

Public Session - August 19, 2013 public session was called to order at 8:00 p.m. by Mayor Maccanico and opened with a silent reflection and Pledge of Allegiance.

Present:

Absent: None

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

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Frederick C. Raffetto, Esq., Borough Attorney

There were 57 members of the public in attendance.

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 Mr. Diver, 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.

PENDING ORDINANCES & 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**

The Borough Clerk reported the ordinance was introduced on June 24 and the public hearing was held on July 8 at which time the ordinance was tabled to tonight's meeting for further consideration.

On a motion by Mr. Diver, seconded by Mrs. King, the ordinance was defeated by the following vote:

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

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

There was no public comment.

The public hearing was closed by Mrs. King and seconded Mr. Diver without objection.

On a motion by Mr. Diver, seconded by Mrs. King, the ordinance was adopted by the following vote:

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

- **ORDINANCE NO. 2013-06, 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

The Borough Clerk announced that the public hearing for this ordinance was published in the newspaper, posted in the municipal building as well as notices were mailed by certified mail to property owners within the zone as well as within 200ft., to the Municipal Clerks of the surrounding municipalities and the Monmouth County Planning. Attorney Raffetto stated that he was in receipt of a letter dated July 26 from the Planning Board Attorney that the Board found the ordinance consistent with the Master Plan.

John Tangeman 564 Atlantic Ave commented that the front setback in the ordinance is set at 20 ft. He attended Planning Board meeting it was discovered that the property line is not at the curb but in the street, so he felt 20 ft. wasn't sufficient, he felt if council moved forward the ordinance should be revised to 30 ft.

Sharon Batteau Beverly Ave she felt that there hasn't been enough discussion about this. She felt that this was being rushed; she also was concerned about the widening of Highway 71. She asked why there wasn't another town wide meeting.

George Hickey 5 Hampton Ct was also concerned about the widening of Highway 71, Mayor Maccanico stated that he has not heard that but as a State Highway the Borough doesn't have a say in that. He voiced that he was against any changes. He also asked why the Police Dept. would park behind the houses on Rt. 71 and in the parking lot of 7-11; Mayor Maccanico stated that they would be doing their job, keeping us safe.

Jacqueline Wagner 421 Highway 71 felt that there was a maxing out of commercial area along Rt. 71; she was concerned about traffic. She agrees that the area is unsightly and needs improvement. She also felt another town wide meeting should be set; Mayor Maccanico stated that it would have to be the consent of the council. Councilman Diver wanted to point out that the area is already a B2 zone which is a heavy commercial use; the new B3 is a lighter commercial uses. Councilwoman Cindea suggested that it go to B1.

Steve Clark 567 Church St stated that he is very close to the area and he supports the new B3 zone. He further stated that he is a Civil Engineer and a traffic studies couldn't be done until plans were presented to the Planning Board indicating what type of businesses were looking to go in.

William Kelly 5 Fox Hollow Rd stated that he is against the change; he felt that making it a B1 is more acceptable. He feels that this is considered Spot Zoning; he agrees the area needs to be improved.

Fred Manger 61 Wyckham Rd feels that there has been plenty of opportunity for public comment. Those property owners in this area who are directly impacted have been noticed. The ability of the B3 enables our residents to walk to an area for the services that move into the location. There is potential for increased tax revenue compared to residential. He thanked Mayor and Council as well as the Planning Board for their efforts over the past 2 years. He feels this would be a positive for the town.

Eileen Eilenberger 1213 Pond Rd as a Planning Board, this matter has been discussed at meetings since 2012, every meeting has been a public meeting; there has been plenty of opportunity for residents to speak. She pointed out the residential area of these properties are land locked. If those residential areas were developed there would have to be public streets to that back area, which the town would be responsible for. The Planning Board has worked very hard on this, the members have given a lot of thought into this, wanting to make it attractive to the residents.

Kat Crippen 564 Atlantic Ave and the Environmental Commission Chair pointed out that the Planning Board doesn't have a voice of the public. She feels that there would be too much of an impact on the infrastructure of our water/sewer system. She also felt that there would be a negative tax impact with the commercial.

Sharon Batteau Beverly Ave wanted to state that Joe May at the Planning Board meeting stated that, and she's paraphrasing; that there was a possibility of widening Hwy 71, she feels that passing the ordinance is the start of this. If this happens will Mayor & Council come to the aid of the residents.

Joseph May, Borough Engineer/Planning Board Engineer wanted to clarify about the highway widening

comments. When the applicant came before the Planning Board part of the property extends out to the highway. He requested that the applicant contact the Dept. of Transportation to verify if the DOT had plans to widen the highway. They came back to him stating that DOT did not want an easement; they had no plans on widening the road.

The public hearing was closed by Mrs. King and seconded Mr. Shuler without objection.

A motion was made by Mr. Diver, seconded by Mrs. King, to adopt the ordinance, council voiced their opinions:

Councilman Vorbach stated that he was opposed to the ordinance; he added that most residents are opposed. He feels that it changes character of the town. He suggests that additional modifications should be made to the ordinance.

Councilman Tienken stated he prefers residential zone but is willing to make compromises. He feels that the B1 zone will generate less traffic, having retail worries him, he feels that it would add to much traffic..

Mayor Maccanico stated that there is existing traffic along the highway, he feels that those are the people that will stop in. He feels people from places like Long Branch will not travel here.

Councilwoman Cindea we still don't know what will be built, without knowing what is planned, she doesn't want more commercial, she prefers residential. She felt that all options haven't fully been discussed.

Councilwoman King noted that both she & the Mayor both live in the area. She initially was opposed to any change but she walked the entire area, all of the properties. We have listened to the suggestions and changes were made. She reminded everyone what the possibilities of what would be built if it was made a B2 commercial. She is confident in the Planning Board and their decision making and feels this will be a positive for the town. She added that several people talked about how nice it would be to have small shops within walking distance.

Councilman Diver stated that he has been involved in the process from the onset. He wanted to thank the council for their work and respects those that object. He doesn't like the idea of making it all residential, this would mean children would need to walk through a commercial parking lot. He also added that if homes were built there, property owners would build as many as possibly, it could possibly lower the value of the existing homes in the neighborhood, this would bring those property values down.

Councilman Vorbach he stated that no one is in favor of the split zone.

Mayor Maccanico stated that this may not be perfect but feels that it's the best fit.

The ordinance was adopted by the following vote; it required the Mayor's vote to break the tie:

Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mayor Maccanico

Nays: Mrs. Cindea, Mr. Tienken, Mr. Vorbach Abstain: None Absent: None

FIRST VOICE OF THE PUBLIC (Agenda items only) None Presented

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

DISCUSSION ITEMS

- Ordinance Amending Land Use Regulations: Sustainable Building & Design Standards; Fences & Walls; Buffers; Enforcement

Councilman Diver explained that this would encourage new building with green measures in place for the Borough projects as well as encouraging new development applications to do the same.

ORDINANCE NO. 2013-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII, "MUNICIPAL LAND USE REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY IN ORDER TO ADOPT SUSTAINABLE BUILDING STANDARDS FOR CONSTRUCTION IN THE BOROUGH

On a motion by Mr. Diver, seconded by Mrs. King, the ordinance was adopted for introduction by the following vote:

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

Nays: None Abstain: None Absent: None

Attorney Raffetto added that this would be referred to the Planning Board for their review.

▪ Ordinance Amending Chapter XXII- Municipal Land Use -- Fence

Councilman Diver explained that the revision to fence height would apply to property owners that are adjacent to a business, providing for additional privacy. Mr. Delaney added that this ordinance also includes that our Zoning or Code Official could enforce the maintenance of the fence or vegetative buffer.

ORDINANCE NO. 2013-08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII, "MUNICIPAL LAND USE REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY

On a motion by Mr. Diver, seconded by Mrs. King, the ordinance was adopted for introduction by the following vote:

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

Nays: None Abstain: None Absent: None

Attorney Raffetto added that this would be referred to the Planning Board for their review.

▪ Ordinance Prohibiting Use of Eminent Domain

ORDINANCE NO. 2013-09

AN ORDINANCE AMENDING ORDINANCE #19-2010, PROTECTING THE AMERICAN DREAM ORDINANCE

This ordinance adds to the existing one in place, it establishes that the Borough could not exercise eminent domain without the consent of the homeowner, when the property would be conveyed to a private entity.

On a motion by Mr. Vorbach, seconded by Mr. Diver, the ordinance was adopted for introduction by the following vote:

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

Nays: None Abstain: None Absent: None

REPORTS & ANNOUNCEMENTS

- Councilwoman Cindea – no report.
- Councilman Shuler – no report
- Councilman Diver – no report
- Councilwoman King – announced that a box similar to a mailbox is in the hall of the Municipal Building, referred to Project Medicine Drop, unused prescription medicine can be dropped off. In the past we would have set a drop off date, now it is available all day every day. We are 1 of 3 towns in the county that have

the box. Also, we've received a letter from a Janine Cucchi about assistance she received from the police over the last 8 years, she was moving to Manasquan, she extended her thanks.

- Councilman Vorbach – no report.
- Councilman Tienken – announced that Yankee tickets are still on sale, stop in at Borough Hall

REPORTS, NOTICES & CORRESPONDENCE

- Police Department Report (July 2013)
- Board of Health memo: Health Fair (November 16th) & Use of Community Center December 7th
- Public Hearing Notice – Spring Lake Borough Ord. No. 2013-010
- Monmouth County Planning Board – Notice of August 20, 2013 Meeting & Presentation on Superstorm Sandy “RREM” Reconstruction Grant Program
- Correspondence from Lynn Schambach re: Requesting resolution opposing proposed offshore liquid natural gas (LNG) terminal

Mr. Delaney pointed out this was time sensitive, that if Mayor and Council desired to adopt a resolution, he has prepared one which is listed on the agenda already.

- Fire Company memo: Membership Changes

RESOLUTIONS

- **R2013-99**, authorizing execution of the Grant Agreement between the Borough and the U.S Dept. of Agriculture, Natural Resources Conservation Service pursuant to the Sandy Recovery Grant Program. (Ocean Road Park & Polypod Brook Tree and debris removal). On a motion by Mr. Vorbach, 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
- **R2013-100**, supporting the *Drive Sober or Get Pulled Over 2013 Statewide Crackdown*. 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
- **R2013-101**, authorizing release of designated Escrow Deposits. 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
- **R2013-102**, opposing offshore Liquefied Natural Gas (LNG) port facilities in the NJ/NY Clean Ocean Zone. 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
- **R2013-103**, approving the following Consent Agenda items:
 - Alcoholic Beverage Social Affair Permit: Foodbank of Monmouth & Ocean Counties at The Mill at Spring Lake Heights on Monday, September 23rd
 - Use of Facilities; Council Chamber/Meeting Room – August 25th & September 1st
 On a motion by Mr. Shuler, 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

- **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

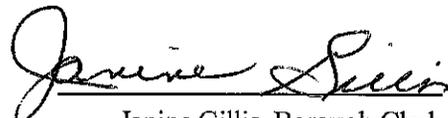
- **R2013-104**, approving payment of claims on the August 16, 2013 Bill List. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:
Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None

SECOND VOICE OF THE PUBLIC (Any items) None Presented

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

APPROVAL OF MINUTES There were no minutes presented for approval.

ADJOURNMENT There being no further business, on a motion by Mr. Diver, seconded by Mrs. King, the meeting was adjourned without objection at 9:25 p.m.


Janine Gillis, Borough Clerk

Approved: October 13, 2015