

The **March 11, 2013** meeting of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey, was called to order by Mayor Gavino Maccanico at 7:00 p.m. in the Multi-purpose Room of the Spring Lake Heights School and opened with a silent reflection and Pledge of Allegiance.

Present:

Mayor Gavino Maccanico
Councilwoman Patricia Cindea
Councilman Richard Diver
Councilwoman Sara King
Councilman James Shuler
Councilman Christopher Tienken
Councilman Thomas Vorbach

Absent: None

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Frederick C. Raffetto, Esq., Borough Attorney
Joseph May, P.E., Borough Engineer
Janine Gillis, Deputy Borough Clerk

STATEMENT OF COMPLIANCE. The Clerk reported the meeting was being conducted pursuant to the requirements of the N.J. Open Public Meetings Act with notice of the revised location provided to the Coast Star and Asbury Park Press; posted on the bulletin board in the Municipal Building and on the Borough website. Notice of the meeting was also mailed to all property owners within the Borough.

APPROVE AGENDA. On a motion by Mr. Diver, seconded by Mrs. King, the agenda was approved by the following vote:

Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None

PRESENTATIONS. There were no presentations.

SCHEDULED PUBLIC HEARING. There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC. (Agenda items only) There were no questions or comments from the public. The public comment period was closed without objection.

DISCUSSION ITEMS – Proposed Route 71 Re-Zoning.

Borough Administrator/Clerk Jay Delaney provided background on the properties' existing zoning and the request to re-zone the area which was reviewed by the Borough Engineer, planning consultant, and Planning Board.

Public Comments:

- Patricia Durkin Wignall, 2013 Hwy. 71 - the owner of lots 2, 3 and 4, stated she purchased the property 18 years ago and has no objection to the proposed re-zoning; noted the original development application to construct five (5) homes on the adjacent property would create a traffic nightmare; requested any commercial development require a mature buffer of at least 20 feet.
- Fred Manger, 61 Wyckham Road – Vice President of Wyckham Manor Board of Directors, supports the proposed re-zoning; requested a 20 foot setback in addition to the required 20 feet buffer and suggested a loop road be constructed for both in and out traffic. Mr. Manger also noted the existing prohibited left-turn exit onto Allaire Road from the bank creates unwanted traffic on Wyckham Road.
- Cheri Curry, 2012 Hwy. 71 – lives across the street and is concerned that buildings should not be built close to the sidewalk; and that drainage issues be addressed.

- Glady Erbe, 817 Pitney Drive – expressed her opposition to the proposal as it would create horrible traffic problems and commented on the existing condition of several buildings along the highway that should be torn down.
- Harry Brady, 3 Hampton Court – questioned the status of existing non-conforming businesses and residences and noted there are no buffers between his residence and the adjacent St. Stephen’s Green commercial property.
- Pam DiSalvo, 32 Wyckham Manor – stated she has no objection to the proposal and is more concerned with homes being built.
- Arthur Martone, 719 Park Avenue – questioned if any tax dollars would be spent to develop the area.
- Alan Navatkoski, 1 Hampton Court – expressed concern with any expansion of St. Stephen’s, particularly outdoor dining; is opposed to any additional commercial development or extension of Hampton Court; concerned about quality of life, noise and traffic issues; and requested a traffic study be conducted.
- Tom Rose, 608 St. Clair Avenue and 1800 Hwy. 71 – a resident since 1967, noted there is already enough traffic and congestion on Hwy. 71 and another strip mall is not needed.
- Joe Thompson, 814 Woodcrest Drive – stated the re-zoning will have a negative impact on the community; Route 71 is already too congested and adding businesses will increase traffic gridlock on the adjacent residential streets; requested a referendum be conducted.
- Christina Faria, 906 Greenwood Drive – expressed her concerned for the quality of life in the neighborhood.
- Sharon Batteau, 1718 Beverly Avenue – questioned who will profit from the re-zoning; how the increased traffic benefit residents; why the development regulations are being amended. Ms. Batteau noted there are already many vacant stores and offices and rezoning will negatively impact property values.
- Charles Anderson, 809 Greenwood Drive – stated there are already enough businesses and more aren’t needed; questioned why it’s being considered when it’s not known what’s being proposed.
- Andrea Patterson, 110 Ninth Avenue – expressed concern about children walking and biking to and from school and the impact additional businesses would have.
- Bill Kelly, 5 Fox Hollow Road – noted Route 71 is not Route 34 or 35 and is not an appropriate location for a corporate center.
- Kathleen Crippen, 564 Atlantic Avenue – questioned the Borough Attorney on the definition of “spot zoning” and reported she was contacted by Rita Murphy and Robert Merriken, residents in the neighborhood, who asked her to express their opposition to the proposed ordinance. Ms. Crippen suggested the property owners requesting the rezoning should file a variance application with the Board of Adjustment; and noted inaccuracies in the information distributed with the meeting notice which differs from the planning evaluation provided by the Borough Engineer; and further noted the similarities with the town-center which was proposed several years ago.
- Evelyn Condello, 807 Park Avenue – President of the Trendsetters senior group, questioned if there are plans to widen Route 71 in the area; stated re-zoning without a traffic study is premature and Spring Lake Heights should resist development pressure.
- Gaylen Nolan, 1022 Allaire Road – lives adjacent to the Borough-owned Fletcher property and expressed concern the impact additional businesses will have on traffic.
- Mark Power, 804 Pitney Drive – stated his opposition to the re-zoning for reasons of quality of life and increased traffic.
- Betty Sturdy, 47 Maple Drive – a Fairway Mews resident and member of the Environmental

- Commission, described her experiences in Spring Lake Heights as living in a paradise and questioned the need for additional commercial development.
- Robert Dawson, 106 St. Claire Avenue, Spring Lake – expressed his parents’ concerns for proper buffers as residents of Hampton Court.
 - Sharon Batteau, Beverly Avenue – repeated her opposition to the proposal.
 - John Patterson, 110 Ninth Avenue – noted his service as a former Planning Board member and expressed the need for additional traffic and environmental review.
 - Patricia Durkin Wignall, 2013 Hwy. 71 – noted the owner of the corner property is looking to improve the property by removing the old buildings.
 - Bill Kelly, 5 Fox Hollow Road – noted the area is in need of attention but re-zoning the area is a mistake.
 - Charles Anderson, 809 Greenwood Drive – commented that re-zoning the area to allow a Starbucks would ruin the town.
 - Gladys Erbe, 817 Pitney Drive – questioned if the developer could do this in the town he lives in and stated the town should not suffer because the developer wants to make a few dollars.
 - Evelyn Condello, 807 Park Avenue – inquired about development at the south end of town and suggested looking at the whole picture and the number of existing vacant properties.
 - Charles Sapienza, 1808 Hwy. 71 – concerned there is not enough information and parking and traffic impacts of a restaurant should be considered.
 - Evelyn Condello, 807 Park Avenue – noted the ordinance does not exclude massage parlors.
 - Sharon Batteau, 1718 Beverly Avenue – commented this shouldn’t be rushed, suggested another meeting is needed before the Planning Board reviews.
 - Kathleen Crippen, 564 Atlantic – noted the re-zoning and a town center concept is not included in the current master plan.
 - Fred Manger, 61 Wyckham Road – stated the front portions of the lots are already zoned for commercial uses, including a Starbucks, as long as the parking, lighting and other requirements are met, but the rear areas are zoned for houses behind the businesses without any requirement for any buffer adjacent to Wyckham Manor. Mr. Manger also noted there could be as many as 12 driveways on the highway under existing zoning and suggested the way to protect the property values of Wyckham Manor and Hampton Court homes is to re-zone the parcel for “an integrated development.”
 - Bill Kelly, 5 Fox Hollow Road – spoke in rebuttal to Mr. Manger’s comments and noted the existing commercially zoned properties are too small for commercial development.
 - Sharon Batteau, 1718 Beverly Avenue – thanked Mr. Manger for his tutorial but did not appreciate scare tactics and intimidation and suggested the properties be rezoned for only residential use.
 - Evelyn Condello, 807 Park Avenue – questioned if the lights in Wyckham Manor are paid for by the Borough and if Wyckham Road is a public street. Borough Attorney Raffetto reported the Borough provides reimbursement for some costs but the street is a private roadway.
 - Ellen Manger, 61 Wyckham Road, manager of Wyckham Manor – emphasized that Wyckham Manor is eligible for reimbursement for street lighting, trash removal and snow removal but is only reimbursed for street lighting while the community provides brush, leaf and snow removal at their own expense; stated the homeowners in Wyckham Manor are looking to work cooperatively with the Borough to

Comments from the Council:

- Mayor Maccanico – thanked the public for their comments.
- Councilman Diver – encouraged those present to attend Planning Board meetings on the 4th

Wednesday each month when this matter will be further discussed; expressed concern for placing homes along the back of the properties with no buffers and would require access from the residences through business parking areas; supports a plan that will satisfy as many people as possible particularly those most directly impacted; commented that additional studies will come when an owner or developer applies to the Planning Board for construction approvals – the plan will not come before the Mayor and Council; stated his opposition to restaurants or outdoor dining in this area but supports professional offices and selected retail businesses.

- Councilwoman Cindea – stated her support for improvements which are needed in the area but also expressed the need to know exactly what will be constructed.
- Councilman Vorbach – expressed support for as much public input as possible to hear from those directly impacted and those who live further away; stated his concern about traffic safety as the father of young children.
- Councilman Tienken – requested more information on traffic, run-off and environmental issues and how the zoning change fits into the Master Plan.
- Councilman Shuler – expressed the need for additional information.
- Councilwoman King – expressed her reservations and stated she has listened very carefully to the residents' comments, encouraged additional comments from those not able to attend and expressed her concern as a resident of Pitney Drive.
- Borough Clerk Delaney reported receipt of correspondence from Maura Alvino, 1 Wyckham Road, and Candace and Pablo Clausell, 552 Central Avenue, copies of which were distributed to the Mayor and Council members.
- Mayor Maccanico – stated the Council will determine when additional discussions will be scheduled.

On a motion by Mrs. King, seconded by Mr. Shuler, public comment was closed without objection. The meeting was recessed at 9:03 p.m. and reconvened at 9:10 p.m. with all members present.

REPORTS & ANNOUNCEMENTS. There were no reports from members of the Council.

REPORTS, NOTICES & CORRESPONDENCE.

- Police Department Report (February 2013)

NEW BUSINESS – ORDINANCE INTRODUCTIONS. There were no ordinances presented for introduction.

NEW BUSINESS – RESOLUTIONS.

- **Resolution R2013-41**, authorizing execution of the Owner's Authorization for the Sprint Spectrum, LP development application for 525 Old Mill Rd. (B-24, L-18). Councilwoman Cindea expressed concern on the proposed antenna height. After lengthy discussion, Mr. Vorbach moved and later withdrew his motion to amend the resolution to include a restriction on the height. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution without modification was adopted by the following vote:

Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: Mrs. Cindea Abstain: None Absent: None

- **A motion to move the bills to the Finance Committee** by Mr. Diver, seconded by Mrs. King, was approved by the following vote:

Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

- **Resolution R2013-42**, approving payment of claims on the March 8, 2013 Bill List. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:
Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None
- **Resolution R2013-43**, approving the Consent Agenda items:
 - Raffle License No. 19-2013 (Open Arms)
 - Raffle License No. 20-2013 (Open Arms)
 - Raffle License No. 21-2013 (Womans Club Belmar)
 - Raffle License No. 22-2013 (St. Marks Church)
 - Raffle License No. 23-2013 (Kimball Medical Ctr. Fdn. Inc.)
 - Raffle License No. 24-2013 (Kimball Medical Ctr. Fdn. Inc.)
 - Raffle License No. 25-2013 (James F. Ackerman Federation Inc.)
 - Raffle License No. 26-2013 (James F. Ackerman Federation Inc.)
 - Raffle License No. 27-2013 (James F. Ackerman Federation Inc.)
 - Raffle License No. 28-2013 (St. Catherines Church)
 - Raffle License No. 29-2013 (St. Catherines Church)
 - Raffle License No. 30-2013 (St. Catherines Church)
 - Raffle License No. 31-2013 (St. Catherines Church)
 - Request for use of Community Center on May 18, 2013 by Marie Costa on behalf of the Special Young Adult Bowling League.

On a motion by Mrs. King, seconded by Mr. Shuler, the consent resolution was adopted by the following vote:

Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: Mr. Diver Absent: None

SECOND VOICE OF THE PUBLIC. (Any items)

- Evelyn Condello, 807 Park Avenue – thanked the Council for their patience in listening to the residents this evening.

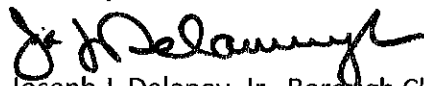
On a motion by Mrs. King, seconded by Mr. Shuler, the voice of the people was closed without objection.

APPROVAL OF MINUTES.

- On a motion by Mrs. King, seconded by Mr. Shuler, the minutes of the January 14, 2013 meeting were approved by the following vote:
Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: Mr. Diver Absent: None
- On a motion by Mrs. King, seconded by Mr. Shuler, the minutes of the January 28, 2013 meeting were approved by the following vote:
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: Mrs. Cindea Absent: None

ADJOURNMENT. There being no further business, on a motion by Mrs. King, seconded by Mrs. Cindea the meeting was adjourned without objection at 9:28 p.m.

Approved: June 24, 2013


Joseph J. Delaney, Jr., Borough Clerk