

**BOROUGH OF SPRING LAKE HEIGHTS
PLANNING BOARD RE- ORGANIZATION and REGULAR MINUTES**

January 18, 2017 at 7:00 PM

The meeting was called to order by Planning Board Attorney, Dennis Collins at 7:00 p.m. and opened with a silent reflection and Pledge of Allegiance.

He announced that the 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

Mr. Collins reviewed that based on the Rules the Planning Board adopted; either the attorney or secretary would open the re-organization meeting until a Chairman was selected.

Attorney Dennis Collins announced that he had sworn in appointed members: Roy Francolino, Fred Manger, Councilman Merriken.

Roll Call taken:

Eileen Eilenberger - present
Roy Francolino - present
James Hackett - present
Nancy Hayduk - present
Councilman Robert Merriken - present
Frederic Manger - present
Nathaniel Novak - present
Mayor Thomas O'Brien - present

Alt. #1 Open

Alt. #2 Stephen Clark - absent

New Business:

- Mr. Hackett made a nomination to elect Mrs. Eilenberger as Board Chair, seconded by Mayor O'Brien; roll call taken.

AYES: Mrs. Eilenberger, Mr. Francolino, Mr. Hackett, Ms. Hayduk, Mr. Merriken, Mr. Manger, Mr. Novak & Mayor O'Brien.

NAYS: None

ABSTAIN: None

Congratulations were offered to Mrs. Eilenberger

- Mrs. Eilenberger made a nomination to elect Mr. Hackett as Board Vice Chairman, seconded by Mr. Manger; roll call taken.

AYES: Mr. Francolino, Mr. Hackett, Ms. Hayduk, Mr. Merriken, Mr. Novak,
Mr. Manger, Mayor O'Brien & Madam Chair Eilenberger

NAYS: None

ABSTAIN: None

Resolution 2017-01 – Planning Board Attorney

Motion was made by Ms. Hayduk to appoint Dennis Collins as Planning Board Attorney, seconded by Mr. Hackett; roll call taken.

AYES: Mr. Francolino, Mr. Hackett, Ms. Hayduk, Mr. Merriken, Mr. Novak,
Mr. Manger, Mayor O'Brien & Chair Eilenberger
NAYS: None
ABSTAIN: None

Resolution 2017-02 – Planning Board Engineer

Mr. Hackett made a motion to appoint Joseph May as Planning Board Engineer, seconded by Ms. Hayduk; roll call taken:

AYES: Mr. Francolino, Mr. Hackett, M Mr. Manger, Mr. Merriken, Ms. Hayduk, Mr.
Novak, Mayor O'Brien & Chair Eilenberger
NAYS: None
ABSTAIN: None

Resolution 2017-03 – Planning Board Secretary

Mrs. Eilenberger made a motion to appoint Janine Gillis as Recording Secretary, seconded by Mr. Merriken; roll call taken:

AYES: Mr. Francolino, Mr. Hackett, Ms. Hayduk, Mr. Manger, Mr. Merriken,
Mr. Novak, Mayor O'Brien & Chair Eilenberger
NAYS: None
ABSTAIN: None

Resolution 2017-04 – Planning Board Designated Meeting Dates

There was discussion by board members about the dates, if all acceptable. Members decided to change the December meeting to the 2nd Wednesday, December 13, 2017

Councilman Merriken made a motion to approve the meeting dates with the revision, seconded by Mayor O'Brien; roll call taken:

AYES: Mr. Francolino, Mr. Hackett, Ms. Hayduk, Mr. Manger, Mr. Merriken,
Mr. Novak, Mayor O'Brien, & Chair Eilenberger
NAYS: None
ABSTAIN: None

Resolution 2017-05– Planning Board Designated Newspapers

Mr. Merriken made a motion for the Coast Star and the Asbury Park Press to be designated as the official newspapers, seconded by Mrs. Eilenberger; roll call taken:

AYES: Mr. Francolino, Mr. Hackett, Ms. Hayduk, Mr. Manger, Mr. Merriken,
Mr. Novak, Mayor O'Brien, & Chair Eilenberger
NAYS: None
ABSTAIN: None

Chair Eilenberger asked about closing re-org meeting to open the regular; Attorney Collins replied not necessary.

Chair Eilenberger asked for a roll call:

Eileen Eilenberger - present
Roy Francolino - present
James Hackett - present
Nancy Hayduk - present
Councilman Robert Merriken - present
Frederic Manger - present

Nathaniel Novak - present
Mayor Thomas O'Brien - present

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

Approval of Minutes: December 21, 2016

Board Secretary reported that the minutes were not available for approval but will be at the next meeting.

Correspondence and Discussion: None

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

Mr. Merriken and Mr. Manger recused themselves. Mr. Francolino announced that he will abstain from voting as he wasn't at the December meeting.

Board Attorney, Dennis Collins reminded members that at the last meeting there was discussion about the outdoor dining. The zoning official, Mr. Hamilton had misspoken about the outdoor dining component of the application as a permitted use; unfortunately he had read an ordinance that was not adopted. Mr. Hamilton has since written a revised zoning letter to the applicant correcting his statement; what they are proposing is permitted in the zone but the outdoor dining is a use variance. Mr. May has also confirmed that outdoor dining is not permitted.

Attorney Collins added that the applicant has the ability to bifurcate their application; the zoning board is the only board that has experience and authority to grant a use variance. However, an applicant can bifurcate their application and bring their site plan approval to the planning board subject to a use variance approval. Mr. Hamilton has made it clear that the structure proposed is fully conforming and is a site plan review and the board can hear the application for the cooler box. The Planning Board has jurisdiction to move forward and hear this application.

Attorney Collins announced to the public the outdoor dining component has been withdrawn and there will no longer be outdoor equipment that generates noise.

When re-opened to the public tonight it should only be opened to the presentation tonight; the public spoke at the last meeting.

Mr. Sabaitis, Attorney for the applicant stated that the applicant is withdrawing the outdoor dining request and therefore will not be discussed tonight. He added that the walk in cooler condenser was an issue due to the noise that it would create. The condenser which is the unit that makes the noise will be installed indoors, there will be 0 decibels; this was the unit that was going to be on top of the cooler box. He added that the condenser will not be on top of the unit, it will be inside the building.

Chair Eilenberger asked to confirm the height of the box as 8ft with a fence and plantings surrounding it. Mr. Sabaitis replied yes.

Mr. Francolino asked to confirm the unit and fence height; Mr. Sabaitis replied 8 ft.

Ms. Hayduk asked if they were presenting new plans based on Chairman Diver's comments at the December meeting, Mr. Sabaitis replied that an exhibit showed what it would look like. Mr. Sabaitis proposed that a new plan wouldn't be needed because the concept has changed with all mechanicals moved to the interior of the site. Ms. Hayduk asked about the limitation if any on the fence height, Mr. May replied that it was adjusted to 8ft when adjacent to residential.

Planning Board Attorney, Dennis Collins explained that a public comment period is not required as no variances will be granted, this is a fully conforming site plan and the applicant has agreed to all conditions. He added that this is no indication that the Planning Board approves the concept of outdoor dining. The applicant can move forward to the zoning board for outside dining.

Attorney Dennis Collins informed the board that Mr. May confirmed that there will be a light on the box and that all electrical will be underground. Mr. Cannon added that the light is at the entrance to the box on top; he added that there is no other exterior lighting.

Motion was made by Nate Novak to approve the site plan amendment with the stipulation that the mechanicals will be inside with 0 decibels outside, the fence is 8 feet tall with plantings of the same height and all utilities are underground, seconded by Mayor O'Brien; roll call taken:

AYES: Mr. Hackett, Ms. Hayduk, Mr. Novak, Mayor O'Brien & Chair Eilenberger
NAYS: None
ABSTAIN: Mr. Francolino

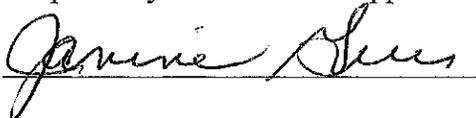
Attorney Collins announced that at the next meeting there will be a resolution adopted setting forth the conditions of this approval, the public is able to review that resolution.

New Business: Mrs. Eilenberger asked Mr. Collins about forming a committee and how many members could meet without forming a quorum; Mr. Collins offered 4 and that it would need to be the same group. Mr. Manger asked if it would be open to the public; Mr. Collins it's a committee is not really an open public forum. Mrs. Eilenberger would like a committee to review ordinances and make recommendations for revisions; she asked Ms. Hayduk, Mr. Manger and Mr. Hackett to join her; all 3 replied yes. She would get in touch with everyone to arrange meetings.

Attorney Collins announced that there is a possible application coming before the board that he will need to recuse himself, with the board authority he would reach out to Mark Kitrick, Zoning Board Attorney to come in his place. He added that having him would be advantageous with his knowledge of the Borough's land use regulations. Board members agreed.

Adjournment: On a motion by Mr. Manger and seconded by Mayor O'Brien, the meeting was adjourned without objection at 7:41 p.m.

Respectfully submitted and approved:



Date:

