

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
SPECIAL MEETING
NOVEMBER 3, 2011**

Mayor Naughton called the Special Meeting of the Mayor and Council of the Borough of Spring Lake to order at 6:03 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly, Mayor Naughton
ABSENT: NONE

ALSO PRESENT: Jane Gillespie, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Peter Avakian, Borough Engineer

Public Comments – None

Ordinances for Introduction

Mayor Naughton read Ordinance No. 2011-013 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE" by title.

Mayor Naughton explained the Ordinance and stated that timing is important. This Ordinance was put together by our Engineer and Zoning Officer based on discussions at the last meeting and was scribed by our Borough Attorney. Mr. Zahorsky explained that the Borough has two flood elevations 9 or 10. The ordinance would allow them four feet above the flood elevation and the measurement would be from the midline of the curb. He reviewed the Ordinance below and was confident that this would permit the relief the Council is looking to give the residents.

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE

WHEREAS, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

WHEREAS, the Borough Zoning Review Officer, Engineer and the Administration have recommended that properties affected by the flooding of Wreck Pond and otherwise in the designated flood zones be permitted to elevate their houses above normal limits; and

WHEREAS, the Mayor and Council, have determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to provide those residents with such relief; and

WHEREAS, the following sections of Chapter 225 are amended and supplemented with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline**:

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

Section 1.

1. Article II, Definitions and Descriptions, Section 225-7, "Definitions," of the Land Development Code, is hereby amended to provide as follows:

BUILDING HEIGHT – The vertical distance to the highest point of the roof. The vertical distance shall be measured from the ~~mean elevation of the top of curb (or proposed top of curb where none exists)~~ **existing curb height** along the street line **at the midpoint of the lot frontage (proposed curb height shall be used for new construction)** for principal buildings and from the average existing grade at the perimeter of a building for accessory buildings. In the case of a corner lot, building height shall be measured from the ~~mean elevation of the top of curb~~ **height** along the street line upon which the building fronts.

Notwithstanding the above, the height requirements below shall apply to structures located within the AE Flood Zone as shown on the most current FEMA – Flood Insurance Rate Map (FIRM). The properties with a valid Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) will be treated as though they are not within the AE Flood Zone:

1. **Existing principal dwellings in the AE Zone can be raised so that the finished floor elevation (FFE) is a maximum of four (4) feet above the base flood elevation as determined by the FIRM provided that the resulting building height, as defined above, does not exceed 40 feet.**

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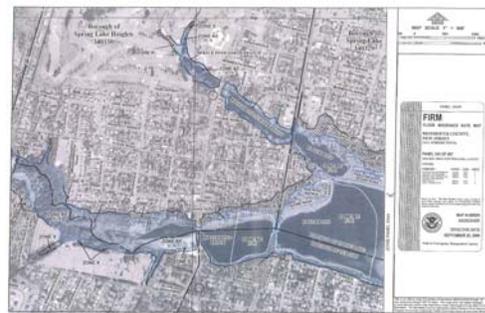
- 2. New dwellings constructed in the AE Zone shall be permitted to have the finished floor a maximum of four (4) feet above the base flood elevation as determined by the FIRM provided that the highest point of the roof is no more than 32 feet above the finished floor elevation (FFE).
- 3. Stairs and landings required to be extended as a result of an existing dwelling being raised shall be permitted to extend into any required setback a distance minimally necessary to adhere to the access requirements of the Uniform Construction Code.

2. Article IV, District Regulations, Section 225-12 "Area and Yard Requirements: of the Land Development code is hereby amended to provide as follows:

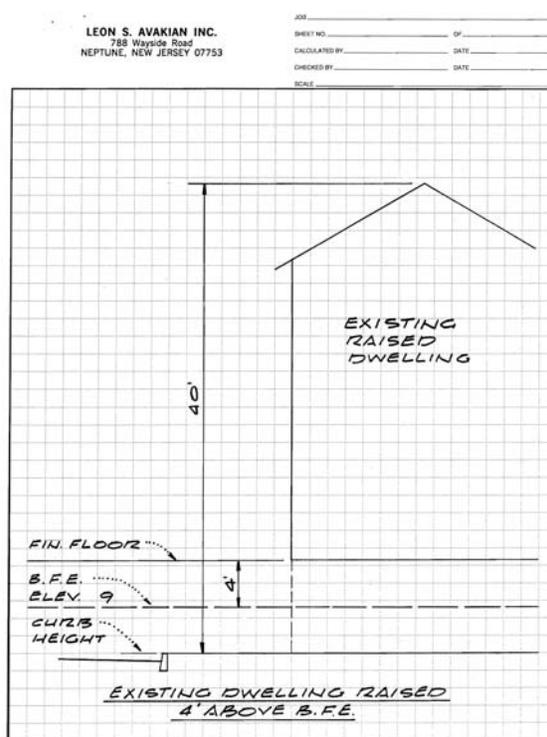
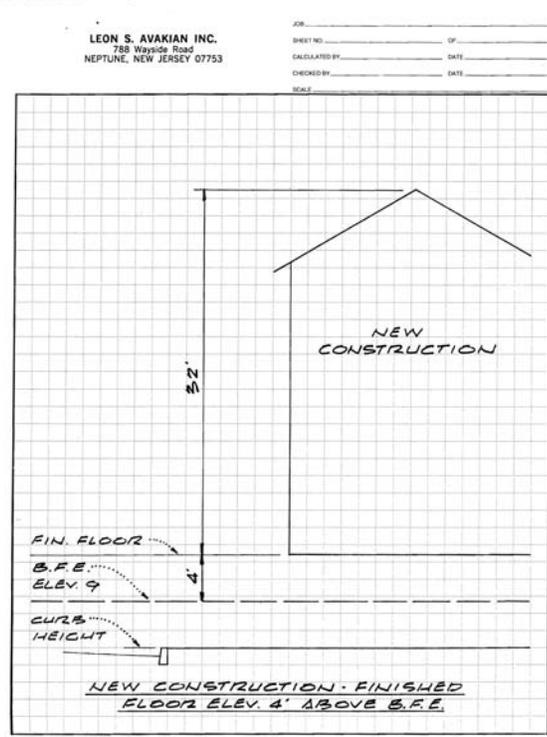
§ 225-12D. Area and yard requirements.

Notes:

(6) For properties located in the AE Flood Zone as shown on the most current FEMA – Flood Insurance Rate Map (FIRM), the Maximum "Building Height" shall be as defined in Section 225-7. Definitions.



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Mr. Avakian noted that all of the numbers being discussed are relative to the mean sea level. He then explained the above drawings based on the O'Malley property and what the Ordinance will allow.

Mr. Drasheff questioned if the AE zone continues along Ocean Avenue to Lake Como? Mr. Avakian stated that there is a small area along Ocean Avenue but those home would have to file an elevation certificate and most of them are above flood elevation.

Discussion on flood maps and the zone AE are the areas we are speaking about.

Mr. Quinn felt that the areas should be classified by block and lot as he felt that some properties may be partially in and partially out of the zone. He felt that this may work for the short term but had a concern that there are some properties that are not included or subject to different zoning requirements. Mayor Naughton and Mrs. Venables also raised concern for properties that are partially located within the zone.

Mr. Quinn expressed his concern with rushing through an Ordinance like this although he understands its urgency. He hoped that a future Council will again review this to insure that there are no loop holes.

Mike Burke, questioned if the homes would be allowed to be on pylons? Mr. Zahorsky stated that they would have to be enclosed and could not be used as basements. Mr. Burke expressed his concern with people putting mechanicals down there. Mr. Zahorsky advised that nothing would be allowed in that area. He also agreed with Mr. Quinn that block and lots should be used not the map. He then questioned how many homes would be affected? Mayor Naughton advised approximately 75. It was noted that the raised area could not be used as additional living space.

Lyle Marlowe, Pennsylvania Avenue, also felt that block and lots should be used.

David O'Malley, Shore Road, stated that most people who raise their homes would enclose it. He is sure shrubbery will be used. People are not going to use this area as living space.

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Lisa Deberardine, 10 Brown Avenue, questioned if the Ordinance would allow for people to increase their grade? Mr. Zahorsky advised no, you would have to keep the existing grade. You would be able to add to the existing steps and encroach into the setback to minimally meet the construction code.

Mrs. Venables offered a motion to Introduce Ordinance No.2011-013, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Naughton stated that the Public Hearing on this Ordinance will be held on Monday, November 21, 2011 and will go to the Planning Board for their review at their next meeting on November 9, 2011.

Mr. Burke commented on the fact that what the County is doing at Wreck Pond is not going to help our problem. They are not putting a silt trap in.

Mrs. Venables offered a motion to adjourn, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 6:34 P.M .

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: January 24, 2012