

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
September 7, 2021 7pm

In order to accommodate both in person and virtual meeting requests the Mayor and Council have established a Hybrid Meeting which will include in-person and virtual participation.

IN-PERSON MEETING

The in-person meeting will be held at Borough Hall at the above stated date and time. Masks are optional.

During the meeting, as each Audience Participation Session is reached, the Mayor will announce the opening of the Audience Participation Session. You will stand in front of the public mic and clearly state your name, and full address followed by your question or comment. The Mayor will direct the response to the speaker as applicable. Once this speaker's participation is completed, the Mayor will ask if there is another person interested in commenting. This will continue until no other members of the audience request to be heard and this Session will be formally closed.

Zoom Meeting

<https://zoom.us/j/8830046931> or 1-646-876-9923

ID# 883 004 6931

Participant Instructions
Meeting will be recorded

Instructions:

Join meeting via Zoom video:

- Click on link above or copy and paste into your browser.
- When prompted, enter the ID number provided above.
- You will automatically be put in the waiting room. At 7 pm or shortly thereafter you will be admitted to the meeting. You will automatically be put on mute. You will now be able to hear the meeting.

Join meeting via Zoom dial in (phone):

- Dial the number provided above.
- When prompted, enter the ID number provided above.
- You will automatically be put in the waiting room. At 7 pm or shortly thereafter you will be admitted to the meeting. You will automatically be put on mute. You will now be able to hear the meeting.

Mayor's Instructions

During the meeting, as each Audience Participation Session is reached, the Mayor will announce the opening of the Audience Participation Session.

If you would like to ask a question or make a comment please press *9 to raise your hand in the system if you are on the phone. When the last 4 numbers of your phone number is announced you will be unmuted to speak.

If you are participating via video scroll towards the bottom of the page to participants. This is where you can raise your hand through the system.

You must clearly state your name, and full address followed by your question or comment. The Mayor will direct the response to the speaker as applicable. Once this speaker's participation is completed, the Mayor will ask if there is another person interested in commenting. This will continue until no other members of the audience request to be heard and this Session will be formally closed.

BOROUGH OF MANASQUAN AGENDA
September 07, 2021 7:00 PM

This Regular Meeting of the Mayor and Council of the Borough of Manasquan is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough. This agenda is complete to the extent known and formal action will be taken.

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Proclamations

1. Manasquan Beach Improvement Associations - 100th Anniversary
2. Manasquan Tourism Commission - 30 Year Anniversary
3. Hunger Action Month

Monmouth County Open Space Hearing

1. Curtis Park Phase II Project

Resolution

1. 230-2021 Authorizing Submission of 2021 Open Space Grant

Audience Participation - Limited to Agenda Items Only (time limit of 5 minutes)

Approval of Minutes

1. Regular Meeting Minutes - August 16, 2021

Workshop Discussion:

Use of Borough Property

1. Chamber Car Show - Main Street - September 24, 2021 - 5 to 7 pm

Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately.

1. 228-2021 Authorizing Administrator to Establish Temporary COVID-19 Related Policy and Procedures
2. 229-2021 Authorizing Execution of CGP&H Agreement
3. 231-2021 Return Planning Board Escrow - Various
4. 232-2021 Appointing Permanent Laborer I - Kelly
5. 233-2021 Return Duplicate Tax Payment - Burke
6. 234-2021 Payment of Bills

Ordinances - First Reading

1. 2363-21 Amending Chapter 35 Zoning - Walls/Fences; Additional Lot Height/Yard Requirements; Hot Tubs/Spas and Outdoor Showers
2. 2364-21 Amending Chapter 15 Rental Property - Administrative Fee
3. 2365-21 Amending Chapter 35 Zoning - Principal Buildings

Committee Reports

Audience Participation On Any Subject (comments limited to 5 minutes)

Adjournment

**BOROUGH OF MANASQUAN
RESOLUTION
230-2021**

**RESOLUTION AUTHORIZING THE BOROUGH OF
MANASQUAN TO APPLY FOR A 2021 MONMOUTH
COUNTY MUNICIPAL OPEN SPACE GRANT FOR
THE IMPROVEMENTS TO CURTIS PARK PHASE
II PROJECT**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Manasquan desires to obtain County Open Space Trust Funds in the amount of \$198,000.00 to fund the Improvements to Curtis Park Phase II project, located at 215 East Main Street, Block 87, Lot 1, that consists of the construction of new playground facilities, including ADA compliant components, and associated facilities at Curtis Park; and

WHEREAS, the total cost of the project including all matching funds is \$396,456.50; and

WHEREAS, the Borough of Manasquan is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the Borough of Manasquan that:

1. Thomas Flarity, Administrator or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Manasquan is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Thomas Flarity, Administrator or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the September 7, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
228-2021**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY, AUTHORIZING THE BOROUGH
ADMINISTRATOR TO ESTABLISH TEMPORARY
COVID-19 RELATED POLICIES AND PROCEDURES
AS WARRANTED.**

WHEREAS the COVID 19 virus pandemic continues to pose a threat to public health; and

WHEREAS public health officials continue to revise and issue recommended guidelines designed to protect against contracting or spreading the virus; and

WHEREAS business and government leaders need the ability to respond flexibly and in real time to this new information and to adopt responsive COVID-related operating policies and procedures.

NOW, THEREFORE, BE IT RESOLVED that until further notice:

The Borough Administrator or his/her designee is hereby authorized to establish and enforce COVID-related operating policies and procedures, derived from official health expert recommendations, that will be applicable to Borough employees and Borough operations. As a matter of course, copies of all such proposed written policies and procedures shall be provided to Mayor and Council prior to implementation.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held September 7, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
229-2021**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and are hereby authorized to sign the Professional Services Agreement between CGP & H LLC. and the Borough of Manasquan.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the September 7, 2021 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
231-2021**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies is due to the following:

NAME: JOAN MCLAUGHLIN
18 OCEAN AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #32-2016
18 OCEAN AVENUE
BLOCK: 162 LOT: 5 ZONE: R-2

AMOUNT OF REFUND DUE: \$75.00

NAME: BRIAN LUTHER
376 PERRINE BLVD.
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #25-2019
376 PERRINE AVENUE
BLOCK: 130 LOT: 20.03 ZONE: R-2

AMOUNT OF REFUND DUE: \$554.00

NAME: MICHAEL & COLLEEN FARRELL
18 CHURCHILL STREET
FREEHOLD, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #08-2017
283 BEACHFRONT
BLOCK: 181 LOT: 8 ZONE: R-4

AMOUNT OF REFUND DUE: \$287.50

NAME: MICHAEL & COLLEEN FARRELL
18 CHURCHILL STREET
FREEHOLD, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #34-2015
283 BEACHFRONT
BLOCK: 181 LOT: 8 ZONE: R-4

AMOUNT OF REFUND DUE: \$193.75

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the September 7, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
232-2021**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointment of Gene Kelly, 5 Pearce Court, Manasquan, New Jersey to permanent Laborer I with the Manasquan Public Works Department as of September 1, 2021. No salary change. The appointee has met all the necessary requirements and evaluations for the position.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the meeting held on September 7, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
233-2021**

BE IT RESOLVED by the Council of the Borough of Manasquan that, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies is due to the following:

NAME: JOHN & JESSICA BURKE
4 STOCKTON AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$3,377.58

REASON FOR REFUND: DUPLICATE TAX PAYMENT
BLOCK 164 / LOT 31.01
4 STOCKTON AVE

WHEREAS, the Tax Collector has certified that the homeowner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Borough Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on September 7th, 2021 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA			YES			NO

**OROUGH OF MANASQUAN
RESOLUTION
234-2021**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	\$1,894,520.48
Capital Fund	\$57,561.61
Water/Sewer Fund	\$51,674.15
Water/Sewer Utility Fund	
Beach Utility Fund	\$21,440.42
Beach Capital Fund	\$4,371.59
Recreation Building Trust	\$696.42
Recreation Trust	\$9,697.51
Reserve for Open Space	\$3,269.52
Reserve for Tourism	\$10,442.75
Reserve for Junior Lifeguard	\$12,437.50
Miscellaneous Trust I	\$1,000.00
Developer's Escrow	\$8,044.57
Animal House	\$1,632.00

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Council at their regular meeting on September 7, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2363-21**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-7.5 (WALLS AND
FENCES) SECTION 35-11.8 (ADDITIONAL LOT
HEIGHT AND YARD REQUIREMENTS) SECTION 35-
11.9 (HOT TUBS/SPAS) OF THE BOROUGH OF
MANASQUAN CODE IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code, Section 35-7.5 refers to Walls and Fences, Section 35-11.8 refers to Additional Lot Height and Yard Requirements, and Section 35-11.9 refers to Hot Tubs/Spas; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending certain zoning requirements; and

WHEREAS, the Manasquan Borough Council has determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to amend these Zoning Requirements; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-7.5 refers to Walls and Fence Requirements of the revised general ordinances of the Borough of Manasquan is hereby amended as follows:

35-7.5 Walls and Fences

- a. No wall or fence shall be erected, maintained, or planted to a height greater than 6 (six) feet above ground level, provided that the same is more than 25 (twenty five) feet from any street line. No wall or fence shall be erected, maintained, or planted to a height greater than 4 (four) feet within 25 (twenty five) feet of any street line. Fence shall be measured from original grade.

Section 2: Section 35-11.8 refers to Additional Lot, Height and Yard requirements of the Revised General Ordinances of the Borough of Manasquan is hereby amended as follows:

35-11.8 Additional Lot, Height and Yard Requirements

- a. No deck shall be constructed above the highest finished floor of any building or structure;
- b. A widow's walk having a maximum floor area of fifty (50) square feet is permitted provided that it is uncovered and that the sole access to the widow's walk is from within the interior of the building;
- c. No steps, stairs, entry porch, platform, landing, shower enclosure or mechanical device shall be constructed, located or maintained in any required side yard setback area except as set forth in paragraph k. below;
- d. An uncovered and unscreened entry porch, platform or landing leading to a basement, cellar or first floor which is not more than five (5) feet wide may project not more than three (3) feet (not including steps) into the required front or rear yard setback area, provided the floor of the porch is within three (3) feet of ground level;
- e. Entry steps or stairs may be located in the required front and rear setback areas;

- f. An open terrace, deck or patio, but not including a roofed over porch or terrace and not more than three (3) feet above the surrounding grade may be located in the front yard provided that the unoccupied portion of the front yard has a depth of at least ten (10) feet;
- g. A one (1) story bay window may project into a front yard not more than three (3) feet;
- h. Roof overhangs and chimneys may project not more than eighteen (18) inches into the required side setback area;
- i. Standby generators shall be located in the rear yard only with a minimum 5-foot side yard setback, and a minimum 5 (five) foot rear yard setback. Generators shall not encroach into side yard setback. The generator shall be screened so that it is not visible from adjacent properties. For corner lots, standby generators may be located in a side yard with prior approval from the Zoning Officer and the Technical Review Committee of the Planning Board;
- j. For existing residential principal buildings located in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, steps and/or stairs required to be extended as a result of the building being raised shall be permitted to extend into any required front, rear or side yard setback, but not into the public right-of-way. For new residential construction located in the Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, steps and/or stairs may be located in the front and rear setback areas;
- k. Ground-level decks and patios may be located in the rear yard provided that the deck or patio is not more than eight (8) inches above the surrounding grade and setback at least five (5) feet from the side and rear property lines;
- l. Notwithstanding the provisions of Subsections, a and f above, residential principal buildings located in the Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM), as released on December 12, 2012, may construct first-floor decks in the front rear yards at a height not to exceed the level of the first floor of the structure;
- m. Maximum building height for all garage apartment buildings facing First Avenue in Flood Hazard Zone V as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be in accordance with §35-9.4.

Section 3: Section 35-11.9 refers to Hot Tub/Spas and Outdoor Shower requirements of the Revised General Ordinances of the Borough of Manasquan is hereby amended as follows:

Section 35-11.9 Hot Tubs/Spas and Outdoor Showers

No hot tub/spa/outdoor shower shall be:

- a. Located in the front yard of any lot.
- b. Located in the side yard of any lot.
- c. Located nearer than five (5) feet to any lot line.
- d. Located nearer to the side yard than the principal building on the lot.
- e. An enclosure for a hot tub/spa shall not exceed ten (10) feet in height measured from the average grade of the lot.

Section 4: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except

insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.

- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2363-21 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 7th day of September 2021 and read for the first time. The said Ordinance is going to be 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 4th day of October 2021. 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 general public at the office of the Municipal Clerk in Borough Hall 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 S
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: September 7, 2021
Approved on Second Reading and Final Hearing: October 4, 2021

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2364-21**

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 15 (RENTAL
PROPERTY), SECTION 15-2.3 (HEARING,
POSTING OF BOND) AND ESTABLISHING
CHAPTER 16 (FEES) SECTION 15-2.3 (POSTING OF
BOND) OF THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, STATE OF NEW
JERSEY**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Chapter 15, Section 15-2.3 (Hearing, Posting of Bond); and

WHEREAS, the Borough of Manasquan, County of Monmouth is desirous of amending and supplementing Chapter 15, Section 15-2.3; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Chapter 15, Section 15-2.3 of the Borough of Manasquan Code shall be amended and shall read as follows:

15-2.3 Hearing, Posting of Bond

- a. In any one year, three complaints, on separate occasions, of disorderly, indecent, tumultuous, or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incident of the same character.
- b. The Borough council or any officer or employee designated by the Borough Council shall cause to be served upon the landlord, in person or by certified mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court, or such other public place as designated by the Borough Council, an which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
- c. At the hearing convened pursuant to paragraph b above, the landlord shall be required to pay a hearing fee as stated in Chapter 16, Fees, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this section.
- d. Any bond required to be posted shall be in accordance with the judgement of the hearing officer, considering the nature and extent of the offences indicated in the substantiated complaints upon

which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

1. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents rights of fair use and quiet enjoyment of their premises; and
 2. Securing the payment of fines and penalties likely to be levied for such offences; and
 3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided however, no such bond shall be in an amount less than \$500 nor more than \$5,000. The municipality may enforce a bond thus required by action in the Superior Court and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- e. Any bond or other security deposited in compliance with paragraph d above, shall remain in force for a period of four (4) years. Failure to post the bond as required by this Ordinance is in violation of this Ordinance and the landlord shall be subject to any and all penalties prescribed by law. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection 15-2.4 below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement for security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by paragraph d above, in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Borough Council may by resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

Section 2: Chapter 16 fees, Section 15-2.3 of the Borough of Manasquan Code shall be amended and shall read as follows:

16-1.1 Fee Schedule Established:

15-2.3 Hearing, Posting o Bond			
Administrative Fees for Rental Property Hearing	a.	Fee to be paid by Landlord	\$250.00

Section 3: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.

- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No.2364-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 7th day of September 2021 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 20th day of September 2021. 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 general public at the office of the Municipal Clerk in Borough Hall 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, NJ 08736

Passed on First Reading and Introduction: September 7, 2021
Approved on Second Reading and Final Hearing: September 20, 2021

Edward Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2365-21**

**ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 35 (ZONING)
SECTION 35-11 (LOT, HEIGHT AND YARD
REQUIREMENT) AND SECTION 35-11.2
(PRINCIPAL BUILDINGS) OF THE BOROUGH
OF MANASQUAN CODE IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code section 35-11.2 refers to Principal Buildings; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending section 35-11.2 Principal Building requirements in Residential Zones in the Borough of Manasquan

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Chapter 35, Section 35-11 entitled Lot, Height and Yard Requirements and Section 11.2 entitled Principal Buildings of the Revised General Ordinances of the Borough of Manasquan is amended and shall read as follows:

35-11.2 Principal Buildings

- I. Only one (1) principal building shall be permitted on each lot, except in conjunction with townhouse and planned multi-family residential development.
- II. Two (2) principal buildings shall be permitted on a lot in the R-4 Beachfront One-Family Residential Zone provided that:
 - a. A garage with a second floor living unit shall front on First Avenue and a single-family residential dwelling shall front on the beachfront.
 - b. The minimum lot width shall be thirty (30) feet.
 - c. The minimum lot area shall be four thousand two hundred (4,200) square feet.
 - d. The building facing the beachfront shall be set back a minimum distance of fifteen (15) feet from the front property line.
 - e. The garage apartment building facing First Avenue shall be set back a minimum distance of ten (10) feet from that property line.
 - f. The two (2) buildings shall be separated a minimum distance of thirty-five (35) feet from each other.
 - g. The maximum height of the garage apartment building facing First Avenue shall be thirty-two (32) feet.
 - h. The maximum height of the single-family dwelling facing the beachfront shall be thirty-eight (38) feet for conforming lots and thirty-three (33) feet for non-conforming lots.
 - i. The first-floor garage area of the building facing First Avenue shall provide an interior parking area for at least two (2) motor vehicles. Any excess first floor area may be used for storage purposes; except vertical

access to the second floor; provided, however, no living area is permitted on the first-floor garage area.

- j. The garage apartment building facing First Avenue shall have a walkway, with a minimum width of three (3) feet, to provide access to the beachfront.
- k. Each building shall be serviced by separate water and sewer lines.
- l. No single dormer shall exceed ten (10) feet in length measured along the fascia.
- m. All dormers, except stairwell and/or elevator dormers must be stepped back a minimum of two (2) feet from the exterior wall beneath it.
- n. Half story must comply with the requirements outlined in Section 35-3.
- o. The property shall comply with all other standards applicable in the R-4 Zone.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2365-21 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 7th day of September 2021 and read for the first time. The said Ordinance is going to be 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 4th day of October 2021. 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 general public at the office of the Municipal Clerk in Borough Hall 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 S
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: September 7, 2021
Approved on Second Reading and Final Hearing: October 4, 2021

Edward G. Donovan
Mayor