

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**JULY 1, 2014**

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

PRESENT: Mayor Doherty, Councilwoman Nicolay, Councilman Bean, Councilman Magovern, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on April 30, 2014 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

**PLEDGE OF ALLEGIANCE**

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

**SPECIAL PRESENTATIONS:**

- Employee of the Month
- Historical Society Document
- Special Resolutions Honoring Jane Preville and Teri Hennessey

**WORKSHOP DISCUSSION:**

- Maclearie Park Playground
- Lake Como Outfall

**PETITIONS:**

**REPORTS OF MAYOR AND COUNCIL:**

**APPROVAL OF MINUTES:**

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

**RESOLUTIONS:**

- **RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE FRIENDLY SONS OF THE SHILLELAGH**
- **RESOLUTION AUTHORIZING PAYMENT OF BILLS**

**CONSENT AGENDA:**

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

**RESOLUTIONS BY CONSENT:**

- **RESOLUTION AUTHORIZING THE SUBMISSION OF A RECYCLING TONNAGE GRANT APPLICATION FOR THE BOROUGH OF BELMAR**
- **RESOLUTION OPPOSING SENATE BILL NO. 2171 AND ASSEMBLY BILL NO. 1956**

- RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION NO. 1306-33-014-004 FOR JOBIL, INC., T/A JACK'S TAVERN FOR PERIOD ENDING JUNE 30, 2015
- RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE WATERWORKS GROUND STORAGE TANK PAINTING AND REPAIRS PROJECT
- RESOLUTION APPROVING MEMBERSHIP APPLICATIONS FOR HOOK & LADDER FIRE COMPANY

**ORDINANCES:**

*First Reading & Introduction*

**ORDINANCE NO. 2014-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, LICENSES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR SECTION 5-1, DESIGNATION OF AMUSEMENT OR ENTERTAINMENT AREAS**

*First Reading & Introduction*

**ORDINANCE NO. 2014-13**

**AN ORDINANCE AMENDING CHAPTER XL (Development Regulations) REVISE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

*First Reading & Introduction*

**ORDINANCE 2014-14**

**ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY VACATING A PORTION OF A PUBLIC ROAD IN THE SEAPORT REDEVELOPMENT AREA IN FURTHERANCE OF THE REDEVELOPMENT PROJECT AT BLOCK 57, LOT 4.**

**PUBLIC SESSION:**

**MEETING ADJOURNED**

**HONORING JANE PREVILLE, ON HER RETIREMENT  
FROM EMPLOYMENT WITH BELMAR ELEMENTARY SCHOOL**

**WHEREAS**, Jane Preville has been a long time Avon by the Sea resident and attended secondary school and college in New Jersey;

**WHEREAS**, Jane Preville graduated from the Academy of St. Aloysius and St. Peter's College, in Jersey City, NJ, graduating with a Bachelor of Arts Degree in Elementary Education and Secondary Education. Jane was inducted into the Honor Society; and

**WHEREAS**, Jane Preville was employed by the Beneficial National Life Insurance Company of New York as Assistant to the Vice President, while attending St. Peter's College. In 1976 Jane felt it was time to further her career path and was hopeful that a teaching position would become available in her hometown area. She was a Student Teacher at Wall Central School for second; and

**WHEREAS**, Jane Preville started working for Belmar Elementary School in 1985 as an Elementary School Teacher and has been a beloved worker at Belmar Elementary School for the past 29 years;

**WHEREAS**, Jane Preville has been chair for the Professional Development Committee for continuing education for 6 years, chair to the NJ Agricultural Society Grant for 3 years and chair of numerous textbook selection committees. She has been School Coordinator/Contact for RSVP Reading Buddies Program through Family & Children's Services in Long Branch for over 10 years. Jane has also coordinated The Polar Express Program for First to Third Grades and has been a member of sending district curriculum writing committee for First Grade Elementary Math, Science and Social Studies;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Belmar that Jane Preville be commended and congratulated on her years of distinguished service to Belmar Elementary School and the Borough of Belmar and we all wish her good health and a happy retirement.

**HONORING MARIA THERESA HENNESSY, M.S.W. ON HER RETIREMENT  
FROM EMPLOYMENT WITH BELMAR ELEMENTARY SCHOOL**

**WHEREAS**, Maria T. Hennessy was born in Phoenix, raised there and back from Pacific Front-New Guinea and attended high school and college in New Jersey;

**WHEREAS**, Maria Hennessy, M.S. W. graduated from Monmouth College and received her Master of Social Work from Rutgers University. Maria was President and Treasurer of the Alpha Delta Mu, National Social Work Honor Society, a member of the Monmouth College Social Work Society, National Association of Social Workers and New Jersey Society for Clinical Social Work; and

**WHEREAS**, Maria Hennessy has been married to Dan Grendel for 23 years, have a total of 7 children and eleven grandchildren; and

**WHEREAS**, Maria Hennessy graduated from IPPNJ in as a Psychoanalytic Psychotherapist. She became licensed as a Clinical Social Worker in NJ. Maria entered the M.A. program at Georgian Court University for Holistic Health Studies and graduated in 2006; and

**WHEREAS**, Maria Hennessy started working for Belmar Elementary School in 1989 as a Social Worker and Welfare Director and has been a beloved worker at Belmar Elementary School for the past 23 years; and

**WHEREAS**, Maria Hennessy's field placements have given her the opportunity to work directly with families for various ethnic and socio-economic backgrounds. She has become acquainted with the various service and support agencies available to troubled families, including DYFS, Welfare, MCOSS and Mental Health Facilities. Maria has been particularly interested in the relationship between the family and the school system. Her Focus of Special Education has prompted several papers on changes to the New Jersey rules and regulations;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Belmar that Maria Theresa Hennessy, M.S.W. be commended and congratulated on her years of distinguished service to Belmar Elementary School and the Borough of Belmar and we all wish her good health and a happy retirement.

**RESOLUTION 2014-**

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL  
CONSUMPTION NO. 1306-33-014-004 FOR JOBIL, INC., T/A  
JACK'S TAVERN FOR PERIOD ENDING JUNE 30, 2015**

**WHEREAS**, application has been made for Plenary Retail Consumption License No. 1306-33-014-004 by Jobil, Inc. t/a Jack's Tavern; and

**WHEREAS**, said application is accompanied by reports from the borough inspection officials, health inspector and the Chief of Police.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2015 to June 30, 2015 both dates inclusive, be issued to the following, subject to the Special Conditions that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such times as the number of persons, exclusive of employees, occupying the licensed premises exceeds the number of persons as listed below:

1306-33-014-004-Jobil, Inc. T/a Jack's Tavern for the premises at 701, 703, 703½ Tenth Avenue. Occupancy limited to One Hundred Thirty-Seven (137) persons inside, Outside Dining Area Forty-Five (45) persons.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant after making notation of the aforementioned Special Conditions upon the face of said license.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Belmar will receive \$2400 from the Division of Alcoholic Beverage Control - Cops In Shops Project and wishes to amend its 2014 Budget to include a portion of this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED**, that the council of the Borough of Belmar hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$2400, which is now available as a revenue from:

The Division of Alcoholic Beverage Control

**BE IT FURTHER RESOLVED**, that a like sum of \$2400 be and the same is hereby appropriated under the caption of:

Cops In Shops Project

**BE IT FURTHER RESOLVED**, that the Clerk forward two copies of this resolution to the Director of Local Government Services.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

**RESOLUTION NO 2014-**

**RESOLUTION APPROVING MEMBERSHIP APPLICATIONS FOR HOOK &  
LADDER FIRE COMPANY**

WHEREAS, the Hook and Ladder Fire Company has advised the Borough Council that the following have submitted applications to join the Union Fire Company:

KEVIN OLMEDO  
JUSTIN PETTIT  
JAMES YANNAZZONE  
ROBERT POLLOCK

WHEREAS, each application will be reviewed by the Belmar Police Department;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that the above application be hereby approved pending final approval from the Police Department.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted

**RESOLUTION NO 2014-**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON  
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER  
2014-04**

**WHEREAS**, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

<u>APPLICANT</u>	<u>NUMBER</u>	<u>PREMISES</u>	<u>DATE</u>	<u>TIME</u>
<u>Best Day Foundation</u>	<u>2014-04</u>	<u>16<sup>th</sup> Avenue</u>	<u>9/14/14</u>	<u>5:00 pm</u>

**BE IT FURTHER RESOLVED** that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION 2014-**

**RESOLUTION AUTHORIZING THE SUBMISSION OF A  
RECYCLING TONNAGE GRANT APPLICATION FOR THE  
BOROUGH OF BELMAR**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the Borough to apply to such tonnage grants will memorialize the Borough's commitment to recycling and indicate the assent of the Mayor and Council of the Borough of Belmar to the efforts undertaken by the Borough and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed along with a copy of the 2013 recycling tonnage report.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Belmar hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Francis Hines, Assistant Superintendent, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used for the purposes of recycling.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION 2014-**

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS  
FOR THE FRIENDLY SONS OF THE SHILLELAGH**

**WHEREAS**, the Friendly Sons of the Shillelagh has applied for the following Special Permit for Social Affairs (“One Day Liquor License”):

August 16, 2014 – Foundation Fluke Tournament

**WHEREAS**, the applications require that the municipality indicate that it has no objection to the granting of said Special Permit;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Clerk be and is hereby authorized and directed to sign the certification stating that the Borough of Belmar has no objection to the granting of the Special Permit for Social Affairs to be conducted by the Friendly Sons of the Shillelagh and that the issuance of said Permit is not contrary to any local ordinance, resolution, regulation or policy which would prohibit the same, and that not more than 25 Special Permits have been authorized for the applicant during 2014.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER  
NUMBER ONE FOR THE WATERWORKS GROUND STORAGE TANK PAINTING  
AND REPAIRS PROJECT**

**WHEREAS**, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor, Bragaton Construction for the waterworks ground storage tank painting and repairs project; and

**WHEREAS**, the Council of the Borough of Belmar has also received from the Mayor a request for this Change Order to amend the cost of the project as shown by the documentation attached to said request and having investigated the same and being assured that the change is necessary and that it will actually be carried out and the total net change for Change Order Number One is a net decrease of \$146,200.

**NOW, THEREFORE, BE IT RESOLVED** on this 1<sup>st</sup> day of July 2014 that the Mayor and Borough Clerk be and are hereby authorized to enter into written amendatory contract covering the change requested in the aforesaid project.

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**REQUEST PURSUANT TO 5:30-14.4 ET SEQ.**

I am the Mayor of the Borough of Belmar and the changes are required to amend the bid specifications for the project as listed. No changes were authorized by me or the Council prior to this resolution for noted items and the change order requested by the Contractor and the Administrator is necessitated for the reasons given by them in the annexed documents and are permissible under Regulations of the Local Finance Board.

Matthew J. Doherty  
Mayor

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**ORDINANCE NO. 2014-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XX, LICENSES OF  
THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF BELMAR SECTION 5-1, DESIGNATION OF AMUSEMENT OR  
ENTERTAINMENT AREAS**

**WHEREAS**, the Borough of Belmar seeks to amend Section 5-1 of Chapter XX , entitled Designation of Amusement or Entertainment Areas to include the eastern side of Main Street between Eleventh Avenue and Twelfth Avenue and only 150 feet of depth from the easterly line of Main Street.

**NOW, THEREFORE BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey that CHAPTER XX, License of the Revised General Ordinances of the Borough of Belmar Section 5-1, Designation of Amusement or Entertainment Areas is amended and supplemented by adding the following subsection (c):

**Statement of Purpose**

Provides for the licensing of Amusement or Entertainment Areas within the Borough of Belmar.

**SECTION I: 20-5.1 Designation of Amusement or Entertainment Areas.**

The Borough of Belmar constitutes a seashore resort with parts thereof customarily constituting an amusement or entertainment area according to the customary under-standing of terms in the community. Those amusement or entertainment areas are more particularly described as follows:

- a. The west side of Ocean Avenue to a depth of one hundred fifty (150') feet between Fourth Avenue and Fifth Avenue and between Eighth Avenue and Fifteenth Avenue.
- b. The east side of Ocean Avenue on the boardwalk between Tenth Avenue and Eleventh Avenue.
- c. The east side of Main Street between Eleventh Avenue and Twelfth Avenue and only 150 feet of depth from the easterly line of Main Street.

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

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

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

Additions noted by underlining  
~~Deletions noted by strikethrough~~

**ORDINANCE NO. 2014-13**

**AN ORDINANCE AMENDING CHAPTER XL (Development Regulations)  
REVISE GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR**

The Mayor and Borough Council of the Borough of Belmar do ordain as follows:  
ARTICLE V, CHAPTER XL, Schedule 40-5-2B, **Schedule of Uses, Commercial Districts**  
**continued** is hereby amended as follows:

**SECTION I:**

SCHEDULE 40-5-2B

**Schedule of Uses, Commercial Districts, Continued**

Borough of Belmar

(Subsection 40-5.1)

X- Permitted Principal Use

A - Permitted Accessory Use

C - Permitted Conditional Use

R - Required Accessory Use

Type of Use	CBD-1	CBD-2	B-C	MC-1	MC-2	PO-75
Other Electrical Equipment Repair Shops	X	X				
Motion Picture Theaters, Except Drive-In	X		X			
Video Tape Rentals	X	X	X			
Bowling Centers	X		X			
Professional Offices, Business Offices	X	X				
Professional Offices, as defined in subsection 40-2.4						X
Child Care Centers	X	X	X	X	X	
Reupholstery and Furniture Repair	X	X				
Book Stores			X			
Apartments/Residences on second floor of Commercial or Professional Office Structure	X	X	X	X	X	X
Health and Fitness Clubs and Gymnasiums <u>and studios for art, music, dance, gymnastics, yoga for the purpose of giving instruction (9)</u>	<u>X</u>	<u>X</u>	X			
PRD Planned Residential Development District		C				
MARINE						
Boat Building and Repairing					X	
Services incidental to Water Transportation				X	X	
Marinas and Related Support Facilities				X	X	
Boat Dealers					X	
PUBLIC (1)						
Public Libraries	X	X	X	X	X	
Municipal Services and Facilities	X	X	X	X	X	X
Post Offices	X	X				
Public Utilities			C			C

SCHEDULE 40-5-2B

**Schedule of Uses, Commercial Districts, Continued**

Borough of Belmar

(Subsection 40-5.1)

X - Permitted Principal Use

A - Permitted Accessory Use

C - Permitted Conditional Use

R - Required Accessory Use

Type of Use	CBD-1	CBD-2	B-C	MC-1	MC-2	PO-75
Public Parks, Playgrounds, Athletic Fields and Swimming Pools	X	X	X	X	X	
Hospitals, Philanthropic and Eleemosynary						
Public Utilities		C				
OTHER						
Noncommercial TV/Radio Antennas	C	C		C	C	C
Exempt Signs as set forth in subsection 40-7.24d	A	A	A	A	A	A
Signs as set forth in subsection 40-7.24	A	A	A	A	A	
Fences, Hedges and Walls	A	A	A	A	A	A
Garages for Commercial Vehicles	A	A	A	A	A	A
Private, Noncommercial Swimming Pool	A (2)	A (2)		A (2)	A (2)	A (6)
Off-Street Parking and Loading (3)	R	R	R	R	R	R
Buffers (4)	R	R	R	R	R	R
Essential Services	A	A	A	A	A	A
Tool Sheds						A (6)
Wireless Telecommunications Facilities (8)						
Planned residential development district		C(9)				

SCHEDULE 40-5-2B

**Schedule of Uses, Commercial Districts, Continued**

Borough of Belmar

(Subsection 40-5.1)

Notes:

- (1) See subsection 40-5.4 for Public Use Overlay District provisions.
- (2) A private noncommercial swimming pool shall be a permitted accessory use to a hotel or a motel in the CBD-1, CBD-2, B-C, and MC-1 zones.
- (3) Off-street parking and loading shall be required as an accessory use in all zone districts, except the CBD-1 zone. Within the CBD-1 zone, off-street parking shall be provided in public or shared use parking lots. New Development in the CBD-1 zone shall be required to demonstrate that, under a shared parking approach, adequate parking is available in a public or shared parking lot. New development in the CBD-1 zone shall also demonstrate that off-street loading can be provided in a common area or on-site.
- (4) Buffers shall be required as an accessory use to any nonresidential use which abuts a residential zone district. Buffers shall also be required as an accessory use to any multi-family

development which abuts a single family or two family residential zone district.

(5) Without liquor licenses.

(6) Permitted when associated with second floor apartments.

(7) PRD Planned Residential Development District within the CBD-2 zone see subsection 40-5.5.

(8) See subsection 40-6.12 Wireless Telecommunications Towers and Antennas.

(Ord. No. 1993-24 §§ 1—5; Ord. No. 1996-10 § 2; Ord. No. 1998-03 § 1; Ord. No. 2001-21 §§ 1, 2; Ord. No. 2004-02 § 2; Ord. No. 2004-15 §§ 2, 3; Ord. No. 2004-20 § 2)

(9) Facilities identified may be up to 5,000 square feet gross floor area (GFA) and shall provide off street parking of 1 space per 100 square feet of GFA.

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

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

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

#### **STATEMENT OF PURPOSE**

Provides for the inclusion of health, fitness clubs and gymnasiums and studios for art, music, dance, gymnastics, yoga for the purpose of giving instruction within the CBD 1 and CBD 2 zoning districts and establishes GFA and parking requirements for such uses.

## ORDINANCE 2014-14

### ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY VACATING A PORTION OF A PUBLIC ROAD IN THE SEAPORT REDEVELOPMENT AREA IN FURTHERANCE OF THE REDEVELOPMENT PROJECT AT BLOCK 57, LOT 4.

**WHEREAS**, the Borough of Belmar (“**Borough**”) seeks to cause the redevelopment of a portion of the downtown area consisting in part of Block 57, Lot 4, as designated on the Borough’s Official Tax Map (the “**Property**”); and

**WHEREAS**, on March 12, 1997, the Borough Council of the Borough (the “**Council**”) adopted Resolution No. 1997-55 authorizing the Planning Board of the Borough (the “**Planning Board**”) to investigate whether certain property within the Borough qualified as an “area in need of redevelopment” in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et. seq.* (the “**Redevelopment Law**”), which Redevelopment Area (as defined herein) includes the Property; and

**WHEREAS**, on October 7, 1997, the Planning Board adopted Resolution No. 1997-02 determining that certain property within the Borough and identified on the “Belmar Seaport Redevelopment Area Investigation Map” met certain criteria under the Redevelopment Law for designation as an “area in need of redevelopment,” all as described in the map and report prepared by Schoor DePalma entitled “Belmar Seaport Redevelopment Area Investigative Map and Seaport Redevelopment Program” dated August 4, 1997, revised to September 10, 1997; and

**WHEREAS**, on November 26, 1997, the Council adopted Resolution No. 1997-235 which designated the property identified in the “Belmar Seaport Redevelopment Area Investigation Map” as an “area in need of redevelopment” in accordance with Redevelopment Law and declared such area as the “Belmar Seaport Redevelopment Area” (the “**Seaport Redevelopment Area**”); and

**WHEREAS**, the Planning Board issued its findings and recommendations as to the manner in which the Redevelopment Area is to be redeveloped and rehabilitated in the “Seaport Redevelopment Program - Borough of Belmar, New Jersey - Redevelopment Plan” dated June 3, 2003 (the “**Original Redevelopment Plan**”); and

**WHEREAS**, on August 13, 2003, the Council adopted Ordinance 2003-18 approving and adopting the Original Redevelopment Plan, which Original Redevelopment Plan was amended and supplemented by Ordinance No. 2006-26 adopted on December 27, 2006, Ordinance No. 2007-15 adopted on October 24, 2007, Ordinance No. 2008-05 adopted on February 13, 2008, Ordinance 2010-11 adopted on June 16, 2010, Ordinance No. 2010-21 adopted on September 15, 2010, Ordinance No. 2011-02 and Ordinance No. 2011-03 adopted on March 2, 2011, Ordinance No. 2011-17 adopted on June 6, 2011, and Ordinance No. 2012-02 adopted on March 7, 2012 (the “**Redevelopment Plan Ordinances**”) (the “Original Redevelopment Plan as amended and supplemented by the Redevelopment Plan Ordinances is referred to herein as the “**Redevelopment Plan**”); and

**WHEREAS**, on October 11, 2006, the Council adopted Ordinance No. 2006-23 which combined certain other lots into the “Seaport Village Redevelopment Area” (the “**Redevelopment Area**”); and

**WHEREAS**, the Property is in the Redevelopment Area and is governed by the Redevelopment Plan; and

**WHEREAS**, Loko Co., LLC (“**Redeveloper**”) is the owner of the Property and proposes to redevelop the Property by demolishing the existing structures located thereon and constructing two (2) buildings consisting of, in the aggregate, up to ten (10) residential units and approximately eleven thousand (11,000) square feet containing retail and restaurant establishments which will include outdoor seating and a tiki bar, with associated on-site parking and other improvements in accordance with the Redevelopment Plan (the “**Project**”); and

**WHEREAS**, Redeveloper and the Borough have entered into that certain Redevelopment Agreement, dated January 10, 2014 (the “**Redevelopment Agreement**”), pursuant to which the Redeveloper will redevelop the Property with the Project; and

**WHEREAS**, in order to facilitate development, financing, construction and operation, the Project requires that the Borough vacate certain property including a portion of River Road; and

**WHEREAS**, the Borough now desires to take such steps as are necessary to vacate its right, title and interest in portions of the roadways surrounding the Property, specifically, River Road, which portions are more particularly identified in the metes and bounds descriptions attached hereto as **Exhibit A** (collectively, the “Vacated Rights-of-Way”); and

**WHEREAS**, *N.J.S.A. 40A:12A-8f* and *N.J.S.A. 40:67-1 et seq.* both permit the Borough to close and vacate its interest in streets where necessary for projects such as the Project; and

**WHEREAS**, the Council is of the opinion that the public interest would be best served by abandoning, vacating, releasing, and extinguishing any and all public rights in the Vacated Rights-of-Way, which is not necessary for general public use, and where the rights of the public will not be injuriously or adversely affected by the requested vacation; and

**WHEREAS**, the Council seeks to additionally authorize the execution of a quitclaim deed and any other document required to effect the vacation of the Vacated Rights-of-Way; and

**WHEREAS**, it is the intent of the Borough that upon vacation the Redeveloper will own fee title to the entirety of the area of the Vacated Rights-of-Way.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, NEW JERSEY AS FOLLOWS:**

**Section 1.** All public easements, rights and interests in the Vacated Rights-of-Way (as more particularly depicted in **Exhibit A** attached hereto) be and are hereby vacated, abandoned and released for street or rights of way purposes; provided, however, that all rights and privileges possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacations set forth above.

**Section 2.** The Council hereby authorizes the execution of a quitclaim deed to the Vacated Rights-of-Way to Redeveloper. The Mayor, Borough Administrator, Borough Clerk, and Director of Law are hereby authorized and directed to take such steps and execute such documents as are necessary for the Borough to effectuate the conveyance of title to such property.

**Section 3.** The official Tax Map of the Borough be and is hereby amended and revised to reflect the vacation of the Vacated Rights-of-Way. Redeveloper shall merge the area of the Vacated Rights-of-Way in to Block 57, Lot 4.

**Section 4.** The Clerk of the Borough is hereby authorized and directed to: (i) publish notice of the introduction of this Ordinance pursuant to *N.J.S.A. 40:49-2*; provided, however, that the second notice as to the public hearing on second reading shall be made, pursuant to *N.J.S.A. 40:49-6*, at least ten (10) days prior to said public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a copy of this Ordinance and the notice referenced in subsection (i) hereof to every person whose lands may be affected by this Ordinance.

**Section 5.** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**Section 6.** This Ordinance shall become part of the Borough Code as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Borough Code, as and where necessary.

**Section 7.** Within sixty (60) days after adoption of this Ordinance, the Borough Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Monmouth County Clerk/Register.

**Section 8.** This Ordinance shall take effect at the time and in the manner provided by law.

I, April Claudio, Borough Clerk of the Borough of Belmar, Monmouth County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the Ordinance which was introduced by the Borough Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2014 and finally adopted by the Borough Council at a meeting held on the \_\_\_\_\_ of \_\_\_\_\_, 2014.

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April Claudio  
Municipal Clerk

**EXHIBIT A**

Metes and bounds descriptions of Vacated Rights-of-Way



FILE NO. CT-01300

**COASTAL TITLE AGENCY, INC.**

PO Box 740

Freehold, New Jersey 07728

Ph: 732 308-1660 / 800 521-0378

Fax: 732 308-1881

Website: [www.coastaltitleagency.com](http://www.coastaltitleagency.com)

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**TRACT 2:**

BEGINNING at a point being the intersection of the northerly line of Sixth Avenue, having a right of way width of 80' (t.m.) with the northerly line of River Avenue, right of way width varies (t.m.) and running from said point of beginning; thence

- (1) North 69 degrees 57 minutes 20 seconds east, a distance of 241.00 feet to a point; thence
- (2) South 20 degrees 02 minutes 40 seconds east, a distance of 15.23 feet to a point; thence
- (3) South 69 degrees 00 minutes 31 seconds west, a distance of 252.12 feet to a point; thence
- (4) along a curve bearing to the left having an arc length of 79.36 feet, a radius of 134.75 feet, a chord bearing of South 52 degrees 08 minutes 15 seconds west and a chord distance of 78.22 feet to a point; thence
- (5) along a curve bearing to the left having an arc length of 82.59 feet, a radius of 375.50 feet, a chord bearing of South 28 degrees 57 minutes 54 seconds west and a chord distance of 82.43 feet to a point; thence
- (6) South 22 degrees 39 minutes 49 seconds west, a distance of 8.36 feet to a point; thence
- (7) North 67 degrees 23 minutes 12 seconds west, a distance of 27.32 feet to a point; thence
- (8) North 22 degrees 36 minutes 48 seconds east, a distance of 125.40 feet to a point; thence
- (9) South 62 degrees 54 minutes 57 seconds east, a distance of 22.52 feet to a point; thence
- (10) North 26 degrees 48 minutes 53 seconds east, a distance of 15.56 feet to a point; thence
- (11) North 62 degrees 54 minutes 57 seconds west, a distance of 23.66 feet to a point; thence
- (12) North 22 degrees 36 minutes 48 seconds east, a distance of 95.59 feet to a point; thence
- (13) North 46 degrees 57 minutes 12 seconds east, a distance of 11.70 feet to a point; thence
- (14) North 69 degrees 28 minutes 06 seconds east, a distance of 12.90 feet to a point; thence
- (15) North 71 degrees 46 minutes 10 seconds east, a distance of 23.11 feet to a point; thence

*Issued by:*

**First American Title Insurance Company**

This commitment is invalid unless the insuring provisions and Schedule A and B are attached.



**COASTAL TITLE AGENCY, INC.**

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FILE NO. CT-01000

- (16) North 47 degrees 18 minutes 07 seconds east, a distance of 19.17 feet to a point; thence
- (17) North 65 degrees 22 minutes 20 seconds east, a distance of 15.14 feet to a point; thence
- (18) South 22 degrees 36 minutes 48 seconds west, a distance of 119.60 feet to a point; thence
- (19) South 67 degrees 23 minutes 12 seconds east, a distance of 20.00' feet to a point; thence to the point and place of Beginning.

FOR INFORMATIONAL PURPOSES ONLY: Also known as Lot 4 in Block 57 on the Borough of Belmar Tax Map.

*Issued by:*  
**First American Title Insurance Company**