hereby amended and supplemented as follows:

**29-2.3 Extension of Systems.**

Applicants for extensions of the water or sewer systems which will result in or require additional or relocated meters, pipes, lines, or service to any property already being served by the water or sewer systems shall be required to pay the cost of the extension and tap in addition to the cost as noted below of any additional meters and lines. Extensions of main lines will be assessed as local improvements and charged to owners of abutting property according to the requirements of State law. Water service will not be supplied through private systems or lines.

	<del>Inside Meter</del>	<del>Outside Meter</del>
<del>Meter Size</del>	<del>Wall Mount</del>	<del>In Pit</del>
<del>5/8" Water meter</del>	<del>\$250.00</del>	<del>\$275.00</del>
<del>1" Water meter</del>	<del>350.00</del>	<del>375.00</del>
<del>1 1/2" Water meter</del>	<del>550.00</del>	<del>575.00</del>
<del>2" Water meter</del>	<del>675.00</del>	<del>700.00</del>
<del>New or replacement</del>	<del>100.00</del>	<del>100.00</del>
<del>ARB Box or Pit Cap</del>		

	<u>Inside Meter</u>	<u>Outside Meter</u>
<u>Meter Size</u>	<u>Wall Mount</u>	<u>In Pit</u>
<u>5/8" Water meter</u>	<u>\$350.00</u>	<u>\$350.00</u>
<u>1" Water meter</u>	<u>475.00</u>	<u>475.00</u>
<u>1 1/2" Water meter</u>	<u>650.00</u>	<u>650.00</u>
<u>2" Water meter</u>	<u>1200.00</u>	<u>1200.00</u>
<u>New or replacement</u>	<u>150.00</u>	<u>150.00</u>
<u>ARB Box or Pit Cap</u>		

Additional charge of one hundred twenty-five (\$125.00) dollars per meter will be charged for installation/inspection of installation by others of meter.

**29-3.5 Meter Readings.**

Water meters for private premises will be read quarterly, as provided by subsection 29-7.1. The readings shall be conclusive on all parties except where it has been determined that the meter has been registering incorrectly. In cases where the meter has been registering incorrectly, the meter shall either be repaired or replaced and an adjusted bill shall be rendered in the same manner

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Additions are indicated by underline; and, deletions by ~~strikeout~~.

set forth in subsection 29-3.6, provided that if the meter has not been registering at all, the adjusted bill shall be equal to the next regular quarterly reading after the meter is repaired or replaced. If the faulty registration is due to damage to the meter occurring after the meter was installed on the property, the owner shall be required to pay for the repair or replacement of the meter as required by subsection 29-3.4.

Any interested party may request an interim meter reading for any purpose. The request must be in writing on a form prescribed by the Municipal Clerk and must be accompanied by a fee of ~~fifteen (\$15.00)~~ twenty five (\$25.00) dollars. Interim meter readings may be used for the purpose of paying water charges to the date of the interim reading (for example, in connection with real estate closings), but will not alter the schedule for regular quarterly readings pursuant to subsection 29-7.1.

### **29-3.6 Meter Testing.**

Upon prepayment of a fee of ~~one hundred (\$100.00)~~ one hundred twenty five dollars (\$125.00), the Department will, at the written request of any owner, arrange to have a meter tested to determine whether the meter is accurately registering the volume of water passing through the meter. If the test reveals a deviation from actual volume of two (2%) percent or more, an adjusted bill will be issued for the preceding quarter to account for the deviation, and the meter will be reset to reflect actual usage in the current quarter. If the adjusted bill requires an additional payment by the owner, the additional payment shall be made within thirty (30) days. If the adjusted bill requires a refund, the refund will be made within thirty (30) days and the ~~one hundred (\$100.00)~~ one hundred and twenty five (\$125.00) dollar test fee shall be returned to the owner. If the meter test reveals a deviation from actual volume of less than two (2%) percent, any service not currently upgraded to a radio remote reading type meter will also be charged an additional fee of a new meter as stated in subsection 29-2.3 less the ~~one hundred (\$100.00)~~ one hundred and twenty five (\$125.00) dollar cost of the test.

### **29-6.3 Nonpayment of Water/Sewer Charges and Penalty on Unpaid Balance.**

Effective May 1, 2007, on the thirtieth day after payment of the bill is due, interest on the unpaid amount of the bill shall accrue at a rate of eighteen (18%) percent per annum to be calculated from the due date of the bill until the date of actual payment.

Also, effective March 1, 2004, any charges that are not paid within ninety (90) days of the original billing will be considered delinquent, and ~~shall~~ may have their water service terminated by the Borough or its authorized agent. Such service shall be restored only upon payment in full of all water-sewer charges, including all interest accrued thereon and a restoration fee in accordance with Section 29-6.4(a).

Prior to any water service being disconnected for nonpayment of water-sewer charges, the Borough or its agent shall provide ten (10) days written notification to the user of the Borough's intention to disconnect the water service. Notification shall be made by ordinary mail to the customer's last known address as it appears on the tax duplicate.

### **29-6.4 Charges for Turning Water On or Off.**

The following charge will be made for work performed in discontinuing water service for delinquent accounts:

- a. Turn-on of municipal water supply                      \$100.00

\_\_\_\_\_  
Additions are indicated by underline; and, deletions by ~~strikeout~~.

**29-7.7 Services Requiring Excavations Not Exceeding Thirty-five (35') Lineal Feet.**

a. *Tapping Water Mains.* A charge for tapping water main with service pipe to curb, including corporation and curb stops, and including street excavation not exceeding thirty-five (35') linear feet, shall be made as follows:

- |  |                       |
|--|-----------------------|
| 1. <del>For a one (1")-inch pipe:</del>  | -                     |
| (a) <del>On bituminous surface treated roads</del>   | <del>\$2,000.00</del> |
| (b) <del>On concrete roads</del>   | <del>\$2,100.00</del> |
| 2. <del>For a one and one-half (1 1/2")-inch pipe:</del>   |                       |
| (a) <del>On bituminous surface treated roads</del>   | <del>\$2,400.00</del> |
| (b) <del>On concrete roads</del>   | <del>2,500.00</del>   |
| 3. <del>For a two (2")-inch pipe:</del>  |                       |
| (a) <del>On bituminous surface treated roads</del>   | <del>\$2,500.00</del> |
| (b) <del>On concrete roads</del>   | <del>2,600.00</del>   |
| 4. <del>Taps larger than two (2") inches in size or work performed by an outside contractor hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00) dollars.</del> |                       |

b. ~~Connecting Sewer Mains.~~ Charges for connecting sewer mains with lines to curbs including street excavations not exceeding thirty-five (35') linear feet shall be as follows:

- |  |                       |
|--|-----------------------|
| 1. <del>For a four (4")-inch pipe:</del>   |                       |
| <del>(a) On bituminous surface treated Roads</del>   | <del>\$1,200.00</del> |
| <del>(b) On concrete roads</del>   | <del>\$1,300.00</del> |
| 2. <del>Connections larger than four (4") inches:</del>  |                       |
| <del>Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of the installation, but in no case less than a minimum charge of two thousand five hundred (\$2,500.00) dollars.</del> |                       |

- |  |                   |
|--|-------------------|
| 1. <u>For a one (1")-inch pipe:</u>  |                   |
| (a) <u>On bituminous surface treated roads</u>   | <u>\$2,400.00</u> |
| (b) <u>On concrete roads</u>   | <u>\$2,500.00</u> |
| 2. <u>For a one and one-half (1 1/2")-inch pipe:</u>   |                   |
| (a) <u>On bituminous surface treated roads</u>   | <u>\$2,800.00</u> |
| (b) <u>On concrete roads</u>   | <u>2,900.00</u>   |
| 3. <u>For a two (2")-inch pipe:</u>  |                   |
| (a) <u>On bituminous surface treated roads</u>   | <u>\$2,900.00</u> |
| (b) <u>On concrete roads</u>   | <u>3,000.00</u>   |
| 4. <u>Taps larger than two (2") inches in size or work performed by an outside contractor hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00) dollars plus the cost of a new meter pursuant to Section 29-2.3, and a ten (10%)</u> |                   |

Additions are indicated by underline; and, deletions by ~~strikeout~~.

percent administrative fee not to be less than three hundred dollars (\$300.00).

b. *Connecting Sewer Mains.* Charges for connecting sewer mains with lines to curbs including street excavations not exceeding thirty-five (35') linear feet shall be as follows:

1. For a four (4")- inch pipe:
  - (a) On bituminous surface treated

Roads	\$1,700.00
(b) On concrete roads	\$1,800.00
2. Connections larger than four (4") inches:

Taps larger than four (4") inches in size or work performed by an outside contractor hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00) dollars plus the cost of a new meter pursuant to Section 29-2.3, and a ten (10%) percent administrative fee not to be less than three hundred dollars (\$300.00).

**29-7.8 Services Requiring Excavation of More than Thirty-Five (35') Lineal Feet.**

Where the connection of a sewer service line or the tapping of a water service line requires the excavation of any street for more than thirty-five (35') linear feet, the applicant shall pay a street opening fee in accordance with the full and actual costs to the Borough, but in no case less than the minimum charge for the first thirty-five (35') linear feet as provided in subsection 29-7.7 preceding, plus the following charges:

- a. On bituminous surface treated roads, for each linear foot over thirty-five (35') feet \$50.00
- b. On concrete roads, for each linear foot over thirty-five (35') linear feet \$60.00

**29-7.9 Automatic Sprinkler and Standpipe System Connections.**

For each connection to be used exclusively for the extinguishment of fires, there shall be an annual charge in advance for water service as follows:

- a. Connection of four (4") inches or smaller, per year \$100.00  
\$200.00
- b. Connection of five (5") inches or six (6") inches per year 200.00  
400.00

c. *Connection size regulations:*  
The size of a private fire service connection shall in no case exceed six (6") inches in diameter.

d. *Provisions for charges:*  
The rates provided by this subsection shall be available only for service connections used exclusively for the extinguishment of fires. No additional charges shall be made for sprinkler heads, fire hydrants or other fire service connection, and no charge shall be made for water used in extinguishing fires where service is furnished under this subsection. If the consumer desires to use water for general purposes through the same connection, or if any private service connection is used for unauthorized purposes, then the service connection shall be metered and the consumer charged the rates provided for water service and sewer service in subsection 29-7.2 preceding.

**29-7.10 Excavating and Trenching Charge.**

\_\_\_\_\_  
Additions are indicated by underline; and, deletions by ~~strikeout~~.

Any work relating to water and/or sanitary system facilities which requires the excavation and/or trenching of a public street shall be subject to a restoration fee in the amount of \$750.00 per area of disturbance. The restoration fee shall be paid in full before any water and/or sewer permit is issued. The payment of the restoration fee prior to work commencing shall not prevent the Borough from imposing additional restoration fees if additional street disturbances are made during the course of work which were not anticipated and paid for prior to the permit being issued.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE NO. 2010-19**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XVI POLICE REGULATIONS,  
SECTION 16-3 REGULATION OF NOISE,  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Belmar wishes to amend its Ordinances regarding the regulation of noise; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVI Police Regulations, 16-3 Regulation of Noise of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

**Section I.** Chapter XVI Police Regulations, 16-3 Regulation of Noise is hereby amended and supplemented as follows:

**16-3.2 Definition of Noise.**

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be construed to be a limitation or be deemed to be exclusive:

- k. The erection (including excavation), demolition, alteration or repair of any building is prohibited, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 8:00 a.m. and 5:00 p.m. on weekends and holidays, except the same is permitted:
- (1) between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays.
  - (2) between the hours of 8:00 a.m. to 5:00 p.m. on Sundays and holidays only by homeowners performing routine repair and maintenance on the interior or exterior of any building,
  - (3) between the hours of 8:00 a.m. to 5:00 p.m. on Sundays and holidays by contractors provided that all work is performed on the interior of a building
  - (4) except in case of urgent necessity in the interest of public health and safety; provided, however, that a permit therefor has been obtained from the Building Official. Such permit may be granted while the emergency continues for a period not to exceed three (3) days and may be renewed for periods of three (3) days or less.
- n. The operation ~~between the hours of 6:00 p.m. and 8:00 a.m.~~ of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other similar appliances, the use of which is attended by loud or unusual noise except during the times permitted in section 16-3.2(k).
- p. ~~Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto, in residential or commercial land~~

Additions are indicated by underline; and, deletions by ~~strikeout~~.

~~use categories, between the hours of 6:00 p.m. and 8:00 a.m. the following day on weekdays, between 6:00 p.m. Saturday night and 8:00 a.m. Monday morning and on legal holidays.~~

Reserved.

- w. Operating, or permitting to be operated, any powered saw, sander, drill, grinder, garden equipment or tools of like nature, used primarily for domestic purposes, outdoors in residential zones ~~between the hours of 8:00 p.m. and 8:00 a.m. the following day~~ except during the times permitted in section 16-3.2(k).

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

ORDINANCE 2010-20

ORDINANCE REAPPROPRIATING \$100,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL INLET TERRACE WATER MAIN PROJECT IN ORDER TO PROVIDE FOR THE WATER, SEWER AND STORM DRAIN REPLACEMENT IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$100,000 of the proceeds of obligations originally made available pursuant to bond ordinance #2009-12 of the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough"), finally adopted June 24, 2009, is no longer necessary for the Inlet Terrace Project consisting of the construction of water mains along Inlet Terrace West to replace the existing ductile iron water main and restore water pressure for fire fighting and to residents, as well as acquisition and installation of new fire hydrants, individual service connections, trench repair, pavement overlay, traffic control and restoration, including all work and materials necessary therefor and incidental thereto, for which the obligations previously were authorized and issued.

Section 2. The \$100,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the water, sewer and storm drain replacement on 7th Avenue, 8th Avenue and Main Street to Railroad Avenue, including all work and materials necessary therefor and incidental thereto.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ORDINANCE 2010-21**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
THE SEAPORT REDEVELOPMENT PLAN**

**WHEREAS**, on August 13, 2003 the Mayor and Council of the Borough of Belmar enacted Ordinance No. 2003-18, adopting the Seaport Redevelopment Plan (the "Seaport Redevelopment Plan") dated June 3, 2003, which was subsequently amended by Ordinance 2006-26, Ordinance 2007-15, Ordinance 2008-05 and by Ordinance 2010-11; and

**WHEREAS**, upon favorable recommendation from the Planning Board, the Mayor and Council wish to amend the Seaport Redevelopment area to revise the Lot and Bulk Requirements as contained in Section 4.2.1 of the Redevelopment Plan as set forth below; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that the Seaport Redevelopment Plan dated June 3, 2003 and adopted pursuant to Ordinance No. 2003-18 and as amended by Ordinance 2006-26, Ordinance 2007-15, Ordinance 2008-05 and by Ordinance 2010-11 is hereby amended and supplemented as follows:

**SECTION I.**

Existing Section 4.2.1 entitled "Lot and Bulk Requirements" shall be deleted in its entirety and replaced with the following:

**4.2 BUILDING REQUIREMENTS**

**4.2.1 Lot and Bulk Requirements:**

<b>Location</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Min. Lot Frontage</b>	<b>Min. Front Yard</b>	<b>Min. Rear Yard</b>	<b>Min. Side Yard</b>	<b>Both Side Yards</b>	<b>Max. Bldg. FAR</b>	<b>Max. Impervious Surface*</b>	<b>Max. Building Height</b>
<b>Street Fronting</b>	7000 sf	50 ft	50 ft	0 ft	N/A****	N/A		1.5***	80%	3 stories at streetline **
<b>River Fronting</b>	7500 sf	50 ft	50 ft	10 ft	N/A****	N/A		1.5***	80%	3 sty/35ft;***** 1.5 sty/25ft to 25 ft back from bulkhead

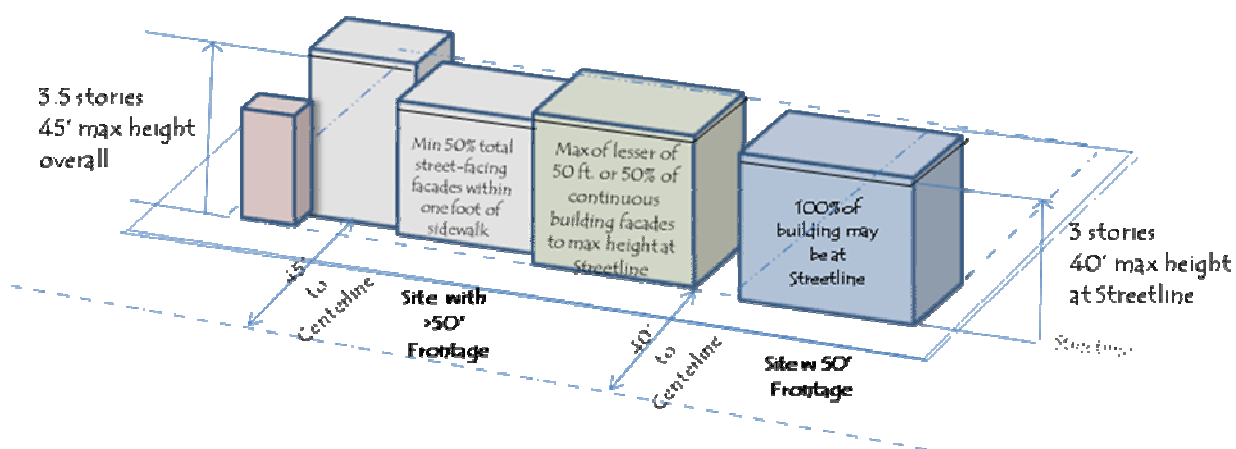
\*Maximum impervious surface shall be the percentage of impervious surface that existed prior to demolition of the site in preparation for redevelopment or 80%, whichever is greater. Maximum impervious surface means the total allowable coverage of any lot by any natural or man-made surface that does not permit infiltration of water, including all buildings, concrete and asphalt and other materials determined by the Borough Engineer to be impervious.

\*\* The height and amount of "step back" and "set back" of buildings shall be in accordance with the Design Guidelines. For uniformity, all heights set forth in this Section 4.2 are to be measured from grade at the centerline of Main Street.

- a. **BUILDINGS WITH INTERIOR PARKING:** Street fronting buildings with interior parking may exceed 40 feet in height at the streetline, provided the permissible height shall comply with the setbacks and stepbacks established in the Design Guidelines as amended. In the event that the Design Guidelines differ from the provisions of this Plan, the Plan shall govern. The maximum height of the principal portion of the structure at a zero foot (0') setback from a property line fronting on a street shall be 28'. No principal portion of the structure that exceeds 28' feet in height shall be located within 8 feet of the property line fronting on a street. The maximum height of the eave of a 3 ½ story building shall not exceed 39' 6" and the average height of the roof between the eave and the peak of the roof shall not exceed 46 feet. Portions of a structure that exceed 39'6" in height shall consist solely of a half-story area built within sloped roofs and horizontally concealed mechanical areas, and may include dormers and gable ends built therein, and such tower and architectural roof elements as are contemplated by the Design Guide and permitted by the Planning

Board. Where the eave above the third story is constructed at a height greater than 38' the slope of the roof shall not exceed a pitch of 4-on-12. The Planning Board shall have the discretion to permit greater slopes where the eave above the third story is less than 38' feet. Where any portion of a dormer is constructed above 39'6" the said dormer shall be stepped back a minimum of 16 feet from any property line fronting on a street. Where a roof ridge line located above 39'6" is aligned so as to be perpendicular to a property line fronting on a street, thereby creating a gable face, the gable face shall be set back at least 16 feet from the said property line. The maximum height of a roof ridge line shall not exceed 52 feet above grade as measured from the centerline of Main Street.

- b. **BUILDINGS WITHOUT INTERIOR PARKING:** Street fronting buildings without interior parking shall not exceed 40 feet in height at the streetline and shall meet the following requirements. The maximum height of the principal portion of the structure at the streetline shall be 40 feet, except that no more than 50% of a principal portion of a building that is greater than 50 feet in width shall front a street on the streetline at the maximum height. At least 50% of the total linear feet of mixed-use and nonresidential street facing building facades within a project on sites with greater than 50 feet of street frontage must be within one foot of a sidewalk or equivalent provision for walking, and functional entries to buildings shall occur at an average of 30 feet or less along such facades and 75 feet or less along nonresidential or mixed-use portions of the entire block (LEED-ND, NPDc1). The overall relationship of building height to street width along a street facing façade of a project on a site with greater than 50 feet of street frontage shall maintain a ratio not less than 1 foot of building height to 1.5 feet of street width, measured from the building façade to the centerline of the street (1:3 overall for the block front for both sides of the street), except that the total height of any building within the project shall not exceed 45 feet. Building breaks shall be provided at intervals equal to the lesser of 50 feet or 50% of the building façade and shall otherwise be in accordance with the Design Guidelines, as amended. Building corners at street intersections shall be designed as a visual focal point. Such corner treatments may exceed the height restrictions of this section subject to the prior approval of the Redevelopment Entity, provided such additional height is needed to achieve architectural ornamentation and not support additional floor area.



**Figure 1: The ratio of building height to street width is the average taken along a block front. In the illustration above, the average ratio is a minimum of 1:1.5 and a maximum of 1:1 at the streetline for one side of the block.**

For purposes of this Section 4.2, "building height shall be measured from street centerline to the eave of a pitched roof and the base of the parapet or cornice of a flat roof. A "half-story" shall be defined as the livable space located in a finished attic or dormer area above the eave of the building. The "principal portion" shall be defined as the structure's façade exclusive of architectural elements such as window bays, trellises, roof overhangs, decorative screens, railings and the like as are contemplated by the Design Guide and permitted by the Planning Board. For properties located adjacent to residential boundary zones, also see footnote \*\*\*\* below.

\*\*\* The Floor Area Ratio shall not apply where redevelopers provide enclosed parking on site for at least all reserved parking spaces for residential units.

\*\*\*\* A minimum 10-foot building setback shall be provided along any residential property zone boundary. The maximum height at the 10' setback line from a residential property zone boundary shall be 26'. No principal portion of the structure that exceeds 26' feet in height shall be located within 15 feet of the residential property zone boundary. The maximum eave height within 25 feet of any residential zone boundary shall be 36 feet. Any part of the structure that is greater than 36 feet and located within 35 feet of a residential boundary shall consist solely of sloped roofs at a pitch not to exceed 4-on-12 and may include dormers built therein, and architectural roof elements as are contemplated by the Design Guide and permitted by the Planning Board. The maximum height of the roof ridge line within 35 feet of a residential boundary shall be no greater than 49' 6". Where a roof ridge line is aligned so as to be perpendicular to a residential property zone boundary, thereby creating a gable face, the gable face shall be setback at least 10 feet from the said zone boundary and shall have maximum height of a roof ridge line not exceeding 43 feet.

\*\*\*\* For uniformity, all heights set forth in this Section 4.2 regarding River Fronting properties are to be measured from grade at the centerline of the adjoining street. Structures that are on River Fronting properties shall comply with the "step back" and "set back" requirements of the Design Guidelines and as described in \*\* above. The Planning Board shall have the discretion to permit heights greater than 35' but not more than 42' provided that a structure is not located within 100' of another structure on the same block.

While the minimum lot sizes have been established in general accordance with existing CBD-2 zoning requirements, prevailing lot sizes and logical redevelopment parcel configurations, there are some differences with current zoning regulations. Maximum impervious coverage has been set at the greater of 80% or the amount of preexisting impervious surface in accordance with the amended CAFRA regulations for "Coastal Towns" as established by NJDEP consistent with the Planning Area 1 guidelines of the State Development and Redevelopment Plan. The maximum building height has been reduced from the current 2.5 stories and 35 feet to 1.5 stories and 25 feet within 25 feet of the bulkhead along the Shark River Inlet. This requirement is designed to provide a more intimate scale and greater sense of openness along the water's edge in combination with maximum public access, consistent with CAFRA land use policies.

In addition, the minimum lot size for riverfronting parcels has been reduced from 10,000 square feet in the current MC-2 zone, to 7500 square feet. These modifications are designed to maximize building orientation to the River and to Fifth Avenue, while recognizing the shallowness of the block between Fifth Avenue and the River.

## **SECTION II.**

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

## **SECTION III.**

All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

## **SECTION IV.**

This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.