

**MANASQUAN PLANNING BOARD MEETING AGENDA
CONDUCTED WITH ZOOM
MAY 03, 2022 7:00 PM – TUESDAY**

Join Zoom Meeting

<https://us06web.zoom.us/j/6652076223?pwd=WFZiUVcyQ0tqOHlrajFUa0dpRTc3Zz09>

OR

Tel – 1-646 876 9923 US (New York)

ID # 665 207 6223

Password 365 120

Please take notice that the Manasquan Planning Board will convene a remote meeting on May 03, 2022 7:00 PM. (The Board had previously advertised the said meeting, but the within notice is being re-advertised so as to publicize the remote nature of the same.) Due to the Coronavirus/COVID-19 Borough and State Directives, the said meeting is being held remotely, through a web-meeting conference communication system. The remote meeting format will allow Board Members and the Public to simultaneously hear, listen to, participate in, digest, observe, comment on, and/or otherwise object to any and all Board decisions/actions. The remote meeting format, as aforesaid, will allow the Borough's Planning Board to conduct business, without violating any Executive Orders, without violating any COVID-19 Health and Safety Protocol, and while still complying with the spirit and intent of Prevailing Provisions of New Jersey Law. (Please note that the public access to the Municipal Building is not currently permitted).

Members of the public are welcome to, and encouraged to, participate by observing/participating in the remote meeting. The meeting will be held via Zoom. You can access the meeting through the Zoom App via a smartphone or tablet, via a special link on your computer, or by telephone. Note the information printed above.

PUBLIC MEETING

Salute to the Flag

Roll Call

Sunshine Law Announcement

OLD/NEW BUSINESS

1. Approval of Vouchers
2. Regular Meeting Minutes - October 5, 2021
3. Regular Meeting Minutes - March 1, 2022
4. Regular Meeting Minutes - April 5, 2022

APPLICATION

5. #02-2022 - Manasquan Elks #2534, 17 Stockton Lake Blvd. - Block 93 Lot 1.01 (carried from 3/1/2022)
6. #05-2022 Belmonte, Gerald & Eileen - 289 East Main Street 0 Block 117 Lot 15
7. #06-2022 Dean, Thomas & Suzanne - 400 First Avenue/401 Beachfront - Block 187 Lot 11

OTHER BUSINESS

Comments from individual board members

8. Cancel May 17, 2022 Special Meeting
9. Ordinance 2370-22 Repealing and Amending Chapter 29 Designating Floodplain Administration

ADJOURNMENT

February 8, 2022

Mary Salerno, Secretary
Manasquan Borough Planning Board
201 East Main Street
Manasquan, NJ 08736



Re: Boro File No. MSPB-R1820
Amended Site Plan – Manasquan Elks
Block 93, Lot 1.01
17 Stockton Lake Boulevard
R-2 - Residential Zone
Borough of Manasquan, Monmouth County, NJ

Dear Ms. Salerno:

As per your request, I have reviewed the above-referenced application in accordance with the provisions of the Borough Land Development Ordinance. The documents reviewed in conjunction with this application include:

1. Plan of Survey prepared by Charles O'Malley, PLS, dated August 9, 2010, which has been highlighted to show the proposed improvements.

The property is located in the R-2 - Residential Zone with frontage on Stockton Lake Boulevard. With this application, the applicant proposes seasonal outdoor seating under a temporary 60'x40' tent in general conformance with what was allowed during Covid restrictions. The application is deemed complete as of February 8, 2022.

The following are our comments and recommendations regarding this application:

Zoning

1. The property is located in the R-2 – Residential Zone. The existing Elks Lodge is an existing non-conforming use in the zone and the proposed improvements constitute an expansion of the existing non-conforming use.
2. The following non-conformities exist on Lot 1.01 and are not proposed to be modified as part of this application:
 - a. A maximum lot coverage of 45% is permitted, whereas the majority of the existing lot is impervious coverage.
3. The applicant should explain the use of the proposed outdoor seating area, including hours of operation, dates of use of the seasonal canopy, and any outdoor music or PA systems.




Re: Boro File No. MSPB-R1820
Amend. Site Plan – Manasquan Elks
Block 93, Lot 1.01

February 8, 2022
Sheet 2

4. The seating capacity should be discussed as relates to parking requirements and the existing number of spaces on site. It appears that approximately ten parking spaces will be eliminated when the canopy is in use. The circulation around the canopy should also be explained as there are a number of parking spaces beyond the canopy that will have limited access.
5. Any new outdoor lighting for the area should be explained.
6. Any additional proposed signage should be shown on the plans.
7. A drainage recharge system in accordance with the Borough's stormwater ordinance is not required as the proposed improvements do not increase the building footprint or impervious coverage by more than 500 square feet.
8. Grades have not been shown to demonstrate handicap accessibility however if no grading changes are proposed the existing grades appear sufficient to meet code requirements.
9. No trees are to be removed as part of the application and no new utility connections are proposed.

Should you have any questions or desire any additional information, please do not hesitate to contact me.

Very truly yours,



ALBERT D. YODAKIS, P.E., P.P.
PLANNING BOARD ENGINEER
BOROUGH OF MANASQUAN

ADY:jj

cc: George McGill, esq., Planning Board Attorney
Manasquan Elks #2534
PO Box 256, Manasquan, NJ 08736

BOROUGH HALL
201 EAST MAIN STREET

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DIROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official

APPLICATION TO THE PLANNING BOARD

*Applicant's Name: Manasquan Elks # 2534

*Applicant's Address: PO Box 256 Manasquan, NJ 08736

*Telephone Number: Home: 732-223-2534 Cell: 732-996-2297

*e-mail Address: squansecretary@gmail.com

*Property Location: 17 Stockton Lake Blvd. Manasquan, NJ 08736

*Block: 93 Lot: 1.01

*Type of Application: Amended Site Plan Approval

Bulk Variance, Non-Permitted Use- Conditional Use- Subdivision- Minor Subdivision- Major-Site Plan Approval

*Date of Zoning Officer's Denial Letter: October 5th 2021

Attach Zoning Permit Application

*Plot Plan (Survey) not older than five (5) years, clearly indicating all buildings and setbacks.

*Is the Applicant the Landowner? Yes

*Does the Applicant own any adjoining land? No

*Are the property taxes paid to date? Yes

*Have there been any previous applications to the Planning Board concerning this property? No
(Attach copy)

**Are there any Deed Restrictions, Easements, or Covenants affecting this property? No

(Attach copy)

*The applicant agrees to be responsible for and pay for the costs entailed in the review of this application by any experts retained by the Planning Board for advice in this matter.

John R. Colvin Board Chairperson


Signature of Applicant or Agent

January 25th 2022
Date

06/2021



MANASQUAN ELKS LODGE #2534 BPOE

**PO Box 256 17 Stockton Lake Blvd
Manasquan, NJ 08736-3015**

**SUBJECT: Manasquan Planning Board Approval/ Expansion of January 25, 2022
Premises License # 1327-31-012-001 Block : 93 Lot 1.01 Zone: R-2**

Planning Board Members,

Please find this description of our proposed outside seating area for your consideration.

Outside seating area is 40'x60' and is 2,400 sq. ft. It is to be established in an open area of our southern parking lot. The area will have a temporary 20'x40' tent covering a portion of the seating area. Tables and chairs to be set up under the tent and in the open area. No permanent construction will take place. This area is exactly the same as our Zoning Board approved Covid19 seating area and is shown on the Google Maps Arial plan and on the amended site plan.

Parking

The entire lot is 59,575 sq. ft. The building is 5,650 sq. ft. The proposed outside seating area is 2,400 sq. ft. 51,525 remains as asphalt parking and roadway. 25% of the property area is requested for parking. 25% would be equal to 12,881 sq. ft. There will be 102 parking spaces 10x20 for 20,400 sq. ft. or 39.6% of the asphalt lot. 6 of these spaces are handicapped.

The temporary tent will be set up on or after April 1st each year and removed on or before November 30th yearly. Thank you for your attention to this matter. If you have any questions please feel free to contact me at 732-996-2297 or j-mcolvin@comcast.net.

Thank you,
John Colvin

Board Chairperson
Manasquan Elks #2534

BOROUGH HALL
201 EAST MAIN STREET

EDWARD G. DONOVAN
Mayor

THOMAS F. FLARITY
Municipal Administrator

Incorporated December 30, 1887

CONSTRUCTION DEPARTMENT

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

732-223-0544
Fax 732-223-1300

FRANK F. DiROMA
Supervisor of Code Enforcement

STEVEN J. WINTERS
Construction Official

Item 5.

October 5, 2021

Manasquan Elks #2534
17 Stockton Lake Blvd.
Manasquan, NJ 08736

Re: Block: 93 Lot: 1.01 Zone: R-2

Dear Sir or Madam:

On this date we reviewed your application for the following project.

Convert approximately 2,600s.f. of the existing parking area into an outside dining area under two tents. (40' x 60' = 2,400s.f.) -- (10' x 20' = 200s.f.).

Survey/site plan prepared by Charles O'Malley on July 14, 2010. Parking plan and calculations prepared by the applicant and dated October 5, 2021. Conceptual dining area plan prepared by the applicant and dated October 5, 2021.

Application denied for the following reason(s):

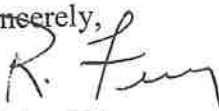
Section 35-18.3 – Requires Planning Board approval for the proposed project.

Section 35-5.3 – R-2 Zone – Permitted use – Only one single family dwelling permitted.
Lodges and fraternal organizations are a conditional use in this zone.

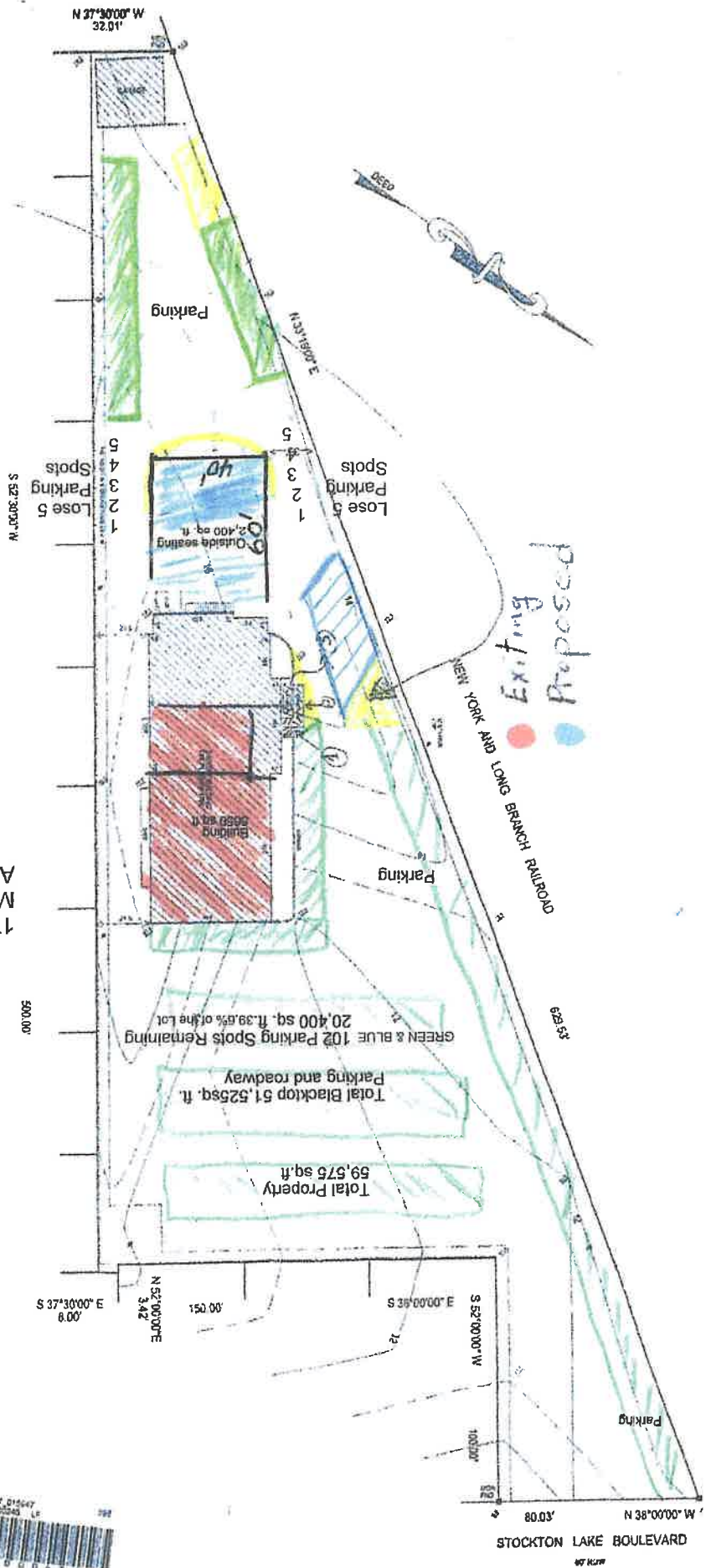
This project will also require approval from the Mayor and Council regarding the expansion of the liquor license.

If you have any questions, please call me at 732-223-0544, ext. 256

Sincerely,



Richard Furey
Zoning/Code Enforcement Officer



NOTES: 1. IMPROVE PROPOSED EXISTING STATE-WAY THAT PARALLEL FROM WESTERN PARKING. 2. IMPROVE PROPOSED EXISTING STATE-WAY THAT PARALLEL FROM WESTERN PARKING. 3. IMPROVE PROPOSED EXISTING STATE-WAY THAT PARALLEL FROM WESTERN PARKING. 4. IMPROVE PROPOSED EXISTING STATE-WAY THAT PARALLEL FROM WESTERN PARKING. 5. IMPROVE PROPOSED EXISTING STATE-WAY THAT PARALLEL FROM WESTERN PARKING.

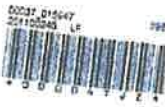
17 Stockton Lake Blvd.
Manasquan Elks #2534
Aerial with Outside Seating

AL ELEVATION ROAD 1000

CHARLES O'MALLEY, P.L.S.
Professional Engineer
New Jersey License No. 1871
908 Riverway Drive
Bridgeton, New Jersey 08302
(732) 228-1111

PLAN OF SURVEY
LOT 1B1, BLOCK 83
BOROUGH OF MANASQUAN
MONMOUTH COUNTY
NEW JERSEY

DATE: 11/10/10
SCALE: 1" = 100.00'





MANASQUAN ELKS LODGE #2534 BPOE

**PO Box 256 17 Stockton Lake Blvd
Manasquan, NJ 08736-3015**

**SUBJECT: Boro File No. MSBP-R-1820 Amended Site Plan- February 15, 2022
Manasquan Elks Block 93, Lot 1.01 17 Stockton Lake Boulevard
R-2 Residential Zone Borough of Manasquan, Monmouth County, NJ
Response to Boro Engineering Letter dated February 8, 2022**

Dear Mr. Yodakis,

Note: Paragraph two of the letter states that the “applicant proposes a seasonal outdoor seating area under a 60’ by 40’ Tent” Our application is for an “Outside seating area is 40’x60’ and is 2,400 sq. ft. It is to be established in an open area of our southern parking lot. The area will have a temporary 20’x40’ tent” The entire area will not be covered by the tent.

Zoning

- 1. Outdoor Seating Area is for expanded use.**
- 2.a. Existing Lot coverage will not be modified.**
- 3. The outdoor seating area is and will be used by our membership and guests for general food and beverage usage to include lunches and dinners as well as an occasional small gathering or party and enhance our capabilities to perform our charity work. Hours of operation are set by the Borough of Manasquan. The Covid 19 dates of operation are established as April 1st to November 30th. Hours of operation are Sunday through Thursday Opening 10:00am Closing at 10:00 PM. Friday and Saturday till 11:00 pm. Any outdoor music would end at 9:00pm 7 days per week. The seasonal 20’x40’ canopy/tent will go up on or after April 1st and come down on or before November 30th. There is no permanent construction. The operations of the outdoor seating area will remain the same as they have been. Members wishing to**

utilize the outside area would purchase beverages inside and order meals inside the Tap Room. Members would bring their beverages outside, food would be delivered to them by kitchen staff. On occasion for dinners, a waiter station may be set up outside and the waiter would order the food and beverage outside and then deliver to the members.

During Covid when there was no indoor dining, this area was our only area of food and beverage operations, and therefore we operated outside during all available hours of operations. Once indoor dining resumed in 2021, our usage of the outdoor area became limited to ideal conditions and only a few patrons for lunches and dinners. We held 2 events outside in 2021, one Repast outside for 50 people and a Cigar Night for 50 people. 3 times the Manasquan Garden Club used the outside area to make crafts and have a lunch.

If granted and if another Pandemic situation should arise where indoor dining was to be suspended, we would be able to resume operations outside without needing to apply for an additional situational license.

4. The area had 100 seats maximum during full Covid operations. As discussed in #3 above the expected usage is to be much less on a daily basis, more like 15 to a max of 35 patrons daily as our inside Tap Room and Hall are open. The area will be set up for a seating of 50, 25 under the tent and 25 outside of the tent.

The Lodge is never at capacity. The outside area will not increase capacity as patrons dining outside would normally be inside. During our major events we have never maxed out our parking lot where people are parking on the street. There will be 102 parking spaces on the property after the 10 spaces are eliminated. The entire lot is 59,575 sq. ft. The building is 5,650 sq. ft. The proposed outside seating area is 2,400 sq. ft. 51,525 remains as asphalt parking and roadway.

25% of the property area is requested for parking. 25% would be equal to 12,881 sq. ft. There will be 102 parking spaces 10x20 for 20,400 sq. ft. or 39.6% of the asphalt lot. 6 of these spaces are handicapped. Eliminating the 10 spaces will allow for uninterrupted vehicular circulation behind and around the building and outside area. (see attached arial map). There are 17 parking spots "beyond" (east) of the seating area. These spots will be easily accessible as the 5 eliminated parking spots to the west of the seating area allow for uninterrupted access to these parking spots.

5. Temporary lighting will be used under the tent if needed during evening hours.

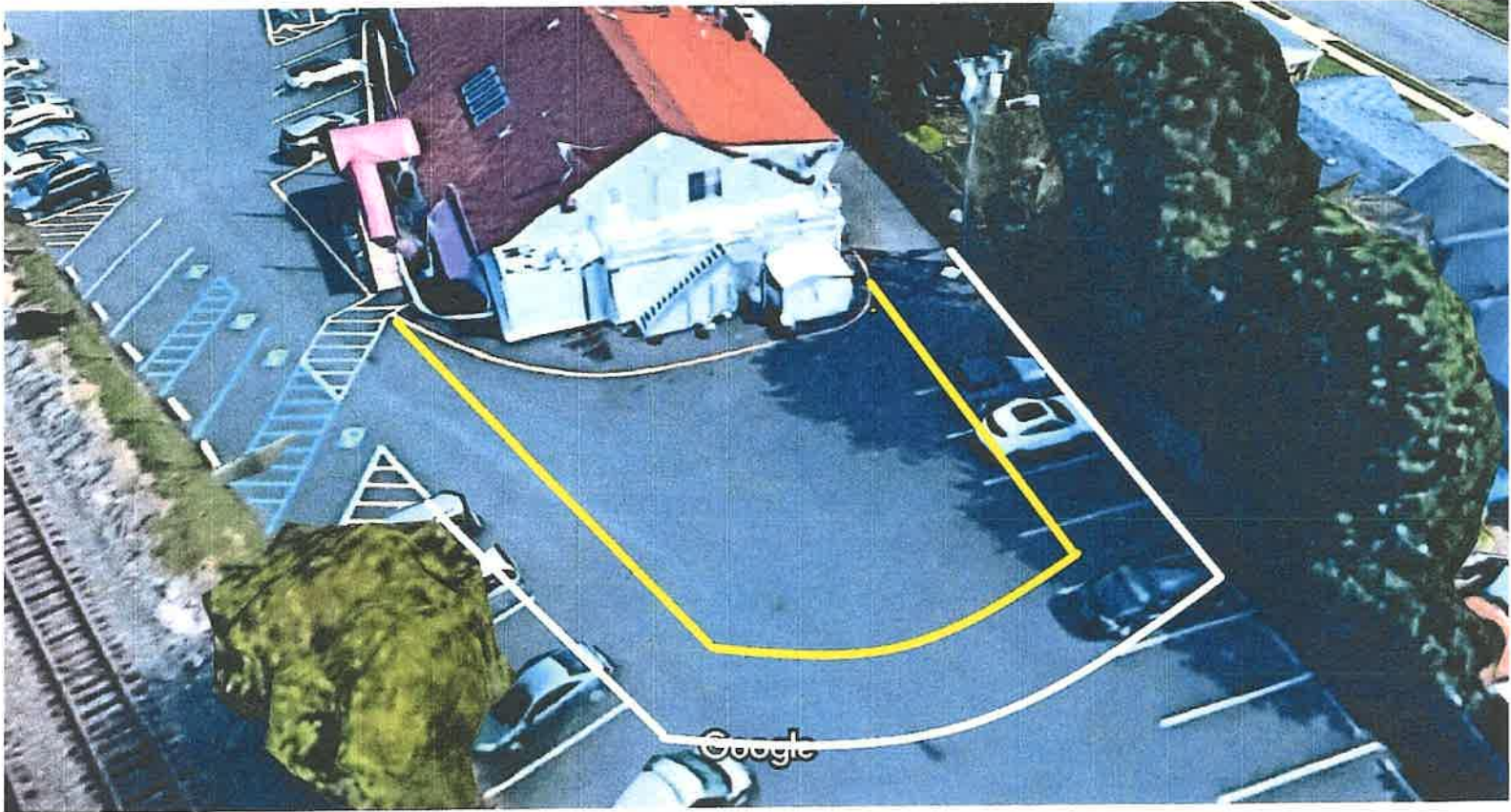
6. There is no additional proposed signage for the area unless another Pandemic situation should arise. In that case all required Pandemic signage will be posted at entrances and throughout the area as required.

- 7. Outdoor seating area will be on the blacktop, there is no construction and runoff has and will be unaffected and will remain as is.**
- 8. Handicap accessibility has been and will be unaffected as the Outdoor Seating Area will be on the blacktop level with the existing parking areas.**
- 9. Yes, no trees are to be removed and no new utility connections are proposed.**

John Colvin

Board Chair, Manasquan Elks #2534

Google Maps



Imagery ©2020 Google, Map data ©2020, Map data ©2020 10 ft





March 22, 2022

Mary Salerno, Secretary
Manasquan Borough Planning Board
201 East Main Street
Manasquan, NJ 08736

Re: Boro File No. MSPB-R1840
Variance – Belmonte
Block 117, Lot 15
289 East Main Street
R-1 Single-Family Residential Zone
Borough of Manasquan, Monmouth County, NJ

Dear Ms. Salerno:

As per your request, I have reviewed the above-referenced application in accordance with the provisions of the Borough Land Development Ordinance. The documents reviewed in conjunction with this application include:

1. Pool Plot Plan prepared by Robert Burdick, PE, PP, of R.C. Burdick, P.E., P.P., P.C., dated December 21, 2021, last revised January 28, 2022.
2. Concrete Pool Plan and Profile prepared by Robert Burdick, PE, PP, of R.C. Burdick, P.E., P.P., P.C., dated December 21, 2021.
3. Garage Architectural Plans prepared by Brian Collis, RA, of Brian Collis Architecture, dated February 2, 2022.
4. Boundary Survey prepared by Justin Hedges, PLS, of InSite Surveying, dated August 19, 2021.

The property is located in the R-1 Residential Zone with frontage on East Main Street. With this application, the applicant proposes to construct a new in-ground pool and garage in the rear yard, fencing, and associated site improvements. The application is deemed complete on March 22, 2022.

The following are our comments and recommendations regarding this application:

1. The property is located in the R-1 Residential Zone, where the existing and proposed residential use is permitted.
2. The following variances are required as part of this application:
 - a. A maximum building coverage of 25% permitted, whereas a building coverage of 30.8% is proposed (35.5% exists).


Re: Boro File No. MSPB-R1840
Variance – Belmonte
Block 117, Lot 15

March 22, 2022
Sheet 2

- b. A maximum lot coverage of 35% permitted, whereas a lot coverage of 54.5% is proposed (54.5% exists).
 - c. A maximum accessory building height of 15 feet is permitted, whereas a height of 16 feet is proposed.
3. The following non-conformities exist and will not be modified as part of this application:
 - a. A minimum driveway side yard setback of 1 foot is required, whereas a setback of less than 1 foot exists.
4. The applicant's engineer has provided soil boring information and test pit locations which demonstrate that the minimum 1 foot separation from the seasonal high water table is provided. The proposed bottom of the 5 feet deep pool is at elevation 93.1 where the seasonal high water table is at elevation 90.6.
5. The pool mechanical equipment will be located within the proposed garage.
6. The proposed grading of the lot does not appear that it will alter the existing drainage patterns in the area.
7. The plan indicates that pool compliant safety fencing will be provided around the entire rear yard area.
8. It does not appear that any existing trees on the property will be removed as part of the application.
9. Any curb and sidewalk must be replaced along East Main Street as necessary.

Should you have any questions or desire any additional information, please do not hesitate to contact me.

Very truly yours,


ALBERT D. YODAKIS, P.E., P.P.
PLANNING BOARD ENGINEER
BOROUGH OF MANASQUAN

ADY:jy

cc: George McGill, esq., Planning Board Attorney
Robert Burdick, PE, PP
R.C. Burdick, PE PP, PC, 1023 Ocean Road, Point Pleasant, NJ 08742
Gerald Belmonte
79 Rhoda Drive, Nutley, NJ 07110

BOROUGH HALL
201 EAST MAIN STREET

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DIROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official

APPLICATION TO THE PLANNING BOARD

*Applicant's Name: Gerald Belmonte Jr. & Eileen Belmonte

*Applicant's Address: 79 Rhoda Drive, Nutley, NJ 07110

*Telephone Number: Home: 973.851.1947 Cell: _____

*e-mail Address: mrbell1@optonline.net

*Property Location: 289 East Main Street

*Block: 117 Lot: 15

*Type of Application: Bulk Variance
Bulk Variance, Non-Permitted Use- Conditional Use- Subdivision- Minor Subdivision- Major-Site Plan Approval

*Date of Zoning Officer's Denial Letter: 09/30/2021
Attach Zoning Permit Application

*Plot Plan (Survey) not older than five (5) years, clearly indicating all buildings and setbacks.

*Is the Applicant the Landowner? Yes

*Does the Applicant own any adjoining land? No

*Are the property taxes paid to date? Yes

*Have there been any previous applications to the Planning Board concerning this property? No
(Attach copy)

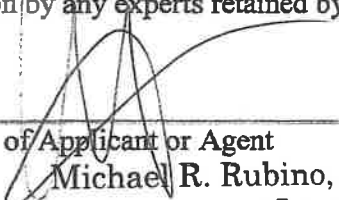
**Are there any Deed Restrictions, Easements, or Covenants affecting this property? No
(Attach copy)

*The applicant agrees to be responsible for and pay for the costs entailed in the review of this application by any experts retained by the Planning Board for advice in this matter.

Signature of Applicant or Agent

2-28-2022
Date

06/2021


Michael R. Rubino, Jr.
Attorney at Law
of New Jersey


NOTICE TO APPLICANT FOR PLANNING BOARD HEARING

Members of the Manasquan Planning Board will individually conduct a Site visit of your property prior to the public hearing. This is necessary so they fully understand the case.

Your property will be visited during day light hours and the members will carry identification.

Please sign this notice and return it to our office along with your application.

Thank you in advance for your consent in this matter.

 Applicant
289 East Main Street, Manasquan, NJ 08736 Address
February 28, 2022 Date

APPLICATION TO THE PLANNING BOARD

SECTION I

Property Location: 289 East Main Street

Applicant: Gerald Belmonte Jr. & Eileen Belmonte
(If a Corporation, attach list of principals)

Address: 79 Rhoda Drive, Nutley, NJ 07110

Telephone 973.851.1947 **Cell** _____ **Fax** _____

Section II – Type of Application (Please check)

Variance **Non-Permitted Use** **Conditional Use**

Subdivision – Minor **Subdivision – Major**

Site Plan Approval

Section III – Appeal of Zoning Officer’s Decision

Date of Denial: 9.30.2021

Zoning Permit Application Attached.

Section IV

Plot plan (Survey) – not older than five (5) years, clearly indicating all buildings and setbacks.

Section V – Miscellaneous

- 1. Is the Applicant the Landowner? Yes
(Attached authorization)
- 2. Does the Applicant own any adjoining land? No
- 3. Are the property taxes paid to date? Yes
- 4. Have there been any previous applications to the Planning Board or the Board of Adjustment concerning this property? No
(Attach copies)
- 5. Is there any deed restrictions, easements or covenants affecting the property?
No (Attach copies)

The applicant agrees to be responsible for and pay the costs entailed in the review of this application by any experts retained by the Planning Board for advice in this matter, if necessary.

 Date: 2.25.2022
(Signature of Applicant or Agent)

PLANNING BOARD USE ONLY

Submitted: _____

Fees Paid: _____

Hearing Date: _____

Preliminary Approval: _____

Final Approval: _____

Denied: _____

Conditions of Approval: _____

ADDENDUM

The applicant/owner would like to remove the existing detached garage and construct a new 13 feet by 26 feet detached garage in the rear yard. The existing garage is approximately 23 feet by 27 feet. The applicant will be reducing the size of the garage, therefore reducing building and impervious coverage. The applicants have lived here during the summers since 2010. There is no living quarters or kitchen in the existing garage, nor will there be in the new garage. The new garage will have a loft which is needed for extra storage space as the principal building does not have a basement. They would also like to install an in-ground swimming pool along with associated site improvements.

The applicant will require the following variances:

1. Accessory Use (Garage) Height - 16 feet proposed whereas 15 feet is required;
2. Building Coverage - 31.2% proposed (35% existing), whereas 25% is permitted;
3. Impervious Coverage - 54.3% proposed (62.9% existing), whereas 35% is permitted.

The applicant believes that by reason on an extraordinary and exceptional situation that uniquely affected the subject property and the structure which exists lawfully thereon the strict application of the aforementioned regulations would result in peculiar and exceptional practical difficulties to, or exception and undue hardship upon the applicant.

The applicant will demonstrate that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Borough would be advanced by a deviation from the zoning ordinance requirements at issue, and further that the benefits of any such deviation would substantially outweigh any detriment resulting from a grant of the application.

The applicant believes that the relief can be granted without substantial detriment to the public good and that the relief will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinances of the Borough. The negative criteria will be satisfied as the applicant finds no detriment as a result of the granting of the application. The applicant also believes that there will be no adverse impact as a result of the granting of the application.

Lauren Wright

From: Michael R. Rubino, Jr. <mrubino@psr215.com> on behalf of Michael R. Rubino, Jr.
Sent: Tuesday, March 01, 2022 10:27 AM
To: Lauren Wright
Subject: Dan Meyers is going to call . I told charlie that he can handle .. Get \$1500 for him , \$350 for you .

BOROUGH HALL
201 EAST MAIN STREET

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official

September 30, 2021

Gerard Belmonte
289 East Main Street
Manasquan, NJ 08736

Re: Block: 117 Lot: 15 Zone: R-1

Dear Sir:

On this date we reviewed your application for the following project.

Remove the existing detached garage and construct a new 13' x 26' detached garage in the rear yard.

Survey prepared by Justin Hedges on August 19 2021. Building plans prepared by Brian Collis on March 19, 2021.

Application denied for the following reason(s):

Section 35-5.2b3 – Accessory Use (Garage) – Building Height – 15ft. Permitted
16ft. Proposed

Section 35-9.4 – Building Coverage – 25% Permitted
35% Existing
31.2% Proposed

“ - Lot Coverage – 35% Permitted
62.9% Existing
54.3% Proposed

Section 35-7.7c – Requires that the outer edge of the driveway must be setback a minimum of 1ft. from the side property line.

If you have any questions, please call me at 732-223-0544, ext. 256

Sincerely,

A handwritten signature in black ink, appearing to read "R. Furey". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke.

Richard Furey
Zoning/Code Enforcement Officer

BOROUGH HALL
201 EAST MAIN STREET

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official

April 6, 2022

Gerard Belmonte
289 East Main Street
Manasquan, NJ 08736

Re: Block: 117 Lot: 15 Zone: R-1

Dear Sir:

On this date we reviewed your revised application for the following project.

Remove the existing detached garage and construct a new detached garage and inground pool in the rear yard.

Survey prepared by Justin Hedges on August 19, 2021. Revised plot plan and soil boring prepared by Robert Burdick on January 28, 2022. Revised building plans prepared by Brian Collis on February 2, 2022. Pool plans prepared by Robert Burdick on December 21, 2021.

Application denied for the following reason(s):

Section 35-9.4 - Building Coverage – 25% Permitted
35.5% Existing
30.8% Proposed

“ - Lot Coverage – 35% Permitted
54.5% Proposed

Section 35-5.2b3 – Accessory Use (Garage) – Building Height – 15ft. Permitted
16ft. Proposed

Section 35-7.7c – Requires that the outer edge of the driveway must be setback a minimum of 1ft. from the side property line.

If you have any questions, please call me at 732-223-0544, ext. 256

Sincerely,

A handwritten signature in black ink, appearing to read "R. Furey". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Richard Furey

Zoning/Code Enforcement Officer

BOROUGH HALL
201 EAST MAIN STREET

EDWARD G. DONOVAN
Mayor

THOMAS F. FLARITY
Municipal Administrator

Incorporated December 30, 1887

CONSTRUCTION DEPARTMENT

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

732-223-0544
Fax 732-223-1300

FRANK F. DiROMA
Supervisor of Code Enforcement

STEVEN J. WINTERS
Construction Official

September 30, 2021

Gerard Belmonte
289 East Main Street
Manasquan, NJ 08736

Re: Block: 117 Lot: 15 Zone: R-1

Dear Sir:

On this date we reviewed your application for the following project.

Remove the existing detached garage and construct a new 13' x 26' detached garage in the rear yard.

Survey prepared by Justin Hedges on August 19 2021. Building plans prepared by Brian Collis on March 19, 2021.

Application denied for the following reason(s):

Section 35-5.2b3 – Accessory Use (Garage) – Building Height – 15ft. Permitted
16ft. Proposed

Section 35-9.4 – Building Coverage – 25% Permitted
35% Existing
31.2% Proposed

“ - Lot Coverage – 35% Permitted
62.9% Existing
54.3% Proposed

Section 35-7.7c – Requires that the outer edge of the driveway must be setback a minimum of 1ft. from the side property line.

If you have any questions, please call me at 732-223-0544, ext. 256

Sincerely,



Richard Furey
Zoning/Code Enforcement Officer

Property Owner: Jerry Belmonte
289 East Main Street
Manasquan, N.J.

1) Pool plot plan based on "Boundary Survey of Block 117, Lot 15, 289 Main Street East, Borough of Manasquan, Monmouth County, New Jersey", prepared by In Site Surveying and signed by Justin J. Hedges, NJPLS No. 43362 and dated 8/19/2021. Topography provided by RC Burdick PE PP PC performed by Stanley Hans, Jr., NJPLS No. 29182 performed on 11/11/2021.

2) Contractor to verify location of all utilities prior to start of construction. Utilities shown are per visual observation of physical features and/or markouts and their location is approximate. The undersigned professional are not responsible for the presence of underground utilities or structures if they are not visible or otherwise disclosed by any of the above data. Pool contractor shall utilize the services of CALL DIG (1-800-272-1000) to accurately locate utilities.

3) Pool to be secured by min. 4' fence with self latching and closing gates by property owner. Fence and all other construction shall comply with the International Building Code and the International Residential Code, New Jersey Edition, including ANSI/NSPI-5 Standards for Residential In Ground Swimming Pools, current editions. Where adjacent fences are used to secure the pool, the applicant shall take full responsibility for repair or replacement should they be damaged or removed and shall seek a variation for the fences where required.

4) All electrical equipment must be located at least 10' from the swimming pool.

5) The contractor shall protect all existing structures from damage and/or failure by acceptable methods as may be required per OSHA and other regulatory agencies. The Design Engineer accepts no responsibility for the safety or adequacy of the existing structures.

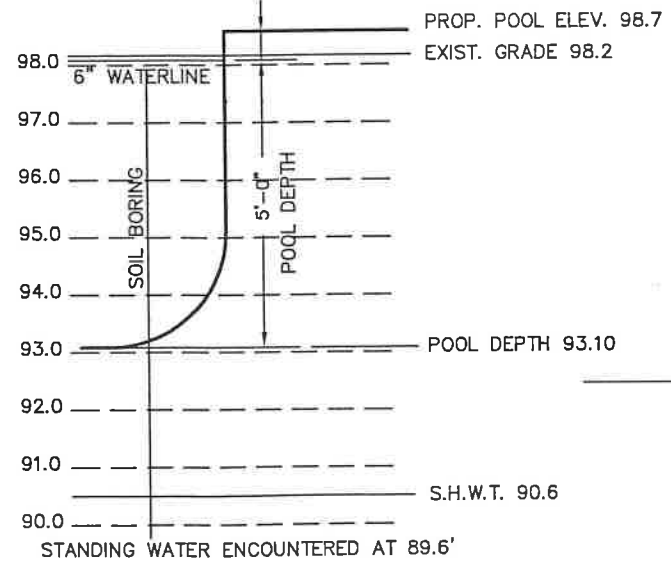
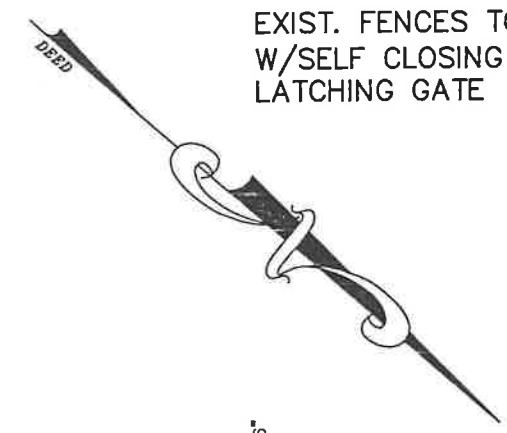
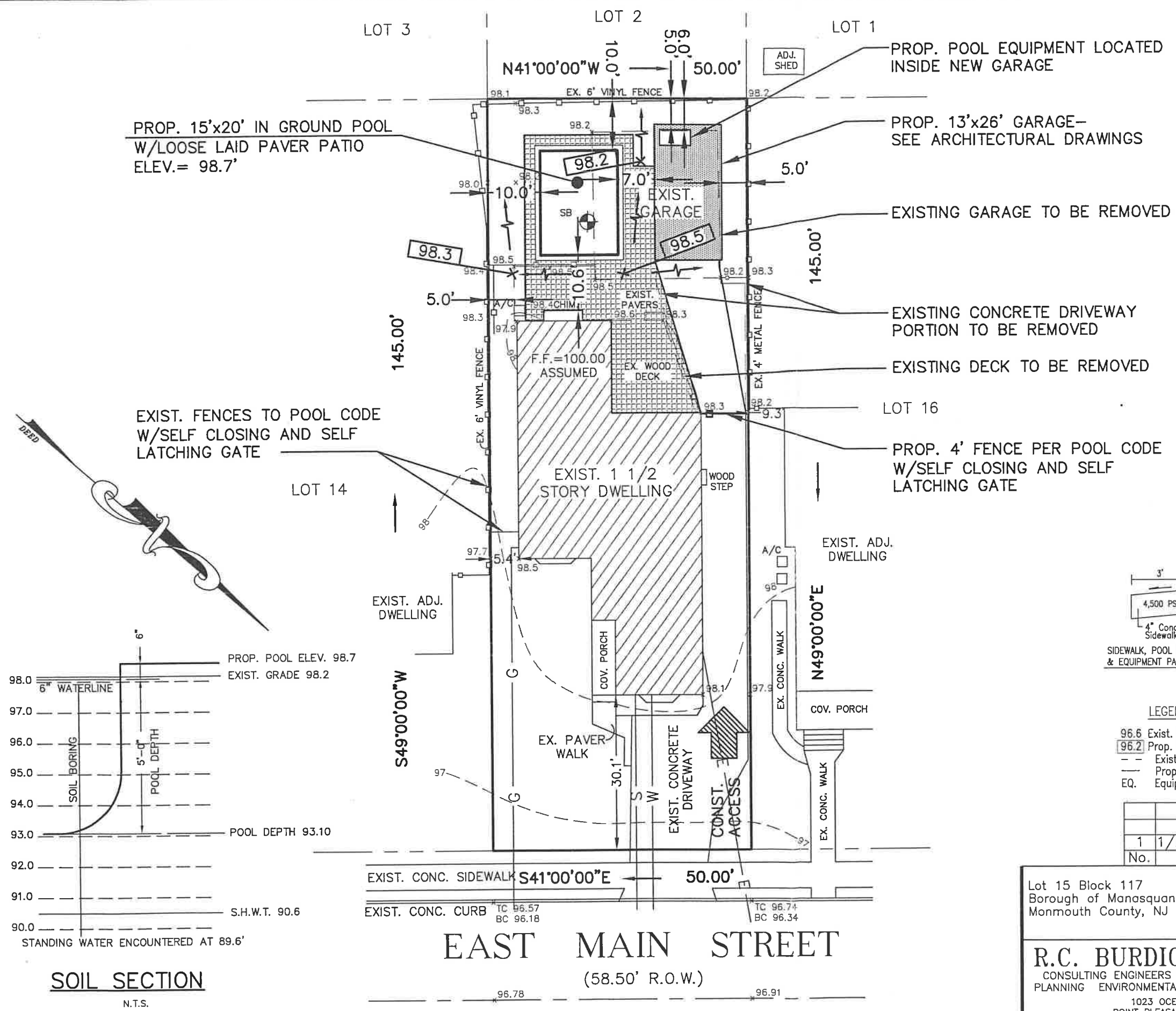
6) The Design Engineer assumes no responsibility for pool construction in easements or required setbacks areas not shown on the survey provided to the Design Engineer. The pool contractor and property owner shall verify the pool layout and all dimensions prior to construction.

7) Property owner responsible for all environmental permits. The determination of the presence or absence of wetlands, stream encroachment lines, buffer lines or easements not shown on the survey supplied by the Property Owner was outside of the scope of this project.

8) By use of this Plan for the purpose of obtaining a Permit to construct, the Property Owner and Pool Company agree to the proposed pool location, concrete, operating equipment and grading associated with the proposed swimming pool.

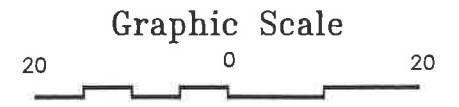
9) Minimum 1%, Max. 3:1 grading provided in area that is to be disturbed by pool construction. Concrete areas to be minimum 0.5% grade.

10) Pool filter discharge to be by flexible hose to roadway or filter to be cartridge filter with no discharge.



LEGEND

96.6	Exist. El. (ft.)
96.2	Prop. El. (ft.)
- - -	Exist. Contour
- - -	Prop. Contour
EQ.	Equipment

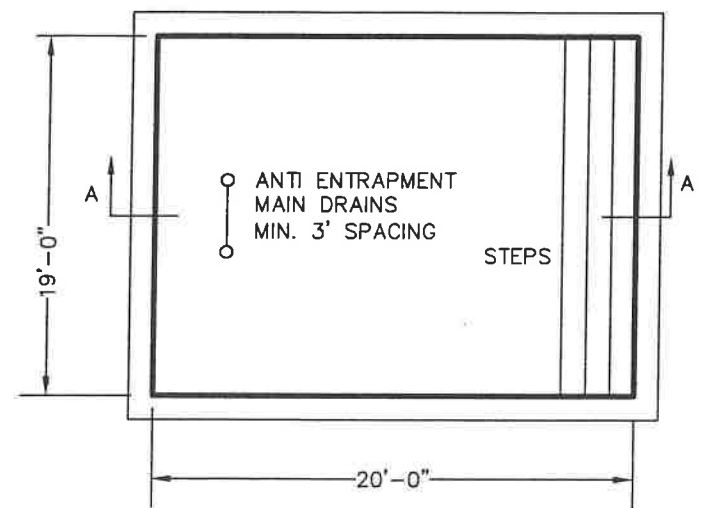


No.	Date	Description	By
1	1/28/2022	RVSD POOL+ GARAGE LOCATION PER OWNER	RCB

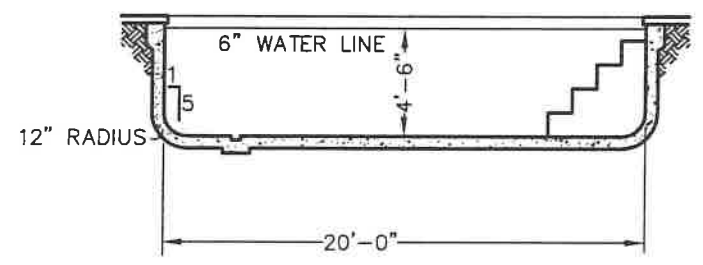
Lot 15 Block 117 Borough of Manasquan Monmouth County, NJ	Pool Plot Plan 289 East Main Street	DATE: 12/21/2021
		SCALE: 1' = 20'
R.C. BURDICK, P.E., P.P., P.C. CONSULTING ENGINEERS SURVEYORS PLANNING ENVIRONMENTAL PERMITTING 1023 OCEAN ROAD POINT PLEASANT, NJ 08742 (732)892-5050 FAX (732)892-5888	 ROBERT C. BURDICK P.A. PROFESSIONAL ENGINEER #049541-E N.J. PROFESSIONAL ENGINEER #30929 N.J. PROFESSIONAL PLANNER #04383	JOB No.: 21-7511
		SHEET 1 of 1

GENERAL NOTES:

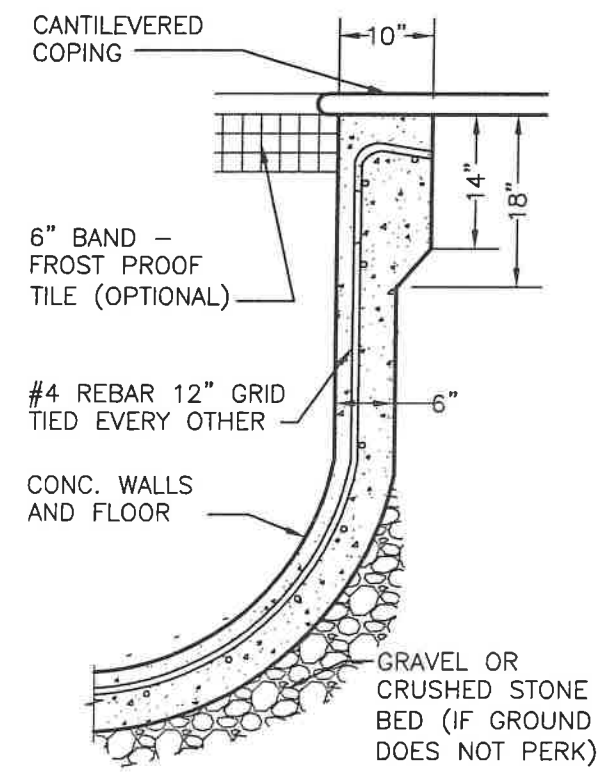
1. THIS IS A STANDARD STRUCTURAL PLAN AND HAS NOT BEEN BASED UPON A SITE INSPECTION. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO CONSTRUCTION AND ALSO VERIFY BURIED UTILITIES WITHIN SURROUNDS OF INSTALLATION AREA. WHERE QUESTIONABLE, CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
2. THIS IS A TYPE O POOL IN ACCORDANCE WITH N.S.P.I. REQUIREMENTS.
3. CONCRETE SHALL BE PNEUMATICALLY APPLIED GRADE 'B' 4000 PSI STRENGTH AT 28 DAYS AND PROPORTIONED 1 PART PORTLAND CEMENT TO 4 PARTS SAND MIXED WITH 3 GALLONS WATER PER SACK OF CEMENT.
4. REINFORCING STEEL SHALL BE PREFORMED BARS CONFORMING TO ASTM-A 184-74 OR A 615-82. LAP ALL BARS 40 DIAMETER MINIMUM.
5. A ROPE WITH FLOAT SHALL BE INSTALLED 1' PRIOR TO THE POINT OF FIRST SLOPE CHANGE TOWARD DEEP END. THE ROPE SHALL EXTEND ACROSS THE WIDTH OF THE POOL.
6. A MEANS OF EXIT / ENTRY SHALL BE PROVIDED IN THE DEEP AREA OF THE POOL IF THE WATER DEPTH IS 5 FEET OR GREATER.
7. FILTER SYSTEM TO BE SIZED IN ACCORDANCE WITH MANUFACTURES RECOMMENDATIONS. PLACEMENT OF FILTER SYSTEM INCLUDING INLET AND SKIMMER TO BE DETERMINED IN FIELD.
8. ENTRAPMENT AVOIDANCE MUST BE INSTALLED IN ACCORDANCE WITH IRC 2018 AND NSPC SECTION 723. ALL DRAINS TO HAVE ANTI VORTEX COVERS.
9. ALL STEPS AND/OR LADDERS HAVE SLIP RESISTANT TREADS AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURES INSTRUCTIONS AND VOSI V41.23E "STANDARD FOR SLIP & TRIP RESISTANT SIDEWALKS AND SWIMMING POOL DECKS."
10. NO DIVING LABELS MUST BE INSTALLED AROUND THE PERIMETER OF THE POOL.
11. POOL AREA MUST BE ENCLOSED BY A MINIMAL 4' NON-CLIMBABLE FENCE (HIGHER IF LOCAL REGULATIONS DEEM NECESSARY) WITH SELF-CLOSING AND SELF-LATCHING GATE AS PER THE 2015 INTERNATIONAL BUILDING CODE AND THE 2009 INTERNATIONAL RESIDENTIAL CODE INCLUDING ANSI/NSPI-5 STANDARDS FOR RESIDENTIAL IN-GROUND SWIMMING POOLS. FENCE AND GATE TO BE COMPLETED BY PROPERTY OWNER.
12. NO DRY WELLS ARE TO BE LOCATED WITHIN GRADING AREA.
13. ALL INTERIOR SURFACES OF POOL SHALL BE COATED WITH A WATERPROOF WHITE SILICA PLASTER.
14. THIS DESIGN IS FOR STRUCTURAL INTEGRITY AND COMPLIANCE OF ACI STANDARDS. THE ENGINEER ACCEPTS NO LIABILITY FOR PERSONAL INJURY FOUND TO BE THE RESULT OF POOR DESIGN OR NON-COMPLIANCE TO INDUSTRY RECOMMENDED PRACTICES.
15. LOCATION OF FILTER AND/OR WATERFALL TO BE DETERMINED IN FIELD.
16. ALL DIMENSIONS ARE APPROXIMATE. EXACT SIZE OF POOL TO BE DETERMINED IN FIELD. THE SLOPE OF THE POOL FLOOR SHALL BE DETERMINED BY THE DEPTH. STEP AND BENCH PLACEMENT SHALL ALSO BE DETERMINED IN THE FIELD.
17. MIRROR IMAGES OF THE POOL DESIGN MAY BE USED. THE SHAPE OF THE WALL MAY BE MODIFIED IN THE FIELD. CEMENT BLOCKS OR BRICKS MAY BE USED IN LIEU OF STEEL CHAIRS FOR BLOCKING.
18. THE POOL COPING SATISFIES THE HANDHOLD REQUIREMENTS PER 2018 ISPC SEC 323.1.
19. THIS POOL AND/OR SPA WILL CONFORM TO THE 2018 ISPC REQUIREMENTS. THE FOLLOWING CODES ARE TO BE MET WHERE REQUIRED:
 2018 INTERNATIONAL SWIMMING POOL & SPA CODE
 2018 INTERNATIONAL FUEL GAS CODE
 2018 INTERNATIONAL MECHANICAL CODE
 2018 INTERNATIONAL BUILDING CODE NEW JERSEY EDITION
 2018 INTERNATIONAL RESIDENTIAL CODE NEW JERSEY EDITION
 2018 NATIONAL ELECTRICAL CODE
 2018 NATIONAL STANDARD PLUMBING CODE
 ICC/ANSI A117 BARRIER FREE SUBCODE



PLAN VIEW



PROFILE & SECTION A-A



TYPICAL WALL CROSS SECTION
NTS

HOMEOWNER ADDRESS:
 JERRY BELMONTE
 289 EAST MAIN STREET
 MANASQUAN, NJ

USE OF DIVING EQUIPMENT IS PROHIBITED

15'x20' CONCRETE POOL

AQUATEK POOLS 81 LORRAINE PLACE BRICK, NJ 08724		DATE: 12/21/2021
R.C. BURDICK, P.E., P.P., P.C. CONSULTING ENGINEERS SURVEYORS PLANNING • ENVIRONMENTAL PERMITTING		SCALE: N.T.S.
1023 OCEAN ROAD POINT PLEASANT, NJ 08742 (732)892-5050 FAX (732)892-5888		JOB No.: 21-7511
ROBERT C. BURDICK N.J. PROFESSIONAL ENGINEER #30929 N.J. PROFESSIONAL PLANNER #04383		SHEET 1 OF 1

NO.	DATE	DESCRIPTION	RCB

GENERAL CONSTRUCTION NOTES:

1. THE CONSTRUCTION SHALL BE IN STRICT CONFORMANCE WITH ALL LOCAL, STATE AND FEDERAL CODES, ORDINANCES AND REGULATIONS HAVING JURISDICTION AND THE APPROPRIATE INTERNATIONAL BUILDING CODE OR INTERNATIONAL RESIDENTIAL CODE WHICH SHALL TAKE PRECEDENCE OVER THESE DRAWINGS.

3. CONCRETE
3.1 FOOTINGS SHALL BE PLACED A MINIMUM OF 3'-0" BELOW FINISHED GRADE, AND IN ALL INSTANCES ON SOIL CAPABLE OF SUPPORTING 3,000 PSF (VIRGIN SOIL OR 15% COMPACTED FILL).

4. MASONRY
4.1 ALL MASONRY WORK SHALL CONFORM TO ANI A411 LATEST EDITION.
4.2 MASON SHALL STEP TOP OF PIERS AND FOUNDATION WALL TO ACCOMMODATE FLOOR AND STRUCTURAL ELEVATION CHANGES (SEE ELEVATIONS FOR HEIGHTS AND ADDITIONAL INFORMATION).

5. METALS
5.1 METALS EXPOSED TO THE WEATHER TO BE COATED WITH ACCEPTABLE METAL PRIMER.
5.2 BOLTS TO CONFORM TO ASTM A 325.

6. WOOD AND PLASTICS
6.1 PLANS WERE DESIGNED IN ACCORDANCE WITH THE AMERICAN FOREST AND PAPER ASSOCIATION WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS.

Table with 4 columns: ITEM, DESCRIPTION OF BUILDING ELEMENTS, NUMBER AND TYPE OF FASTENERS, SPACING AND LOCATION. Lists items like 1. Slab on grade, 2. Concrete foundation, etc.

Table with 4 columns: ITEM, DESCRIPTION OF BUILDING ELEMENTS, NUMBER AND TYPE OF FASTENERS, SPACING AND LOCATION. Lists items like 16. Top of masonry pier, 17. Top of masonry pier, etc.

Table with 4 columns: ITEM, DESCRIPTION OF BUILDING ELEMENTS, NUMBER AND TYPE OF FASTENERS, SPACING AND LOCATION. Lists items like 21. 2x4 joist, 22. 2x4 joist, etc.

TABLE A602.2(1) - See Note 1. TABLE A602.2(1) - See Note 1. TABLE A602.2(1) - See Note 1.

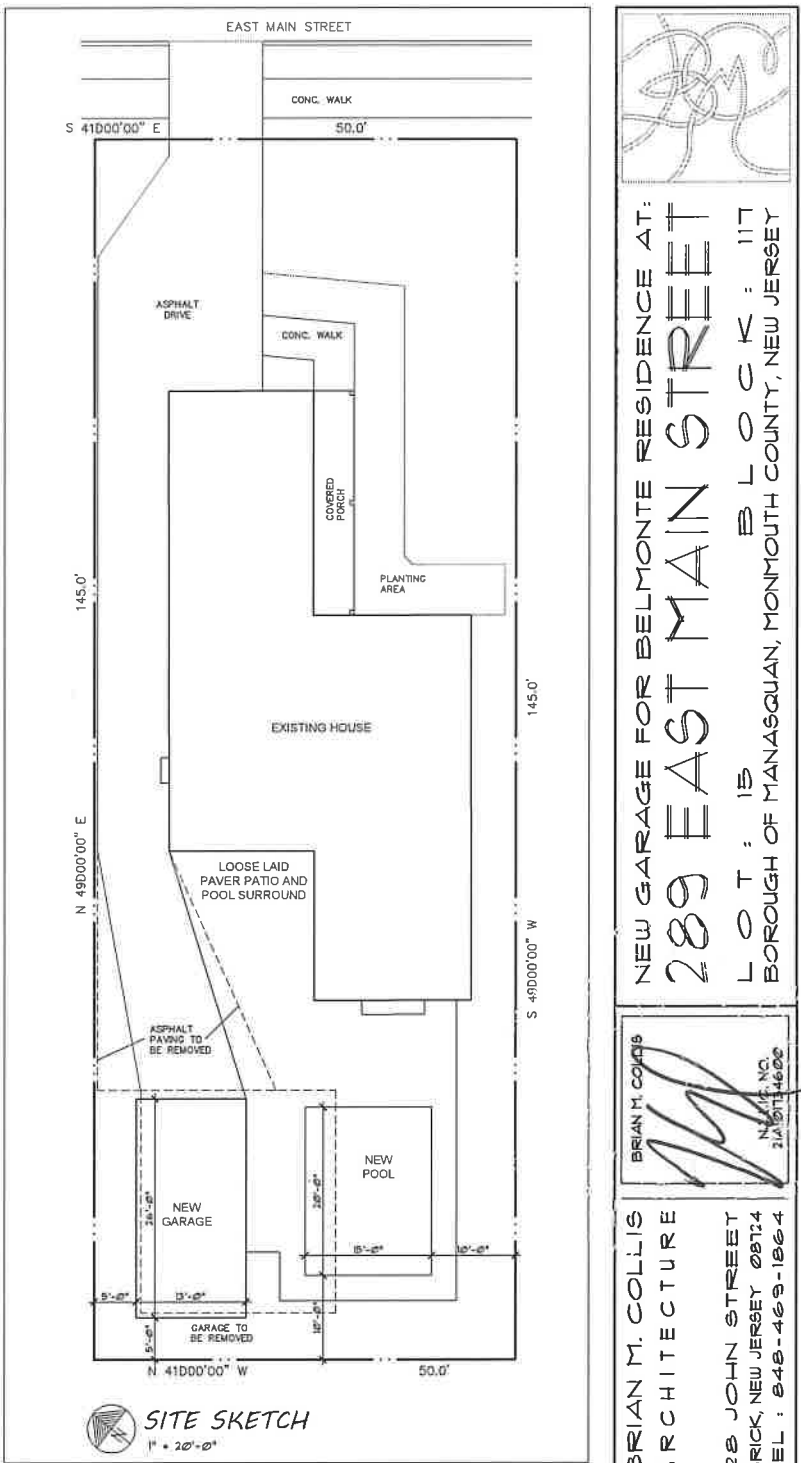
11. ALL SUBCONTRACTORS MUST WORK WITH A FULL SET OF DRAWINGS, INCLUDING ARCHITECTURAL, MECHANICAL, AND ELECTRICAL FOR THE PURPOSE OF COORDINATION. IT IS THE SUBCONTRACTOR'S RESPONSIBILITY TO OBTAIN DRAWINGS NOT FURNISHED BY THE GENERAL CONTRACTOR.

12. THESE DRAWINGS DO NOT CONTAIN COMPLETE SPECIFICATIONS, DETAILS AND INFORMATION REQUIRED FOR THE INTERIOR FINISHES OF THE PROJECT. ADDITIONAL INFORMATION SHALL BE OBTAINED FROM THE OWNER.

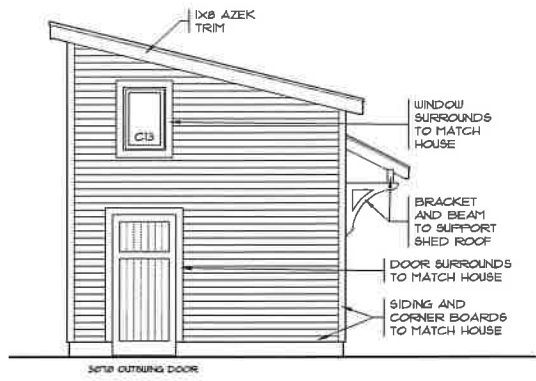
13. ALL INTERIOR FINISH OF WALLS AND CEILING SHALL HAVE A FLAME RATING OF CLASS II OR BETTER.
13.6 PORTABLE FIRE EXTINGUISHERS SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARD FIRE PREVENTION CODE.

14. GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, LEVELS, GRADES (ANY DISCREPANCIES WILL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT) AND SHALL HAVE VERIFIED THE PERMITS AND EXAMINED THE EXISTING SITE CONDITIONS AND SHALL BE RESPONSIBLE FOR AND WILL DO ALL NECESSARY WORK AND VERIFY ALL NEW MATERIALS TO CARRY OUT THE INTENTION OF THESE PLANS. ALL TRADES SHALL REMOVE THEIR DEBRIS AT THEIR OWN EXPENSE.

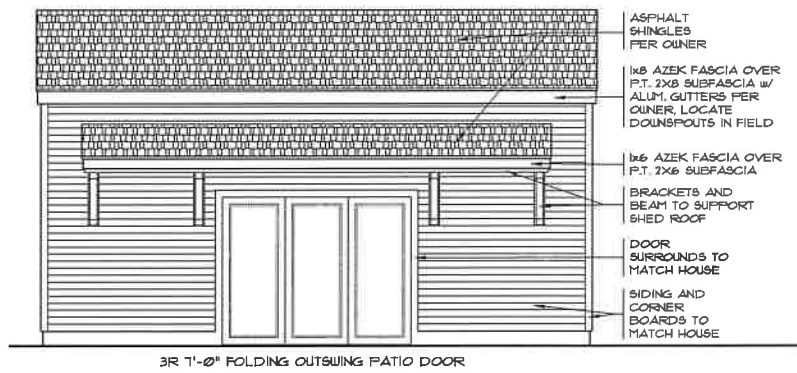
15. GENERAL CONTRACTOR SHALL INVESTIGATE, APPLY, COORDINATE, AND PAY FOR ALL PERMITS, FEES, SERVICES, ETC. NEEDED TO CONTRACT AND TO OBTAIN THE CERTIFICATE OF OCCUPANCY FOR THIS PROJECT.



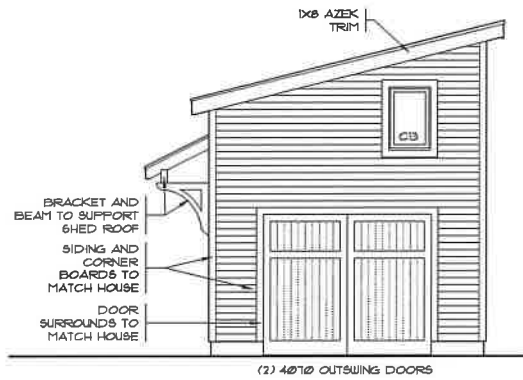
ZONING CRITERIA table with columns for Required, Existing, and Proposed. Includes Lot Requirements, Accessory Building, Min. Yard Requirements, and Coverage. Also includes Revisions, Drawn by, Date, and Sheet number.



SOUTH (REAR) ELEVATION
1/4" = 1'-0"



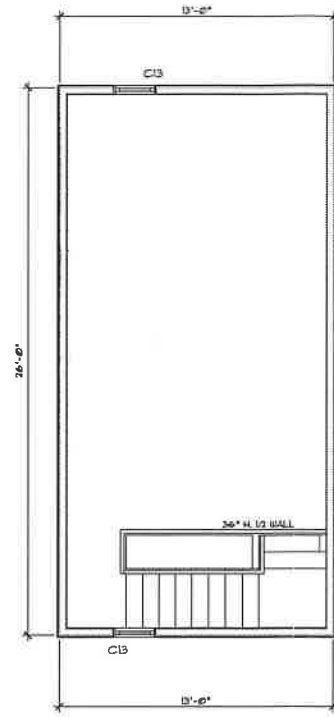
EAST (SIDE) ELEVATION
1/4" = 1'-0"



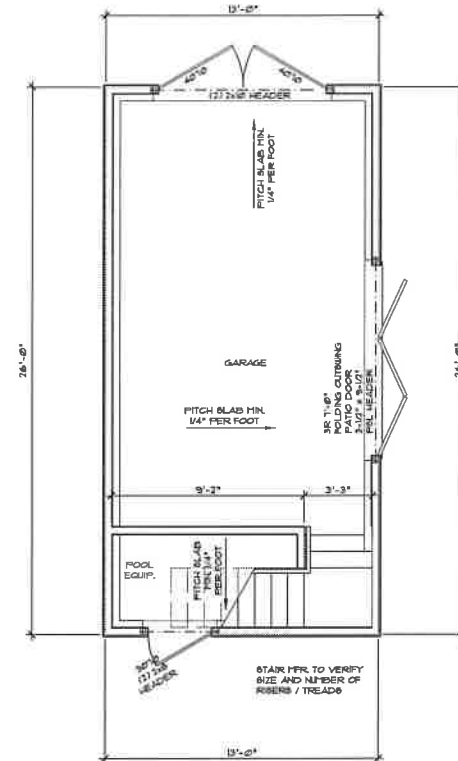
NORTH (FRONT) ELEVATION
1/4" = 1'-0"



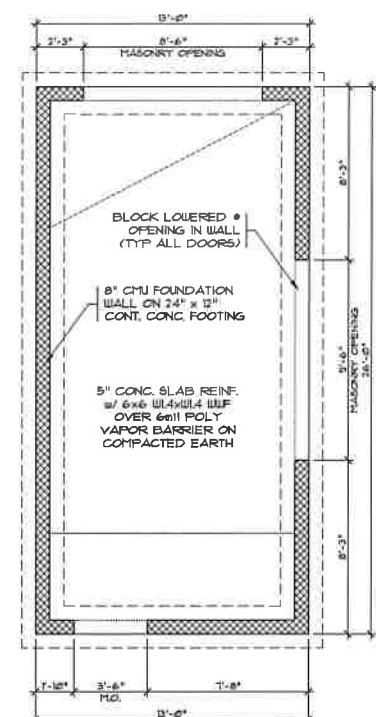
WEST (SIDE) ELEVATION
1/4" = 1'-0"



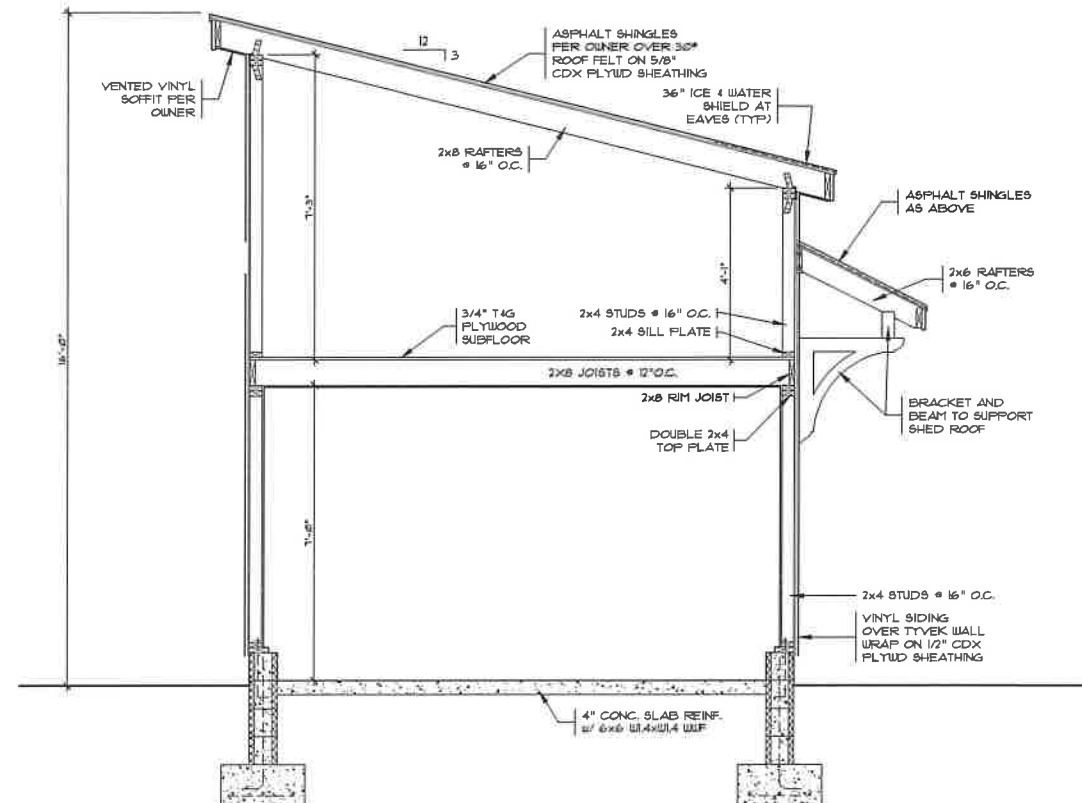
STORAGE LOFT PLAN
1/4" = 1'-0"



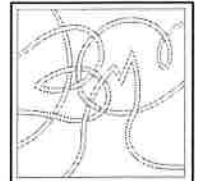
FLOOR PLAN
1/4" = 1'-0"



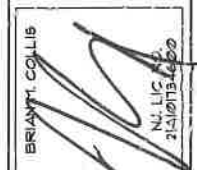
FOUNDATION PLAN
1/4" = 1'-0"



SECTION
1/2" = 1'-0"



NEW GARAGE FOR BELMONT RESIDENCE AT:
289 EAST MAIN STREET
LOT: 15 BLOCK: 117
BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY



BRIAN M. COLLIS
ARCHITECTURE
128 JOHN STREET
BRICK, NEW JERSEY 08714
TEL: 848-469-1864

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REVISIONS:

DRAWN BY: bmc

COMM.

DATE: 2/2/2022

GI

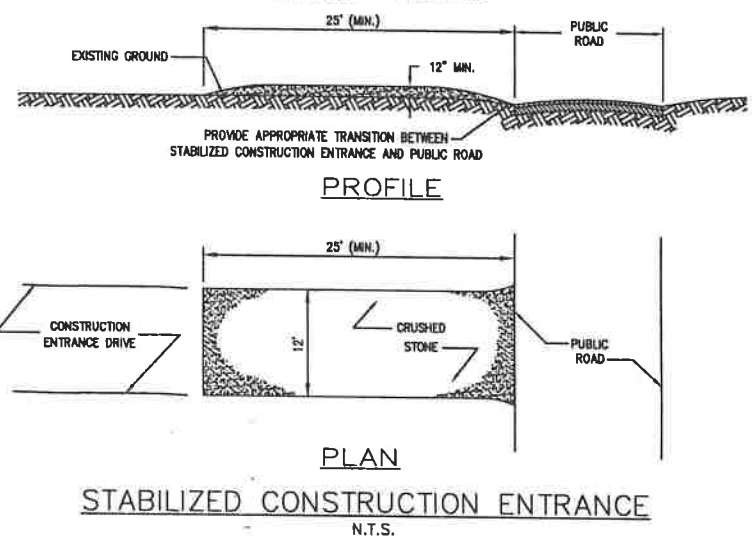
SHT. 2 OF 2

SOIL EROSION AND SEDIMENTATION CONTROL NOTES

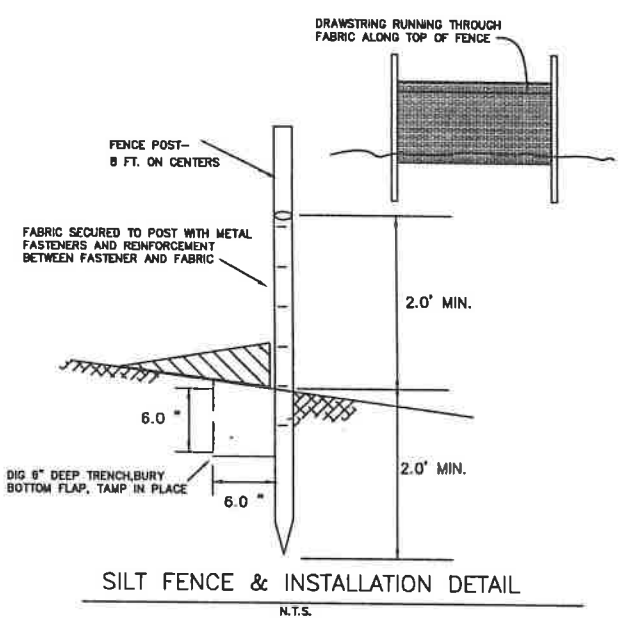
SEEDING NOTES

1. THE FREEHOLD SOIL CONSERVATION DISTRICT SHALL BE NOTIFIED FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY SOIL DISTURBING ACTIVITY.
2. ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES ARE TO BE INSTALLED PRIOR TO SOIL DISTURBANCE, OR IN THEIR PROPER SEQUENCE, AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.
3. ANY CHANGES TO THE CERTIFIED SOIL EROSION AND SEDIMENT CONTROL PLANS WILL REQUIRE THE SUBMISSION OF REVISED SOIL EROSION AND SEDIMENT CONTROL PLANS TO THE DISTRICT FOR RECERTIFICATION. THE REVISED PLANS MUST MEET ALL CURRENT STATE SOIL EROSION AND SEDIMENT CONTROL STANDARDS.
4. IN THAT N.J.S.A. 4:24-39 *et Seq.* REQUIRES THAT NO CERTIFICATE OF OCCUPANCY BE ISSUED BEFORE THE DISTRICT DETERMINES THAT A PROJECT OR PORTION THEREOF IS IN FULL COMPLIANCE WITH THE CERTIFIED PLAN AND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL IN NEW JERSEY AND A REPORT OF COMPLIANCE HAS BEEN ISSUED. UPON WRITTEN REQUEST FROM THE APPLICANT, THE DISTRICT MAY ISSUE A REPORT OF COMPLIANCE WITH CONDITIONS ON A LOT-BY-LOT OR SECTION-BY-SECTION BASIS, PROVIDED THAT THE PROJECT OR PORTION THEREOF IS IN SATISFACTORY COMPLIANCE WITH THE SEQUENCE OF DEVELOPMENT AND TEMPORARY MEASURES FOR SOIL EROSION AND SEDIMENT CONTROL HAVE BEEN IMPLEMENTED, INCLUDING PROVISIONS FOR STABILIZATION AND SITE WORK.
5. ANY DISTURBED AREAS THAT WILL BE LEFT EXPOSED MORE THAN SIXTY (60) DAYS, AND NOT SUBJECT TO CONSTRUCTION TRAFFIC, WILL IMMEDIATELY RECEIVE A TEMPORARY SEEDING. IF THE SEASON PREVENTS THE ESTABLISHMENT OF TEMPORARY COVER, THE DISTURBED AREAS WILL BE MULCHED WITH STRAW, OR EQUIVALENT MATERIAL, AT A RATE OF 2 - 2 1/2 TONS PER ACRE, ACCORDING TO THE STANDARD FOR STABILIZATION WITH MULCH ONLY.
6. IMMEDIATELY FOLLOWING INITIAL DISTURBANCE OR ROUGH GRADING, ALL CRITICAL AREAS SUBJECT TO EROSION (I.E. SOIL STOCKPILES, STEEP SLOPES, AND ROADWAY EMBANKMENTS) WILL RECEIVE TEMPORARY SEEDING IN COMBINATION WITH STRAW MULCH OR A SUITABLE EQUIVALENT, AND A MULCH ANCHOR, IN ACCORDANCE WITH STATE STANDARDS.
7. A SUB-BASE COURSE WILL BE APPLIED IMMEDIATELY FOLLOWING ROUGH GRADING AND INSTALLATION OF IMPROVEMENTS TO STABILIZE STREETS, ROADS, DRIVEWAYS, AND PARKING AREAS. IN AREAS WHERE NO UTILITIES ARE PRESENT, THE SUB-BASE SHALL BE INSTALLED WITHIN FIFTEEN (15) DAYS OF THE PRELIMINARY GRADING.
8. THE STANDARD FOR STABILIZED CONSTRUCTION ACCESS REQUIRES THE INSTALLATION OF A PAD OF CLEAN CRUSHED STONE AT POINTS WHERE TRAFFIC WILL BE ACCESSING THE CONSTRUCTION SITE. AFTER INTERIOR ROADWAYS ARE PAVED, INDIVIDUAL LOTS REQUIRE A STABILIZED CONSTRUCTION ENTRANCE CONSISTING OF ONE TO TWO INCH (1"-2") STONE FOR A MINIMUM LENGTH OF TEN FEET (10') EQUAL TO THE LOT ENTRANCE WIDTH. ALL OTHER ACCESS POINTS SHALL BE BLOCKED OFF.
9. ALL SOIL WASHED, DROPPED, SPILLED, OR TRACKED OUTSIDE THE LIMIT OF DISTURBANCE OR ONTO PUBLIC RIGHTS-OF-WAY WILL BE REMOVED IMMEDIATELY.
10. PERMANENT VEGETATION TO BE SEEDING OR SODDED ON ALL EXPOSED AREAS WITHIN TEN (10) DAYS AFTER FINAL GRADING.
11. AT THE TIME THAT SITE PREPARATION FOR PERMANENT VEGETATIVE STABILIZATION IS GOING TO BE ACCOMPLISHED, ANY SOIL THAT WILL NOT PROVIDE A SUITABLE ENVIRONMENT TO SUPPORT ADEQUATE VEGETATIVE GROUND COVER SHALL BE REMOVED OR TREATED IN SUCH A WAY THAT IT WILL PERMANENTLY ADJUST THE SOIL CONDITIONS AND RENDER IT SUITABLE FOR VEGETATIVE GROUND COVER. IF THE REMOVAL OR TREATMENT OF THE SOIL WILL NOT PROVIDE SUITABLE CONDITIONS, NON-VEGETATIVE MEANS OF PERMANENT GROUND STABILIZATION WILL HAVE TO BE EMPLOYED.
12. IN ACCORDANCE WITH THE STANDARD FOR MANAGEMENT OF HIGH ACID PRODUCING SOILS, ANY SOIL HAVING A pH OF 4 OR LESS OR CONTAINING IRON SULFIDES SHALL BE ULTIMATELY PLACED OR BURIED WITH LIMESTONE APPLIED AT THE RATE OF 10 TONS/ACRE, (OR 450 LBS/1,000 SQ FT OF SURFACE AREA) AND COVERED WITH A MINIMUM OF 12" OF SETTLED SOIL WITH A PH OF 5 OR MORE, OR 24" WHERE TREES OR SHRUBS ARE TO BE PLANTED.
13. CONDUIT OUTLET PROTECTION MUST BE INSTALLED AT ALL REQUIRED OUTFALLS PRIOR TO THE DRAINAGE SYSTEM BECOMING OPERATIONAL.
14. UNFILTERED DEWATERING IS NOT PERMITTED. NECESSARY PRECAUTIONS MUST BE TAKEN DURING ALL DEWATERING OPERATIONS TO MINIMIZE SEDIMENT TRANSFER. ANY DEWATERING METHODS USED MUST BE IN ACCORDANCE WITH STANDARD FOR DEWATERING.
15. SHOULD THE CONTROL OF DUST AT THE SITE BE NECESSARY, THE SITE WILL BE SPRINKLED UNTIL THE SURFACE IS WET, TEMPORARY VEGETATIVE COVER SHALL BE ESTABLISHED OR MULCH SHALL BE APPLIED AS REQUIRED BY THE STANDARD FOR DUST CONTROL.
16. STOCKPILE AND STAGING LOCATIONS ESTABLISHED IN THE FIELD SHALL BE PLACED WITHIN THE LIMIT OF DISTURBANCE ACCORDING TO THE CERTIFIED PLAN. STAGING AREAS AND STOCKPILES NOT LOCATED WITHIN THE LIMIT OF DISTURBANCE WILL REQUIRE CERTIFICATION OF A REVISED SOIL EROSION AND SEDIMENT CONTROL PLAN. CERTIFICATION OF A NEW SOIL EROSION AND SEDIMENT CONTROL PLAN MAY BE REQUIRED FOR THESE ACTIVITIES IF AN AREA GREATER THAN 5,000 SQUARE FEET IS DISTURBED.
17. ALL SOIL STOCKPILES ARE TO BE TEMPORARILY STABILIZED IN ACCORDANCE WITH SOIL EROSION AND SEDIMENT CONTROL NOTE #6.
18. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY EROSION OR SEDIMENTATION THAT MAY OCCUR BELOW STORMWATER OUTFALLS OR OFFSITE AS A RESULT OF CONSTRUCTION OF THE PROJECT.

1. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE FINE GRADED AND SEEDING. TEMPORARY AND PERMANENT SEEDING MIXTURES SHALL CONSIST OF THE FOLLOWING MIXTURE OR APPROVED EQUAL:
 - TEMPORARY SEEDING
 - PERENNIAL RYEGRASS ● 1.0 LB. PER 1000 S.F.
 - PERMANENT SEEDING
 - HARD FESCUE AND/OR STRONG CREEPING RED FESCUE ● 4.0 LBS PER 1000 S.F.
 - PERENNIAL RYEGRASS ● 1.0 LB PER 1000 S.F.
 - KENTUCKY BLUEGRASS ● 1.0 LB PER 1000 S.F.
2. ALL SEEDING AND MULCHING SHALL BE PERFORMED IN ACCORDANCE WITH THE NEW JERSEY STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL.
3. SEED GERMINATION SHALL BE TESTED WITHIN 12 MONTHS OF PLANTING DATE. ADDITIONAL SEEDING SHALL BE PERFORMED IF LESS THAN 50% OF SEED GERMINATION RATES RESULT.
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5. MULCH SHALL BE UNROTTED SMALL GRAIN STRAW APPLIED AT A RATE OF 1 1/2 TO 2 TONS PER ACRE SPREAD UNIFORMLY AT 70 TO 90 POUNDS PER 1000 SF. ANCHOR MULCH IMMEDIATELY AFTER PLACEMENT BY ONE OF THE FOLLOWING LIQUID MULCH BINDERS:
 - 1) ORGANIC AND VEGETABLE BASE BINDERS- POWDER BASED HYDROPHILIC MATERIALS MIXED WITH WATER TO FORM A GEL. THE GEL SHALL BE PHYSIOLOGICALLY HARMLESS AND NOT RESULT IN A PHYTOTOXIC EFFECT OR IMPEDE GROWTH OF TURF GRASS. USE AT RATES AND WEATHER CONDITIONS RECOMMENDED BY MANUFACTURER.
 - 2) SYNTHETIC BINDERS- HIGH POLYMER SYNTHETIC EMULSION, DILUTED WITH WATER AND WHEN APPLIED, DRYED AND CURED SHALL NO LONGER BE SOLUBLE OR DISPERSIBLE IN WATER. APPLY AT RATES RECOMMENDED BY MANUFACTURER AND REMAIN TACKY UNTIL GERMINATION OF GRASS.
6. LIMESTONE AND FERTILIZER TO BE APPLIED ACCORDING TO SOIL TEST RECOMMENDATIONS. FERTILIZER FOR THE ESTABLISHMENT OF TEMPORARY AND PERMANENT VEGETATIVE COVER SHALL BE 10-20-10 (PERMANENT VEGETATIVE COVER FERTILIZER SHALL BE 10-10-10) WITH 50% WATER INSOLUBLE NITROGEN APPLIED AT A RATE OF 11 POUNDS PER 1000 SF OR AS DETERMINED BY A SOIL TEST. LIMESTONE FOR TEMPORARY SEEDING SHALL BE APPLIED AT A RATE AS SOIL TESTING INDICATES.
7. IF THE SEASON PREVENTS THE ESTABLISHMENT OF TEMPORARY OR PERMANENT SEEDING, EXPOSED AREAS ARE TO BE STABILIZED WITH MULCH AS INDICATED IN NOTE NO. 5.



- CONSTRUCTION SPECIFICATIONS**
1. - STONE SIZE - USE ASTM C-33, SIZES No. 2 OR 3. USED CRUSHED STONE.
 2. - LENGTH - AS EFFECTIVE, BUT NOT LESS THAN 50 FEET.
 3. - THICKNESS - NOT LESS THAN 8 INCHES.
 4. - WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.



NO.	DATE	DESCRIPTION	BY

SOIL EROSION & SEDIMENT CONTROL NOTES & DETAILS

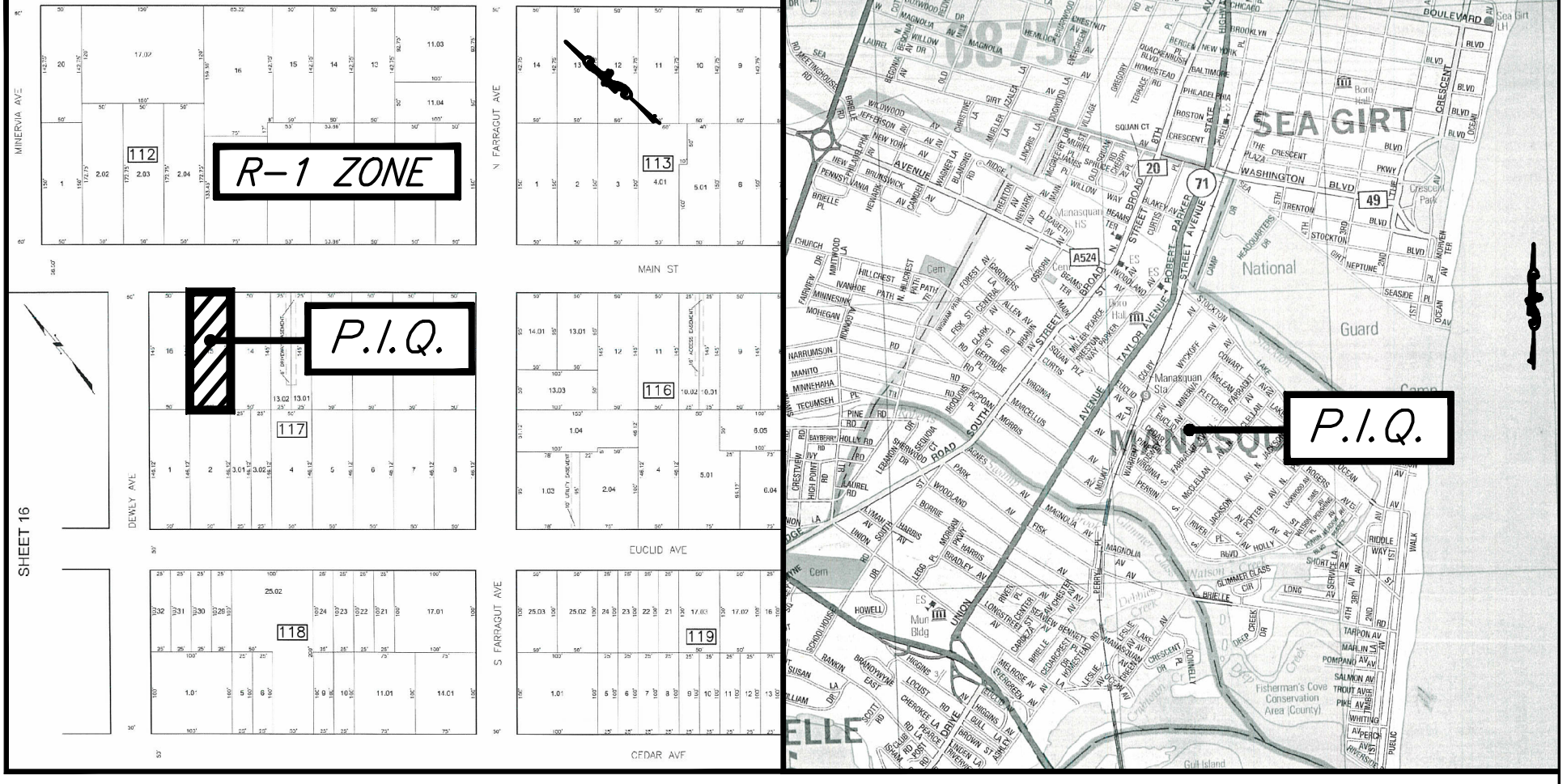
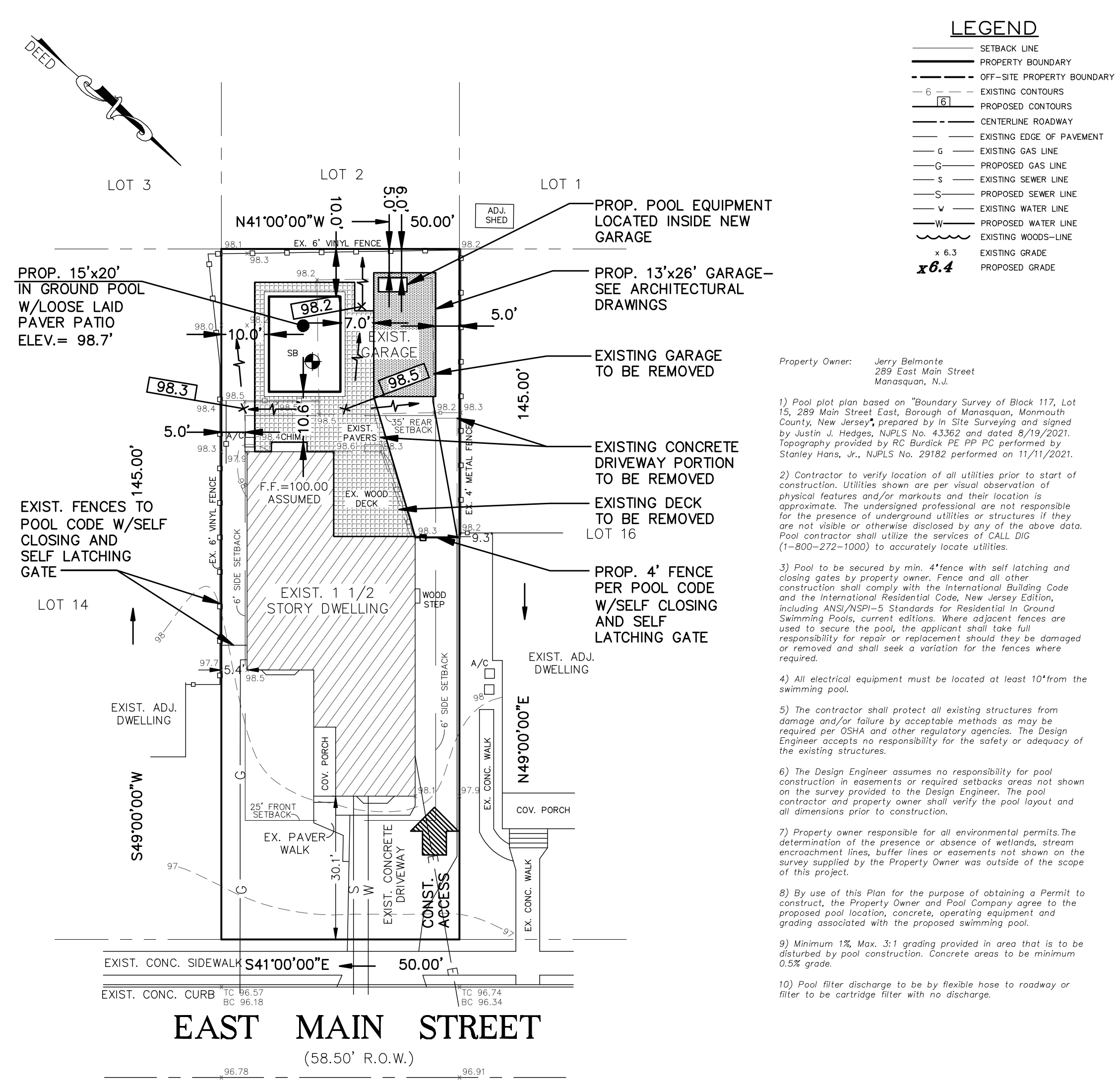
**LOT 15 BLOCK 117
BOROUGH OF MANASQUAN
MONMOUTH COUNTY, NEW JERSEY**

R.C. BURDICK, P.E., P.P., P.C.
CONSULTING ENGINEERS • SURVEYORS
PLANNING • ENVIRONMENTAL PERMITTING

1023 OCEAN ROAD
POINT PLEASANT, NJ 08742
(732)892-5050 FAX (732)892-5888

DATE: 12/21/2021
SCALE: NTS
JOB No.: 21-7511
SHEET 1

ROBERT C. BURDICK
PROFESSIONAL ENGINEER #30929
PROFESSIONAL PLANNER #04383



GENERAL NOTES

- Contract Owner and Applicant: Gerard and Eileen Belmonte
79 Rhoda Ave.
Nutley, N.J. 07110
- Property known as lot 15, block 117 as shown on tax map sheet No. 20 of the borough of Manasquan, Monmouth County, New Jersey tax maps.
- Plan based on:
 - "Boundary Survey of Block 117, Lot 15 289 Main Street East Borough of Manasquan Monmouth County New Jersey" performed by Insite Surveying LLC, signed by Mr. Justin Hedges NJPLS No. 43362 and dated 8/19/2021.
 - Topography performed by RC Burdick PE PP PC by Mr. Stanley Hans Jr., NJPLS No. 29182 and dated 11/11/2021.
- Zoning: R-1 Residential Zone

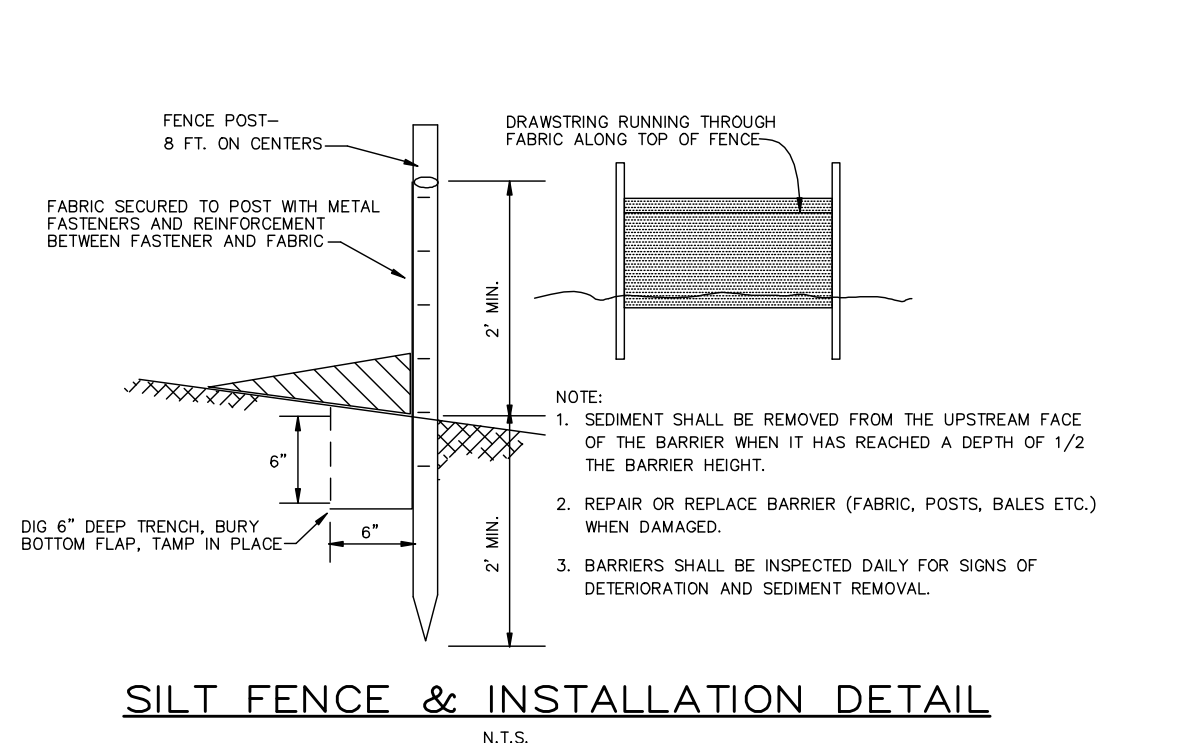
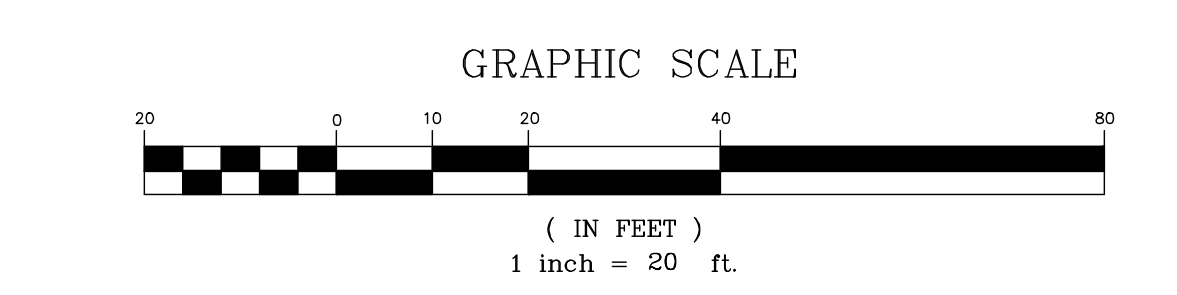
	Required	Existing	Proposed
Minimum Lot Area	7,000 sf	7,250 sf	7,250 sf
Minimum Lot Width	50'	50'	50'
Minimum Setbacks			
Principal Building			
Front	25'	30.1'	30.1'
Side	5'	5.4'	5.4'
Rear	35'	40.5'	40.5'
Accessory Building Garage			
Front	25'	115'	N/A
Side	5'	5.3'	N/A
Rear	5'	6.1'	N/A
Accessory Structure Proposed Pool			
Front	25'	N/A	115'
Side	5'	N/A	10'
Rear	5'	N/A	7'
Accessory Structure Proposed Cabana			
Front	25'	N/A	114'
Side	5'	N/A	5'
Rear	5'	N/A	5'
Maximum Bldg Coverage	25%	26.1%*	26.1%*
Maximum Lot Coverage	35%	54.5%*	50.5%**
Maximum Building Height			
Principal Building	35' 2 1/2 St.	Conform	Conform
Accessory Building	16'	Conform	Conform

* Pre Existing Non Conformity
** Proposed variance

SOIL BORING LOG

Depth	Soil Description
0 - 6"	Brown sandy topsoil, 10 YR 5/3
6" - 10"	Yellowish brown loamy sand, 10 YR 5/4
10" - 1'10"	Brown loamy sand, 10 YR 5/3
1'10" - 3'6"	Yellowish brown loamy sand, 10 YR 5/6
3'6" - 4'3"	Brownish yellow sand with gravel, 10 YR 6/6
4'3" - 12'0"	Pale brown sand with gravel, dry to damp to wet, 10 YR 6/3

Boring performed on 11/11/2021
Boring location: Left side of the existing garage
Seasonal high water indicated at 7'7"
Standing water encountered at 8'7"
Weather: 59° Sunny with clouds
Boring performed by R.C. Burdick P.E.P.P.C.



SEEDING NOTES

- ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE FINE GRADED AND SEEDED. TEMPORARY AND PERMANENT SEEDING MIXTURES SHALL CONSIST OF THE FOLLOWING MIXTURE OR APPROVED EQUAL:

TEMPORARY SEEDING	PERMANENT SEEDING
PERENNIAL RYEGRASS	0 1.0 LB. PER 1000 S.F.
HARD FESCUE AND/OR STRONG CREeping RED FESCUE	0 4.0 LBS PER 1000 S.F.
PERENNIAL RYEGRASS	0 1.0 LB. PER 1000 S.F.
KENTUCKY BLUEGRASS	0 1.0 LB. PER 1000 S.F.
- ALL SEEDING AND MULCHING SHALL BE PERFORMED IN ACCORDANCE WITH THE NEW JERSEY STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL.
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 - ORGANIC AND VEGETABLE BASE BINDERS- POWDER BASED HYDROPHILIC MATERIALS MIXED WITH WATER TO FORM A GEL. THE GEL SHALL BE PHYSIOLOGICALLY HARMLESS AND NOT RESULT IN A PHYTOTOXIC EFFECT OR IMPEDE GROWTH OF TURF GRASS. USE AT RATES AND WEATHER CONDITIONS RECOMMENDED BY MANUFACTURER.
 - SYNTHETIC BINDERS- HIGH POLYMER SYNTHETIC EMULSION, DILUTED WITH WATER AND WHEN APPLIED, DRIED AND CURED SHALL NO LONGER BE SOLUBLE OR DISPERSIBLE IN WATER. APPLY AT RATES RECOMMENDED BY MANUFACTURER AND REMAIN TACKY UNTIL GERMINATION OF GRASS. APPLICATIONS SHOULD BE HEAVIER AT EDGES, IN VALLEYS AND AT CRESTS OF BANKS. THE REMAINDER OF THE AREA TO BE UNIFORM IN APPEARANCE.
- LIMESTONE AND FERTILIZER TO BE APPLIED ACCORDING TO SOIL TEST RECOMMENDATIONS. FERTILIZER FOR THE ESTABLISHMENT OF TEMPORARY VEGETATIVE COVER SHALL BE 10-10-10 (PERMANENT VEGETATIVE COVER FERTILIZER SHALL BE 10-10-10) WITH 50% WATER INSOLUBLE NITROGEN APPLIED AT A RATE OF 11 POUNDS PER 1000 SF OR AS DETERMINED BY A SOIL TEST. LIMESTONE FOR TEMPORARY SEEDING SHALL BE APPLIED AT A RATE AS SOIL TESTING INDICATES.
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APPROVED BY THE BOROUGH OF MANASQUAN ZONING BOARD OF ADJUSTMENT

DATE	CHAIRMAN
DATE	SECRETARY
DATE	ENGINEER

VARIANCE PLOT PLAN
289 EAST MAIN STREET
LOT 15 BLOCK 117
BOROUGH OF MANASQUAN
MONMOUTH COUNTY, NEW JERSEY

NO.	DATE	DESCRIPTION	BY

R.C. BURDICK, P.E., P.P., P.C.
CONSULTING ENGINEERS • LAND SURVEYING
PLANNING • ENVIRONMENTAL PERMITTING

STANLEY HANS, Jr.
PROFESSIONAL LAND SURVEYOR N.J. LIC.#29182
PROFESSIONAL PLANNER N.J. LIC.#2677

1023 OCEAN ROAD
POINT PLEASANT, NJ 08742
(732)892-5050 FAX (732)892-5888

ROBERT C. BURDICK
PROFESSIONAL ENGINEER N.J. LIC.#30929
PROFESSIONAL PLANNER N.J. LIC.#04383

DATE: 02/25/2022
SCALE: 1" = 20'
JOB No.: 22-7511
SHEET 1 of 1

R.C. BURDICK, P.E. P.P. P.C.

1023 OCEAN RD. PT. PLEASANT, N.J. 08742

PHONE 732-892-5050

FAX 732-892-5888

LOT COVERAGE CALCULATIONS
289 EAST MAIN STREET
LOT 15 BLOCK 117
BOROUGH OF MANASQUAN
MONMOUTH COUNTY, NEW JERSEY
DECEMBER 21, 2021
REVISED JANUARY 28, 2022
PROJECT NO. 21-7511

LOT AREA 7,250 +/- SF

EXISTING CONDITIONS:

HOME & COVERED PORCH	<u>1,892 +/- SF</u>	<u>26.1 %</u>
GARAGE	<u>685 +/- SF</u>	
CONCRETE DRIVEWAY	<u>1,363 +/- SF</u>	
FRONT STEPS	<u>6 +/- SF</u>	
AC UNIT	<u>4 +/- SF</u>	
FRONT PAVER WALK (Not Included)	<u>(44 +/- SF)</u>	
REAR DECK OVER PERMEABLE ROCK (Not Included)	<u>(232 +/- SF)</u>	
REAR PAVER PATIO (Not Included)	<u>(245 +/- SF)</u>	

EXIST IMPERVIOUS COVERAGE 3,950 +/- SF 54.5%

PROPOSED:

HOME & COVERED PORCH	<u>1,892 +/- SF</u>	<u>26.1 %</u>
GARAGE	<u>338 +/- SF</u>	
CONCRETE DRIVEWAY	<u>1,338 +/- SF</u>	
FRONT STEPS	<u>6 +/- SF</u>	
AC UNIT	<u>4 +/- SF</u>	
FRONT PAVER WALK (Not Included)	<u>(44 +/- SF)</u>	
PROPOSED POOL	<u>300 +/- SF</u>	
POOL COPING	<u>74 +/- SF</u>	
POOL PAVER PATIO (Not Included)	<u>(754 +/- SF)</u>	

TOTAL PROPOSED IMPERVIOUS 3,952 +/- SF 54.5%


 Robert C. Burdick NJPE 30929

R.C. BURDICK, P.E. P.P. P.C.

1023 OCEAN RD. PT. PLEASANT, N.J. 08742
PHONE 732-892-5050
FAX 732-892-5888

SOIL BORING

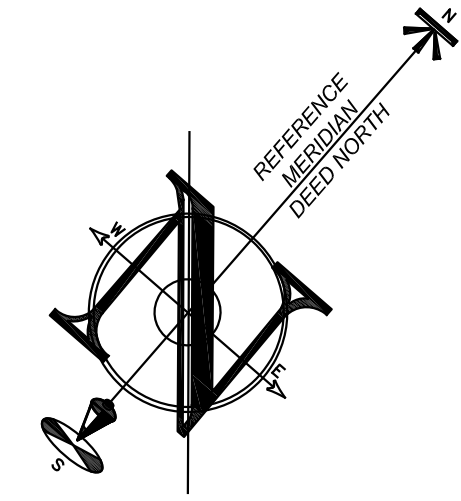
299 East Main St.
 Lots 15, Block 117
 Borough of Manasquan
 Monmouth County, New Jersey
 Project No. 21-7511

0 – 6”	Brown sandy topsoil, 10 YR 5/3
6” – 10”	Yellowish brown loamy sand, 10 YR 5/4
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 Weather: 59° Sunny with clouds
 Boring performed by R.C. Burdick P.E.P.P.P.C



Robert C. Burdick P.E. 30929



BOUNDARY SURVEY
OF
BLOCK 117, LOT 15
289 MAIN STREET EAST

SITUATED IN:
BOROUGH OF MANASQUAN
MONMOUTH COUNTY
NEW JERSEY

PREPARED FOR:
HERRMANN CONSTRUCTION

InSite Surveying, LLC
CERTIFICATE OF AUTHORIZATION:
24GA28290100
1955 ROUTE 34, SUITE 1A, WALL, NJ 07719
732-531-7100 (Ph) 732-531-7344 (Fax)
InSite@InSiteSurveying.net
www.InSiteSurveying.net

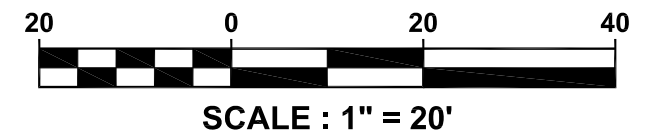
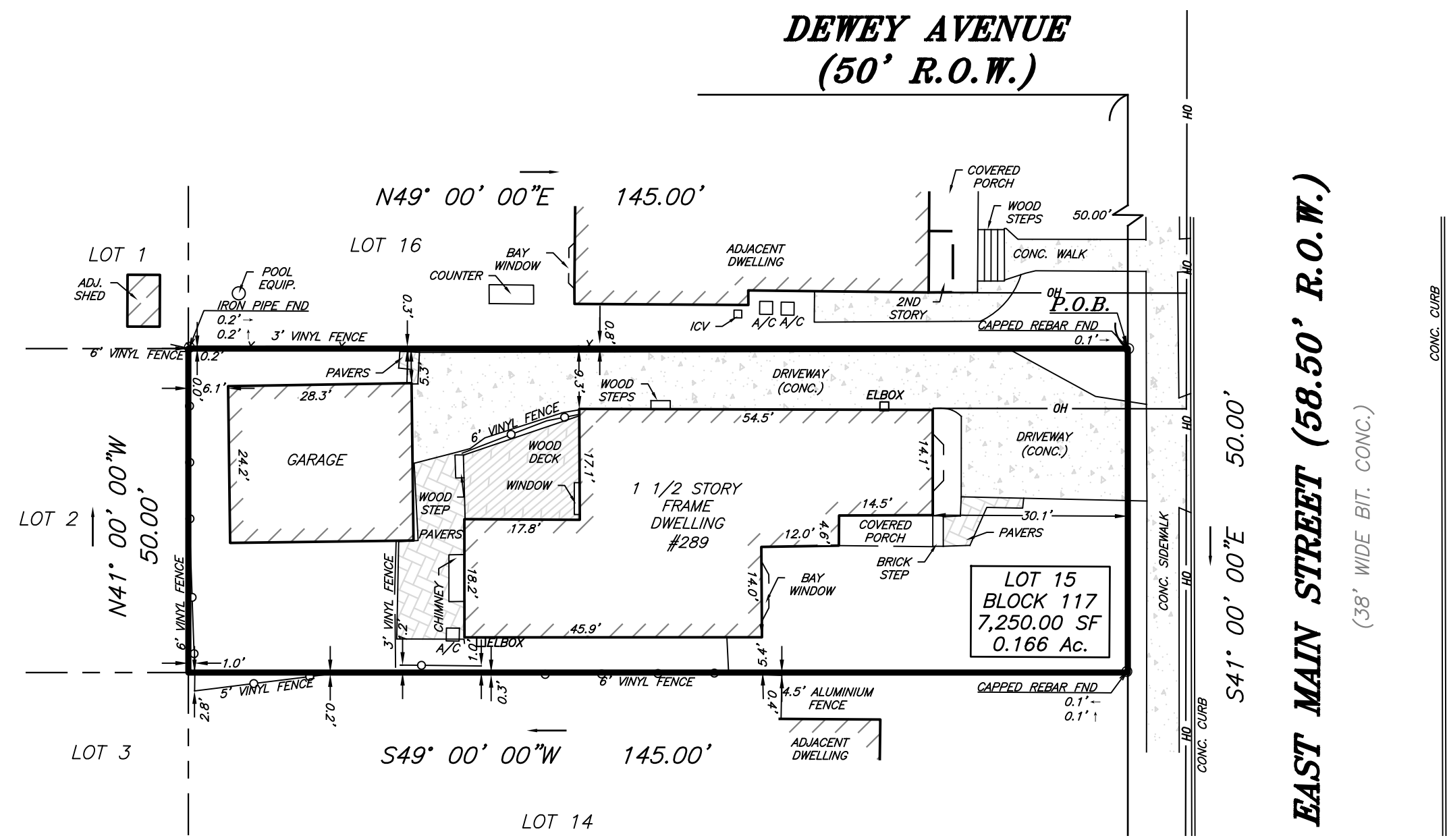
REVISIONS		
Rev #	Date	Comment
0	08/25/21	INITIAL RELEASE

SCALE: 1"=20'	DRAWN BY: GS / BMW
DATE: 08/19/21	CHECKED BY: JS
JOB #: 21-S705-04	

CERTIFICATION

CAUTION: IF THIS DOCUMENT DOES NOT CONTAIN THE SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL, IT IS NOT AN ORIGINAL AND MAY HAVE BEEN ALTERED

Justin J. Hedges
JUSTIN J. HEDGES, P.L.S.
PROFESSIONAL LAND SURVEYOR
NJ LIC. NO. GS43362



LEGEND

EXISTING	
	BOUNDARY LINE
	CONTOUR LINE
	SPOT ELEVATION
	BUILDING
	WALL
	GAS
	WATER
	INLET
	STORM
	SANITARY MAIN
	OVERHEAD WIRE
	ELECTRIC
	TELEPHONE
	UTILITY POLE
	HYDRANT
	SIGN POST
	FENCE
	LIGHT FIXTURE
	TEST PIT LOCATION
	GRADE FLOW ARROW
	SWALE CENTER LINE

SURVEY NOTES:
THIS IS TO CERTIFY THAT THIS SURVEY IS ACCURATE, AND THAT THIS DRAWING IS A TRUE REPRESENTATION OF ACTUAL CONDITIONS EXISTING ON THE PROPERTY, EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE.

A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003.C.14 (C45-8-36.3) AND N.J.A.C. 13-40 - 5.1(D).

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS CONTAINED THEREIN.

ALL EXISTING UTILITIES ARE APPROXIMATE PER MARKOUT AND VISIBLE FIELD EVIDENCE. ALL UTILITIES SHALL BE FIELD VERIFIED PRIOR TO EXCAVATION.

THIS SURVEY HAS NOT DETERMINED THE PRESENCE OF WETLANDS AT THE SITE.

SUBJECT PROPERTY IS NOT IN A FEMA FLOOD ZONE.

DEED REFERENCES:
DB 8874 PG 1298

File: S:\Jobs\21-S705 - Herrmann, Construction\21-S705-04 - 289 East Main Street, Manasquan, NJ\21-S705-04.dwg - Survey.dwg, --> 18x24 SURVEY
 Copyright 2021, InSite Surveying, LLC. All Rights Reserved.

BOROUGH HALL
201 EAST MAIN STREET

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official



March 15, 2022

Thomas Dean
912 Willow Avenue
Hoboken, NJ 07030

Re: Block: 187 Lot: 11 Zone: R-4 Flood Zone: VE BFE: 14ft. DFE: 15ft.
401 Beachfront, 400 First Avenue

Dear Sir:

On this date we reviewed your application for the following project.

Remove all of the buildings and structures on the property and construct a single family dwelling fronting on the beachfront and a garage apartment fronting on First Avenue.

Plot plan prepared by Matthew Hockenbury on February 24, 2022. Conceptual plan prepared by Brian Berzinskis on February 22, 2022.

Application denied for the following reason(s):

Site:

Section 35-9.4 - Lot Frontage – 30ft. Required
20.4ft. Existing

“ - Lot Area – 4,200s.f. Required
2,989s.f. Existing

“ - Building Coverage – 35% Permitted
43.3% Proposed

Section 35-11.2 – Building Separation – 35ft. Required
17ft. Proposed

Section 35-11.2 – Requires a dedicated 3ft. walkway for access to the beachfront

Beachfront:

Section 35-9.4 – Side Setback (Left) – 5ft. Required
3.02 ft. Proposed

“ - Side Setback (Right) – 5ft. Required
3.06ft. Proposed

Section 35-11.2 – Dormer Length – 10ft. Permitted
15ft. Proposed

First Avenue:

Section 35-9.4 – Side Setback (Left) – 5ft. Required
3.2ft. Proposed

“ - Side Setback (Right) – 5ft. Required
3.21ft. Proposed

Section 35-7.7 – Driveway Width – 20ft. Permitted
20.4ft. Proposed

If you have any questions, please call me at 732-223-0544, ext. 256

Sincerely,



Richard Furey
Zoning/Code Enforcement Officer

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

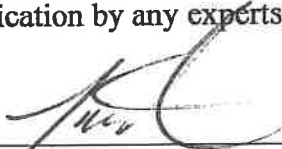
BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official

RECEIVED MAR 29 2022

APPLICATION TO THE PLANNING BOARD

- *Applicant's Name: Thomas & Suzanne Dean
- *Applicant's Address: 401 Beachfront, Manasquan NJ 08736
- *Telephone Number: Home: - Cell: 848-229-4858
- *e-mail Address: TRBate@verizon.net
- *Property Location: 400 First Ave, 401 Beachfront, Manasquan, NJ
- *Block: 187 Lot: 11
- *Type of Application: Bulk Variance
Bulk Variance, Non-Permitted Use- Conditional Use- Subdivision- Minor Subdivision- Major- Site Plan Approval
- *Date of Zoning Officer's Denial Letter: March 15, 2022
Attach Zoning Permit Application
- *Plot Plan (Survey) not older than five (5) years, clearly indicating all buildings and setbacks.
- *Is the Applicant the Landowner? Yes
- *Does the Applicant own any adjoining land? No
- *Are the property taxes paid to date? _____
- *Have there been any previous applications to the Planning Board concerning this property? No
(Attach copy)
- **Are there any Deed Restrictions, Easements, or Covenants affecting this property? No
(Attach copy)
- *The applicant agrees to be responsible for and pay for the costs entailed in the review of this application by any experts retained by the Planning Board for advice in this matter.

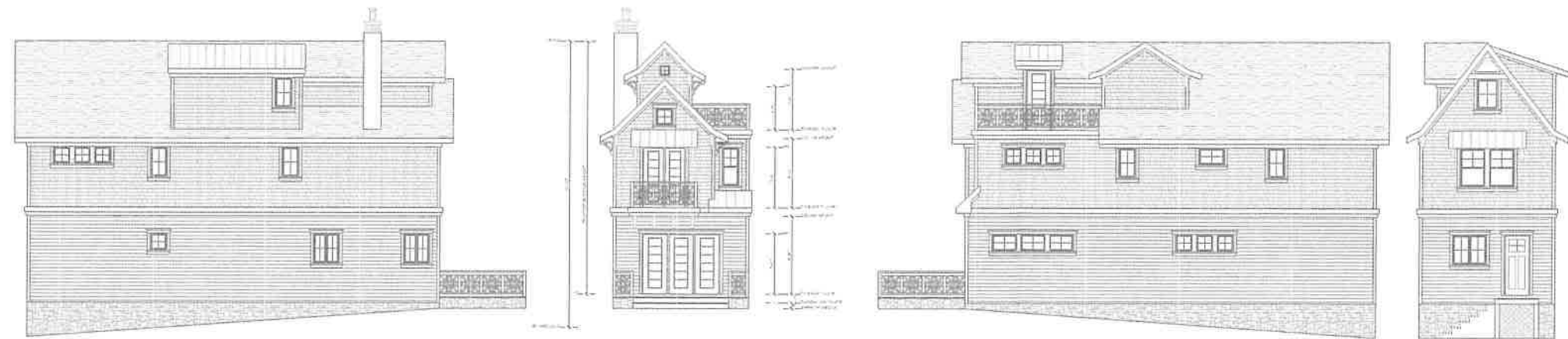

Signature of Applicant or Agent

23 March 2022
Date

06/2021



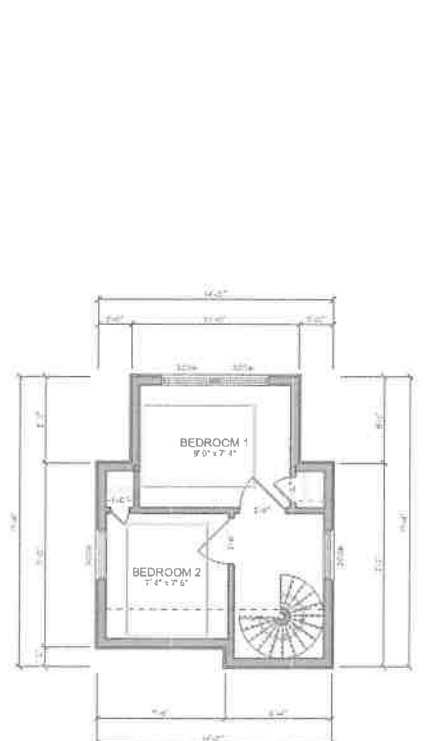
GARAGE ELEVATION
SCALE: 1/8" = 1'-0"



ELEVATION
SCALE: 1/8" = 1'-0"

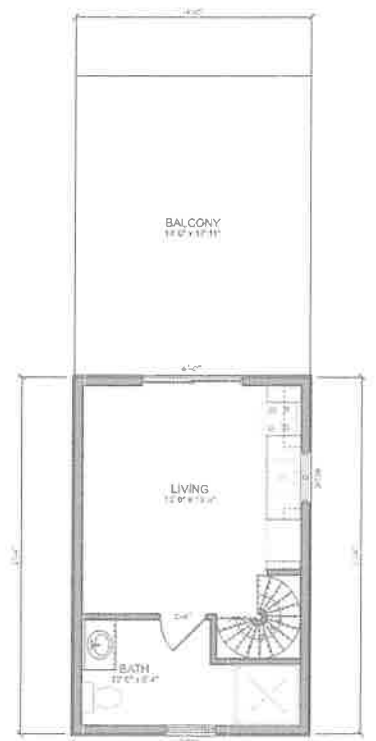


ARCHITECTURAL KEY
SCALE: 1" = 10'-0"



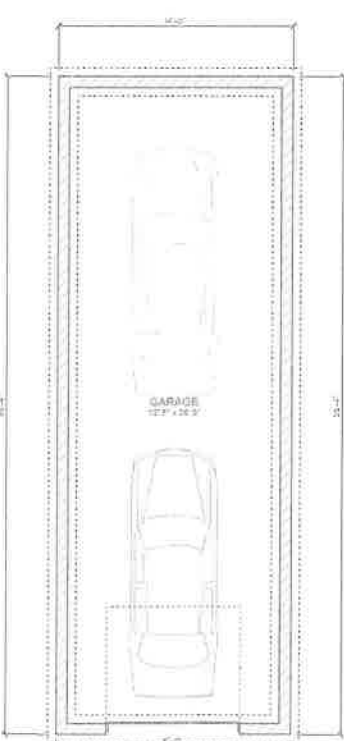
GARAGE ATTIC
SCALE: 3/16" = 1'-0"

AREA SCHEDULE	
NAME	AREA
BEDROOM 1	9'0" x 7'4"
BEDROOM 2	7'4" x 7'4"
BATH	7'0" x 5'2"



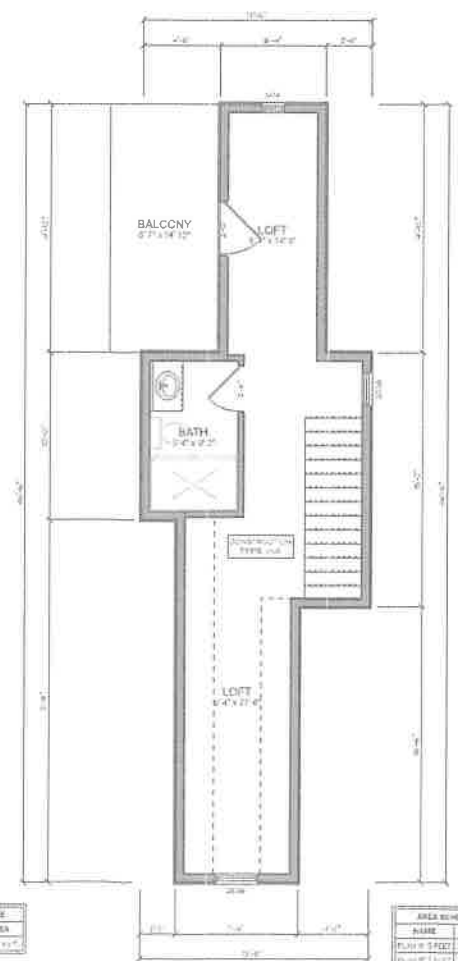
GARAGE FIRST FLOOR
SCALE: 3/16" = 1'-0"

AREA SCHEDULE	
NAME	AREA
LIVING	12'0" x 13'0"
BATH	7'0" x 5'2"



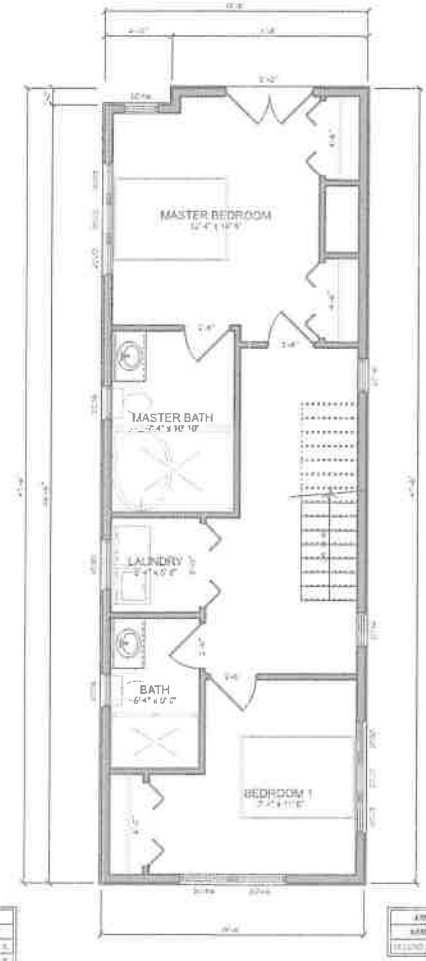
GARAGE FOUNDATION
SCALE: 3/16" = 1'-0"

AREA SCHEDULE	
NAME	AREA
BALCONY	8'7" x 10'0"
LOFT	10'0" x 12'0"



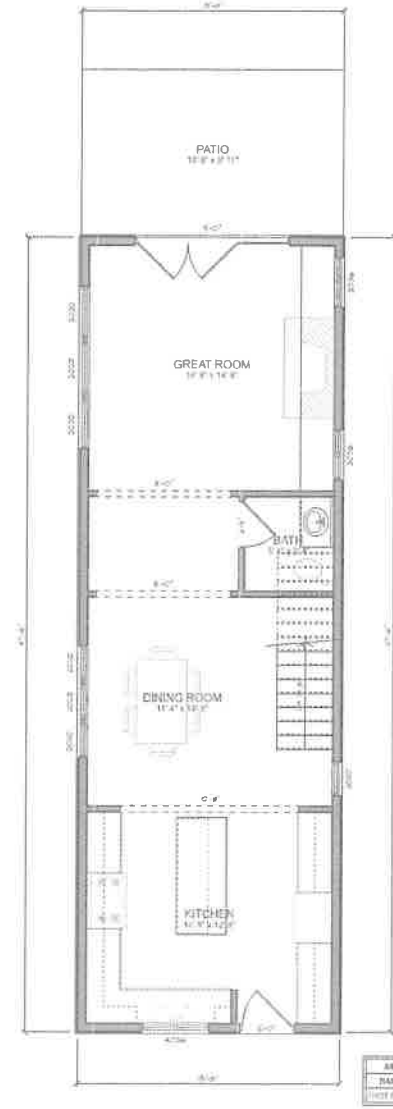
PROPOSED ATTIC
SCALE: 3/16" = 1'-0"

AREA SCHEDULE	
NAME	AREA
BALCONY	8'7" x 10'0"
LOFT	10'0" x 12'0"
BATH	7'0" x 5'2"



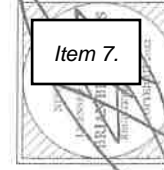
PROPOSED SECOND FLOOR
SCALE: 3/16" = 1'-0"

AREA SCHEDULE	
NAME	AREA
MASTER BEDROOM	12'0" x 11'0"
MASTER BATH	7'0" x 10'0"
LAUNDRY	5'0" x 5'0"
BATH	6'4" x 5'2"
BEDROOM 1	7'4" x 11'0"



PROPOSED FIRST FLOOR
SCALE: 3/16" = 1'-0"

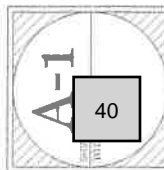
AREA SCHEDULE	
NAME	AREA
GREAT ROOM	18'0" x 14'0"
DINING ROOM	11'4" x 13'0"
KITCHEN	11'0" x 11'0"
BATH	6'0" x 7'0"
PATIO	18'0" x 7'0"



PROJECT FOR:
400 FIRST 401 BEACHFR
DEAN, THOMAS & SUZANNE
MANASQUAN
NEW JERSEY
Project Number
CN#021-08-005
Block: 187
Lot: 11

DATE	BY
2/22/2022	BB

Grasso Design Group
design@grassodg.com
http://www.grassodg.com
231 Highway 71
Manasquan
New Jersey
Phone: 732-528-5850
Fax: 732-528-9167



GENERAL NOTES

1. THE TRACT IS KNOWN AS LOT 11, BLOCK 187 AS SHOWN ON THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY TAX MAP SHEET #32. IT CONTAINS 2,989 SF AND IS LOCATED IN THE R-4 ONE-FAMILY RESIDENTIAL ZONE DISTRICT.
2. OWNER / APPLICANT: THOMAS AND SUZANNE DEAN
400 FIRST AVENUE
MANASQUAN, NJ 08735
3. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM PLANS ENTITLED "TOPOGRAPHIC SURVEY OF PROPERTY", DATED 7/20/2021, PREPARED BY LAKELAND SURVEYING & SIGNED BY JEFFREY S. GRUNN, PLS NO 246504339900.
4. TOPOGRAPHIC DATUM: N.A.V.D. 1988 (VERTICAL)
N.A.D. 1983 (HORIZONTAL)
5. BASED ON A REVIEW OF NJDEP I-MAP INFORMATION, FRESHWATER WETLANDS DO NOT APPEAR TO BE LOCATED ON THE SUBJECT SITE.
6. PROPOSED LIMIT OF DISTURBANCE IS 2,989 SF (ENTIRE LOT).
7. EFFECTIVE BASE FLOOD ELEVATION = 10.0 (VE ZONE) / 8.0 (AE ZONE), PRELIMINARY BASE FLOOD ELEVATION = 14.0 (VE ZONE).
8. (2) PARKING STALLS REQUIRED AND (2) PARKING STALLS ARE PROPOSED.
9. DO NOT SCALE THESE PLANS.

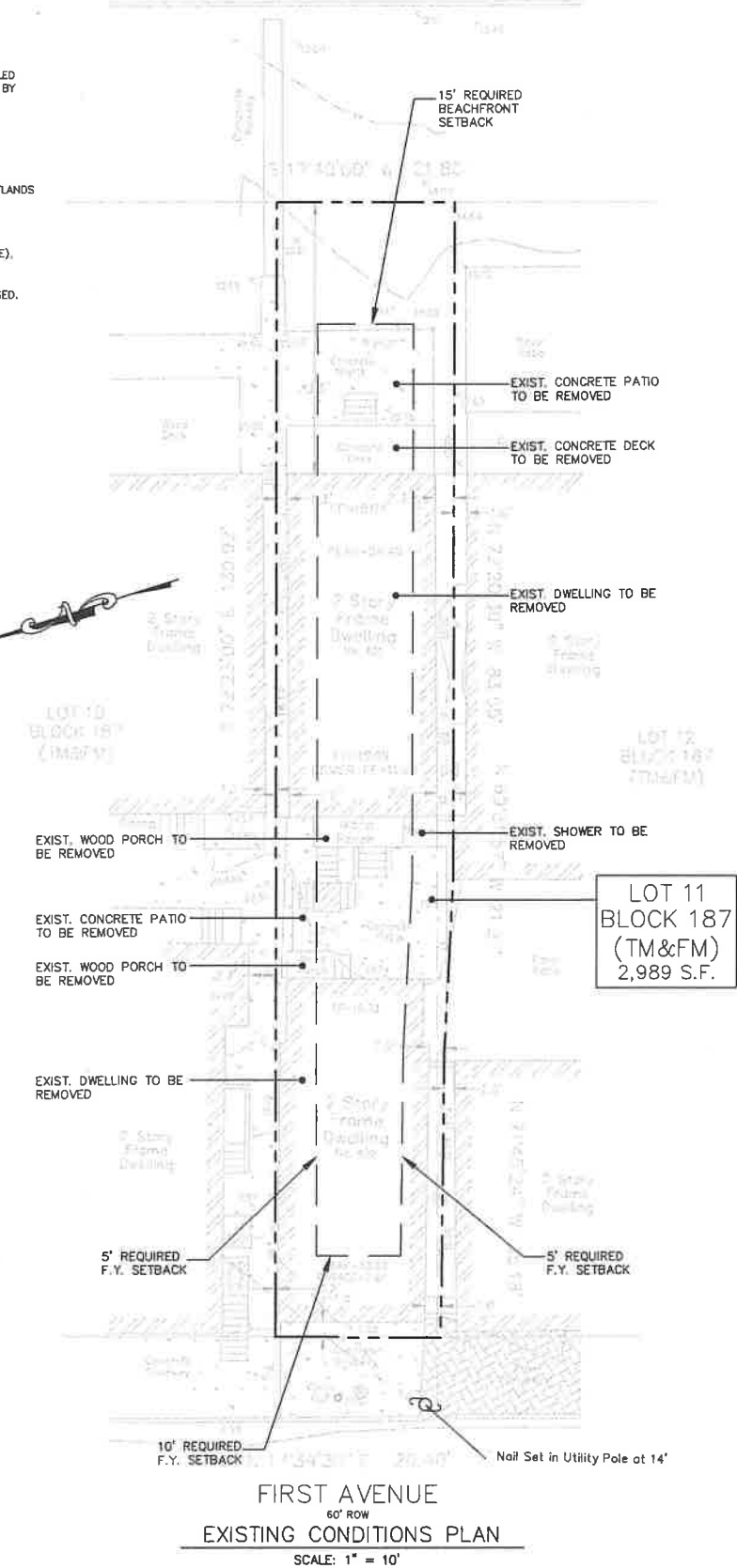
LIST OF VARIANCES

1. THE REQUIRED LOT AREA IS 4,200 SF; WHEREAS THE LOT AREA IS 2,989 SF.
2. THE REQUIRED LOT FRONTAGE IS 30'; WHEREAS THE EXISTING LOT FRONTAGE IS 20.40'.
3. THE MINIMUM REQUIRED SIDE YARD SETBACK IS 5'; WHEREAS THE FIRST AVE DWELLING SETBACK IS 3.2'
4. THE MINIMUM REQUIRED SIDE YARD SETBACK IS 5'; WHEREAS THE BEACHFRONT DWELLING SETBACK IS 3.0'
5. THE MINIMUM DISTANCE BETWEEN DWELLINGS IS 35'; WHEREAS THE PROPOSED DISTANCE BETWEEN THE BEACHFRONT DWELLING AND FIRST AVE GARAGE IS 17.0'
6. THE MAXIMUM PERMITTED BUILDING COVERAGE IS 35%; WHEREAS THE PROPOSED BUILDING COVERAGE IS 43.36%
7. THE MAXIMUM PERMITTED DRIVEWAY WIDTH IS 20'; WHEREAS A DRIVEWAY WIDTH OF 20.4' IS PROPOSED
8. THE MAXIMUM PERMITTED CURB CUT IS 20'; WHEREAS THE PROPOSED CURB CUT IS 20.4'

BUILDING COVERAGE		
ITEM	EXISTING (S.F.)	PROPOSED (S.F.)
BEACHFRONT DWELLING	758	745
FIRST AVE DWELLING	761	551
TOTAL	1,529	1,296
TOTAL AS A % of 2,989sf	51.15%	43.36%

LOT COVERAGE		
ITEM	EXISTING (S.F.)	PROPOSED (S.F.)
BUILDING COVERAGE	1,529	1,296
CONCRETE DRIVEWAY	32	0
CONCRETE PATIO	590	0
CONCRETE DECK / BALCONY	108	0
CONCRETE WALKWAY	132	0
TOTAL	2,391	1,296
TOTAL AS A % of 2,989sf	79.99%	43.36%

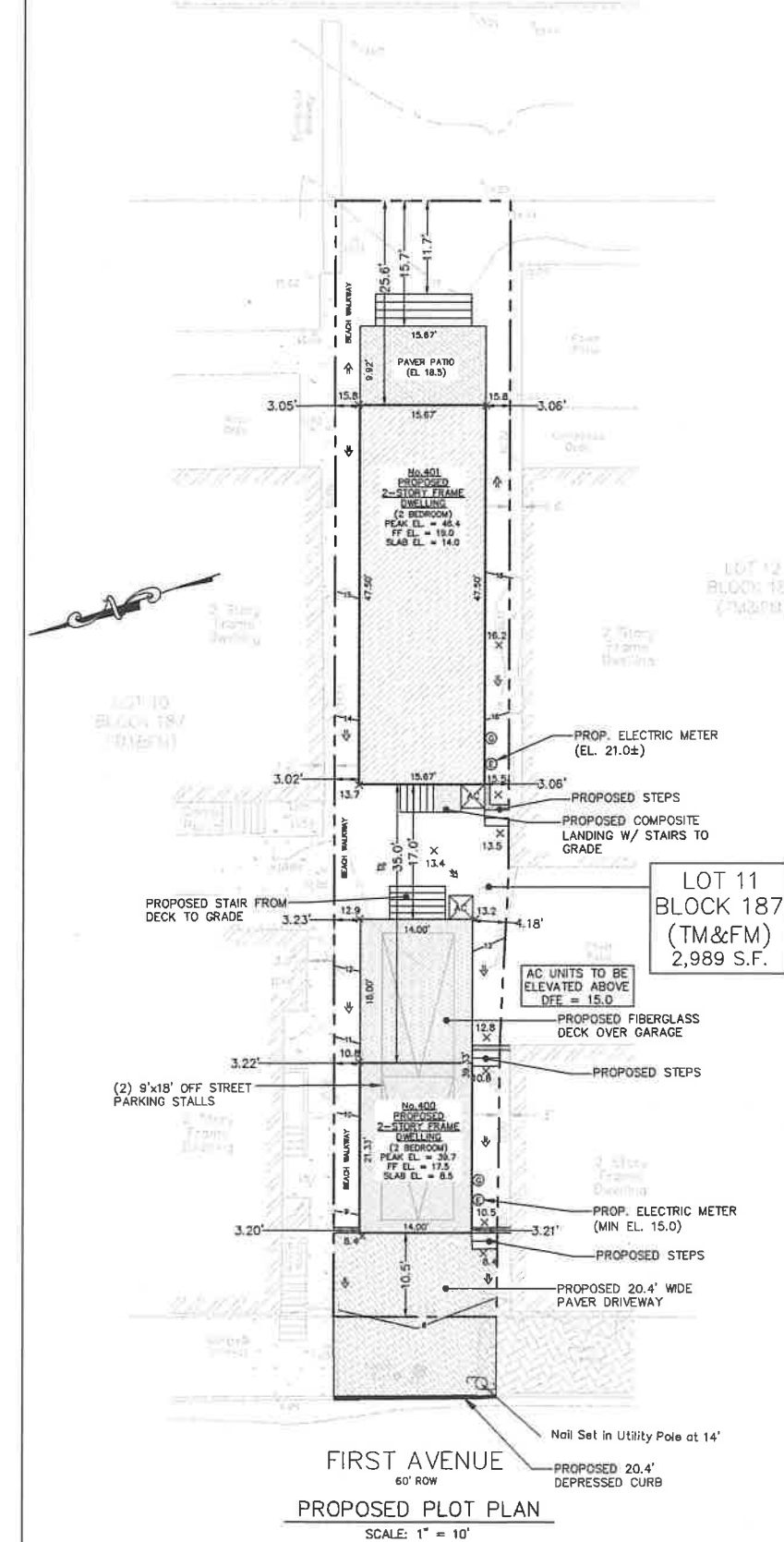
BOARDWALK ROW
66' ROW



FIRST AVENUE
60' ROW

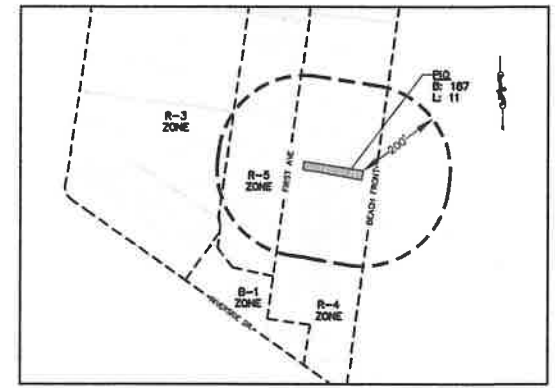
EXISTING CONDITIONS PLAN
SCALE: 1" = 10'

BOARDWALK ROW
66' ROW



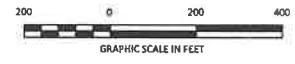
FIRST AVENUE
60' ROW

PROPOSED PLOT PLAN
SCALE: 1" = 10'



LOCATION MAP

SCALE: 1" = 200'



200' PROPERTY OWNERS LIST

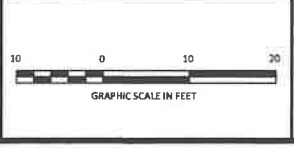
BOROUGH OF MANASQUAN 200' LIST - 400 FIRST AVENUE / 401 BEACHFRONT - BLOCK 187 LOT 11			
Lot #	Owner Name	Address	City/Township/State
180	OCCEANFRONT BEACH	701 E MAIN ST	MANASQUAN, NJ 08736
180.02	1573 FIRCH AVE	GALLOWAY, ANDREW & GALLOWAY, EDITH	MANASQUAN, NJ 08736
180.03	1573 1/2 FIRCH AVE	MCCOY, KATHLEEN	MANASQUAN, NJ 08736
180.04	4432 FIRST AVE	RICHARDSON, RUDYTH STRUTS	MANASQUAN, NJ 08736
180.01	413 FIRST AVE	EARLE, MARIANNE & DRYER, QUITAVIC C	FREEHOLD, NJ 07728
187	384 FIRST AVE-385 BEACHFR	WHITNEY, KENNETH & ELIZABETH	MANASQUAN, NJ 08736
187	386 FIRST AVE-387 BEACHFR	WALTWANDER, JOHN L & HEIDI I SCHUET	CHATHAM, NJ 07938
180.08	409 FIRST AVE	409 1ST AVE	HOWELL, NJ 07731
187	380 FIRST AVE-389 BEACHFR	DANA, RONALD B	TRENENT, NJ 07759
180.01	407 FIRST AVE	ROMANCO LIVING TRUST	MANASQUAN, NJ 08736
180.01	405 FIRST AVE	HUNT, SHARON W	MANASQUAN, NJ 08736
187	393 BEACHFRONT	MOUNTFORD, THOMAS A & JEAN M	FLORENCE PARK, NJ 07932
187	394 FIRST AVE-395 BEACHFR	HASKELL, MICHAEL CORNELL & SUZANNE	MANASQUAN, NJ 08736
180.01	403 FIRST AVE	PACORILLA, ARTURO & LESLIE VITALE	MANASQUAN, NJ 08736
180.01	401 FIRST AVE	MCCARTHER, DEBORAH	MANASQUAN, NJ 08736
187	399 FIRST AVE-399 BEACHFR	AMSTERDAM ASSOC. LLC (D/O) T/ONTAKA	WOODCLIFF LAKE, NJ 07777
180.01	397 FIRST AVE	STINSON, EDWARD E & GWEN T	MORE HILL, NJ 07803
187	403 BEACHFRONT-402 FIRST	CULLEN, WILLIAM P & MARION	MANASQUAN, NJ 08736
180.01	395 FIRST AVE	BURY, STUART J & SLAVIN, JANE	MANASQUAN, NJ 08736
187	404 FIRST AVE-405 BEACHFR	BUDON, JOHN E & FRANCES M	MANASQUAN, NJ 08736
180.01	393 FIRST AVE	WORTH, ALEX J	MANASQUAN, NJ 08736
187	406 FIRST AVE-407 BEACHFR	FEDERICI, HANSEL WEISS & COOK	FREEHOLD, NJ 07728
180.01	391 FIRST AVE	HAAS, JEFFREY I & LISA W	MANASQUAN, NJ 08736
180.01	387 FIRST AVE	LANE, CHARLES H & CAROL M REV TRUST	DOHERTYVILLE, NJ 08876
187	408 FIRST AVE-409 BEACHFR	TUCKER, WALTER W & RYAN L	MANASQUAN, NJ 08736
187	410 FIRST AVE-411 BEACHFR	GAARDON, JOHN V & DIANE M	ALLENWOOD, NJ 08820
180.01	385 FIRST AVE	BEARD, ROBERT & JEANNE M	MANASQUAN, NJ 08736
187	413 BEACHFRONT	DOC'S CONDOMINIUM ASSOC	MANASQUAN, NJ 08736
187	413 BEACHFRONT	HALLAM, JOSEPH III	MANASQUAN, NJ 08736
187	412 1ST AVE	MULLOY, JAMES C & DORIS J	MANASQUAN, NJ 08736
187	414 FIRST AVE-415 BEACHFR	AJENY, EDAN C	SPRING LAKE, NJ 07762
187	416 FIRST AVE-417 BEACHFR	MCDEVINE, BETTY L	HIGHMILL, NJ 07833
187	418 FIRST AVE-419 BEACHFR	SMITH, JOAN & SMITH, WILLARD TRUST	MANASQUAN, NJ 08736

ZONING REQUIREMENTS FOR RESIDENTIAL ZONE R-4			
ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA (min.)	4,200 SF	2,989 SF	* NO CHANGE (V)
LOT FRONTAGE (min.)	30'	20.40'	* NO CHANGE (V)
FRONT SETBACK FIRST AVE (min.)	10'	1.8'	* 10.5'
BEACHFRONT SETBACK (min.)	15'	33.5'	* 25.6'
DWELLING	15'	33.5'	* 25.6'
PATIO OR DECK < 36" HIGH	10'	27.5'	* 11.7'
SIDE SETBACK (min.)	5'	0.2'	* 3.2' (V)
FIRST AVE DWELLING	5'	0.2'	* 3.0' (V)
BEACHFRONT DWELLING	5'	1.3'	* 3.0' (V)
DISTANCE BETWEEN BUILDINGS	35'	19.9'	* 35.0'
BTWN. DWELL. UNITS	35'	N/A	* 17.0' (V)
BTWN. DWELL. UNIT & GARAGE	35'	51.15%	* 43.36% (V)
BUILDING COVERAGE (max.)	35%	79.99%	* 43.36% (V)
LOT COVERAGE (max.)	50%	20'	* 20.4' (V)
DRIVEWAY WIDTH (max.)	20'	20'	* 20.4' (V)
CURB CUT (max.)	20'	20'	* 20.4' (V)
BUILDING HEIGHT (max.)	2.5 ST. / 33' ****	2.5 ST. / 25.0'	2.5 ST. / 33.0'
BEACHFRONT DWELLING	2.5 ST. / 33' ****	2.5 ST. / 25.0'	2.5 ST. / 32.0'
FIRST AVE DWELLING	2.5 ST. / 33' ****	2.5 ST. / 25.0'	2.5 ST. / 32.0'

* EXISTING NON-CONFORMITY
** MEASURED FROM PEAK TO TOP OF CURB EL
*** MAXIMUM BUILDING HEIGHT FOR GARAGE APARTMENTS MEASURED PEAK TO ROAD CROWN 7.7
**** MAXIMUM HEIGHT OF BEACHFRONT DWELLING MEASURED PEAK TO BOARDWALK EL 13.4
(V) VARIANCE REQUIRED

REVISION NO.	DATE	REVISION
3	03-23-22	PER ZONING COMMENTS

NOTICE:
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Matthew C. Hockenbury
MATTHEW C. HOCKENBURY
PROFESSIONAL ENGINEER, N.J. LIC. NO. GE49637

MCH ENGINEERING, Inc
1010 COMMONS WAY, BLDG. G
Toms River, NJ 08755
TEL: (732) 569-3592
FAX: (732) 553-2998
CERTIFICATE OF AUTHORIZATION NO 246A2825300

PLOT PLAN FOR VARIANCE
400 FIRST AVENUE - 401 BEACHFRONT AVENUE
BLOCK 187 - LOT 11
BOROUGH OF MANASQUAN MONMOUTH COUNTY NEW JERSEY
PROJECT NO: 21-392
DATE: 02/24/2022
DESIGNED BY: SMF
DRAWN BY: MCH
SCALE: 1"=10'
MCH ENGINEERING INC
SHEET NO: 1 of 1

B.O.M. RECEIVED
M&G _____ ADM _____
CLERK _____ CFO _____

April 14, 2022

APR 18 2022

DPW _____ CONST _____
PD _____ OTHER _____

Mary Salerno, Secretary
Manasquan Borough Planning Board
201 East Main Street
Manasquan, NJ 08736

Re: Boro File No. MSPB-R1850
Variance – Dean
Block 187, Lot 11
401 Beachfront/400 First Avenue
R-4 Single-Family Residential Zone
Borough of Manasquan, Monmouth County, NJ

Dear Ms. Salerno:

As per your request, I have reviewed the above-referenced application in accordance with the provisions of the Borough Land Development Ordinance. The documents reviewed in conjunction with this application include:

1. Plot Plan prepared by Matthew Hockenbury, P.E. of MCH Engineering, Inc., dated February 24 2022., last revised March 23, 2022
2. Architectural Floorplans and Elevations prepared by Brian Berzinskis, RA, dated February 22, 2022.

The property is located in the R-4 Single-Family Residential Zone with frontage on First Avenue and the Beachfront. With this application, the applicant proposes to demolish both existing dwellings and construct a raised two story garage dwelling on First Avenue, a two and one half story dwelling on the beachfront, and associated site improvements. This application is deemed complete on April 14, 2022.

The following are our comments and recommendations regarding this application:

1. The property is located in the R-4 Single Family Residential Zone. The proposed residential use is permitted in the zone.
2. The following bulk ('c') variances are required as part of this application:

Lot 11

- a. A maximum building coverage of 35% is permitted, whereas a building coverage of 43.33% is proposed (51.15% exists).

Re: Boro File No. MSPB-R1850
Variance – Dean
Block 187, Lot 11

April 14, 2022
Sheet 2

- b. A minimum building separation of 35 feet is required, whereas a separation of approximately 17 feet is proposed. The separation of the framed buildings is 35 feet.
- c. A maximum driveway width and curb cut of 20 feet is permitted, whereas a driveway width of 20.4 feet is proposed.

Beachfront Dwelling (401 Beachfront)

- d. A minimum side yard setback of 5 feet is required, whereas setbacks of 3.02 feet (north) and 3.06 feet (south) are proposed (1.3 feet and 2.0 feet exists).
- e. A maximum dormer length of 10 feet is permitted, whereas a dormer length of 15 feet 2 inches is proposed for the stairwell dormer.

First Avenue Dwelling (400 First Avenue)

- f. A minimum side yard setback of 5 feet is required, whereas setbacks of 3.2 feet (north) and 3.21 feet (south) are proposed (0.2 feet and 1.9 feet exists).

3. The following non-conformities exist on Lot 11 and are not proposed to be modified as part of this application:

Lot 11

- a. A minimum lot frontage of 30 feet is required, whereas a lot frontage of 20.4 feet exists and is proposed.
 - b. A minimum lot area of 4,200 square feet is required, whereas a lot area of 2,989 square feet exists and is proposed.
4. The east elevation shown on the architectural plan does not appear to accurately represent the proposed roofline for the entire dwelling. The plans must be revised to show the entire roofline, including dormers, on this elevation.
 5. The full proposed height including the chimney must be indicated. The chimney height must meet the building height requirement or a variance must be requested.
 6. The base flood elevation for the property is 14 (Zone VE). The finish first floor of the First Avenue dwelling is proposed at elevation 17.5 and the beachfront dwelling at elevation 19.0.
 7. The air conditioning units are proposed to be located on raised platforms between the two dwellings.
 8. The applicant should confirm that the required 80 square feet of storage space is proposed in the First Avenue garage.

**BOROUGH OF MANASQUAN
ORDINANCE 2370-22**

**AN ORDINANCE BY THE BOROUGH COUNCIL
AMENDING THE BOROUGH OF MANASQUAN CODE
OF ORDINANCES TO REPEAL CHAPTER 29 ; TO
ADOPT A NEW CHAPTER 29; TO ADOPT FLOOD
HAZARD MAPS; TO DESIGNATE A FLOODPLAIN
ADMINISTRATOR; AND PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the **Borough of Manasquan** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the **Borough of Manasquan** was accepted for participation in the National Flood Insurance Program on May 12, 1972 and desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

WHEREAS, the **Borough of Manasquan** is required, pursuant to N.J.A.C.. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the **Borough of Manasquan** is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the **Borough of Manasquan** is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the **Borough Council** of the Borough of Manasquan **that the following floodplain management regulations are hereby adopted.**

29-1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

29-2. These regulations specifically repeal and replace Chapter 29 (Flood Damage Prevention) of the Borough of Manasquan’s Revised General Ordinances.

29-2.1 DEFINITIONS

29-2.2 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

29-2.3 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of ‘Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or flood proofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-flood proof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-flood proofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD – see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA, which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on

a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

COASTAL A ZONE – An Area of Special Flood Hazard starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

COASTAL HIGH HAZARD AREA – An Area of Special Flood Hazard inclusive of the V Zone extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEEP FOUNDATIONS – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as described in ASCE 7. Foundations shall extend to 10 feet below Mean Water Level (MWL) unless the design demonstrates that pile penetration will provide sufficient depth and stability as determined by ASCE 24, ASCE 7, and additional geotechnical investigations if any unexpected conditions are encountered during construction.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or

any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA’s base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOOD PROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for flood proofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure’s lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed flood proofing certificate is required at permit application.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 29-9 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board or the Borough Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more

expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LIMIT OF MODERATE WAVE ACTION (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community’s ordinance. In no circumstances shall a project’s LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

LOWEST HORIZONTAL STRUCTURAL MEMBER - In an elevated building in a Coastal A or Coastal High Hazard Zone, the lowest beam, joist, or other horizontal member that supports the building is the lowest horizontal structural member. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types

of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The **Start of Construction** is as follows:

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the

installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before it was damaged would equal or exceed 40 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 10 year period, the cumulative cost of which equals or exceeds 40 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation starts October 29, 2021. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

V ZONE CERTIFICATE - A certificate that contains a certification signed by a licensed design professional certifying that the designs, plans, and specifications and the methods of construction in V Zones and Coastal A Zones are in accordance with accepted standards of practice. This certificate also includes an optional Breakaway Wall Design Certification for enclosures in these zones below the Best Available Flood Hazard Data Elevation. A completed certification is required at permit application.

V ZONES – Areas of Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOOD PROOFING – Flood proofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet flood proofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

29-3 SCOPE AND ADMINISTRATION

29-3.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations of the Borough of Manasquan* (hereinafter “these regulations”).

29-3.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Chapter 29 of these regulations.

29-3.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

29-3.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Borough of Manasquan** administer and enforce the State building codes, the **Borough Council of the Borough of Manasquan** does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

29-3.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 29-5.14 of this ordinance.

29-3.6 Warning. The degree of flood protection required by these regulations is

considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

29-3.7 Other laws. The provisions of these regulations shall not be deemed To nullify any provisions of local, State, or Federal law.

29-3.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon re-inspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

29-3.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

29-3.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

29-4 APPLICABILITY

29-4.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

29-4.2 Establishment of Flood Hazard Areas. The **Borough of Manasquan, Community No. 345303**, was accepted for participation in the National Flood Insurance Program on May 12, 1972.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA

also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Borough of Manasquan’s Municipal Offices at 201 East Main Street.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Monmouth County, NJ (All Jurisdictions) dated September 25, 2009 and revised June 20, 2018 and June 15, 2022 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 29-4.2(1) whose effective date is September 25, 2009 are hereby adopted by reference.

Table 29-4.2(1)

Map Panel #	Effective Date	Revision Letter
34025C0343	September 25, 2009	F
34025C0456	September 25, 2009	F
34025C0457	September 25, 2009	F

- 2) **Federal Best Available Information.** **The Borough of Manasquan** shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA’s Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 29-4.2(2)

Map Panel #	Effective Date	Revision Letter
34025C0343	January 31, 2014	G
34025C0456	January 31, 2014	G
34025C0457	January 31, 2014	G

- 3) **Other Best Available Data.** **The Borough of Manasquan** shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Manasquan. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 29-4.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 29-2.1, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA.

29-4.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 29-4.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 29-4.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 29-4.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 29-7.2 and 29-7.3.
- 3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

29-5 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

29-5.1 Floodplain Administrator Designation. The Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

29-5.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 29-9 of these regulations.

29-5.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

29-5.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 29-4 of these regulations.

- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 29-5.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 29-9 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 29-8 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 29-9 of these regulations.
- (13) Cite violations in accordance with Section 29-10 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the **Borough of Manasquan** have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 29-4.2.

29-5.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

29-5.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

29-5.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic

and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant’s proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in sections 29-4.2 and 29-4.3 respectively. This information shall be provided to the Construction Official and documented according to Section 29.5.5.

29-5.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

29-5.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

29-5.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

29-5.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

29-5.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

29-5.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

29-5.12 Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer that demonstrates that the proposed alteration will not increase the potential for flood damage.

29-5.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a

floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

29-5.14 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 29-4.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of ten (10) years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

29-5.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

29-5.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or

ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

29-6 PERMITS

29-6.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

29-6.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 29-7 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

29-6.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

29-6.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

29-6.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

29-7 SITE PLANS AND CONSTRUCTION DOCUMENTS

29-7.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 29-7.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not

included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 29-7.2(3) of these regulations.

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Flood proofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

29-7.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

29-7.3 Analyses and Certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 29-7.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area

encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 29-7.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

29-7.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

29-8 INSPECTIONS

29-8.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

29-8.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

29-8.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 29-16.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 29-16.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 29-16.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 29-16.2 shall be submitted to the Construction Official on an Elevation Certificate.

29-8.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon

placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

29-9 VARIANCES

29-9.1 General. The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 29-9.5, the conditions of issuance set forth in Section 29-9.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

29-9.2 Historic Structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

29-9.3 Functionally Dependent Uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

29-9.4 Restrictions in Floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 29-7.3(1) of these regulations.

29-9.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

29-9.6 Conditions for issuance. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for 100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

29-10 VIOLATIONS

29-10.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

29-10.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner’s agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

29-10.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

29-10.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon re-inspection of the property, it is determined that the abatement has not been substantially completed.

29-11 SUBDIVISIONS AND OTHER DEVELOPMENTS

29-11.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

29-11.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

29-12 SITE IMPROVEMENT

29-12.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 29-7.3(1) of these

regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 29-7.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 29-16.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

29-12.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

29-12.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones. In Coastal High Hazard Areas and Coastal A Zones:

- (1) New buildings shall only be authorized landward of the reach of mean high tide.
- (2) The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.
- (3) Basements or enclosures that are below grade on all sides are prohibited.
- (4) The use of fill for structural support of buildings is prohibited.

29-12.3 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

29-12.4 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

29-12.5 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

29-12.6 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

29-12.7 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

29-12.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only when the engineering analysis required by Section 29-7.3(4) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 29-16.9(3) of these regulations and as permitted under the NJ Coastal Zone Management Rules (N.J.A.C. 7:7).

29-12.9 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

29-13 MANUFACTURED HOMES

29-13.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

29-13.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 29-16.2.

29-13.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

29-13.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

29-13.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 29-16.2.

29-13.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 29-16.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 29-16.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

29-14 RECREATIONAL VEHICLES

29-14.1 Placement Prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

29-14.2 Temporary Placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

29-14.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 29-16.2 for habitable buildings.

29-15 TANKS

29-15.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

29-16 OTHER DEVELOPMENT AND BUILDING WORK

29-16.1 General Requirements for other Development and Building Work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 29-7.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 29-4.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 29-4.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.

- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

29-16.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 29-2.1) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 29-4.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 29-4.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Flood proofing Certificate, and is confirmed by an Elevation Certificate.
 - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - i. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 29-16.21(d)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - iv. Have openings documented on an Elevation Certificate; and
 - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

2) Construction and Elevation in V Zones and Coastal A Zones.

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 29-2.1) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 29-4.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 29-4.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Flood proofing Certificate, and is confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 29-16.2.2(c)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
 - iv. Have openings documented on an Elevation Certificate and have

breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 29-16.2.2(c)ii are met for a non-residential structure; and

- v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

29-16.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

29-16.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 29-7.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 29-9 of this ordinance.

29-16.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 29-7.3(1) of these regulations and N.J.A.C. 7:13.

29-16.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 29-7.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

29-16.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 29-7.3(1) of these regulations.

29-16.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave run up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood

- or otherwise function to avoid obstruction of floodwater; and
- (3) On-site filled or mound sewage systems.

29-16.9 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave run up and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run up and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

29-17 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

29-17.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

29-17.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

29-17.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 29-7.3(1) of these regulations.

29-18 UTILITY AND MISCELLANEOUS GROUP U

29-18.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

29-18.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 29-4.3.

29-18.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 29-4.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

29-18.4 Enclosures Below Base Flood Elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 29-16.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

29-18.5 Flood-Damage Resistant Materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 29-4.3.

29-18.6 Protection of Mechanical, Plumbing, and Electrical Systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 29-4.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

29-19 SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

29-20 EFFECTIVE DATE.

This ordinance shall become effective following its final passage and publication according to the law

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2370-22 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 18th day of April, 2022 and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of May, 2022. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the public by contacting the office of the Municipal Clerk in Borough Hall at bilaria@manasquan-nj.gov between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Barbara Ilaria, RMC, CMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, New Jersey 08736

Passed on First Reading and Introduction: April 18, 2022
Approved on Second Reading and Final Hearing: May 16, 2022

Edward G. Donovan
Mayor