

BOROUGH OF SEASIDE PARK

ORDINANCE NO. 2024-22

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 405, ENTITLED "STREETS AND SIDEWALKS" AND CHAPTER 200 ENTITLED "DEVELOPMENT REGULATIONS"

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

SECTION 1. Chapter 405 of the Borough Code of Seaside Park, entitled "Streets and Sidewalks" is hereby amended and supplemented so as to amend Article V entitled "Property Owner's Use of Verge" to read in its entirety as follows:

Article V

Property Owners Use of the Right of Way

§ 405-27. Adjoining property owner's permitted use of the verge.

- A.** For the purpose of Chapter 405, Article V, the verge is defined as the five-foot area extending from the edge of the impervious pavement of the right-of-way to the abutting owner's property line.
- B.** No obstructions may be placed in the verge and that area shall remain clear and unobstructed. The only improvements which may be installed at the owner's desire are:
 - (1) Curbs, sidewalks and driveways installed to meet with the specifications required in §§ 200-35, 200-37, 200-48 and 200-52 of the Code of the Borough of Seaside Park.
 - (2) Grass (not to exceed the height of three inches).
 - (3) Stones or gravel.
 - (4) Pavers or bricks.
 - (5) Poured concrete shall not be permitted except as set forth in Subsection B(1) above.
 - (6) Trees and shrubs, provided they do not violate the sight triangle regulations.

C. Permit required. No person shall alter, demolish or construct any part of the verge within the limits of the Borough of Seaside Park without having first applied for and obtained a permit in writing to do so. Before any permit is granted, application therefor shall be made in writing to the Zoning Official. Said application shall be signed by the applicant or the duly authorized agent of said applicant and shall designate the location whereupon it is proposed such use of the public right-of-way between the paved area of the public right-of-way and an abutting owner's property line shall be constructed. The Code Enforcement Officer shall investigate the work to be done under said application. Any drawing submitted must be to scale

and must clearly indicate the dimensions of all work done. [Amended 7-27-2023 by Ord. No. 2023-06].

D. If the Borough of Seaside Park, County of Ocean or State of New Jersey, its agents, assigns, heirs, successors, representatives or assigns require access to any underground drainage or utility or for any other Borough of Seaside Park, County of Ocean or State of New Jersey purpose, located within the verge, then the Borough of Seaside Park, County of Ocean or State of New Jersey, its agents, heirs, successors, representatives or assigns shall not be required to repair or replace any improvements or uses located on said property. Any necessary repair or replacement shall be at no expense to the Borough of Seaside Park, County of Ocean or State of New Jersey.

§ 405-28. Adjoining property owner's permitted use of the right of way between property line and the nearest edge of the sidewalk.

- A. Purpose. The Borough of Seaside Park has determined that the health safety and welfare of residents will be enhanced by permitting limited use of a portion of the public right of way abutting their property line.
- B. For purpose of this Section the right of way shall be defined as that portion of the public right of way abutting the adjoining property owner's lot line, extending from the property line to the nearest edge of the sidewalk.
- C. No obstructions may be placed in the right of way and that area shall remain free and clear of obstructions. The only improvements which may be installed at the owner's desire are:
1. Driveways installed to meet with the specifications of Chapter 200 of the Code of Seaside Park.
 2. Knee Walls. For the purposes of this section, a Knee Wall shall be defined as a masonry, brick or landscape timber structure or wall constructed to shield, screen or protect a lot or portion of lot, and which shall be no more than 24 inches in height and 14 inches thick.

E. Permit required. No person shall alter, demolish or construct any part of the right of way within the limits of the Borough of Seaside Park without having first applied for and obtained a permit in writing to do so. Before any permit is granted, application therefor shall be made in writing to the Zoning Official. Said application shall be signed by the applicant or the duly authorized agent of said applicant and shall designate the location whereupon it is proposed such use of the public right-of-way shall be constructed. The Code Enforcement Officer shall investigate the work to be done under said application. Any drawing submitted must be to scale and must clearly indicate the dimensions of all work done.

F. If the Borough of Seaside Park, County of Ocean or State of New Jersey, its agents, assigns, heirs, successors, representatives or assigns require access to any underground drainage or utility or for any other Borough of Seaside Park, County of Ocean or State of New Jersey purpose, located within the right-of-way, then the Borough of Seaside Park, County of Ocean or State of New Jersey, its agents, heirs, successors, representatives or assigns shall not be required to repair or replace any improvements or uses located on said property. Any necessary repair or replacement shall be at no expense to the Borough of Seaside Park, County of Ocean or State of New Jersey.

§ 405-28. Violations and penalties.

Any person who violates any one or more sections of this article shall be subject to the general penalty in Chapter 1, Article II, General Penalty, of the Borough Code.

SECTION 2. Chapter 200 of the Borough Code of Seaside Park, entitled "Development

Regulations” is hereby amended and supplemented so as to amend Section 200-53 entitled “Sight Triangles” to read in its entirety as follows:

§ 200-53. Sight triangles.

- A. The sight triangle is the triangular area outside the street right-of-way. Its triangular shape is formed by the two intersecting street right-of-way lines and a third line running diagonally across the corner. Where streets and driveways intersect a state or county road, the sight triangle shall conform to state or county requirements. At all other street and driveway locations, the length of the side of the triangle along the curblines of the intersecting street, or along the edge of a driveway, shall be 20 feet. The length along the curblines of the through street shall be 60 feet. The classifications of existing and proposed streets shall be those shown on the adopted Master Plan or as designated by the approving authority where a new street is proposed that is not on the Master Plan. A sight triangle easement shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided in the Borough of Seaside Park Development Regulations Ordinance." Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and minimum setbacks required by the zoning provisions.
- B. Sight triangles shall be required at each corner of street intersections and at intersections of streets and driveways serving commercial and multifamily housing developments. The area within sight triangles shall be either dedicated as part of the street right-of-way or kept as part of the lot and identified as a sight triangle easement. No planting or structure shall be erected or maintained more than 24 inches above the center-line grade of the intersecting street or driveway or lower than 10 feet above their center lines, excluding street name signs and official traffic regulations signs. Where any intersection involves vegetation, including trees, the developer shall trim or selectively thin trees to provide the sight triangle.

SECTION 3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4. In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually adjudged to be invalid, and the remaining portions of this ordinance shall be deemed severable therefrom and shall not be affected.

SECTION 5. This ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE OF PENDING ORDINANCE

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall at 1701 North Ocean Avenue, Seaside Park, during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Seaside Park, in the County of Ocean, New Jersey.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on the first reading at the regular meeting of the Borough Council of the Borough of Seaside Park, in the County of Ocean, held on the 5th of September 2024 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 19th of September 2024 at 7:00 PM at the Council Chambers, Municipal Building, Sixth & Central Avenues, Seaside Park, New Jersey at which time and place any person desiring to be heard upon same will be given an opportunity to be so heard.


BOROUGH CLERK

JOHN A. PETERSON, JR
MAYOR