

BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH

ORDINANCE 2026-19

**ORDINANCE AMENDING ARTICLE II: “TERMINOLOGY” AND CREATING NEW
ARTICLE XIII: “SUB-GRADE GARAGES AND BASEMENTS” OF CHAPTER 450:
“ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO
PROHIBIT SUB-GRADE GARAGES AND PROMOTE FLOOD RESILIENCE.**

Mayor Gubitosi offered the following Ordinance and moved its introduction:

WHEREAS, the Borough of Bradley Beach (the “Borough”) is a coastal community subject to flooding, storm surge, tidal influence, and high groundwater conditions; and

WHEREAS, structures constructed below grade, including sub-grade garages, have been shown to exacerbate flooding impacts, groundwater intrusion, and public safety risks; and

WHEREAS, the Borough has adopted floodplain management regulations consistent with the National Flood Insurance Program and FEMA Flood Insurance Rate Maps; and

WHEREAS, the Borough finds that clearer zoning standards are necessary to prohibit sub-grade garages and to ensure that basements are constructed in a manner consistent with FEMA Base Flood Elevation requirements and documented seasonal high groundwater levels; and

WHEREAS, these standards are intended to protect life and property, reduce public and private flood damage, and promote resilient construction practices; and

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

SECTION 1. Section 450-4: “Definitions” of Article IV: “General Regulations Applicable to All Zones” of Chapter 450 entitled “Zoning” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

CHAPTER 450: ZONING

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ARTICLE II: TERMINOLOGY

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§ 450-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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BASEMENT

A space having no more than one-half (1/2) of its floor-to-ceiling height above the average level of the adjoining finished grade and with a floor-to-ceiling height of not less than seven feet. A basement shall also comply with all flood hazard and groundwater clearance requirements. No basement shall be used for vehicle parking or constructed in a manner that permits vehicle storage below finished grade, except where expressly permitted by this ordinance.

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CELLAR

A space with less than one-half (1/2) of its floor-to-ceiling height ~~below~~ above the average finished grade of the adjoining ground and has a floor-to-ceiling height of less than seven feet. A cellar shall also comply with all flood hazard and groundwater clearance requirements. No cellar shall be used for vehicle parking or constructed in a manner that permits vehicle storage below finished grade, except where expressly permitted by this ordinance.

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SUBGRADE GARAGE

A garage or portion thereof in which the finished floor elevation is below finished curb height, as measured at the centerline of the lot frontage.

SECTION 2. Chapter 450 entitled “Zoning” of the Revised General Ordinances of the Borough of Bradley Beach is hereby augmented with *new* Article XIII: “Sub-grade Garages and Basements” as follows:

CHAPTER 450: ZONING

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ARTICLE XIII: SUB-GRADE GARAGES AND BASEMENTS

§ 450-70 Sub-grade Garages Prohibited.

- A. Sub-grade garages are hereby prohibited in all zoning districts.
- B. All garages shall have a finished floor elevation at or above the finished curb height, as measured at the centerline of the lot frontage and shall comply with all applicable floodplain regulations.
- C. No portion of a garage, including ramps, access aisles, or parking platforms, shall extend below the finished curb height.

§ 450-71 Basement Flood Elevation and Groundwater Requirements.

A. FEMA Base Flood Elevation.

- (1) No basement shall be constructed with a finished floor elevation below the FEMA Base Flood Elevation (BFE) applicable to the property.**
- (2) Where freeboard is required by Borough floodplain regulations, the basement floor shall comply with the adjusted elevation.**

B. Seasonal High Groundwater Clearance.

- (1) All basements shall be constructed with a minimum vertical separation of three (3) feet between the lowest basement floor elevation and the documented seasonal high groundwater table.**
- (2) Seasonal high groundwater shall be determined by soil logs, test pits, monitoring wells, or other geotechnical methods acceptable to the Borough Engineer.**

C. Certification. A groundwater and flood elevation certification prepared by a licensed professional engineer or geotechnical engineer shall be submitted as part of any application proposing a basement.

SECTION 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. After introduction, the Municipal Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Bradley Beach for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

SO ORDAINED as aforesaid.

Erica Kostyz
Municipal Clerk

Alan Gubitosi
Mayor

Introduced: March 3, 2026

Date of Hearing and Adoption: April 7, 2026