

**BOROUGH OF SPRING LAKE HEIGHTS
PLANNING BOARD MINUTES
August 20, 2014 at 7:00 PM**

Roll call:

Mayor Maccanico - present
Councilwoman Cindea - absent
Leonard Capristo - absent
Kathleen Crippen - present
Roy Francolino - absent
James Hackett - present
Frederic Manger - present
Robert Merriken - present
Chairman Richard Diver - present

Alt. #1 Eileen Eilenberger - present
Alt. #2 Stephen Clark – present

Also in attendance: Board Attorney Dennis Collins, Board Engineer Joseph May

Read by Chairman:

Pursuant to the requirements of the New Jersey's Open Public Meetings Act, notice of this meeting was transmitted to the Coast Star and Asbury Park Press newspapers and posted on the boroughs website and the public notice bulletin board in the Municipal Building.

Approval of Minutes:

- Meeting May 21, 2014 & July 21, 2014

Motion was made by Mr. Manger to approve minutes of the meeting on May 21, 2014; seconded by Mr. Merriken.
Roll call taken:

AYES: Ms. Crippen, Mayor Maccanico, Mr. Manger, Mr. Merriken, Mrs. Eilenberger & Mr. Clark
NAYS: None
ABSTAIN: Mr. Hackett & Chairman Diver

- Meeting July 21, 2014

Motion was made by Ms. Crippen to approve minutes of the meeting on July 21, 2014; seconded by Mr. Merriken.
Roll call taken:

AYES: Ms. Crippen, Mayor Maccanico, Mr. Manger, Mr. Merriken, Mrs. Eilenberger, Mr. Clark & Chairman Diver
NAYS: None
ABSTAIN: Mr. Hackett

Correspondence and Discussion:

- Monmouth County Hazard Mitigation Plan Update was read out loud to those in attendance by Rita Murphy, Emergency Management Coordinator.

Monmouth County and its 53 municipalities have been working on the update of the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan since August of 2012. The draft of the updated plan is expected to be released in the early fall. The first county wide plan was completed in 2009. The plan is a documented

evaluation of the natural hazards to which a community is susceptible and the extent to which these events will occur. It identifies an area's vulnerability to the effects of natural hazards and the goals, objectives and actions required to minimize future loss. Mitigation is preparation and planning now to reduce loss of life and property later, by lessening the impacts of future disasters.

This plan allows the county and the participating municipalities to apply for pre and post disaster mitigation grant funding through FEMA. Once released, residents can review the draft of the natural hazard-mitigation plan for the county and its 53 municipalities by visiting: www.monmouthsheriff.org, click on the OEM icon and select Hazard Mitigation Planning.

- Copy of letter dated April 23, 2014 prepared by Attorney Collins in response to the Planning Board deed restriction requirement for approval of Planning Board Resolution 2014-09: TFM Builders, 113 Tenth Ave. Block 4 Lots 109, 100 & 111.

- Copy of the report prepared by Attorney Collins to Mayor and Council regarding Ordinance 2014-05, an ordinance amending chapter 22 (municipal land use regulations) to provide for residential building heights in flood zones. Chairman Diver asked Mr. May if the change made by Mayor and Council asked if the ordinance remained consistent with what the board recommended; Mr. May replied yes. There was discussion among members if the change should have come back to the board; Chairman Diver replied that he had spoken to Jay Delaney, Borough Clerk; at the council meeting Borough Attorney Kenneally felt that the change was not substantial therefore it was not necessary to come back to the Planning Board.

Old Business: None

New Business:

APPLICATION # 2014-05 Charles Stewart
Lake Drive
Block 73 Lot 4.02
Concept Plan – Minor Sub-Division

Attorney Collins reviewed for the members of the board and the public what an informal review is. He explained that notice is not required in the newspaper or to the neighbors and that members could ask questions, approvals are not a part of an informal hearing.

Mr. Stewart introduced himself, reminding the board that he was before them at an informal meeting. At that meeting the board requested that he approach the condo association in the rear of the subject property about gaining access through their parking lot; they denied his request. The only access would now be from Route 71. Mr. Stewart stated that this could be gravel or a paved driveway; he was open for discussion on how the board would like to see it. He further stated after many discussions with the State DEP with regard to the various permits that would have been required based on the previous plans the board had seen. He has elected to change the plans so that the only permit required would be CAFRA, those were the plans presented to the board for this meeting. Chairman Diver asked Board Engineer, Joe May if he concurred with that; Mr. May replied yes.

Mr. Manger expressed concern about the width of the driveway coming in from Highway 71; Mr. Stewart stated that his next step was applying to NJ DOT for an access permit. Attorney Collins pointed out that this property does not face an improved public street; Land Use regulations state that there must adequate room for ingress and egress for emergency vehicles. Attorney Collins stated that the Council has the authority over the public right of way and would detail how it should be developed. The applicant would need to pursue this approval from the council.

Mrs. Eilenberger stated that that Borough Ordinance stated that a home face a street, Attorney Collins stated that the board would have to grant that approval.

Mr. Merriken asked board member Kathleen Crippen (Environmental Committee Chairman) what would be environmentally better: paved vs. non-paved road; she replied so close to the pond actually a paved road would be better with a storm drain. If it was or gravel that would end up in the pond.

There were no further comments: Mr. Stewart thanked the board.

APPLICATION 2014-04 M2K2 1900/OMR LLC
2409 Old Mill Road
Block 44 Lot 14
Sub-Division

Attorney Collins announced that the publication for this application was sufficient. Mr. May and Michael Cannon, Engineer for the applicant were sworn in by Attorney Collins.

Marked as Exhibit A-1, Minor Subdivision Plan prepared by Cannon Group dated July 26, 2013.

Attorney Middleton reviewed the application, describing the property and its uniqueness. The property is located across both Spring Lake Heights and Wall Township with the boundary line going through the existing building. The front of the building faces Highway 35 (Wall Township) and the rear of the building faces Old Mill Road (Spring Lake Heights). Attorney Middleton stated that he verified with the Tax Assessors to see if there was any agreement between the two towns, none had been located. Attorney Middleton pointed out that the applicant had come before the Zoning Board in 2007 to renovate the building in Spring Lake Heights but had not moved forward. He was instead hopeful to get the approval for the sub division first and then move forward with construction.

Attorney Collins pointed out that further investigation was done to verify that an annexation agreement does not exist between the two governing bodies either.

Chairman Diver asked Mr. May to further explain the separation of the lots; Mr. May pointed out this change if approved would be beneficial to Spring Lake Heights.

Chairman Diver asked about the coverage on the new lot, Mr. May pointed out that in all likelihood some of the impervious coverage would have to be removed. Attorney Middleton stated that at the previous Zoning Board approval had the impervious coverage at 50%. Attorney Collins pointed out that the previous approval by the Zoning Board would no longer be viable as the approval was based on the property exists then; the sub-division presents a different description of the property. Attorney Middleton stated that the applicant still had to appear before the Planning Board in Wall Township.

Mr. May pointed out if granted he would like to see a sidewalk easement included in the resolution, Attorney Middleton replied that is agreeable. Attorney Collins asked Attorney Middleton if he had question to any comment on Mr. May's letter, Attorney Middleton replied no; the plot plan would address all else.

The meeting was open to the public: None Presented.

Motion was made by Mrs. Eilenberger to approve the application; seconded by Ms. Crippen, Attorney Collins reviewed that this Sub-Division is consistent with exhibit A-1, the board is not grandfathering or granting any existing conditions, and a sidewalk easement shall be provided, roll call taken:

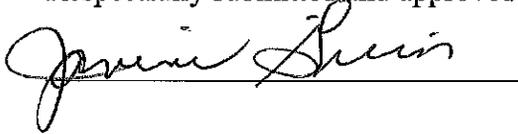
AYES: Ms. Crippen, Mr. Hackett, Mayor Maccanico, Mr. Manger, Mr. Merriken, Mrs. Eilenberger,
Mr. Clark & Chairman Diver

NAYS: None

ABSTAIN: None

Adjournment: There being no further business, on a motion by Ms. Crippen and seconded by Mr. Merriken, the meeting was adjourned without objection at 7:55 p.m.

Respectfully submitted and approved:



Date: November 13, 2014