

BOROUGH OF MANASQUAN AGENDA
October 03, 2022 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.

As a courtesy to the public this meeting may be attended via zoom. If for any reason the zoom portion of this meeting fails or is disconnected the in-person meeting will continue and action can/will be taken. After signing in you will be put into a meeting room and the Municipal Clerk will allow you access just before the meeting time.

<https://us06web.zoom.us/j/8830046931> or 1-646-876-9923

ID# 883 004 6931

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

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

Approval of Minutes

1. Regular Meeting Minutes - September 6, 2022
2. Regular Meeting Minutes - September 19, 2022

Other Items

1. Engineer's Monthly Report

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. 247-2022 Amending Resolution 243-2022 - Appointing Recreation Program Coordinator - Toole
2. 248-2022 Amending Resolution 239-2022 and 249-2022 - Recreation Appointments - Ewing and Antonucci
3. 249-2022 Amending Resolution 240-2022 - Appointment Sr. Payroll Clerk/Account Clerk- Lang
4. 250-2022 Amending Resolution 239-2022 - Authoring Mayor to Sign Letter of Intent - Ertle
5. 251-2022 Amending Resolution 244-2022 - Appoint Administrative Clerk/Deputy Registrar of Vital Statistics - Acciavatti
6. 252-2022 Amending Resolution 242-2022 - Recreation Hourly Rate Increase - Ewing, Griffin, Wells
7. 253-2022 Amending Resolution 242-2022 - Hourly Increase - Abbott
8. 254-2022 Amending Resolution 245-2022 - Authorizing Eminent Domain Activity - Streetscapes Project
9. 255-2022 Authorizing Mayor to Sign Handi-Lift Services Contract
10. 256-2022 Acknowledging Resignation of Special Law Enforcement Officer II - Ottaviano
11. 257-2022 Refund Duplicate Tax Payment - Stroub
12. 258-2022 Amending Lifeguard Hourly Rate - Maycher
13. 259-2022 Adopting Public Information Plan
14. 260-2022 Return Rental Property Owner Bond - 188 first Avenue
15. 261-2022 Refund Beach Use Security - Big Brothers/Big Sisters
16. 262-2022 Authorizing Scope of Work Submission of TAP Grant - Streetscapes Project Phase II
17. 263-2022 Payment of Bills

Ordinances - Second Reading

- [1.](#) 2375-22 AMENDING CHAPTER 13 (PROPERTY MAINTENANCE) AND ESTABLISHING SECTION 13-7 (BAMBOO AND INVASIVE PLANTS)
- [2.](#) 2376-22 AMENDING AND SUPPLEMENTING CHAPTER 28 (STORMWATER REGULATIONS), SECTION 28-1.2 (APPLICABILITY) AND SECTION 28-1.3 (GENERAL REGULATIONS), AND CHAPTER 35 (ZONING), SECTION 35-7.5 (WALLS AND FENCES)
- [3.](#) 2377-22 AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING), SECTION 35-11.8 (ADDITIONAL LOT, HEIGHT AND YARD REQUIREMENTS), SECTION 35-3.1 (DEFINITIONS), SECTION 35-11.2 (PRINCIPAL BUILDINGS), SCHEDULE 1, ATTACHMENT 1:2 (ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS) AND SECTION 35-11.6 (SWIMMING POOLS)
- [4.](#) 2378-22 AMENDING CHAPTER 35 (ZONING), AND ESTABLISHING SECTION 35-11.9.1 (OUTDOOR SHOWERS)
- [5.](#) 2380-22 AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING), SECTION 35-25.2 (PERMITTED SIGNS) AND SECTION 35-25.3 (REGULATIONS APPLICABLE TO ALL ZONES)
- [6.](#) 2383-22 AMEND AND SUPPLEMENT THE DEVELOPMENT REGULATIONS AND ZONING ORDINANCE OF THE BOROUGH OF MANASQUAN AND TO ADOPT THE REVISED OFFICIAL ZONING MAP

Ordinances - First Reading

- [1.](#) 2379-22 AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING), SECTION 35-18.4 (EXEMPTIONS), SECTION 35-12.1 (NONCONFORMING BUILDINGS AND CONFORMING BUILDINGS ON NONCONFORMING LOTS), SECTION 12.2 (NEW CONFORMING BUILDINGS ON NONCONFORMING LOTS), AND SECTION 12.3 (NONCONFORMING BUILDINGS ON CONFORMING LOTS)

Committee Reports

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

Adjournment

Borough of Manasquan Engineering Status Report Through September 2022

A. ACTIVE ENGINEERING CAPITAL PROJECTS

1. Sea Watch Recreational Improvements Final Design

This project consists of the final design for improvements at the Sea Watch Recreational Area. It is our understanding that the Borough would like to construct a raised one-story structure and improve the property for the purpose of providing multiple recreational uses for the community.

Anticipated facilities for beach goers include locker rentals, a sundries store, public restrooms, and a concession stand with an area for informal dining. We believe that to better enhance the recreational area, site improvements will also be needed for this project. Site improvements that have been discussed are improved ADA accessibility where needed within the site, the addition of sufficient bicycle parking, and reconfiguration of the existing parking lot.

Status: A proposal was authorized on December 2, 2019. A kickoff meeting took place on December 20, 2019 and survey work is underway. Programming and feasibility are underway. Topographic and Boundary Survey have been completed. A meeting with Green Acres took place on March 12, 2020 to review uses within the property limits. A programming meeting took place with the project team on March 27, 2020. Further discussion between the Borough and the Project Team has been ongoing. Currently, the programming exercise for the building is ongoing to determine the necessary square footage based on the Borough's requested building uses. A conceptual plan of the building consisting of footprints and elevation views of the proposed building was provided to the Borough on June 12, 2020. A MCAC meeting occurred July 1, 2021. The conceptual site plan was provided to the Borough on July 23, 2021. A public meeting was held on August 12, 2021 and also discussed on August 17, 2021. A follow up public meeting was held on September 21, 2021 to discuss a revised concept. An NJDEP CAFRA Pre-Application Meeting occurred in late January. The Conceptual Site Plan was provided to the Borough. The CAFRA package was submitted to NJDEP in June of 2021. Colliers Engineering & Design (CED) responded to comments received by NJDEP in late August and is awaiting the application to be deemed Administratively Complete. This project has entered the Public Comment Period which ran until December 17, 2021. A decision from NJDEP is expected 60 days after that date. CED has received comments from NJDEP and responded in January 2022. **NJDEP has issued the Individual Permit to the Borough. A proposal for Environmental Services, Geotechnical Services, Design Development, Final Design, and Bidding Services was approved by the Borough. Geotechnical field work has been completed and Final Design is ongoing. A public meeting occurred in early August to provide a Project Update. Final Design is underway.**

2. Mount Lane Repairs

This project relates to the ongoing existing issues with the drainage system that passes thru Mount Lane that have been exposed from an event that consisted of a damaged South Monmouth Regional Sewer Authority pipe which needed immediate emergency repairs.

We are performing a hydrologic analysis of the drainage area tributary to the culvert in question. The analysis will take into account present land use, hydrologic soil group and cover type. Peak rates of runoff will be computed for the 100-year storm event plus 25%. The hydraulic capacity of the proposed structure will be analyzed to determine its design storm event capacity.

Remediation alternative analyses will be completed to determine improvements necessary to pass the storm events from which peak rates were computed. Possible remediation alternatives including the installation of a different size and material culvert, etc. will be investigated. Preliminary cost estimates and Environmental Permit issues associated with each alternative will be outlined.

Status: A proposal was authorized on February 18, 2020. A report consisting of proposed repairs was provided to the Borough for review in late March. A proposal for construction documents has been authorized by the Borough. Topographic Survey has been completed. NJ Transit permits and NJDEP permits are being coordinated. NJDEP declared the project administratively complete and our review period ended on March 15, 2021. A 30-day extension was applied for and the new deadline was April 15, 2021. Comments were provided by NJDEP and responded to in late March, and we are now awaiting the signed permit. Ongoing coordination will continue with NJ Transit to obtain an Occupancy Permit. NJDEP Permit has been obtained. NJ Transit Occupancy Permit is in progress. Meetings between NJ Transit, CED and the Borough have been ongoing. NJ Transit has provided concerns about the construction of this project. Currently, the Borough and CED is discussing potential fixes to the pipe with South Monmouth Regional Sewerage Authority (SMRSA). The project has been adjusted to consist of replacement of the two (2) culverts in kind, which requires a technical modification to the NJDEP Permit. This technical modification was submitted to NJDEP late August. The Borough is awaiting comment/approval from NJDEP. The scope has been adjusted so that no work will be completed on NJ Transit property. NJDEP Fresh Water Wetlands comments have been received, and responded to in October 2021. Flood Hazard comments were received and responded to in January 2022. NJDEP has provided the technical modification permit. **This project is significantly completed with the exception of paving which will occur in the next few weeks. The road will be opened to traffic in the meantime.**

3. Mount Lane Roadway and Drainage Improvements

This project consists of road and drainage improvements along Mount Lane between Euclid Avenue and Virginia Avenue that has a history of drainage problems that cause dangerous ponding conditions. The estimated total construction cost for the project is approximately

\$240,000.00; however, the estimate will be subject to change based upon revisions to the project scope. This project site is known for its chronic ponding, especially along Mount Lane's northing portion. Our goal is to improve the drainage throughout the project site that will help reduce nuisance flooding. ADA upgrades will be completed where required, as well as repairs to sidewalk and driveway aprons as needed. The entire project scope will be milled and overlaid upon completion of the improvements.

Status: Topographic Survey is complete. Design is ongoing. Recent information has informed us that South Monmouth Regional Sewerage Authority (SMRSA) is performing an analysis of the force main along Mount Lane and this project will be on hold until SMRSA informs the Borough about the severity of the required repairs. SMRSA informed the Borough no project will be required. **This project is on hold.**

4. Curtis Park – Final Design

This project will look at the various components and uses that are desired by the stakeholders for improvements to Curtis Park, and work with the Borough on developing a concept that will attempt to conceptualize these items into a plan that will fit the site and be within the project budget.

This phase assumes the preparation of one (1) concept with two (2) rounds of minor revisions to address client comments and a preliminary engineer's estimate. Once concepts are reviewed and approved, our team will prepare a schematic estimate of probable cost of construction for the Borough. The intention is to provide concepts that fit within the Borough's budget for this project.

Status: An internal kickoff meeting took place and conceptual design is underway. Conceptual plans were developed and released in October of 2021. Public feedback has been accumulated and revised concepts have been internally reviewed and coordinated. An updated concept plan was presented in early December. A proposal for Final Design and Bidding was authorized by Council at the 2nd meeting in December. Survey Services have been completed. An updated Conceptual Plan has been submitted to the Borough. A public meeting to gain input was conducted at the end of January. **This project was awarded at the June 13th meeting. A Pre-Construction meeting was held in early July. Construction is underway.**

5. First Avenue Improvements – FY 2021 Local Aid

First Avenue is an essential roadway that provides access to the beach for the entire Borough. We know that the Borough wishes to proceed with the road improvements in an expedited manner after the summer season concludes on Labor Day and we have structured our services to accommodate the Borough's desired schedule. The Borough recently received a FY 2021 NJDOT Municipal Aid Grant in the amount of \$305,000.00 for the roadway project and will be looking at alternative funding to get the most value in this contract. The current project limits are from the Northern Terminus to East Main Street.

Status: Authorization took place on March 15, 2021. Survey of all of First Avenue is currently underway and is expected to be completed by Mid-April with design to follow. Design is slated to be from the Northern Terminus to East Main Street. Resident notices have been provided as a template to the Borough with the intent to submit to residents this Spring so that any utility work can be completed prior to the Fall. Design has been completed. NJDOT Local Aid has provided the Borough authorization to advertise the project. This project was awarded to Fernandes Construction in mid-August. A pre-construction meeting occurred in September and Construction began in mid-October and ceased in December due to inclement weather. All concrete curb, gutter, sidewalk, driveway, and ADA compliant ramps have been completed. Milling and paving have started and will be completed prior to the meeting. **Punchlist work is completed and we are in Project Closeout with NJDOT.**

6. First Avenue Improvements - FY 2022 Local Aid

First Avenue is an essential roadway that provides access to the beach for the entire Borough. We know that the Borough wishes to proceed with the road improvements in an expedited manner after the summer season concludes on Labor Day and we have structured our services to accommodate the Borough's desired schedule. The Borough recently received a FY 2021 NJDOT Municipal Aid Grant in the amount of \$250,000.00 for the roadway project and will be looking at alternative funding to get the most value in this contract. The current project limits are from the Main Street to Riverside Drive.

Status: Authorization took place on February 22, 2022. **Design is ongoing. We have submitted the project plans to NJDOT and have submitted a response package to their comments. We will be looking to advertise the project in the Winter with construction expected to commence in Spring of 2023.**

7. Borough Hall Parking Lot Improvements

This project includes improvements to the Borough Hall Parking Lot. The parking area at Borough Hall has deteriorating pavement and is in need of replacement/renovation. We understand there is a sentiment that various expansions were performed over the years, but after inspection, it appears the full site was not fully upgraded. There is a lack of sufficient lighting throughout the site and the current pavement marking layout is sub-standard.

Status: Authorization took place in April 2022. Survey work has been completed and design work is ongoing. A concept plan has been provided to the Borough and our team is developing construction documents for this project. **This project is being advertised and will look to be awarded at the second meeting in September. This project will commence in the Fall of 2022. A pre-construction meeting is scheduled for early October.**

8. **East Virginia Avenue and South Street Pump Station Improvements**

This project includes proposed upgrades to the South Street Pump Station and East Virginia Avenue Pump Station in the Borough. Based on that initial investigation and discussion with Borough representatives, the following improvements to these pump stations are proposed: Replace dry well pumps with wet well submersible pumps at both pump stations; Install new piping in wet well and new valve chamber at both pump stations; upgrade controls at both pump stations and replace level sensing equipment in wet wells; Clean and epoxy coat wet wells; modify wet wells to increase diameter of upper sections for pump removal and add hatches; Install bypass connection on the South Street Pump Station force main; and, add mixers or appropriate pumps to wet wells of both pump stations to mitigate grease buildup issues.

Status: Authorization took place in April 2022. Design is completed. **Bids were received on June 30th. The Borough is has awarded this project and a Pre-Construction meeting is scheduled for October.**

B. GRANTS & FUNDING

1. **NJHT Grant Management Assistance for Squan Beach Life Saving Station**

The Borough was awarded a \$75,000.00 New Jersey Historic Trust (NJHT) Level I Capital Preservation Grant for Exterior Repairs at the Squan Beach Life Saving Station. The grant will be used to partially reimburse the Borough for the exterior repairs at the Squan Beach Life Saving Station project, part of which was completed. Our office is assisting with management and implementation of the grant. A kickoff meeting was held April 18, 2018.

Status: The grant agreement has been executed and our office is assisting with this request for reimbursement. A meeting was held with the Borough, CED and the NJHT on September 26, 2019. The historical architect and preservation committee are refining the scope of re-bid of remaining project items to draw down the entire grant balance. A hearing was held on March 2, 2020 on the adoption of prequalification regulations for general restoration contractors for the anticipated bid. Bid opening took place August 6, 2020.

5. **2023 Monmouth County CDBG**

While the Borough has not received official notice that a 2022 round grant was denied, the 2022 application did not preliminarily fall within the County's fundable range. We are

preparing to submit the same project, Euclid Ave Improvements Phase 2, for the 2023 round. The deadline is July 22, 2022.

Status: Application submitted. Award announcements expected Spring 2023, with preliminary rankings in September 2022.

6. 2023 NJDOT State Aid

The next round of NJDOT State Aid (Municipal Aid, Bikeways, Transit Village and Safe Streets to Transit) is due July 1, 2022. The proposed project is along Riverside Drive. A priority 2 application will be made for Stockton Lake Boulevard.

Status: Application submitted. PMRS resolution process finalized. Award announcements expected in November 2022.

7. 2022 Monmouth County Municipal Open Space

An application was submitted September 15 for Curtis Park Phase III.

Status: Application Submitted. Awards expected to be made at a County Board of Commissioners meeting in December 2022.

JJR/KH

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**BOROUGH OF MANASQUAN
RESOLUTION
247-2022**

WHEREAS, the Borough Council approved resolution 243-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 243-2022; and

WHEREAS, the Borough Council of the Borough of Manasquan, is desirous of appointing/adding an Assistant Recreation Supervisor (Borough title “Recreation Program Coordinator”) to the Recreation Department; and

WHEREAS, the Borough Recreation Director has recommended Tyler Toole to fill the position.

NOW, THEREFORE, BE IT RESOLVED, on the 3rd day of October, 2022 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the following appointment is effective according to the table below:

Employee/Title	Hourly Rate of Pay	Effective Date	Hours
Tyler Toole Assistant Recreation Supervisor (Borough Title – Recreation Program Coordinator) Civil Service Title No. 00682 Borough Ordinance No. 26-63	\$21.50	9/19/2022	Part Time

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to Tyler Toole.

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 October 3 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOLLY						
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MANGAN						
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ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
248-2022**

WHEREAS, the Borough Council approved resolutions 239-2022 and 241-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolutions 239-2022 and 241-2022; and

WHEREAS, Steven Antonucci currently serves as an employee of the Borough of Manasquan Recreation Department; and

WHEREAS, Jaclyn Ewing currently serves as an employee of the Borough of Manasquan Recreation Department;

WHEREAS, the Manasquan Borough Council has determined that Steven Antonucci and Jaclyn Ewing shall be installed in new job titles with revised salaries within the Manasquan Recreation Department; and

NOW THEREFORE BE IT RESOLVED, on the 3rd day of October 2022 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the following appointments are effective according to the table below:

Employee/Title	2022 Salary	Effective Date	Hours
Steven Antonucci, Recreation Supervisor (Borough Title – Assistant Recreation Director) Civil Service Title No. 03020 Borough Ordinance Title No. 26-61	\$30,000	9/19/22	Part Time
Jaclyn Ewing, Public Information Assistant (Borough Title Recreation Social Media Coordinator) Civil Service Title No. 02923 Borough Ordinance Title No. 26-62	\$20,000	9/19/22	Part Time

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be sent to Steven Antonucci and Jaclyn Ewing.

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 October 3, 2022 Council meeting.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
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ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

BARBARA ILARIA, RMC, CMC
Municipal Clerk

**BOROUGH OF MANASQUAN
RESOLUTION
249-2022**

WHEREAS, the Borough Council approved resolution 240-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 240-2022; and

WHEREAS, Ms. Patricia Lang currently serves as the Payroll Clerk/Account Clerk; and

WHEREAS, the Manasquan Borough Council has determined that Ms. Lang shall receive a promotion from Payroll Clerk/Account Clerk to Senior Payroll Clerk/Account Clerk; and

WHEREAS, the Borough Council has determined that Ms. Lang shall assume the duties associated with water and sewer collection as part of her Account Clerk responsibilities; and

WHEREAS, the responsibilities associated with the water/sewer collection function shall include customer billing and relations, data input/analysis, revenue reporting, and related general administration as part of Ms. Lang’s position as Account Clerk; and

WHEREAS, Ms. Lang shall receive a salary increase as reflected in the table below related to the water/sewer collection function; and

WHEREAS, should the responsibilities associated with the water/sewer collection function be removed from or relinquished by Ms. Lang, the associated salary increase reflected in the table below shall also be removed*; and

WHEREAS, a “pensionable base salary” is defined as that regulated by the State of New Jersey Public Employees Retirement System (PERS) or the Defined Contribution Retirement Program (DCRP) whichever is applicable.

NOW, THEREFORE BE IT RESOLVED on the 3rd day of October 2022 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the following appointment is effective according to the table below.

Employee/Title	Pensionable Salary Increase	Effective Date
Patricia Lang/Senior Payroll Clerk Civil Service Title No. 03496 Borough Ordinance Title No. 26-9	\$5,000	10/31/22
Patricia Lang/Account Clerk (Including all duties associated with water and sewer collections) * Civil Service Title No. 00001 Borough Ordinance Title No. 26-3	\$10,000*	10/31/22
Total	\$15,000	

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to Patricia Lang.

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 October 3, 2022.

 BARBARA ILARIA, RMC, CMC
 Municipal Clerk

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ON CONSENT AGENDA <u> </u> YES <u> </u> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
250-2022**

WHEREAS, the Borough Council approved resolution 239-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 239-2022; and

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, has authorized a revised annual salary adjustment to the pensionable base salary of the below listed employee as a result of an agreement between employee and the Borough of Manasquan for the calendar Year 2022 Effective January 1, 2022;

Employee/Title	2022 Non-Pensionable Salary
Erik Ertle, Superintendent of Recreation (Borough Title – Recreation Director) Civil Service Title No. 03834 Borough Ordinance Title No. 2-19.4	\$60,000

WHEREAS, the schedule above reflects the annual salary for the employee listed.

NOW THEREFORE BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, is hereby authorized to sign Mr. Erik Ertle’s Employment Retention Statement which reflects his terms of employment that will be in effect for the remainder of calendar year 2022, a copy of which will remain on file in the Municipal Clerk’s Office.

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 October 3, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
251-2022**

WHEREAS, the Borough Council approved resolution 244-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 244-2022; and

WHEREAS, Ms. Nancy Acciavatti currently serves as the Borough of Manasquan Deputy Clerk; and

WHEREAS, Ms. Nancy Acciavatti currently serves as the Borough of Manasquan Co-Planning Board Secretary; and

WHEREAS, the Manasquan Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey has determined that Ms. Acciavatti shall be appointed to the additional title of Administrative Clerk/Deputy Registrar of Vital Statistics with the Borough of Manasquan Clerk’s Office; and

WHEREAS, “pensionable base salary” is defined as that regulated by the State of New Jersey Public Employees Retirement System (PERS) or the Defined Contribution Retirement Program (DCRP) whichever is applicable.

NOW, THEREFORE BE IT RESOLVED on the 3rd Day of October, 2022 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the following appointment is effective according to the table below:

Employee/Title	Pensionable Salary Increase	Effective Date
Nancy Acciavatti Administrative Clerk/Deputy Registrar of Vital Statistics Civil Service Title No. 07910 Borough Ordinance Title No. 26-59	\$10,000	9/19/22

BE IT FURTHER RSOLVED that a certified copy of this resolution shall be sent to Nancy Acciavatti.

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 October 3, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
252-2022**

WHEREAS, the Borough Council approved resolution 242-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 242-2022; and

WHEREAS, the employees listed in the table below serve as employees of the Borough of Manasquan Recreation Department; and

WHEREAS, the Manasquan Borough Council has determined that these employees shall be installed in new job titles and with adjusted non-pensionable hourly rate within the Manasquan Recreation Department.

NOW THEREFORE BE IT RESOLVED, on the 3rd day of October 2022 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the following appointments are effective according to the table below:

Employee/Title	Hourly Rate of Pay	Effective Date	Hours
Jaelyn Ewing, Assistant Recreation Supervisor (Borough Title – Recreation Program Coordinator) Civil Service Title No. 00682 Borough Ordinance No. 26-63	\$21.50	9/19/2022	Part Time Hourly
Richard Griffin, Assistant Recreation Supervisor (Borough Title – Recreation Program Coordinator) Civil Service Title No. 00682 Borough Ordinance No. 26-63	\$21.50	9/19/2022	Part Time Hourly
Douglas Wells, Assistant Recreation Supervisor (Borough Title – Recreation Program Coordinator) Civil Service Title No. 00682 Borough Ordinance No. 26-63	\$21.50	9/19/2022	Part Time Hourly

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the above-named employees.

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 October 3, 2022, meeting.

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ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

BARBARA ILARIA, RMC, CMC
Municipal Clerk

**BOROUGH OF MANASQUAN
RESOLUTION
253-2022**

WHEREAS, the Borough Council approved resolution 242-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 242-2022; and

WHEREAS, the employees listed in the table below serve as employees of the Borough of Manasquan; and

WHEREAS, the Manasquan Borough Council has determined that these employees shall receive an increase in their non-pensionable hourly rate.

NOW THEREFORE BE IT RESOLVED, on the 3rd day of October 2022 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the following salary adjustments are effective according to the table below:

Employee/Title	Hourly Rate of Pay	Effective Date	Hours
Patricia Greer Police Records Support Technician Civil Service Title No. 56562 Borough Ordinance Title No.	\$20.00	9/19/2022	Part Time
Michelle Abbott Keyboarding Clerk I Civil Service Title No. 01268 Borough Ordinance Title No.	\$25.00	9/19/2022	Part Time Seasonal

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the above-named employees.

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 October 3, 2022, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANSQUAN
RESOLUTION
254-2022**

**RESOLUTION AUTHORIZING THE ACQUISITION OF
RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION 2016
TRANSPORTATION ALTERNATIVE PROGRAM BUSINESS
DISTRICT STREETSCAPES IMPROVEMENTS PROJECT IN
THE VICINITY OF THE INTERSECTION OF MAIN STREET
AND ROUTE 71**

WHEREAS, the Borough Council approved resolution 245-2022 on September 19, 2022; and

WHEREAS, the Borough Council is desirous of revising resolution 245-2022 to read as follows; and

WHEREAS, the Borough has been approved for \$3 million in grant funding to design and construct the downtown NJDOT/Federal Streetscapes project (Streetscapes project); and

WHEREAS, the Borough has been engaged for several years in the engineering design phase for the Streetscapes project; and

WHEREAS, the final engineering design for the Streetscapes project requires the acquisition of approximately 20 easements from private property owners (permanent maintenance and/or temporary construction easements); and

WHEREAS, the Chief Financial Officer has certified that funds are available for the title searches, appraisals, legal services and just compensation to execute these acquisitions.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Borough Administrator and the Borough Attorney are hereby authorized and directed to proceed with any and all required right-of-way acquisition activities, including the exercise of eminent domain, for those parcels necessary to construct subject Streetscapes Project improvements.

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 their October 3, 2022, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
255-2022**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Semi-Annual Planned Maintenance Contract Agreement with Handi-Lift Service Company, Inc. for providing service to the accessibility lift. in Borough Hall.

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 October 3, 2022, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOLLY						
LEE						
MANGAN						
OLIVERA						
READ						
TRIGGIANO						
ON CONSENT AGENDA ____YES ____NO						

**BOROUGH OF MANASQUAN
RESOLUTION
256-2022**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Vincent Ottaviano from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective September 19, 2022.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the October 3, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
257-2022**

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: STROUB, KAREN
414 BENEDICT AVE
APT 5A
TERRYTOWN, NJ 10591

AMOUNT OF REFUND DUE: \$1991.65

REASON FOR REFUND: **DUPLICATE PAYMENT**
Block 176 Lot 18
STROUB, KAREN
236 FOURTH AVE
MANASQUAN, NJ 08736

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 October 3, 2022, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
258-2022**

WHEREAS, the Borough of Manasquan is desirous of amending the hourly rate of pay for a Seasonal Beach Lifeguard for the Summer Season of 2022; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 3rd day of October 2022, that the rate of pay for the following Seasonal Beach Lifeguard for Summer Season be amended as follows:

Lifeguards:	Amended Hourly Rate
Max Maycher	\$14.00

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 October 3, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
259-2022**

WHEREAS the Borough of Manasquan, NJ, has experienced flood events that resulted in public safety hazards and damage to private and public property; and

WHEREAS the Borough has been an active participant in the National Flood Insurance Program since 1992, currently with 1,199 policies in force; and

WHEREAS a Program for Public Information was adopted by Borough Council resolution 259-2016 which includes a full range of public information activities that inform people about flood safety and ways to address potential flood damage to their property and a provides systematic approach to the dissemination of such information, and

WHEREAS the Program for Public Information has been revised and approved by the Hazard Mitigation Planning Committee and incorporated as an Appendix to the approved municipal Hazard Mitigation Plan; and

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Manasquan:

1. The revised Program for Public Information as approved by the Hazard Mitigation Planning Committee on August 24, 2022, is hereby adopted as an official Public Information Plan of the Borough of Manasquan; minor revisions recommended by the Federal Emergency Management Agency and/or the Office of Emergency Management may be incorporated without further action.
2. The Borough of Manasquan departments identified in the Plan are hereby directed to continue the implementation of the outreach activities that are assigned to their departments.
3. The Hazard Mitigation Planning Committee shall continue to evaluate and update the Appendix annually in concert with the annual update to the municipal Hazard Mitigation Plan.
4. The Hazard Mitigation Program Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an evaluation report to be submitted to the National Flood Insurance Program during the annual CRS recertification.

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 October 3, 2022, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOLLY						
LEE						
MANGAN						
OLIVERA						
READ						
TRIGGIANO						
ON CONSENT AGENDA YES NO						

**BOROUGH OF MANASQUAN
RESOLUTION
260-2022**

WHEREAS, Borough Ordinance Section 15-2 governs the “Procedure to Handle Complaints against Rental Property Owners,” and

WHEREAS, the below listed property owner was ordered to post a bond with the Municipal Clerk’s Office for violating Section 15-2 during the summer of 2021; and

WHEREAS, this property owner sold the premises where the violations took place; and

WHEREAS, Section 15-2 allows for the return of the bonds under these circumstances.

THEREFORE BE IT RESOLVED that the bond funds currently on deposit with the Borough Clerk’s Office shall be returned to the following property owners:

<u>NAME</u>	<u>ADDRESS</u>	<u>\$ AMOUNT</u>
Christina Wright	188 First Ave, Manasquan	\$1000

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 October 3, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
261-2022**

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

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

NAME: BIG BROTHERS/BIG SISTERS OF MONMOUTH CTY
305 BOND STREET 2nd Floor
ASBURY PARK, NJ 07712

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Use Security

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 October 03, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
262-2022**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of Colliers Engineering & Design, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for purposes of providing professional services for the preparation and submittal of the 2023 NJDOT Transportation Alternative Grant Program Application for Streetscapes Project Phase II. The fees are as follows:

- Prepare, coordinate and submit a complete Grant Application package, detailed construction cost estimate and project schedule.

for a total amount not to exceed \$7,300.00 for the service outlined in a proposal dated September 29, 2022.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the borough authorizes , with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

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 October 3, 2022, meeting.

Barbara Ilaria, RMC, CMC
Municipal Clerk

CERTIFICATION

I am the chief municipal financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 3rd day of October 2022 I hereby certify to the Borough Council of the Borough of Manasquan as follows:

Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body:

Preparation and Submittal of the 2023 NJDOT Transportation Alternative Grant Program Application for Streetscapes Project Phase II..

Account: _____

Amy Spera
Chief Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOLLY						
LEE						
MANGAN						
OLIVERA						
READ						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
263-2022**

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	\$122,962.45
Water/Sewer Fund	\$25,384.12
Beach Fund	\$20,442.12
Beach Capital	\$3,945.00
Grants	\$900.97
General Capital	\$58,200.00
Recreation Trust	\$9,057.44
Misc Trust	\$2,750.00

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 October 3, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOLLY						
LEE						
MANGAN						
OLIVERA						
READ						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2375-22**

**ORDINANCE AMENDING CHAPTER 13 (PROPERTY
MAINTENANCE) AND ESTABLISHING SECTION 13-7
(BAMBOO AND INVASIVE PLANTS) 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, Chapter 13 refers to Property Maintenance; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of establishing 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 13-7 refers to Bamboo and Invasive Plants of the revised general ordinances of the Borough of Manasquan is hereby established as follows:

13-7.1 No Planting of Running Bamboo or Invasive Plants

- A. The in-ground planting of Running Bamboo or Invasive Plants is prohibited in the Borough of Manasquan.
- B. Invasive Plants shall mean all native and non-native vines and vegetation that, by their nature: (i) grow beyond the borders of the property of initial planting or cultivation; (ii) are competitive, persistent, and pernicious; and (iii) cause a neighboring property owner or the Borough potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property's trees, vegetation, structures and facilities. Examples of Invasive Plants shall include but are not limited to the following plant genera: Bamboo (clumping, spreading or running type), Ragweed (ambrosia), Poison ivy (rhus radicans), Poison oak (toxicodendron vernix), Tree of heaven (Alianthus altissima), Garlic mustard (Alliaria petiolate), Japanese knotweed (Polygonum caspidatum), Mile-a-minute (Polygonum Perfoliatum), Multi flora rose (Rosa multiflora), Kudzu (Pueraria montana), and Porcelain berry (Ampelopsis brevipedunculata), and shall include the plant, and any cutting, flower, seed, root, other plant part, or cultivar therefrom.
- C. Regulation of and Limitations on Existing Invasive Plants.
 - 1. All property owners must control the growth of invasive plants on their property. Failure to control the significant spread of such vegetation beyond the boundaries of any property within the Borough is a violation of this section.
 - 2. All existing plantings must be contained by appropriate physical barriers to prevent growth or spread of existing invasive species beyond the boundaries of a resident's property.
 - 3. Spread is significant when the plant's roots grow beyond the boundaries of a property owner's yard or take over or invade a neighbor's fencing, plants or other landscaping.
- D. Removal of Invasive Species.

1. In the event Invasive Species Plant(s) are present on any plot of land, or any other premises or place in the Borough and a complaint is received by the Borough regarding an encroachment of any Invasive Species Plant and the Borough Code Enforcement Inspector, after observation and/or inspection, determines that there is an encroachment or invasion of an Invasive Species Plant on any adjoining/neighborhood private or public property or public right-of-way, the Borough shall serve notice to the Invasive Species Plant property owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
2. The cost of abatement shall be borne by the Invasive Species Plant property owner. If the owner fails to comply with such notice within the time period specified herein, the Borough may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of said removal.

E. Regulation of and Limitations on Existing Running Bamboo.

1. In the event any species commonly known as “Running Bamboo” is located upon any property within the Borough of Manasquan, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property. Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner’s expense.

F. Removal of Running Bamboo

1. Whenever running bamboo, as defined by this Chapter, is found on any plot of land, lot or any other premises or place, as is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, violations shall be given to the owner of the property from which the invasive species have spread, in writing, to remove or abate the same within thirty days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.

G. Penalty

1. Any person violating the provisions of this Chapter shall, upon conviction, be punished by a fine or not more than \$2,000.00, or community service, as determined by the Municipal Court of the Borough of Manasquan. A continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of such violation will be punished as provided above for each separate offense.

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. 2375-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2376-22**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 28 (STORMWATER REGULATIONS),
SECTION 28-1.2 (APPLICABILITY) AND SECTION 28-
1.3 (GENERAL REGULATIONS), AND CHAPTER 35
(ZONING), SECTION 35-7.5 (WALLS AND FENCES) 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 28-1.2 refers to Applicability, Section 28-1.3 refers to General Regulations and Section 35-7.5 refers to Walls and Fences; 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 28-1.2 refers to Applicability of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

This section applies to all new construction or development, the expansion of an existing building footprint by more than 500 square feet, because such improvements impact water runoff to neighboring properties, public streets and storm drains, and displacement of ground water.

Section 2: Section 28-1.3 refers to General Regulations of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

The general regulations established by this section are as follows:

- a. The basement or crawl space floor level of any new structure, or the basement or crawl space floor level of an expansion of an existing structure by more than 500 square feet must be at least one foot above the seasonal high groundwater level as certified by a professional engineer. The certification shall be based on soil borings and other recognized criteria used to determine seasonal high groundwater levels.
- b. No sump pump outlet shall drain or be pumped directly or indirectly onto a sidewalk or public street. A sump pump outlet must be terminated within the area of the lot on which it is located.
- c. Irrigation sprinklers shall not discharge water onto a public street.
- d. Curbs and driveway aprons shall be constructed pursuant to Section 20-3 of Chapter 20 (Streets and Sidewalks).
- e. Concrete, asphalt and paver driveways must be crowned to direct the flow of stormwater onto the lot on which the improvements are constructed. There shall be no curb reveal at the edges of a driveway.
- f. The lot must be graded so that stormwater does not flow onto neighboring properties.

- g. Water from a gutter, downspout or sump pump must be piped directly into a drywell or seepage pit installed on the lot, except that this provision shall not apply to properties in the R-4 Zone. The drywell or seepage pit must be constructed to meet the following criteria:
 - 1. The drywell or seepage pit system shall be designated to contain stormwater runoff from one inch of precipitation in a twenty-four-hour period.
 - 2. No such water shall enter the municipal sanitary sewer system.
- h. All drainage plans to demonstrate compliance with the requirements of this section must be submitted to the Zoning Officer prior to the issuance of a construction permit.

Section 3: Section 35-7.5 refers to Walls and Fences of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. No wall/fence shall be erected, maintained to a height greater than six feet above the existing grade of the property, provided that the same is more than 25 feet from any street line. No wall/fence shall be erected, maintained or planted to a height greater than four feet within 25 feet of any street line.
- b. No fence/wall shall be erected, maintained or equipped with or having barbed wire, spikes, broken glass, sharp or dangerous devices or any electrical charge sufficient to cause a shock, except that business and public properties within the Borough may be enclosed with fences having barbed wire barriers, provided that all such barbed wire is kept at least six feet above ground level.
- c. The finished side of any fence shall face the outside of the property it encloses.
- d. No wall/fence shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection.
- e. No fence/wall shall be constructed unless the owner or the person in possession of the lands on which the fence is to be constructed shall first obtain a zoning permit from the Zoning Officer prior to the commencement of construction. An application for the permit must be submitted in writing to the Zoning Officer, together with a plan, and must be accompanied by a fee in the amount as stated in Chapter 16, Fees.
- f. No fence/wall shall be erected, maintained in the front yard on property located in the R-4 Beachfront One Family Residential Zone. A fence not more than six feet in height may be located in the side and rear yards provided the fence does not extend beyond the front of the building line of the adjacent properties. A solid fence is prohibited.

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. 2376-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2376-22**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 28 (STORMWATER REGULATIONS),
SECTION 28-1.2 (APPLICABILITY) AND SECTION 28-
1.3 (GENERAL REGULATIONS), AND CHAPTER 35
(ZONING), SECTION 35-7.5 (WALLS AND FENCES) 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 28-1.2 refers to Applicability, Section 28-1.3 refers to General Regulations and Section 35-7.5 refers to Walls and Fences; 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 28-1.2 refers to Applicability of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

This section applies to all new construction or development, the expansion of an existing building footprint by more than 500 square feet, ~~or the installation of an inground swimming pool,~~ because such improvements impact water runoff to neighboring properties, public streets and storm drains, and displacement of ground water.

Section 2: Section 28-1.3 refers to General Regulations of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

The general regulations established by this section are as follows:

- a. The basement or crawl space floor level of any new structure, or the basement or crawl space floor level of an expansion of an existing structure by more than 500 square feet, ~~or the lowest base point of an inground swimming pool,~~ must be at least one foot above the seasonal high groundwater level as certified by a professional engineer. The certification shall be based on soil borings and other recognized criteria used to determine seasonal high groundwater levels.
- b. No sump pump outlet shall drain or be pumped directly or indirectly onto a sidewalk or public street. A sump pump outlet must be terminated within the area of the lot on which it is located.
- c. Irrigation sprinklers shall not discharge water onto a public street.
- d. Curbs and driveway aprons shall be constructed pursuant to Section 20-3 of Chapter 20 (Streets and Sidewalks).
- e. Concrete, asphalt and paver driveways must be crowned to direct the flow of stormwater onto the lot on which the improvements are constructed. There shall be no curb reveal at the edges of a driveway.
- f. The lot must be graded so that stormwater does not flow onto neighboring properties.

- g. Water from a gutter, downspout or sump pump must be piped directly into a drywell or seepage pit installed on the lot, except that this provision shall not apply to properties in the R-4 Zone. The drywell or seepage pit must be constructed to meet the following criteria:
 - 1. The drywell or seepage pit system shall be designated to contain stormwater runoff from one inch of precipitation in a twenty-four-hour period.
 - 2. No such water shall enter the municipal sanitary sewer system.
- h. All drainage plans to demonstrate compliance with the requirements of this section must be submitted to the Zoning Officer prior to the issuance of a construction permit.

Section 3: Section 35-7.5 refers to Walls and Fences of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. No wall-~~or~~-fence shall be erected, maintained or planted to a height greater than six feet above ~~ground level~~ the existing grade of the property, provided that the same is more than 25 feet from any street line. No wall-~~or~~-fence shall be erected, maintained or planted to a height greater than four feet within 25 feet of any street line.
- b. No fence-~~or~~-wall shall be erected, maintained or equipped with or having barbed wire, spikes, broken glass, sharp or dangerous devices or any electrical charge sufficient to cause a shock, except that business and public properties within the Borough may be enclosed with fences having barbed wire barriers, provided that all such barbed wire is kept at least six feet above ground level.
- c. The finished side of any fence shall face the outside of the property it encloses.
- d. No wall-~~or~~-fence shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection.
- e. No fence/wall shall be constructed unless the owner or the person in possession of the lands on which the fence is to be constructed shall first obtain a zoning permit from the Zoning Officer prior to the commencement of construction. An application for the permit must be submitted in writing to the Zoning Officer, together with a plan, and must be accompanied by a fee in the amount as stated in Chapter 16, Fees.
- f. No fence-~~or~~-wall shall be erected, maintained or planted in the front yard on property located in the R-4 Beachfront One Family Residential Zone. A fence not more than six feet in height may be located in the side and rear yards provided the fence does not extend beyond the front of the building line of the adjacent properties. A solid fence is prohibited.

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. 2376-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2377-22**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-11.8
(ADDITIONAL LOT, HEIGHT AND YARD
REQUIREMENTS), SECTION 35-3.1 (DEFINITIONS),
SECTION 35-11.2 (PRINCIPAL BUILDINGS),
SCHEDULE 1, ATTACHMENT 1:2 (ZONING
SCHEDULE OF BULK AND COVERAGE CONTROLS)
AND SECTION 35-11.6 (SWIMMING POOLS) 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 35-11.8 refers to Additional Lot, Height and Yard Requirements, Section 35-3.1 refers to Definitions, Section 35-11.2 refers to Principal buildings, Schedule 1, Attachment 1:2 refers to Zoning Schedule of Bulk and Coverage Controls, and Section 35-11.6 refers to Swimming Pools; 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: 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:

- 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 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, standby generators, pool equipment, air conditioning condensing units, or mechanical equipment shall be constructed, located or maintained in any required side yard setback area. Note: Standby generators must be screened so that it is not visible from the adjacent properties. Note: Outdoor showers are prohibited in the front yard. Refer to Section 35-11.9.1.;
- d. An uncovered and unscreened entry porch, platform or landing leading to a basement, cellar or first floor which is not more than five feet wide may project not more than three feet (not including steps) into the required front or rear yard setback area, provided the floor of the porch is within three 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 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 10 feet;
- g. A one-story bay window may project into a front yard not more than three feet;

- h. Roof overhangs and chimneys may project not more than 18 inches into the required side setback area;
- i. 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 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;
- j. Ground level decks, freestanding decks and/or patios not more than 8 inches above the surrounding grade must be setback a minimum of 5 feet from the side and rear property lines on interior lots. On corner lots, the deck or patio must meet the side setback for the principal building. Properties located on a Lagoon the rear deck can be extended to the Bulkhead;
- k. Notwithstanding the provisions of Subsections a and f above, 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 12, 2012, may construct first-floor decks in the front and rear yards at a height not to exceed the level of the first floor of the structure.
- l. 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 2: Section 35-3.1 refers to Definitions of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

BUILDING HEIGHT

The vertical distance from the reference datum to the highest point of the structure. (a) single frontage or corner properties — height shall be measured from the top of the curb or in the absence of the curb from the crown of the road or in the absence of a road with a crown, then from the average of the grades at the center of each street front (or the monumented borough beach walk in the case of structures contiguous to the beachfront). (b) properties with opposite frontages — heights from the lot midpoint to the respective right-of-way line shall be measured from the top of the curb or in the absence of a curb from the crown of the road or in the absence of a road with a crown, then from the grade at the center of the street front or the monumented Borough beach walk in the case of structures contiguous to the beachfront. A decorative cupola not more than 3 feet by 3 feet by 3 feet high may be added to the roof of a single-family dwelling.

CUPOLA

A small dome like structure on the roof of a building or structure and designed to provide ventilation and/or decoration. Maximum dimension of 3 feet by 3 feet by 3 feet in height.

DORMER

A projection from a roof that contains a window is set back a minimum of two feet from the exterior vertical building wall beneath the dormer. In the R-4 Zone, no dormer shall exceed ten (10) feet in length measured along the fascia.

FLAG LOT

A lot not meeting the minimum frontage requirements and where access to the public road is provided by a narrower extension of the lot encompassing a driveway or by private right-of-way easement.

GARAGE, PRIVATE

A structure that is an accessory to the principal building and that is used for the storage of motor vehicles and in which no occupation, business or service for profit is carried on. A portion of a garage not to exceed 50% may be used as a pool house etc. to include a kitchen, bath, bar and changing area. The remaining portion of the garage must be used for parking of a vehicle or for storage.

MOTHER/DAUGHTER HOUSING

A single-family dwelling that offers a semi-independent living space within the principal dwelling unit for a parent(s). The living space must be located within the principal dwelling and can only be accessed through the existing dwelling and not by a separate entrance. A fully independent dwelling unit is not permitted.

Section 3: Section 35-11.2 refers to Principal Buildings of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. Only one principal building shall be permitted on each lot, except in conjunction with townhouse and planned multi-family residential development.
- b. Two principal buildings shall be permitted on a lot in the R-4 Beachfront One-Family Residential Zone provided that:
 1. A garage with a second floor living unit shall front on First Avenue and a single-family residential dwelling shall front on the beachfront.
 2. The minimum lot width shall be 30 feet.
 3. The minimum lot area shall be 4,200 square feet.
 4. The building facing the beachfront shall be set back a minimum distance of fifteen (15) feet from the front property line.
 5. The garage apartment building facing First Avenue shall be set back a minimum distance of 10 feet from that property line.
 6. The two buildings shall be separated a minimum distance of 35 feet from each building.
 7. The maximum height of the garage apartment building facing First Avenue shall be 32 feet.
 8. The maximum height of the single-family dwelling facing the beachfront shall be 38 feet for conforming lots and 33 feet for nonconforming lots.
 9. The first-floor garage area of the building facing First Avenue shall provide an interior parking area for at least two 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.
 10. The garage apartment building facing First Avenue shall have a walkway, with a minimum width of three feet, to provide access to the beachfront.
 11. Each building shall be serviced by separate water and sewer lines.
 12. No single dormer shall exceed 10 feet in length measured along the fascia.

13. All dormers, except stairwell and/or elevator dormers must be stepped back a minimum of two feet from the exterior wall beneath it.
14. A half-story must comply with the requirements outlined in § **35-3**.
15. The property shall comply with all other standards applicable in the R-4 Zone.

Section 4: Section 35-11.6 refers to Swimming Pools of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

A swimming pool or wading pool must be located in the rear yard only. The pool must be setback a minimum of 10 feet from the side and rear property lines on interior lots. On a corner lot, the pool must be setback to meet the minimum side setback for the principal building.

Notwithstanding the above provision, any temporary wading pool, which is not more than 12 inches in depth, may be located in the front yard provided that the pool is emptied daily no later than 7 p.m. and not filled before 9 a.m.

Section 5: Schedule 1, Attachment 1:2 refers to Zoning Schedule of Bulk and Coverage Controls of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. Aggregate depth of front and rear yards shall not be less than 30 feet and no yard shall be less than 10 feet. A minimum setback of 15 feet shall be required from the monumented Borough beachfront line;
- b. Maximum permitted density shall be 10 dwelling units per acre;
- c. Maximum permitted density shall be 16 dwelling units per acre;
- d. None required if fireproof construction;
- e. Permitted height for conforming lots only. For nonconforming lots, refer to Sections 35-12.1, 35-12.2, 35-12.3. For properties located in Flood Zones A and V, refer to Sections 35-11.3b, 35.11c, and 35-11d;
- f. For accessory structures and uses, a 5-foot setback is permitted unless more restrictive regulations are established elsewhere in this ordinance;
- g. Front yard setback distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same side of the street within 200 feet of the property as documented by a map prepared by a licensed Land Surveyor;
- h. The building height and building envelope for individual dwelling units, either attached or detached, shall comply with footnote (f) of this Schedule I;
- i. Chimneys, stacks, vents, roof overhangs and gutters shall not project more than eighteen (18) inches into or over any required side yard setback line in the residential zones. Any projection over eighteen (18) inches shall be considered part of the principal structure and shall conform to all required side yard setback requirements;
- j. The maximum height for single-family dwellings facing the beachfront shall be thirty-eight (38) feet for conforming lots and thirty-three (33) for non-conforming lots.

Section 6: 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. 2377-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

BOROUGH OF MANASQUAN
ORDINANCE NO. 2377-22

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-11.8
(ADDITIONAL LOT, HEIGHT AND YARD
REQUIREMENTS), SECTION 35-3.1 (DEFINITIONS),
SECTION 35-11.2 (PRINCIPAL BUILDINGS),
SCHEDULE 1, ATTACHMENT 1:2 (ZONING
SCHEDULE OF BULK AND COVERAGE CONTROLS)
AND SECTION 35-11.6 (SWIMMING POOLS) 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 35-11.8 refers to Additional Lot, Height and Yard Requirements, Section 35-3.1 refers to Definitions, Section 35-11.2 refers to Principal buildings, Schedule 1, Attachment 1:2 refers to Zoning Schedule of Bulk and Coverage Controls, and Section 35-11.6 refers to Swimming Pools; 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: 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:

- 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 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, standby generators, pool equipment, air conditioning condensing units, or mechanical equipment or mechanical device shall be constructed, located or maintained in any required side yard setback area. Note: Standby generators must be screened so that it is not visible from the adjacent properties. Note: Outdoor showers are prohibited in the front yard. Refer to Section 35-11.9.1. except as set forth in Subsection 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 feet wide may project not more than three feet (not including steps) into the required front or rear yard setback area, provided the floor of the porch is within three 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 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 10 feet;

- g. A one-story bay window may project into a front yard not more than three feet;
- h. Roof overhangs and chimneys may project not more than 18 inches into the required side setback area;
- ~~i. Standby generators shall be located in the rear yard only and not project beyond the side building lines of the principal building. 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.i.~~ 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 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.j.~~ ~~Ground level decks and patios may be located in the rear yard provided that the deck or patio is not more than eight inches above the surrounding grade and set back at least five feet from the side and rear property lines~~Ground level decks, freestanding decks and/or patios not more than 8 inches above the surrounding grade must be setback a minimum of 5 feet from the side and rear~~Rear~~ property lines on interior lots. On corner lots, the deck or patio must meet the side setback for the principal building. Properties located on a Lagoon the rear deck can be extended to the Bulkhead; ~~Properties located on a Lagoon the rear deck can be extended to the Bulkhead;~~
- ~~l.k.~~ Notwithstanding the provisions of Subsections a and f above, 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 12, 2012, may construct first-floor decks in the front and rear yards at a height not to exceed the level of the first floor of the structure.
- ~~m.l.~~ 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 2: Section 35-3.1 refers to Definitions of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

BUILDING HEIGHT

The vertical distance from the reference datum to the highest point of the structure. (a) single frontage or corner properties — height shall be measured from the top of the curb or in the absence of the curb from the crown of the road or in the absence of a road with a crown, then from the average of the grades at the center of each street front (or the monumented borough beach walk in the case of structures contiguous to the beachfront). (b) properties with opposite frontages — heights from the lot midpoint to the respective right-of-way line shall be measured from the top of the curb or in the absence of a curb from the crown of the road or in the absence of a road with a crown, then from the grade at the center of the street front or the monumented Borough beach walk in the case of structures contiguous to the beachfront. A decorative cupola not more than 3 feet by 3 feet by 3 feet high may be added to the roof of a single-family dwelling.

CUPOLA

A small dome like structure on the roof of a building or structure and designed to provide ventilation and/or decoration. Maximum dimension of 3 feet by 3 feet by 3 feet in height.

DORMER

A projection from a roof that contains a window ~~which shall not exceed 10 feet in length measured along the fascia and~~ is set back a minimum of two feet from the exterior vertical building wall beneath the dormer. In the R-4 Zone, no dormer shall exceed ten (10) feet in length measured along the fascia.

FLAG LOT

A lot not meeting the minimum frontage requirements and where access to the public road is provided by a narrower extension of the lot encompassing a driveway or by private right-of-way easement of this chapter, which lot has access to a public road provided by a relatively narrow, private right-of-way, easement or driveway.

GARAGE, PRIVATE

A structure that is an accessory to the principal building and that is used for the storage of motor vehicles and in which no occupation, business or service for profit is carried on. A portion of a garage not to exceed 50% may be used as a pool house etc. to include a kitchen, bath, bar and changing area. The remaining portion of the garage must be used for parking of a vehicle or for storage.

MOTHER/DAUGHTER HOUSING

A single-family dwelling that offers a semi-independent living space within the principal dwelling unit for a parent(s). The living space must be located within the principal dwelling and can only be accessed through the existing dwelling and not by a separate entrance. A fully independent dwelling unit is not permitted. A fully independent living space within the principal dwelling unit is not permitted. Two front doors are strictly prohibited.

Section 3: Section 35-11.2 refers to Principal Buildings of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. Only one principal building shall be permitted on each lot, except in conjunction with townhouse and planned multi-family residential development.
- b. Two principal buildings shall be permitted on a lot in the R-4 Beachfront One-Family Residential Zone provided that:
 1. A garage with a second floor living unit shall front on First Avenue and a single-family residential dwelling shall front on the beachfront.
 2. The minimum lot width shall be 30 feet.
 3. The minimum lot area shall be 4,200 square feet.
 4. The building facing the beachfront shall be set back a minimum distance of fifteen (15) feet from the front property line.
 5. The garage apartment building facing First Avenue shall be set back a minimum distance of 10 feet from that property line.
 6. The two buildings shall be separated a minimum distance of 35 feet from ~~each other~~ each building.
 7. The maximum height of the garage apartment building facing First Avenue shall be 32 feet.
 8. The maximum height of the single-family dwelling facing the beachfront shall be 38 feet for conforming lots and 33 feet for nonconforming lots.
 9. The first-floor garage area of the building facing First Avenue shall provide an interior parking area for at least two 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.

10. The garage apartment building facing First Avenue shall have a walkway, with a minimum width of three feet, to provide access to the beachfront.
11. Each building shall be serviced by separate water and sewer lines.
12. No single dormer shall exceed 10 feet in length measured along the fascia.
13. All dormers, except stairwell and/or elevator dormers must be stepped back a minimum of two feet from the exterior wall beneath it.
14. A half-story must comply with the requirements outlined in § 35-3.
15. The property shall comply with all other standards applicable in the R-4 Zone.

Section 4: Section 35-11.6 refers to Swimming Pools of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

~~No swimming or wading pool shall be located nearer than 10 feet to any side or rear lot line nor shall any swimming or wading pool be located in the front yard of any premises. Notwithstanding the above provision, any temporary swimming or wading pool which is not enclosed by a fence or wall having a height of at least four feet may be located in any part of the front, side or rear yard area of any premises provided that such pool shall be emptied of water each day not later than 7:00 p.m. and shall not be filled with water each day earlier than 9:00 a.m. A swimming pool or wading pool must be located in the rear yard only. The pool must be setback a minimum of 10 feet from the side and rear property lines on interior lots. On a corner lot, the pool must be setback to meet the minimum side setback for the principal building.~~

~~Notwithstanding the above provision, any temporary wading pool, which is not more than 12 inches in depth, may be located in the front yard provided that the pool is emptied daily no later than 7 p.m. and not filled before 9 a.m.~~

Section 5: Schedule 1, Attachment 1:2 refers to Zoning Schedule of Bulk and Coverage Controls of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. Aggregate depth of front and rear yards shall not be less than 30 feet and no yard shall be less than 10 feet. A minimum setback of 15 feet shall be required from the monumented Borough beachfront line;
- b. Maximum permitted density shall be 10 dwelling units per acre;
- c. Maximum permitted density shall be 16 dwelling units per acre;
- d. None required if fireproof construction;
- e. Permitted height for conforming lots only. For nonconforming lots, refer to Sections 35-12.1, 35-12.2, 35-12.3. For properties located in Flood Zones A and V, refer to Sections 35-11.3b, 35.11c, and 35-11d; -the height shall be determined only after Planning Board review to assure compliance with the intent and purpose of the Zoning Law expressed in Section 35-1
- f. For accessory structures and uses, a 5-foot setback is permitted unless more restrictive regulations are established elsewhere in this ordinance;
- g. Front yard setback distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same

side of the street within 200 feet of the property as documented by a map prepared by a licensed Land Surveyor;

- h. The building height and building envelope for individual dwelling units, either attached or detached, shall comply with footnote (f) of this Schedule I;
- i. Chimneys, stacks, vents, roof overhangs and gutters shall not project more than eighteen (18) inches into or over any required side yard setback line in the residential zones. Any projection over eighteen (18) inches shall be considered part of the principal structure and shall conform to all required side yard setback requirements;
- j. The maximum height for single-family dwellings facing the beachfront shall be thirty-eight (38) feet for conforming lots and thirty-three (33) for non-conforming lots.

Section 6: 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. 2377—22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2378-22**

**ORDINANCE AMENDING CHAPTER 35 (ZONING),
AND ESTABLISHING SECTION 35-11.9.1 (OUTDOOR
SHOWERS) 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, Chapter 35 does not address the location of outdoor showers; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of establishing zoning requirements for the use of outdoor showers; 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 provide regulations for outdoor showers; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: 35-11.9.1, Outdoor Showers, is hereby established in the Revised General Ordinances of the Borough of Manasquan as follows:

- a. No outdoor shower shall be located in the front yard.

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. 2378-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

EDWARD G. DONOVAN
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2380-22**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-25.2
(PERMITTED SIGNS) AND SECTION 35-25.3
(REGULATIONS APPLICABLE TO ALL ZONES) 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 35-25.2 refers to Permitted Signs and Section 35-25.3 refers to Regulations Applicable to All Zones; 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 35-25.2 refers to Permitted Sign Requirements of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. The following signs shall be permitted in the R-1, R-2, R-3, R-4 and R-5 zones:
 1. For each dwelling unit, one unlighted nameplate not exceeding one square foot in area and bearing the name of the occupant.
 2. For any structure other than a dwelling unit, one identification sign not exceeding eight square feet, except a church bulletin board, which shall not exceed 18 square feet. Signs erected for use under this section may be illuminated with a constant source of light, provided that the light is shielded to prevent glare and annoyance to adjacent residential uses.
 3. A sign advertising the premises upon which it is located "for sale" or "for rent," not exceeding four square feet in area. Not more than one sign shall be permitted.
 4. Signs designating entrances or exits to or from a parking area are permitted and shall not exceed two square feet each.
 5. Development signs designed for advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided that:
 - (a) The size of any sign is not in excess of 6 square feet; and
 - (b) Not more than one sign is placed upon any property; and
 - (c) Any such sign shall be removed by the developer within three weeks of the final sale of the property; and
 - (d) Any freestanding sign shall not exceed four feet in height and shall not be closer than three feet from any property line and shall not be located in any manner which will impede full vehicular visibility at street intersections, driveways or exits. A sign permit is not required for such temporary contractor signs
 6. Directional signs indicating the location and direction of premises in the Borough available for or in process of development in the Borough, but not

erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected, by permit, and maintained, provided that:

- (a) The size of any such sign is not in excess of six square feet and not in excess of four feet in length; and
- (b) Not more than one such sign is erected for each development; and
- (c) Any such sign shall be removed by developer within three weeks of the final sale of the property.

7. Private driveway signs indicating the private nature of a driveway or trespassing signs, provided that the size of any such sign shall not exceed two square feet.

b. The following signs shall be permitted in B-1, B-2, C and I zones:

1. Any sign displayed flat against the wall of a building and which does not project above the roof line. Only one sign per face of a building for each business occupying that building shall be permitted and the total sign area on any building face shall not exceed two square feet for each foot of building frontage.

2. Free-standing signs supported by one or more columns or uprights which are firmly embedded in the ground, subject to the following restrictions:

- (a) Exposed guide wires, chains or other connections shall not be made a permanent support of a free-standing sign.
- (b) The total aggregate surface area of the sign shall not exceed nine square feet. The maximum height of the sign shall not exceed 10 feet nor shall the sign be closer than six inches to the ground.
- (c) The sign shall be in conformity with the character of the zone and other signs in the zone so that it blends in with the overall architectural scheme.
- (d) The sign shall be set back at least 10 feet from the curblines.

3. A sign advertising the premises upon which it is located "for sale" or "for rent," not exceeding four square feet in area. Not more than one sign shall be permitted.

4. Development signs designed for advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided that:

- (a) The size of any sign is not in excess of 6 square feet; and
- (b) Not more than one sign is placed upon any property; and
- (c) Any such sign shall be removed by the developer within three weeks of the final sale of the property and
- (d) Any freestanding sign shall not exceed four feet in height and shall not be closer than three feet from any property line and shall not be located in any manner which will impede full vehicular visibility at street intersections, driveways or exits. A sign permit is not required for such temporary contract signs.

5. The total aggregate surface area of all signs on a lot in the B-1, B-2, B-3, C and I zones shall not exceed 100 square feet.

Section 2: Section 35-25.3 refers to Sign Regulations Applicable in All Zones of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. No sign shall be placed in or extend over the line of any public street, right-of-way, curb or sidewalk area.
- b. Billboards are prohibited throughout the Borough of Manasquan.

- c. A permit shall not be required for the erection, alteration or maintenance of any signs permitted in a residential district.
- d. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- e. All signs, together with all supports, braces, anchors, etc., shall be kept in continual repair, including the replacement of defective parts, repainting, cleaning and otherwise in a presentable condition.
- f. No sign shall be served by overhead utility service.
- g. No sign shall be maintained at any location where, by reason of color, illumination, position, size or shape, may obstruct, impair, obscure or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse vehicular traffic.
- h. Signs shall not obstruct any window, door or other opening used as a means of regular ingress and egress or for required legal light and ventilation or fire escapes and other openings for emergency access and escape.
- i. Signs attached to or placed on a vehicle, including trailers, that are parked on public or private property shall be prohibited. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle during normal hours of business; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on the vehicle for the purpose of advertising a business or firm or calling attention to the location of a business or firm.
- j. No sign may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises.
- k. No sign shall be attached to trees, fence posts, stumps, utility poles or other signs. No flags, pennants or similar objects may be attached or displayed on signs.
- l. No sign shall project beyond the building in a manner placing it above an area traversed by motor vehicles, such as but not limited to, driveway and parking areas.
- m. Illuminated signs shall be arranged as to reflect the light and glare away from adjoining premises and away from adjoining highways.
- n. No sign with red, green or blue illumination in a beam, beacon or flashing form resembling an emergency light shall be permitted.
- o. The area of a sign shall be measured around the outside edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background, whether open or enclosed, but the sign area shall not include any supporting framework and bracing incidental to the display thereof.
- p. Any sign having two exposures shall be measured for area using the surface of one side of the sign only. Both sides of the sign may be used for display purposes.
- q. All fascia or attached signs shall be firmly attached to the exterior wall of the building and shall not project more than 15 inches from the building.
- r. Interior signs shall be permitted and no permit shall be required for erection and/or maintenance of such signs; provided however, that an interior sign shall not exceed 10% of the total sign area and not more than five interior signs shall be located in any structure.
- s. Street number designations, postal boxes, on-site directional and parking signs and warning signs are permitted and shall not be considered in calculating maximum permitted sign area. No such sign shall exceed two square feet in area, nor shall a permit be required for such signs.

- t. Temporary signs relating to special civic or public events may be maintained for a period not to exceed 10 days prior to the date of the event and must be removed within five days after the event has taken place. A permit shall not be required for the erection or maintenance of any temporary sign.
- u. One temporary contractor advertising sign may be erected on any lot with a structure undergoing construction, repair or improvement. No sign shall be erected more than two days before work begins, and no sign shall remain erected for more than three days after completion of work or for a period of three weeks, whichever is less. Such signs may be erected as either a facade sign or a freestanding sign and shall not exceed six square feet in area. Any freestanding sign shall not exceed four feet in height and shall be not closer than three feet from any property line and shall not be located in any manner which will impede full vehicular visibility at street intersections, driveways or exits. A sign permit is not required for such temporary contractor signs.
- v. Temporary flags, banners or streamers, erected in conformance with the provisions of this chapter, may be maintained for a period not to exceed 14 days, four times within any calendar year. A zoning application must be approved by the Zoning Officer prior to the installation of any flag, banner or streamer.
- w. Banners advertising special sales or products on private property, erected in conformance with the provisions of this chapter, may be maintained for a period not to exceed 14 days, four times within any calendar year. A zoning application must be approved by the Zoning Officer prior to the installation of any such banner.
- x. The display or maintenance of blow-up figurines used for commercial or advertising purposes is prohibited.
- y. Neon signs are prohibited.
- z. A-frame signs are prohibited, except for the display and maintenance of one A-frame sign not to exceed four square feet utilized for directional purposes, provided that such directional sign may not be placed within a public right-of-way.
- aa. Painting or marking of buildings and structures for advertising or promotional events is prohibited.
- bb. Any sign which is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign shall be prohibited in all zones. This shall include all signage inclusive of billboards. Governmental signs erected or authorized by a government unit shall be exempt from this amendment.
- cc. Signs using mechanical devices, electrical devices or both to revolve, flash or display movement or the illusion of movement are prohibited in all zones. Governmental signs erected or authorized by a government unit shall be exempt from this amendment.

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 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. 2380-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

BOROUGH OF MANASQUAN

ORDINANCE NO. 2380-22

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-25.2
(PERMITTED SIGNS) AND SECTION 35-25.3
(REGULATIONS APPLICABLE TO ALL ZONES) 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 35-25.2 refers to Permitted Signs and Section 35-25.3 refers to Regulations Applicable to All Zones; 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 35-25.2 refers to Permitted Sign Requirements of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. The following signs shall be permitted in the R-1, R-2, R-3, R-4 and R-5 zones:
 1. For each dwelling unit, one unlighted nameplate not exceeding one square foot in area and bearing the name of the occupant.
 2. For any structure other than a dwelling unit, one identification sign not exceeding eight square feet, except a church bulletin board, which shall not exceed 18 square feet. Signs erected for use under this section may be illuminated with a constant source of light, provided that the light is shielded to prevent glare and annoyance to adjacent residential uses.
 3. A sign advertising the premises upon which it is located "for sale" or "for rent," not exceeding four square feet in area. Not more than one sign shall be permitted.
 4. Signs designating entrances or exits to or from a parking area are permitted and shall not exceed two square feet each.
 5. Development signs designed for advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided that:
 - (a) The size of any sign is not in excess of ~~20-6~~ square feet; and
 - (b) Not more than one sign is placed upon any property; and
 - (c) Any such sign shall be removed by the developer within ~~30-daysthree~~ weeks of the final sale of the property; and
 - (d) Any freestanding sign shall not exceed four feet in height and shall not be closer than three feet from any property line and shall not be located in any manner which will impede full vehicular visibility at street intersections, driveways or exits. A sign permit is not required for such temporary contractor signs;

6. Directional signs indicating the location and direction of premises in the Borough available for or in process of development in the Borough, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected, by permit, and maintained, provided that:

- (a) The size of any such sign is not in excess of six square feet and not in excess of four feet in length; and
- (b) Not more than one such sign is erected for each development; and
- (c) Any such sign shall be removed by developer within ~~30 days~~three weeks of the final sale of the property.

7. Private driveway signs indicating the private nature of a driveway or trespassing signs, provided that the size of any such sign shall not exceed two square feet.

b. The following signs shall be permitted in B-1, B-2, C and I zones:

1. Any sign displayed flat against the wall of a building and which does not project above the roof line. Only one sign per face of a building for each business occupying that building shall be permitted and the total sign area on any building face shall not exceed two square feet for each foot of building frontage.

2. Free-standing signs supported by one or more columns or uprights which are firmly embedded in the ground, subject to the following restrictions:

- (a) Exposed guide wires, chains or other connections shall not be made a permanent support of a free-standing sign.
- (b) The total aggregate surface area of the sign shall not exceed nine square feet. The maximum height of the sign shall not exceed 10 feet nor shall the sign be closer than six inches to the ground.
- (c) The sign shall be in conformity with the character of the zone and other signs in the zone so that it blends in with the overall architectural scheme.
- (d) The sign shall be set back at least 10 feet from the curbline.

3. A sign advertising the premises upon which it is located "for sale" or "for rent," not exceeding four square feet in area. Not more than one sign shall be permitted.

4. Development signs designed for advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided that:

- (a) The size of any sign is not in excess of ~~20-6~~ square feet; and
- (b) Not more than one sign is placed upon any property; and
- (c) Any such sign shall be removed by the developer within ~~30 days~~three weeks of the final sale of the property and
- (d) Any freestanding sign shall not exceed four feet in height and shall not be closer than three feet from any property line and shall not be located in any manner which will impede full vehicular visibility at street intersections, driveways or exits. A sign permit is not required for such temporary contract signs.-

5. The total aggregate surface area of all signs on a lot in the B-1, B-2, B-3, C and I zones shall not exceed 100 square feet.

Section 2: Section 35-25.3 refers to Sign Regulations Applicable in All Zones of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. No sign shall be placed in or extend over the line of any public street, right-of-way, curb or sidewalk area.
- b. Billboards are prohibited throughout the Borough of Manasquan.
- c. A permit shall not be required for the erection, alteration or maintenance of any signs permitted in a residential district.
- d. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- e. All signs, together with all supports, braces, anchors, etc., shall be kept in continual repair, including the replacement of defective parts, repainting, cleaning and otherwise in a presentable condition.
- f. No sign shall be served by overhead utility service.
- g. No sign shall be maintained at any location where, by reason of color, illumination, position, size or shape, may obstruct, impair, obscure or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse vehicular traffic.
- h. Signs shall not obstruct any window, door or other opening used as a means of regular ingress and egress or for required legal light and ventilation or fire escapes and other openings for emergency access and escape.
- i. Signs attached to or placed on a vehicle, including trailers, that are parked on public or private property shall be prohibited. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle during normal hours of business; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on the vehicle for the purpose of advertising a business or firm or calling attention to the location of a business or firm.
- j. No sign may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises.
- k. No sign shall be attached to trees, fence posts, stumps, utility poles or other signs. No flags, pennants or similar objects may be attached or displayed on signs.
- l. No sign shall project beyond the building in a manner placing it above an area traversed by motor vehicles, such as but not limited to, driveway and parking areas.
- m. Illuminated signs shall be arranged as to reflect the light and glare away from adjoining premises and away from adjoining highways.
- n. No sign with red, green or blue illumination in a beam, beacon or flashing form resembling an emergency light shall be permitted.
- o. The area of a sign shall be measured around the outside edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background, whether open or enclosed, but the sign area shall not include any supporting framework and bracing incidental to the display thereof.
- p. Any sign having two exposures shall be measured for area using the surface of one side of the sign only. Both sides of the sign may be used for display purposes.
- q. All fascia or attached signs shall be firmly attached to the exterior wall of the building and shall not project more than 15 inches from the building.
- r. Interior signs shall be permitted and no permit shall be required for erection and/or maintenance of such signs; provided however, that an interior sign shall

not exceed 10% of the total sign area and not more than five interior signs shall be located in any structure.

- s. Street number designations, postal boxes, on-site directional and parking signs and warning signs are permitted and shall not be considered in calculating maximum permitted sign area. No such sign shall exceed two square feet in area, nor shall a permit be required for such signs.
- t. Temporary signs relating to special civic or public events may be maintained for a period not to exceed 10 days prior to the date of the event and must be removed within five days after the event has taken place. A permit shall not be required for the erection or maintenance of any temporary sign.
- u. ~~Temporary contractor advertising signs may be erected on any lot with a structure undergoing construction, repair or improvement by a building trades contractor or architect or engineer provided that each such contractor or engineer or architect shall be limited to erect only one sign each.~~ One temporary contractor advertising sign may be erected on any lot with a structure undergoing construction, repair or improvement. No sign shall be erected ~~no~~ more than two days before work begins, and no sign shall remain erected for more than ~~three weeks or more than~~ three days after completion of work or for a period of three weeks, whichever is less. Such signs may be erected as either a facade sign or a freestanding sign and shall not exceed six square feet in area. Any freestanding sign shall not exceed four feet in height and shall be not closer than three feet from any property line and shall not be located in any manner which will impede full vehicular visibility at street intersections, driveways or exits. A sign permit is not required for such temporary contractor signs.
- v. Temporary flags, banners or streamers, erected in conformance with the provisions of this chapter, may be maintained for a period not to exceed 14 days, four times within any calendar year. A zoning application must be approved by the Zoning Officer prior to the installation of any flag, banner or streamer.
- w. Banners advertising special sales or products on private property, erected in conformance with the provisions of this chapter, may be maintained for a period not to exceed 14 days, four times within any calendar year. A zoning application must be approved by the Zoning Officer prior to the installation of any such banner.
- x. The display or maintenance of blow-up figurines used for commercial or advertising purposes is prohibited.
- y. Neon signs are prohibited.
- z. A-frame signs are prohibited, except for the display and maintenance of one A-frame sign not to exceed four square feet utilized for directional purposes, provided that such directional sign may not be placed within a public right-of-way.
- aa. Painting or marking of buildings and structures for advertising or promotional events is prohibited.
- bb. Any sign which is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign shall be prohibited in all zones. This shall include all signage inclusive of billboards. Governmental signs erected or authorized by a government unit shall be exempt from this amendment.
- cc. Signs using mechanical devices, electrical devices or both to revolve, flash or display movement or the illusion of movement are prohibited in all zones. Governmental signs erected or authorized by a government unit shall be exempt from this amendment.

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 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. 2380-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 7:00p.m. on the 3rd day of October 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 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
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 S
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: September 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2383-22**

**ORDINANCE TO AMEND AND SUPPLEMENT THE
DEVELOPMENT REGULATIONS AND ZONING
ORDINANCE OF THE BOROUGH OF MANASQUAN
AND TO ADOPT THE REVISED OFFICIAL ZONING
MAP OF THE BOROUGH**

Statement of Purpose: The purpose of this Ordinance is to adopt an updated and revised Official Zoning Map of the Borough for inclusion in the Development Regulations and Zoning Ordinance of the Borough to accurately depict the Borough's Zoning Districts.

WHEREAS, the Borough Council has determined that it is in the public interest to update the current Official Zoning Map, last revised in November 2008; and

WHEREAS, the firm of Leon S. Avakian, Inc., a professional engineering consulting firm retained by the Borough, has prepared an updated Official Map revised to April 11, 2022, a copy of which is attached hereto; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN IN THE COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY, as follows:

Section 1. Article 4.2 of the Zoning Ordinance of the Borough of Manasquan entitled "Zoning Provisions" – Section 35 – entitled "Zoning Map" is hereby amended and revised at Section 35 and entitled "Zoning Map Adopted" to read as follows:

a. Zoning Map Adopted:

The boundaries of the zoning districts are established on the Zoning Map dated April 11, 2022 which is hereby made a part of this Ordinance. (The map may be found in the Chapter 35, Attachment 2)

Section 2. All other provisions of the Zoning Ordinance of the Borough of Manasquan shall be unaffected and are hereby continued.

Section 3. All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 4. This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal laws. Notwithstanding that any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue to be of full force and effect. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 5. The Borough Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16.

Section 6. This Ordinance shall take effect as provided by law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2383-22 was introduced at a meeting of the Mayor and Borough Council of Manasquan on the 15th day of August, 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 7:00 p.m. on the 19th day of September, 2022. At such time and place, or at any such time or place to which said meeting may be adjourned, all persons interested 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 the office of 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, ESQ.
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

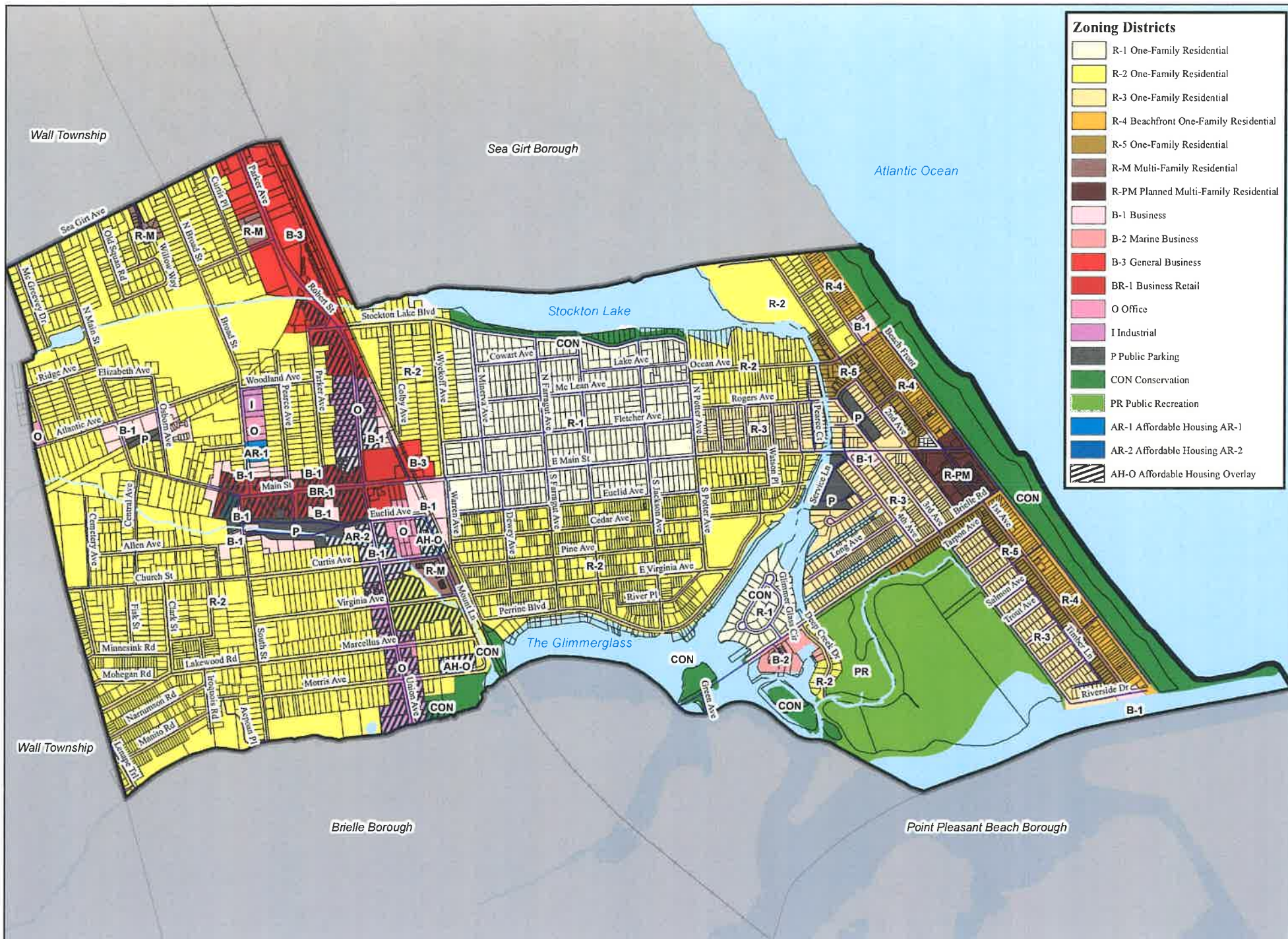
STATEMENT

This ordinance published herewith has been finally adopted on September 19, 2022 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided by law, has begun to run from the date of the first publication of said statement.

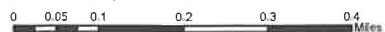
BARBARA ILARIA, RMC, CMC
Municipal Clerk

Passed on First Reading and Introduction: August 15, 2022
Approved on Second Reading and Final Reading: October 3, 2022

EDWARD G. DONOVAN
Mayor



Source: Monmouth County GIS,
 NJDEP, NJGIS, USDA NRCS, and ESRI
 Date Saved: April 11, 2022



Zone Map
 Borough of Manasquan
 Monmouth County, New Jersey

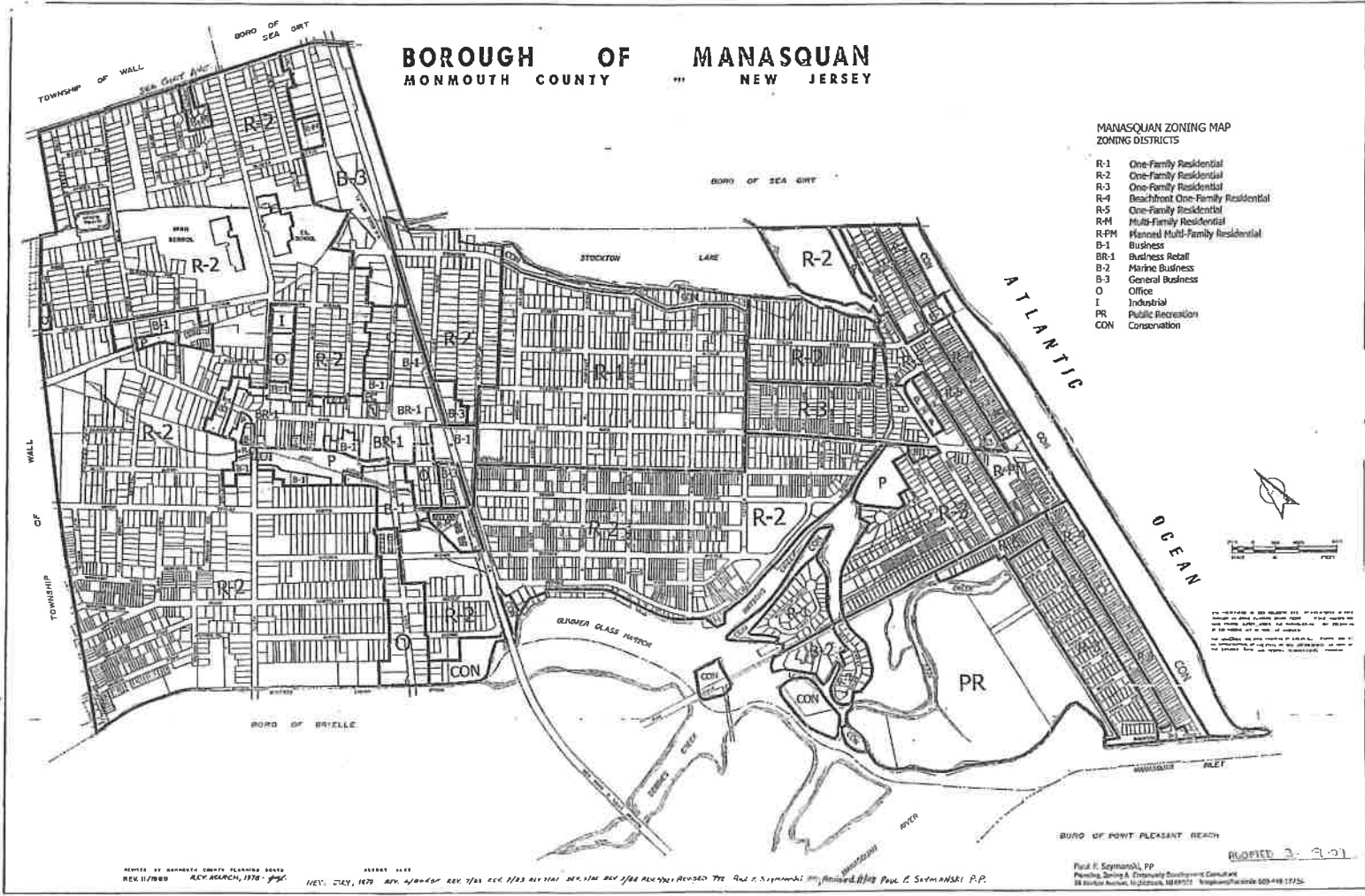


LEON S. AVAKIAN, Inc.
 Consulting Engineers

This map was developed using New Jersey Department of Environmental Protection Geographic Information Systems digital data, but this secondary product has not been verified by NJDEP and is not state-authorized or endorsed.

BOROUGH OF MANASQUAN

MONMOUTH COUNTY NEW JERSEY



- MANASQUAN ZONING MAP
ZONING DISTRICTS**
- R-1 One-Family Residential
 - R-2 One-Family Residential
 - R-3 One-Family Residential
 - R-4 Beachfront One-Family Residential
 - R-5 One-Family Residential
 - R-M Multi-Family Residential
 - R-PH Planned Multi-Family Residential
 - B-1 Business
 - BR-1 Business Retail
 - B-2 Marine Business
 - B-3 General Business
 - O Office
 - I Industrial
 - PR Public Recreation
 - CON Conservation



THIS MAP IS THE PROPERTY OF THE BOROUGH OF MANASQUAN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE BOROUGH OF MANASQUAN. THE BOROUGH OF MANASQUAN IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS ON THIS MAP. THE BOROUGH OF MANASQUAN IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING OUT OF THE USE OF THIS MAP. THE BOROUGH OF MANASQUAN IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING OUT OF THE USE OF THIS MAP.

REVISED BY MANASQUAN ZONING DISTRICT BOARD JUNE 2011
 REV 11/2009 REV. MARCH, 1978 REV. MAY, 1979 REV. JUNE 1980 REV. JULY 1981 REV. AUG 1982 REV. SEPT 1983 REV. OCT 1984 REV. NOV 1985 REV. DEC 1986 REV. JAN 1987 REV. FEB 1988 REV. MAR 1989 REV. APR 1990 REV. MAY 1991 REV. JUN 1992 REV. JUL 1993 REV. AUG 1994 REV. SEPT 1995 REV. OCT 1996 REV. NOV 1997 REV. DEC 1998 REV. JAN 1999 REV. FEB 2000 REV. MAR 2001 REV. APR 2002 REV. MAY 2003 REV. JUN 2004 REV. JUL 2005 REV. AUG 2006 REV. SEPT 2007 REV. OCT 2008 REV. NOV 2009 REV. DEC 2010 REV. JAN 2011 REV. FEB 2012 REV. MAR 2013 REV. APR 2014 REV. MAY 2015 REV. JUN 2016 REV. JUL 2017 REV. AUG 2018 REV. SEPT 2019 REV. OCT 2020 REV. NOV 2021 REV. DEC 2022

FILED BY: SCYMANOVI, PP
 PREPARED BY: SCYMANOVI, PP
 28 Market Avenue, Manasquan, NJ 08732 Telephone/Facsimile 609-498-1715

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2379-22**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-18.4
(EXEMPTIONS), SECTION 35-12.1
(NONCONFORMING BUILDINGS AND CONFORMING
BUILDINGS ON NONCONFORMING LOTS), SECTION
12.2 (NEW CONFORMING BUILDINGS ON
NONCONFORMING LOTS), AND SECTION 12.3
(NONCONFORMING BUILDINGS ON CONFORMING
LOTS) 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 35-18.4 refers to Exemptions, Section 35-12.1 refers to Nonconforming Buildings And Conforming Buildings On Nonconforming Lots, Section 12.2 refers to New Conforming Buildings On Nonconforming Lots, and Section 12.3 refers to Nonconforming Buildings on Conforming Lots; 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 35-18.4 refers to Exemptions of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. The alteration and/or the addition of any fill dirt to alter the existing grade of the property for a single-family and two-family residential structures and structures and uses incidental thereto, permitted as a right under applicable zoning regulations, will require site plan approval. The applicant must submit a plot plan showing the existing grade and proposed grade for all work to be performed. In addition, the plot plan must show the existing contours of all properties within a radius of 200 feet.
- b. No site plan shall be required for any repairs or alterations to a building or installation of equipment in any buildings, as such terms are defined by the Building Code of the Borough of Manasquan.[1]
[1] Editor's Note: See Ch. 14, Building and Housing, Section 14-1, State Uniform Construction Code Enforcing Agency.
- c. Signs which are not part of an application under subsection 35-18.3 and are in accordance with the standards of Section 35-25.

Section 2: Section 35-12.1 refers to Nonconforming Buildings and Conforming Buildings on Nonconforming Lots of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

An existing nonconforming building or a conforming building on a nonconforming lot may be repaired, altered, enlarged or extended provided that there is compliance with the following requirements:

- a. The building is used exclusively for residential purposes.
- b. The use of the building is permitted in the zone.

- c. The nonconforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building addition complies with subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. The proposed building height does not exceed 30 feet as measured from: the top of an existing curb; or in the absence of an existing curb, from the crown of the road; or in the case of beachfront lots, from the elevation of the monumented beachfront line.
- f. If the new building addition does not comply with paragraph d above, then the individual front, side and rear yard setback distances of the existing nonconforming building must be equal to or greater than 90% of the required setback distances in the zone.
- g. If the new building addition does not comply with paragraph d above, then existing building and lot coverage cannot exceed 110% of the maximum building and lot coverage permitted in the zone.
- h. This provision may be invoked only once during any five-year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.
- i. Flood Zones A and V the maximum height for the principal structure is 33 feet. Garage apartments in the R-4 Zone, the maximum building height is 32 feet.

Section 3: Section 35-12.2 refers to New Conforming Buildings on Nonconforming Lots of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

A new conforming building may be built on a nonconforming lot provided there is compliance with the following requirements:

- a. The building is used exclusively for residential purposes.
- b. The use of the building is permitted in the zone.
- c. The nonconforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building complies with subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. Building height does not exceed 30 feet as measured from: the top of an existing curb; or in the absence of an existing curb, from the crown of the road; or in the case of beachfront lots, from the elevation of the monumented beachfront line.
- f. Flood zones A and V the maximum building height for the principal structure is 33 feet. Garage apartments in the R-4 Zone, the maximum building height is 32 feet.

Section 4: Section 35-12.3 refers to Nonconforming Buildings on Conforming Lots of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

An existing nonconforming building on a conforming lot may be repaired, altered, enlarged or extended provided that there is compliance with the following requirements:

- a. The building is used exclusively for residential purposes.

- b. The use of the building is permitted in the zone.
- c. The conforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building addition complies with subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. If the new building addition does not comply with paragraph d above, then the following shall apply:
 - 1. The proposed building height does not exceed 30 feet as measured from: the top of the existing curb; or in the absence of a curb, from the crown of the road; or in the case of beachfront lots, from the elevation of the monumented beachfront line.
 - 2. The individual front, side and rear yard setback distances of the existing nonconforming building must be equal to or greater than 90% of the required setback distances in the zone.
 - 3. The existing building and lot coverage cannot exceed 110% of the maximum building and lot coverage permitted in the zone.
- f. This provision may be invoked only once during any five-year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.
- g. (Reserved)
- h. This provision may be invoked only once during any five-year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.
- i. Flood zones A and V the maximum building height for the principal structure is 33 feet. Garage apartments in the R-4 Zone, the maximum building height is 32 feet.

Section 5: 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. 2379-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 19th day of September 2022 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 17th day of October 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 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 19, 2022
Approved on Second Reading and Final Hearing: October 17, 2022

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2379-22**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING), SECTION 35-18.4
(EXEMPTIONS), SECTION 35-12.1
(NONCONFORMING BUILDINGS AND CONFORMING
BUILDINGS ON NONCONFORMING LOTS), SECTION
12.2 (NEW CONFORMING BUILDINGS ON
NONCONFORMING LOTS), AND SECTION 12.3
(NONCONFORMING BUILDINGS ON CONFORMING
LOTS) 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 35-18.4 refers to Exemptions, Section 35-12.1 refers to Nonconforming Buildings And Conforming Buildings On Nonconforming Lots, Section 12.2 refers to New Conforming Buildings On Nonconforming Lots, and Section 12.3 refers to Nonconforming Buildings on Conforming Lots; 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 35-18.4 refers to Exemptions of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

- a. ~~The alteration and/or the addition of any fill dirt to alter the existing grade of the property for a sSingle-family and two-family residential structures and structures and uses incidental thereto, permitted as a right under applicable zoning regulations, will require site plan approval. The applicant must submit a plot plan showing the existing grade and proposed grade for all work to be performed. In addition, the plot plan must show the existing contours of all properties within a radius of 200 feet. are exempt from the requirements of this Sections 35-18 through 35-23; however, a site plan will be required if, at the discretion of the Building Officer, there exist soil and drainage conditions or traffic factors which may result in environmental problems.~~
- b. No site plan shall be required for any repairs or alterations to a building or installation of equipment in any buildings, as such terms are defined by the Building Code of the Borough of Manasquan.[1]
[1] Editor's Note: See Ch. 14, Building and Housing, Section 14-1, State Uniform Construction Code Enforcing Agency.
- c. Signs which are not part of an application under subsection 35-18.3 and are in accordance with the standards of Section 35-25.

Section 2: Section 35-12.1 refers to Nonconforming Buildings and Conforming Buildings on Nonconforming Lots of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

An existing nonconforming building or a conforming building on a nonconforming lot may be repaired, altered, enlarged or extended provided that there is compliance with the following requirements:

- a. The building is used exclusively for residential purposes.
- b. The use of the building is permitted in the zone.
- c. The nonconforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building addition complies with subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. The proposed building height does not exceed 30 feet as measured from: the top of an existing curb; or in the absence of an existing curb, from the crown of the road; or in the case of beachfront lots, from the elevation of the monumented beachfront line.
- f. If the new building addition does not comply with paragraph d above, then the individual front, side and rear yard setback distances of the existing nonconforming building must be equal to or greater than 90% of the required setback distances in the zone.
- g. If the new building addition does not comply with paragraph d above, then existing building and lot coverage cannot exceed 110% of the maximum building and lot coverage permitted in the zone.
- h. This provision may be invoked only once during any five-year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.

h.i. Flood Zones A and V the maximum height for the principal structure is 33 feet. Garage apartments in the R-4 Zone, the maximum building height is 32 feet.

Section 3: Section 35-12.2 refers to New Conforming Buildings on Nonconforming Lots of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

A new conforming building may be built on a nonconforming lot provided there is compliance with the following requirements:

- a. The building is used exclusively for residential purposes.
- b. The use of the building is permitted in the zone.
- c. The nonconforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building complies with subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. Building height does not exceed 30 feet as measured from: the top of an existing curb; or in the absence of an existing curb, from the crown of the road; or in the case of beachfront lots, from the elevation of the monumented beachfront line.

e.f. Flood zones A and V the maximum building height for the principal structure is 33 feet. Garage apartments in the R-4 Zone, the maximum building height is 32 feet.

Section 4: Section 35-12.3 refers to Nonconforming Buildings on Conforming Lots of the revised general ordinances of the Borough of Manasquan is hereby Amended as follows:

An existing nonconforming building on a conforming lot may be repaired, altered, enlarged or extended provided that there is compliance with the following requirements:

- a. The building is used exclusively for residential purposes.
- b. The use of the building is permitted in the zone.
- c. The conforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building addition complies with subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. If the new building addition does not comply with paragraph d above, then the following shall apply:
 1. The proposed building height does not exceed 30 feet as measured from: the top of the existing curb; or in the absence of a curb, from the crown of the road; or in the case of beachfront lots, from the elevation of the monumented beachfront line.
 2. The individual front, side and rear yard setback distances of the existing nonconforming building must be equal to or greater than 90% of the required setback distances in the zone.
 3. The existing building and lot coverage cannot exceed 110% of the maximum building and lot coverage permitted in the zone.
- f. This provision may be invoked only once during any five-year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.
- g. (Reserved)
- h. This provision may be invoked only once during any five-year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.

h.i. Flood zones A and V the maximum building height for the principal structure is 33 feet. Garage apartments in the R-4 Zone, the maximum building height is 32 feet.

Section 5: 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. 2379-22 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6th day of September 2022 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 3rd day of October_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 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 6, 2022
Approved on Second Reading and Final Hearing: October 3, 2022

Edward G. Donovan
Mayor