

RESOLUTION NO. 168-2025
AUTHORIZING AN AMENDED BULKHEAD AGREEMENT WITH
PROPERTY OWNER - 786 OCEAN AVENUE
BOROUGH OF SEA BRIGHT

Councilmember Leckstein introduced and offered the following Resolution for adoption; seconded by Councilmember Gorman:

WHEREAS, the Borough Code imposes an obligation on property owners to keep and maintain their bulkheads so that they do not pose a danger to the public health, safety and welfare or to the public use of navigable waterways; and,

WHEREAS, the Borough Code also states a duty of the Borough Engineer "to inspect all waterfront bulkheads in the Borough and to report to the Council and notify the owners and occupants of any dangerous or defective condition therein"; and,

WHEREAS, the Borough Code further provides that "all newly constructed bulkheads, bulkheads repaired that exceed more than 50% of the linear foot of bulkhead on the property, and damaged bulkheads that are not 'partially destroyed', ... , shall be constructed at a minimum elevation of seven feet (NAVD 88) and shall be constructed of steel, aluminum, vinyl or other approved material"; and,

WHEREAS, when the Borough Engineer deems a bulkhead dangerous or defective, the property owner is required to "submit a plan of corrective action"; and,

WHEREAS, the Property Owner owns property located at 786 Ocean Avenue, and shown on the Tax Map of the Borough as Block 24 Lot 18 (the "Property"); and,

WHEREAS, the Borough Engineer has determined the Bulkhead at the Property ("the Bulkhead") to be dangerous and defective; and,

WHEREAS, the Property Owner has submitted a corrective action plan ("the Plan"), which includes repairs that would address dangerous conditions of the Bulkhead, but which would not bring the Bulkhead into compliance with the mandated minimum elevation of seven feet (NAVD 88) and construction of steel, aluminum, vinyl or other approved material; and,

WHEREAS, the Borough Engineer cannot approve the Plan unless it contains a condition that by a certain date the Property Owner will bring the Bulkhead into full compliance with the Borough Code; and

WHEREAS, the Borough Engineer has requested the Borough enter into an agreement with the Property Owner to ensure compliance with the Borough Code according to the terms and conditions in the agreement attached hereto; and

WHEREAS, by way of Resolution No. 151-2025, the Borough Council authorized an agreement with the Property Owner of 786 Ocean Avenue approving temporary repairs as a condition that their Bulkhead will be brought into full compliance with all Borough Code provisions, no later than February 21, 2026; and

WHEREAS, the Property Owner has asked for a one-year extension to bring their Bulkhead into full compliance with all Borough Code provisions.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize the Mayor and Borough Clerk to execute an amended agreement (The "Agreement") with the Property Owner of 786 Ocean Avenue approving temporary repairs as a condition that their Bulkhead will be brought into full compliance with all Borough Code provisions, no later than February 21, 2027.

BE IT FURTHER RESOLVED that the Agreement further provide that the Property Owner be required to complete temporary repairs by March 16, 2026 and to submit plans (subject to approval by the Borough Engineer) no later than March 16, 2026 for full compliance with all Borough code provisions.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

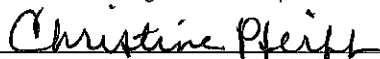
1. Borough Engineer
2. Borough Attorney
3. Property Owner

Roll Call:	Bieber,	Catalano,	Gorman,	Keeler,	Lamia,	Leckstein
	Yes	Yes	Yes	Abstain	Yes	Yes

September 16, 2025

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on September 16, 2025.


Christine Pfeiffer, Borough Clerk

AGREEMENT REGARDING APPROVAL OF INTERIM REPAIRS TO BULKHEAD

This Agreement is entered into the ____ day of _____ 202_ by and between William J. Keeler ("Property Owner") and the BOROUGH OF SEA BRIGHT ("the Borough").

WHEREAS, the Borough Code imposes an obligation on property owners to keep and maintain their bulkheads so that they do not pose a danger to the public health, safety and welfare or to the public use of navigable waterways; and,

WHEREAS, the Borough Code also states a duty of the Borough Engineer "to inspect all waterfront bulkheads in the Borough and to report to the Council and notify the owners and occupants of any dangerous or defective condition therein"; and,

WHEREAS, the Borough Code further provides that "all newly constructed bulkheads, bulkheads repaired that exceed more than 50% of the linear foot of bulkhead on the property, and damaged bulkheads that are not 'partially destroyed', ... , shall be constructed at a minimum elevation of seven feet (NAVD 88) and shall be constructed of steel, aluminum, vinyl or other approved material"; and,

WHEREAS, when the Borough Engineer deems a bulkhead dangerous or defective, the property owner is required to "submit a plan of corrective action"; and,

WHEREAS, the Property Owner owns property located at 786 Ocean Avenue, and shown on the Tax Map of the Borough as Block 24 Lot 18 (the "Property"); and,

WHEREAS, The Borough Engineer has determined the Bulkhead at the Property ("the Bulkhead") to be dangerous and defective; and,

WHEREAS, The Property Owner has submitted a corrective action plan ("the Plan"), which includes repairs that would address dangerous conditions of the Bulkhead, but which would not bring the Bulkhead into compliance with the mandated minimum elevation of seven feet (NAVD 88) and construction of steel, aluminum, vinyl or other approved material; and,

WHEREAS, the Borough Engineer cannot approve the Plan unless it contains a condition that by a certain date that the Property Owner will bring the Bulkhead into full compliance with the Borough Code, including, but not limited to, with the mandated minimum elevation of seven feet (NAVD 88) and construction of steel, aluminum, vinyl or other approved material.

NOW THEREFORE BE IT AGREED, for the promises and covenants stated herein:

1. The Property Owner will submit plans and specifications for their proposed temporary repairs to the Bulkhead.
2. The temporary repairs require review and approval by the Borough Engineer and the Borough Construction Official.
3. Any approved temporary repairs will be completed by March 16, 2026.
4. Any approval of temporary repairs of the Bulkhead on the Property is conditioned on the Property Owner's agreement that the Bulkhead will be brought into compliance with all Borough Code provisions.
5. The Property Owner will submit a plan for full compliance with the required bulkhead minimum elevation of seven feet (NAVD 88), and all other Borough Code requirements, by March 16, 2026. Said Plan is subject to approval by the Borough Engineer.
6. The Property Owner agrees, as a condition of approval of the temporary repairs, that the Property Owner will ensure the Bulkhead will be brought into compliance with all Borough Code provisions by way of a plan approved by the Borough Engineer, including, but not limited to, the mandated minimum elevation of seven feet (NAVD 88), and construction of steel, aluminum, vinyl or other approved material no later than February 21, 2027.
7. Failure of the Property Owner to comply with this condition will revoke the approval and subject the Property Owner to all actions and penalties under law for failure to comply with the Borough Code provisions.
8. The Property Owner is responsible for securing all necessary permits, including but not limited to Department of Environmental Protection (DEP) permits.

9. Choice of Law.

Any dispute under this Agreement or related to this Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

10. Entire Agreement.

This Agreement represents the entire agreement between the Borough and the Property Owner, related to the Bulkhead and cannot be changed or modified orally. This Agreement may be supplemented, amended or revised only by a writing which is signed by the Borough and the Property Owner.

11. Severability.

If any part of this Agreement shall be held to be unenforceable, the rest of this Agreement shall nevertheless remain in full force and effect.

12. Waiver.

Failure to insist upon strict compliance with any of the terms, covenants, or conditions of this Agreement at any one time shall not be deemed a waiver of such term, covenant, or condition at any other time nor shall any waiver or relinquishment of any right or power herein at any time be deemed a waiver or relinquishment of the same or any other right or power at any other time.

13. Modification.

This Agreement may not be changed orally and may be modified or amended only by a written agreement signed by the Property Owner and the Borough.

BOROUGH OF SEA BRIGHT

By:_____

By:_____

Dated:_____

Dated: _____