

The **July 8, 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 8:00 p.m. in the Frank E. Adams Municipal Building 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

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 included in the annual notice of meetings sent to the Coast Star and Asbury Park Press; posted on the bulletin board in the Municipal Building and on the Borough website.

APPROVE AGENDA On a motion by Mrs. King, seconded by Mr. Shuler, 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 HEARINGS

- **ORDINANCE NO. 2013-04, AN ORDINANCE RE-ZONING CERTAIN PROPERTIES LOCATED WITHIN THE BOROUGH OF SPRING LAKE HEIGHTS TO A NEW ZONING DISTRICT TO BE KNOWN AS THE "B-3 COMMERCIAL ZONE," ADOPTING A NEW ZONING MAP, AND AMENDING AND SUPPLEMENTING CHAPTER XXII, "MUNICIPAL LAND USE REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY**

Mr. Delaney reviewed for council that this ordinance was introduced on June 24, 2015, published in the newspaper on June 27th. Copies of the public notice has been forwarded to the surrounding municipalities, Monmouth County Planning and to all those living in the zone as well as anyone within 200ft of the new zone area. The ordinance was sent to the Planning Board for their review and report as to consistency with the Master Plan. A response was received from the Planning Board with recommendations for 2 amendments: the removal of retail alcoholic beverage and that 2 lots be removed from the new zone area, Block46.01 Lots 9 & 10 known as St. Stephens Green.

Mr. Diver made a motion to accept and remove those items, seconded by Mrs. King. Mr. Vorbach asked to hear public comments first. Mayor Maccanico asked Attorney Raffetto if the motion could be withdrawn, Mr. Raffetto replied yes. Mr. Diver withdrew his motion.

The meeting was open to the public.

John Tangeman 564 Atlantic Ave. stated that he's read the ordinance and questioned why the change in setback from 30 ft. to 15 ft., he felt it would be to close when you install a sidewalk. He

also didn't understand why parking in the front should be prohibited. He felt that it would look like the area on Route 71 in Belmar which isn't appealing.

Sharon Batteau 1719 Beverly Ave had received additional signatures for the petition that she gave to Mr. Delaney. She believed that the petition was done properly as per the instructions given to her. Mr. Delaney replied that he had done a preliminary review but has since received a written request signed by 3 people that they would like their name removed. She felt that there are other options available besides the B3 zone. She commented that the B3 includes a Dry Cleaners, of which she was not in favor; she felt that it was a Pandora's Box. Mr. Diver explained that it was a pick up station only for laundry/dry cleaner, garments would be done off-site.

Councilwoman Cindea asked about the petition and its validity, Mr. Delaney replied that he had done a preliminary review. Mrs. Cindea asked about the 20% of lot area threshold requirement, if it had been met, Mr. Delaney replied yes but again he wasn't complete with his review. Mrs. Cindea asked if the 2 lots are removed if that would impact that threshold, Mr. Delaney replied yes.

Alan Navatkowski 1 Hampton Ct asked about the St. Stephens area, is it considered grandfathered? Attorney Raffetto replied yes. Mr. Raffetto explained that if the buildings were destroyed by fire that they would be subject to whatever ordinance was in place.

Councilman Diver addressed the public that the B3 was actually a Business Light Zone. The existing B2 zone allows for gas stations, motels, these would not be allowed in the B3.

Kathleen Crippen 564 Atlantic Ave wanted to submit for the record copies of various documents which included copies of letters from Monmouth County Planning, reports from Master Plan re-examinations from 1978, 1986, 1996 and 2008. There was also a copy of a Planning Evaluation prepared by the Borough Engineer. Ms. Crippen with a tape measure displayed what a 15 ft , 20 ft & 30ft.setback looks like. She didn't like parking at the back of a building for security, she felt it unsafe. She felt the entire area could be a B2 zone. Ms. Crippen asked Mr. Raffetto the definition of Spot Zoning; Mr. Raffetto read from a Supreme Court Ruling.

William Kelly 5 Fox Hollow Rd. suggested that the town buy the area for Open Space, he suggested a community garden dog walking area, he felt that the re-zoning was wrong.

Charles Sapienza 1808 Highway 71, stated that he was not within 200 ft. of the location but expressed his concern for safety; for pedestrians and bicyclists. He felt that traffic studies were needed and wanted Mayor and Council to take their time and make an informed decision.

Fred Manger 61 Wyckham Rd reviewed what would be allowed if the area remained a B2 zone. Based on the square footage that the property owners in that area have if they were to sell their property the following could be built: cleaners, taxi/bus station, gas station, motel with a restaurant and big box stores such as Starbucks , CVS. He stated a lot of consideration went into the allowable uses for the B3 by the Planning Board. He went on to say if made residential the Borough would have added expense for street maintenance and lighting, snow removal and garbage pickup. As a B3 this would all be the responsibility of the property owner. He went on to say if the Borough purchased the property we must maintain and the loss of tax revenue. Finally he asked the public before signing petitions please gather facts from both sides.

Brian Caldwell 4 Wyckham Rd stated that he lives adjacent to the property, he expressed that the property owners are allowed to develop their property but hoped that a common ground could be found to satisfy all parties.

Richard Cetanacci 18 Wyckham Rd stated that he would love to see the area as Open Space but felt that it wasn't realistic. It felt the most important issue to the Wyckham Rd residents is a buffer and obviously the larger the better, he would like to see 30 ft.

Councilman Tienken wanted to confirm that the buffer in a business zone is 20ft, that was confirmed.

Councilwoman Cindea suggested buying just residential lots as open space.

Councilman Diver wanted to explain that a residential lot as a 10 ft setback to the home but within that 10 ft you could put a grill, swings or a patio, even remove trees. In the business zone the Planning Board has the ability to designate the details of the buffer.

Rita Murphy 2014 Highway 71 expressed concern for safety, in particular for the bicyclists. She felt the B1 zone would be the lightest impact. She also felt that Open Space was a good idea.

John Doyle 27 Wyckham Rd stated that this was his first time at a meeting. He stated that he was concerned as to what would go into the new zone that the unknown is always scary. He stated that the rear setback would be a quality of life issue as well as the lighting in the parking lot and garbage pickup.

Cornelius Keating 7 Hampton Ct. stated that he lives adjacent to the area of St Stephens, if it comes down what would happen. Mr. Raffetto stated that it would have to conform to the requirements of the zone in which it is located.

Sharon Batteau 1719 Beverly Ave wanted to state that all that signed the petition did so freely. She expressed that council should take their time and discuss more before introducing the ordinance.

Michael Fitzmaurice Wyckham Rd felt that the petitioners were somewhat intimidating.

John Tangeman 564 Atlantic Ave asked Mayor and Council not to pass the introduction of the ordinance tonight and consider all suggestions before moving forward.

William Kelly 5 Fox Hollow Rd thanked Mayor and Council for the good dialogue tonight, he also suggested Open Space and or B1 option.

Thomas Bannon 52 Wyckham Rd felt that the property owner should submit plans, Mr. Diver replied that the plans are with the Planning Board and that Mr. Batt should attend the meeting or view them with the board secretary.

Ellen Manger 61 Wyckham Rd asked Mr. Diver to explain the process in which an application is received and the documents received. Mr. Diver explained that an application packet for this type of project includes, stormwater management, engineers report, traffic study which would include DOT reports and environmental studies. Mr. Diver went onto explain that to purchase for open space is not feasible we're still working on the improvements to the Fletcher property.

Councilman Vorbach felt that traffic studies should be done first.

On a motion by Mr. Vorbach, seconded by Mrs. Cindea, the ordinance was tabled to be heard at the August 19, 2013 meeting by the following vote:

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

Nays: None Abstain: None Absent: None

▪ **CDBG Program Application** – Community Senior Center Improvements

Mr. Delaney reported that the public participation meeting to solicit ideas for submission for the grant was held. There were 2 items suggested which were improvements to the Community Center and suggestions made for participation in a future application which were improvements to the Fletcher park property. Mr. Delaney stated that he and the Borough Engineer are preparing the grant application and tonight would be the public hearing for that application. The improvements include a generator, an addition at the rear of the building which would provide a small meeting room and some changes to the kitchen.

The public hearing was opened.

Rita Murphy Highway 71, asked about the changing of the kitchen, Mr. Delaney stated the details haven't been worked out but this would eliminate the need for a fire suppression system. She asked if there could be an area possibly downstairs for pets during an emergency situation.

The voice of the public was closed by Mr. Diver and seconded by Mrs. King without objection.

On a motion by Mrs. King, seconded by Mr. Diver, to authorize the submission the application by the following vote:

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

Nays: None Abstain: None Absent: None

FIRST VOICE OF THE PUBLIC (Agenda items only)

John Tangeman 564 Atlantic Avenue was glad to see the Ordinance was tabled, he suggested a sub-committee be formed to review all options and present at the next meeting.

On a motion by Mr. Diver, seconded by Mrs. King, the public comment period was closed without objection.

DISCUSSION ITEMS There were no discussion items.

REPORTS & ANNOUNCEMENTS

- Councilman Tienken announced the recreation enrollment is over 180 participants.
- Councilman Vorbach – no report
- Councilwoman Cindea – no report
- Councilwoman King – no report
- Councilman Diver – no report
- Councilman Shuler – no report

Councilman Diver has stepped away from the meeting at 10:25pm

REPORTS, NOTICES & CORRESPONDENCE

- US Dept. of Agriculture/Natural Resources Conservation Service - Notice of Grant Award: Removal of trees and debris removal (Ocean Road Park & Polypod Brook).

Mr. Delaney reported that in order to collect this award requires the Borough do a partial match of funds. Mr. Delaney stated it would prepare information for the next meeting.

- Correspondence from Circle of Friends Quilting Club, re: Community Center Donation.
- Correspondence from Richard O. Venino, Jr., re: Request for Assignment of Municipal Tax Lien.

This Attorney represents Mr. Diver's wife so since he is not present it's a good time to discuss. Mr. Delaney reported that there is a piece of property with a borough lien, she would like to purchase the lien. Attorney Raffetto reviewed the steps to the process. Council elected to discuss this at the next meeting so Mr. Delaney and Attorney Raffetto could gather additional information.

Mr. Diver returned to the meeting at 10:47pm.

- Manalapan Township resolution supporting preservation of tax-exempt financing. Mayor and Council asked Mr. Delaney to prepare a similar resolution for the next meeting.
- Red Bank Borough resolution opposing S-2601/A-3891 (County operation of beaches).
- Red Bank Borough resolution requesting federal reimbursement for cost of raising homes.

Mayor asked if there are homes in Spring Lake Heights that are affected, Mr. May replied about 12.

ORDINANCE INTRODUCTIONS

- **ORDINANCE NO. 2013-05**, AN ORDINANCE OF THE BOROUGH OF SPRING LAKE HEIGHTS ESTABLISHING SALARIES AND WAGES FOR 2013

Mr. Delaney apologized that this was distributed tonight. Mr. Delaney stated that this does not include Public Works as negotiations are ongoing. The salaries listed would be retroactive to January 1.

On a motion by Mr. Tienken, seconded by Mrs. Cindea the ordinance was tabled so that council can review, adopted by the following vote:

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

RESOLUTIONS

- **R2013-88**, authorizing tax refunds, overpayments or cancellations. On a motion by Mr. Diver, seconded by Mr. Vorbach, 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

- **R2013-89**, approving the following Consent Agenda items:

- Alcoholic Beverage Social Affair Permit: Ocean Housing Alliance, Inc. at Doolan's, 700 Rt. 71 on Thursday, October 24, 2013: 6:00 pm – 9:30 pm
- Approval for Horse & Carriage on public roads: Dream Horse Carriage Co./Tania Lawson on Saturday, September 28, 2013.

On a motion by Mrs. King, seconded by Mr. Vorbach, 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

A motion to move the bills to the Finance Committee, by Mr. Diver, seconded by Mr. Tienken, 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

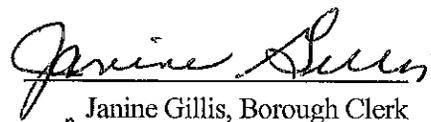
- **R2013-90**, approving payment of claims on the July 5, 2013 Bill List. On a motion by Mrs. King, seconded by Mr. Diver, the resolution was adopted by the following vote:

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

SECOND VOICE OF THE PUBLIC (Any items) None Presented

APPROVAL OF MINUTES There were no minutes presented for approval.

ADJOURNMENT There being no further business, on a motion by Mr. Shuler, seconded by Mr. Diver, the meeting was adjourned without objection at 10:55 p.m.


Janine Gillis, Borough Clerk

Approved: October 13, 2013