

“GOD BLESS AMERICA”

REGULAR MEETING

SEPTEMBER 9, 2014

A special 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 August 20, 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:

- Triathlon donation
- Summertime Surf donation
- Lifeguards & Water Rescue
- Employee of the Month

WORKSHOP DISCUSSION:

- Discuss Ordinance 2014-01
- Lake Como updates
- Open Space Hearing

RESOLUTION:

- **RESOLUTION APPOINTING MICHAEL CAMPBELL SERGEANT OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**
 - o Oath of Office

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

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 ADVERTISING FOR SEALED BIDS FOR RECYCLING SERVICES
- RESOLUTION ASSESSING A LIEN ON A PROPERTY FOR PROPERTY MAINTENANCE
- RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR ST. ROSE HIGH SCHOOL
- RESOLUTION OF THE BOROUGH OF BELMAR REGARDING THE RESULTS OF A SPECIAL ELECTION HELD ON AUGUST 19, 2014
- RESOLUTION AUTHORIZING REFUND OF DEVELOPMENT ESCROW
- RESOLUTION AUTHORIZING APPLICATION TO THE MONMOUTH COUNTY OPEN SPACE TRUST FUND
- RESOLUTION PERMITTING SPECIAL EVENTS
- RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-08,09,10,11
- RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (NJEDA)
- RESOLUTION AWARDDING CONTRACT FOR CONSULTING SERVICES

ORDINANCES:

Second Reading & Public Hearing

ORDINANCE 2014-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 18-3 WATERWAYS & WATERCRAFT

Second Reading & Public Hearing

ORDINANCE NO. 2014-16

AN ORDINANCE AMENDING CHAPTER XL (Development Regulations) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTION 40-7.8

PUBLIC SESSION:

MEETING ADJOURNED

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING THE ADVERTISING FOR SEALED BIDS FOR
RECYCLING SERVICES**

BE IT RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that the Borough Clerk be and is hereby authorized to advertise for sealed bids for recycling services. Bids will be returnable before the Business Administrator in accordance with the terms, conditions and specification of the Notice to Bidders and Standard Proposal Form.

BE IT FURTHER RESOLVED that the Administrator report, in writing, as to the detail of the bidding to the Borough Council at its first meeting held after the receipt of bids.

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. 2012-

**RESOLUTION APPOINTING MICHAEL CAMPBELL SERGEANT OF THE
BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE
BOROUGH COUNCIL**

WHEREAS, effective, September 9, 2014, Michael Campbell be designated as Sergeant of the Belmar Police Department, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that it does approve, ratify and affirm that Michael Campbell be and is hereby designated and appointed as Sergeant of the Belmar 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	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION AWARDING CONTRACT FOR
CONSULTING SERVICES**

WHEREAS, the Mayor and Council have a desire to hire a consultant to assist the Business Administrator with various duties, and;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 9th day of September 2014 that:

1. Contract is awarded to Megan Downing in the amount of \$4,000.00 per month for a term not to exceed six (6) months.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of September 9, 2014 that there are adequate funds available for the proposed contract noted above.

Robbin D. Kirk
Chief Financial Officer

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 2014-

RESOLUTION AUTHORIZING APPLICATION TO THE MONMOUTH COUNTY OPEN SPACE TRUST FUND

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

WHEREAS, the Governing Body of **the Borough of Belmar** desires to obtain County Open Space Trust Funds in the amount of **\$250,000** to fund **the Maclearie Park Improvements – Phase I project, located at Route 35 and L Street, and identified as Block 225, Lot 1**; and

WHEREAS, the total cost of the project including all matching funds is **\$536,100**; and

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

NOW, THEREFORE, BE IT RESOLVED BY **the Mayor and Council of the Borough of Belmar** THAT:

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

CERTIFICATION

I, _____ do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of **the Borough of Belmar** at a meeting held on the ___ day of **September**, 20**14**.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this _____ day of _____, 20____.

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

RESOLUTION NO. 2014-

RESOLUTION ASSESSING A LIEN ON A PROPERTY FOR PROPERTY MAINTENANCE

WHEREAS, under the direction of the Borough Administrator and the Code Enforcement Officer of the Borough of Belmar such officers have certified to the Mayor and Council the cost to be charged against said dwelling or lands; the amount so charged shall become a lien upon such dwelling or lands and shall be added to and become part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes, and shall be collected by the Tax Collector in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Tax Collector place liens on the property listed below:

<u>ADDRESS</u>	<u>BLK</u>	<u>LOT</u>	<u>AMOUNT</u>
1403 C Street	143	22	\$454.93

Removal of garbage and debris from property.

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 MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2014-08,09,10,11**

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:

APPLICANT	NUMBER	PREMISES	DATE	TIME
Wall High School Boys Soccer	2014-08,09	507 Main Street	10/4/14	6:00-9:00 pm
St. Rose High School PTA	2014-10	607 7 th Avenue	11/7/14	7:00-11:00 pm
Avon Home & School Assoc	2014-11	Belmar Fishing Club	11/1/14	7:00-11:00 pm

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 NO 2014-

RESOLUTION AUTHORIZING REFUND OF DEVELOPMENT ESCROW

BE IT RESOLVED, by the Mayor and Borough Council on this 9th day of September 2014 that the following refunds of development escrow fees are hereby authorized upon certification by the Chief Financial Officer to the following:

<u>Name</u>	<u>Amount</u>
Pilar Boyle 511 15 th Avenue Belmar, NJ 07719	\$558.00
Corinne Wagner 7 Landcaster Drive Ocean, NJ 07712	\$478.00
Thomas MacGowan 703 A Street Belmar, NJ 07719	\$550.00
Gerald Frungillo 90 Route 46 East Mountain Lakes, NJ 07046	\$454.00
Victor Nunes 124 Inwood Avenue Colonia, NJ 07067	\$350.00
William Sexton 401 Fourth Avenue Belmar, NJ 07719	\$510.00
Nancy Califano 409 Third Avenue Belmar, NJ 07719	\$156.00
Michael Mattia & Michael Ciancio 4 Arlington Drive Marlboro, NJ 07746	\$478.00
Randi Brazel 101 11 th Avenue Belmar, NJ 07719	\$286.00

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
Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION OF THE BOROUGH OF BELMAR REGARDING THE RESULTS OF A SPECIAL ELECTION HELD ON AUGUST 19, 2014

WHEREAS, on May 6, 2014, the Mayor and Borough Council finally adopted Bond Ordinance 2014-07 entitled “Bond Ordinance Providing for the Construction of Beachfront Buildings in and by the Borough of Belmar, in the County of Monmouth, New Jersey, Appropriating \$7,000,000 Therefor and Authorizing the Issuance of \$7,000,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof” (the “Ordinance”); and

WHEREAS, a special election for referendum on the Ordinance was held on August 19, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey as follows:

Section 1. The recitals hereto are hereby incorporated herein as if set forth at length.

Section 2. The results of the August 19, 2014 special election are as follows:

Shall an ordinance of the Mayor and Borough Council of the Borough of Belmar entitled “Ordinance 2014-07, Bond Ordinance Providing for the Construction of Beachfront Buildings in and by the Borough of Belmar, in the County of Monmouth, New Jersey, Appropriating \$7,000,000 Therefor and Authorizing the Issuance of \$7,000,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof,” finally adopted on May 6, 2014, be ratified?

Yes – 766 votes

No – 1049 votes

Section 3. The Clerk is hereby authorized and directed to cause this resolution to be published in accordance with *N.J.S.A. 40:49-11* in the Asbury Park Press or Coast Star.

Section 4. This resolution shall take effect immediately.

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER INTO A
SUBRECIPIENT AGREEMENT WITH THE NEW JERSEY ECONOMIC
DEVELOPMENT AUTHORITY (NJEDA)**

WHEREAS, the Borough applied for and expects to be awarded a grant through the NJEDA NCR Streetscape Revitalization Program utilizing funds from the US Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery Program (CDBG-DR) to complete an additional phase of the Main Street Streetscape Improvements project on Main Street from 10th Avenue to 5th Avenue.

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

- 1) Authorizes Mayor Matthew J. Doherty to sign the CDBG-DR Subrecipient Agreement with the New Jersey Economic Development Authority which constitutes acceptance of the terms and conditions of the grant agreement; and,
- 2) Directs and authorizes Colleen Connolly, Borough Administrator as the official representative of the Borough to act in connection with the CDBG-DR Grant Funds, sign all understandings and assurances contained therein, and to provide such additional information as may be required; and,
- 3) Authorizes Paul Calabrese, Borough Engineer and Maser Consulting as an additional official representative of the Borough in connection with the CDBG-DR Grant Funds, and to provide additional information as may be required.

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 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”):

October 13, 2014 - Fundraiser

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.

Council member offered the above resolution and moved its adoption.

Seconded by Blackburn 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 2014-

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS
FOR ST. ROSE HIGH SCHOOL**

WHEREAS, St. Rose High School has applied for the following Special Permit for Social Affairs (“One Day Liquor License”):

November 7, 2014 – Beef & Brew

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 Affair to be conducted by St. Rose High School 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.

Council member offered the above resolution and moved its adoption.

Seconded by Blackburn 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 PERMITTING SPECIAL EVENTS

WHEREAS, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

WHEREAS, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

WHEREAS, the following events are recommended for approval with conditions if applicable:

St. Rose High School Walkathon: Wednesday October 1st 2014. Event will begin at 7:30am and end at 1:00pm. No additional borough resources are necessary.

Glendola Bible Church “Walk for Peace”: Sunday September 28th 2014. Event will begin at 2:00pm and end at 6:00pm, event will take place on Belmar Beach. No additional borough resources are necessary.

Jersey Shore “Miles for Smiles”: Monday September 29th 2014. Event will begin at 6:00pm and end at 8:00pm. Event will take place on Belmar Boardwalk. No additional borough resources are necessary.

CNJ ESA Surf Contest: Saturday 27th September (rain date October 4th). Event will begin at 7:00am and end at 4:00pm. Event will take place on Belmar Beach. Event organizer will reach out to Life Guards and Belmar Water Rescue for backup support. No additional borough resources are necessary.

Shark River Paddle Battle: Sunday October 12th 2014. Event will begin at 6:00am and end at Noon. Event will take place on the L Street Beach. Event organizer will make sure that Maclearie Park will be used as the parking area, and NO participants will park, or launch boards in the area of the Boat Ramp. Event organizer will also reach out to Belmar Water Rescue for backup support. No additional borough resources are necessary.

Belmar Bonfire/Beach Party: Saturday October 18th 2014. Event will begin at 4:00pm and end at 8:00pm. Event will take place on 2nd Avenue Beach. No additional borough resources are necessary.

2nd Annual “Paws in the Park: Saturday November 1st 2014. Event will begin at 1:00pm and end at 5:00pm. Event will begin at Central Jersey Bank and end at Maclearie Park. No additional borough resources are necessary

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

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 2014-15

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVIII BEACHFRONT & MARINE REGULATIONS OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, SECTION 18-3 WATERWAYS & WATERCRAFT**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regards to smoking on the beach of the Borough of Belmar Revised General Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVIII Beachfront & Marine Regulations of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

SECTION I.

18-3.10 Prohibited Uses and Areas.

- i. No person shall smoke any cigarettes, cigars or other tobacco products in the beachfront area known as L Street Beach located at any time, including the boardwalk area at L Street Beach. The penalty for violation of this section shall be twenty-five (\$25.00) dollars.

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

ORDINANCE 2014-16

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, SECTION 7.8(c), **Accessory Buildings and Structures/Uses** is hereby amended as follows:

SECTION I

40-7.8 Accessory Buildings and Structures/Uses.

Unless otherwise specified in this chapter on the Schedule of Zoning District Requirements, accessory buildings and structures shall conform to the following regulations as to their locations on the lot:

a. Location of Accessory Buildings.

1. An accessory building attached to a principal building shall comply in all respects with the zoning requirements for the principal building.

2. Detached accessory buildings shall not be located in a front yard.

3. Detached accessory buildings shall comply with the Schedule of Zoning District Requirements.

4. Aboveground and in-ground swimming pools shall comply with setbacks established for detached structures and shall not be less than ten (10') feet from a principal building or a garage.

b. No detached accessory garage building in any zone, shall be less than ten (10') feet from a principal building. In residential zones no vehicular access into a garage (i.e. garage door) shall be oriented towards a street unless the point of access into the garage is set back at least twenty (20') feet from the street right-of-way line. As applicable to corner lots, access into a garage shall not face the street which serves as the primary access for the residence. Attached accessory garages which are adjacent to the primary entrance to a residential structure shall not make up more than fifty (50%) percent of the entire front façade of the residential structure.

c. No accessory building shall be constructed before the principal building, except for aboveground and in-ground swimming pools constructed on an immediately adjacent property to the principal building provided that both share the same street frontage. Prior to completion of construction of the principal building all obsolete signs, stanchions, pylons and other such structures shall be removed.

d. Accessory buildings must be located on the same lot as the principal use to which they are accessory.

e. A driveway may cross a yard to give access to a site but shall otherwise adhere to the setback for an accessory structure and to any applicable buffer requirements.

f. A deck, patio or similar structure designed to adjoin or as part of the principal building shall in all cases conform to the yard requirements for the principal building. Where the structure has no roof and is constructed of not more than six (6") inches above grade, it shall adhere to the yard requirements for an accessory structure. Provided further that where a principal residential structure conforms to the rear yard setback requirement, an uncovered, unenclosed deck and associated access area adjoining the principal structure shall be permitted to encroach into the rear yard setback in accordance with the distance set forth in Table 40-7.8(f).

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