

**BOROUGH OF SPRING LAKE HEIGHTS
PLANNING BOARD MINUTES - December 21, 2016 at 7:00 PM**

The meeting was called to order by Chairman Richard Diver at 7:00 p.m. and opened with a Silent Reflection and Pledge of Allegiance.

Roll Call:

Eileen Eilenberger – present
Roy Francolino – absent
James Hackett - present
Nancy Hayduk - present
Frederic Manger - absent
Councilman Merriken - present
Nathaniel Novak - present
Mayor O'Brien – present
Chairman Richard Diver - present

Also Present: Dennis Collins, Board Attorney
Joseph May, Borough Engineer

Alt. #1 Open
Alt. #2 Stephen Clark – absent

Chairman Diver read the following:

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS INCLUDED IN A LIST OF MEETINGS SENT TO THE COAST STAR AND ASBURY PARK PRESS, POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND ON THE BOROUGH WEB-SITE.

Approval of Minutes: September 21, 2016 meeting

Motion was made by Mr. Hackett to approve the minutes of the September 21, 2016 meeting; seconded by Mrs. Eilenberger. Roll call taken:

AYES: Mrs. Eilenberger, Mr. Hackett, Ms. Hayduk, Mr. Merriken, Mr. Novak &
Chairman Diver
NAYS: None
ABSTAIN: None

Correspondence and Discussion: None

Old Business: None

New Business: Informal Hearing Application No. P2016-03
Henry Rinkewich
570 Central Avenue
Block 23 Lot 35

Attorney Collins reviewed that the applicant is permitted to present a concept plan, there are no motions, nothing that the board or the applicant expresses is binding, this is just an opportunity for the applicant to get a flavor of the board.

Thomas Hirsch, Attorney for the applicant stated that the planner/engineer is on his way; he expressed that the board could move forward with second application.

Amoscato Family LLC Application No. P2016-04
2003/2005 Highway 71
Block 46.01 Lots 1, 65, 66 & 67
Site Plan Amendment

Mr. Merriken recused himself from this application.

Attorney Collins announced that the applicant provided notice as required therefore the board has jurisdiction to hear this application.

Introduced as exhibits:

- A-1 Site Plan
- A-2 Color photo showing outdoor dining area
- A-3 Photo of walk-in cooler area outside.

James Sabaitis, Attorney for the Amoscato Family introduced himself.

Joseph May & Michael Cannon were sworn in by Attorney Dennis Collins.

Mr. Sabaitis explained that this was an application for Site Plan Amendment for the 2003/2005 Highway 71, Scottyville. It's 2 parts, one is for a walk-in cooler and the other for outside dining. He added that exhibit A-3 shows a color rendering of the planned buffer around the box and exhibit A-2 shows the outdoor dining area. Mr. May's letter would be addressed. Mr. Sabaitis explained that the cooler box does not require any variances; that it's a site plan amendment. Mr. Sabaitis asked Mr. Cannon to step up.

Mr. Cannon, engineer reviewed his qualifications to the board, Chairman Diver on behalf of the board, accepted.

Mr. Cannon explained that the cooler's outside dimensions are 8ft by 10 ft. and would be situated in the parking lot occupying 2 parking spaces. He added that presently there are 73 spaces; the site requires 69. He added that the box would be enclosed with a curb with a fence and plantings that would surround it. Mr. Sabaitis asked about the noise level of the unit, Mr. Cannon replied that it measures 62 decibels. Mr. Cannon offered that 60 decibels is a conversation in a restaurant, which is quiet.

Attorney Collins pointed out that the Noise Pollution Act regulates a limit of 65 which decreases to 50 decibels after 10:00 pm. This would be a regulation enforced by Monmouth County Board of Health.

Mr. Cannon added that the fence would be 6 ft in height and the plantings would be 8 ft evergreen which would help to buffer noise. Mr. Hackett asked about the unit that generates the noise and where it's located, Mr. Cannon replied on top. Mr. Diver asked about the height of that condenser box; Mr. Cannon replied that it's 2 ft which would make a total of 10 ft. Mr. Sabaitis added that the height of the plantings could be increased. Mayor O'Brien asked about the air conditioner units and where they're located, Mr. Cannon replied right alongside the building. Mr. Sabaitis pointed out that there is landscaping between Wyckham Manor and the parking lot which is fairly new and this spring will fill in. Ms. Hayduk asked the distance between Wyckham and the site; Mr. Cannon replied 140 feet from the building to the Wyckham Manor property line; although the property line angles. Ms. Hayduk asked how close to the nearest residential; Mr. Cannon replied about 24 ft to the property line. Mr. Novak asked why the unit isn't inside the building; Mr. Cannon replied it was due to space and the flow of the restaurant, having it inside would use 80 square feet. Mr. Diver asked what the square footage of the restaurant is, Mr. Sabaitis replied 2000 sq. feet. Mr. Diver asked if not approved is there an alternate plan, Mr. Sabaitis replied no. He added that it would take reconfiguring the restaurant, the location was chosen because it's away from the street, was seen from Allaire or Rt. 71 with least amount of impact. Mr. Diver asked if it was inside how it would change the interior; Mr. Sabaitis

replied that they would lose about 4 tables. Mrs. Eilenberger asked if the base of the cooler is on concrete Mr. Cannon replied yes. She inquired if the fence surrounding the box would have a lock on it, Mr. Cannon replied yes. He also added that the unit has an evaporation pad so there would be no condensation. Mr. Hackett inquired about choosing a different location, Mr. Cannon replied the location was chosen because there's a walkway; moving it would also put in front of the windows of the restaurant. Mr. Sabaitis asked Mr. Cannon if variances are required of this application; Mr. Cannon replied no; he added that the impervious coverage is not increasing and not going over the parking requirement. Mrs. Eilenberger asked about the electricity to the unit. Mr. Cannon replied that it would be underground. Mayor O'Brien asked if there have been complaints from the neighbors about any noise from the air conditioner unit, Mr. Sabaitis replied none that he was aware of. Mr. May replied that he hadn't received any either. Ms. Hayduk asked Mr. Cannon how many outdoor walk-in boxes are in Spring Lake Heights, Mr. Cannon did not know. Mr. May thought there was about 3. She stated that where she works there is a box that is quite loud although the unit is closer where she works.

Attorney Collins reviewed that the Noise Pollution Act states that it's not the decibel level at the cooler; it's what the level is at the nearest residential property line. He wanted to clarify that the measurement of 62 decibels is at the cooler and would decrease at the property line, Mr. Cannon replied yes. Mr. Sabaitis added that the applicant would plant taller evergreens. Ms. Hayduk asked if the box would run 24 hours, Mr. Sabaitis replied yes. Mr. Cannon offered that he could check with the manufacturer if there is something available to reduce the level. Mr. Sabaitis added that it's in the best interest for all as there are other tenants at the location.

Marianne Stoll was sworn in by Attorney Collins.

Ms. Stoll explained that she would be opening the business called Marigold Café. She lives in Spring Lake Heights and previously had a business in Spring Lake called Sisters Café prior to getting married and having children. When she first saw the rendering of Scottyville in the newspaper she thought it was a perfect location for a café and she is very excited to open the business. Mr. Sabaitis asked about a comment in Mr. May's letter questioning all pedestrian corridors, height issues and distance from the building, Ms. Stoll would comply with all requirements. The tables and chairs would be of a good quality, a durable metal, the umbrellas would be taken down each day. Mr. Diver asked about a wait station, Ms. Stoll explained that it would only be for outside service at the back of the building. Mr. Sabaitis asked about lighting; Ms. Stoll replied that since it would be breakfast and lunch there wouldn't be any. Mr. Sabaitis asked about a future dinner service, Ms. Stoll replied that it would be small twinkle lights under the umbrellas or candles. Chairman Diver asked if she would do dinner; she replied yes. Mr. Sabaitis asked if she would like to do dinner, she replied yes. Mr. Sabaitis asked if dinner would be year round, she replied yes. Mr. Sabaitis asked if heaters would be used outside she replied no. He added that the outside dining would be dependent on the weather, Ms. Stoll replied yes. Chairman Diver asked if she had a liquor license, Ms. Stoll replied no. Mr. Sabaitis asked if there would be any other lighting, Ms. Stoll replied no. She explained that she would start with just breakfast and lunch and hopefully if business grew then dinner as well. Mr. Sabaitis asked about extension cords on the patio, Ms. Stoll replied no. Mr. Sabaitis asked about music, Ms. Stoll replied not outside. Ms. Stoll explained that each day the patio would be hosed down and the water would go to the drainage at the rear. Mayor O'Brien asked about the tables and chairs in the off season, Ms. Stoll stated that they would be removed and stored off site. Mr. Sabaitis asked what the business hours would be; Ms. Stoll replied 7:00 am to 4:00 pm and if she went to dinner, service would stop by 9:00 pm.

Mr. Hackett expressed concern about the parking spaces that are in front of the outside dining area and protecting those patrons, Mr. Sabaitis thought it was a good idea and stated that they would work with Mr. May for suggestions..

Ms. Hayduk asked how many tables; Ms. Stoll replied 10 with 4 seats, they are 48 inch tables.

Mr. Sabaitis asked Ms. Stoll to explain why the walk in cooler is outside. Ms. Stoll stated that consideration was given to putting it inside but decided outside was better. She explained it's just not the size of the box, it's space to open the door, bringing the orders in and the congestion of putting everything away. She explained the size would allow for minimal deliveries. She added that there will be refrigeration inside but this will hold the bulk of the deliveries.

Mrs. Eilenberger stated that service would stop at 9:00pm but patrons would be there beyond that. Ms. Stoll replied that it would be a minimal number of patrons.

Chairman Diver asked for a description of the kitchen and the equipment. Ms. Stoll reviewed the plan and described the placement of all appliances, sinks, storage area prep area. He asked if there was another configuration to include the box in the kitchen, Ms. Stoll stated that she did try and do that but it really didn't work well. Ms. Hayduk asked if this is not approved what she would do? Ms. Stoll stated that she would have to figure something out it, it would cut down on the number of tables, the flow wouldn't be the same; she stated that this was a dream and that having the box outside would make the most efficient use of the interior space. Ms. Hayduk asked if the servers would use the rear door, she replied yes. Ms. Hayduk asked about the distance to the residential, Ms. Stoll replied that she didn't know. Mr. Sabaitis stated that it's 10 ft with a buffer.

Chairman Diver asked to verify that it would be 10 tables of 4 and if she would stipulate that, Ms. Stoll replied yes

Chairman Diver asked Joe May if the buffer is sufficient for the outdoor refrigeration? Mr. May stated that his comment in the review letter is more about the location; he understands the applicant would like it outside. He added the picture doesn't show the box and what it will actually look like. Mr. Sabaitis added that it doesn't show the box that will sit on top. Chairman Diver reviewed that losing the 4 tables means losing 20 patrons. Mayor O'Brien added that there are other businesses that she would compete with in town that have outside boxes. Ms. Hayduk wanted to point out that she wanted to consider the residents in the area. Chairman Diver pointed out that the closest residence is in the business zone. Mr. Sabaitis added that they are not here for a variance.

Chairman Diver asked Mr. Cannon if a covering over the unit would help with the noise, Mr. Cannon thought yes, but air flow would have to be a consideration. Chairman Diver offered that it should be something pleasing to the eye. Chairman Diver asked Mr. Cannon if in his opinion that would reduce the noise level, Mr. Cannon replied yes. Mr. Cannon would look into that. Mr. Sabaitis stated that they would stipulate to that.

Mr. Hackett asked if this enclosure is a part of the overall space of the property that was approved originally. Mr. May added that it's an amendment to the site plan.

There was discussion about the language in the Zoning Official's letter and the outside dining. The letter refers to design standards; which do not exist in the borough's code.

The meeting was open to the public

Pat Wignall Highway 71 stated that Marianne was a tenant at one time and is thrilled she is back in town; she loves Scottyville. She does have a tenant at 2009 Highway 71 and feels it would interfere with her tenant, she feels the cooler should be inside.

Kat Crippen 564 Atlantic Avenue was on the Planning Board when the application for Scottyville was approved; she feels the buildings are beautiful. She offered that the town has an ordinance for no outside dining and that the applicant should be before the Zoning Board for that type of application. She also stated that the B3 zone does have design standards.

Robert Merriken 2014 Highway 71 asked about the decibel level with people eating outside; Mr. Cannon couldn't know at this point.

Julie LaForge Central Avenue deals with delivery trucks where she lives, she would rather deal with the hum of the cooler. She added having the larger box would eliminate frequent deliveries.

Jack Doyle 27 Wyckham Rd felt that the issue of the noise shouldn't be taken lightly. He added with the renovation of the property there aren't enough plantings along the Wyckham Manor side. He expressed concern over the noise the compressor would make.

Christine Faria 906 Greenwood Drive, the applicant had a café in Spring Lake, she offered it was a great place and thinks the café would be a great addition to the community. She's excited about having it.

John Tangeman 564 Atlantic Avenue, he announced that he is a member of the Zoning Board and was concerned about the café vs. a full scale restaurant. Attorney Collins reminded all that the café is a permitted use in the zone. Mr. Tangeman explained that there is no outside dining and that council is against the outdoor dining and he feels the people of Spring Lake Heights do not want it.

Board Engineer, Joe May suggests that he would speak to the Zoning Official to confirm the outdoor dining issue.

Kat Crippen 564 Atlantic Avenue stated that when council and planning board reviewed the B3 zone, outside dining was in place and then removed.

Schulyer Martin 33 Wyckham Road read a letter that he prepared; attached to these minutes.

Motion was made by Mrs. Eilenberger to close the public, seconded by Mayor O'Brien, roll call taken, all ayes.

Chairman Diver requested that the application be carried until the next meeting when the applicant should present a plan showing exactly how the box will be enclosed and a plan with the walk in box in the interior of the building; this would also give Mr. May opportunity to speak to zoning official.

Motion was made by Mrs. Eilenberger to carry the application, seconded by Ms. Hayduk, roll call taken, all ayes.

The meeting was paused at 9:05pm.

The meeting resumed at 9:10 pm

- Informal Hearing Application No. P2016-03
Henry Rinkewich
570 Central Avenue
Block 23 Lot 35

Planning Board Attorney, Dennis Collins explained that this is an informal hearing with a concept plan for a 3 lot sub-division. Thomas Hirsch, Attorney for the applicant introduced himself.

He explained that the subdivision fits into the immediate area. He showed photos of lots in the area and their size. Mr. Jason Fichter- Insite Engineering explained that the applicant would like 3 lots; 2 would face Central Avenue and 1 facing Sixth Avenue. The one lot facing Sixth would be conforming. Chairman Diver offered that the Borough and Board would not look to endorse non-conforming lots and the concern would be for the neighbors.

Mr. Hirsch offered what if they could show that it wouldn't impact the neighbors; he offered that this area has numerous non-conforming lots.

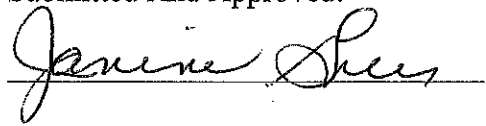
Ms. Hayduk commented that she grew up in this neighborhood and that the neighborhood were mostly summer cottages. Mr. Rinkewich Jr. stated that the home was used as a vacation home but there are 3 sons and that's why the request for 3 lots; all 3 would have new homes built.

Chairman Diver offered that he understood the reason why the 3 lots but that the board would want to follow the master plan of the borough.

Attorney Collins reviewed that the applicant can still move forward with a formal application.

Adjournment: On a motion by Mr. Merriken and seconded by Mr. Manger the meeting was adjourned without objection at 9:41 p.m.

Submitted And Approved:



Date: February 15, 2017