

**BOROUGH OF SPRING LAKE HEIGHTS  
REGULAR PLANNING BOARD MINUTES**

**July 18, 2018 at 7:00 PM**

Flag Salute

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 website.

Roll Call:

|   |                                     |
|---|-------------------------------------|
| Eileen Eilenberger, Chairperson - Present | Also Present:                       |
| Stephen Clark - Present                   | Marc Leckstein, Board Attorney      |
| Councilman Diver – Absent                 | Brent Papi, Board Engineer          |
| Roy Francolino - Absent                   | Mary Ellen Karamus, Board Secretary |
| James Hackett - Absent                    |                                     |
| Nancy Hayduk - Present                    |                                     |
| Frederic Manger - Absent                  |                                     |
| Mayor O'Brien – Present                   |                                     |

Alt. #1 Carlos Santos – Present

Alt. #2 Erik Gardner - Present

**Approval of Minutes:** April 18, 2018 - Ms. Hayduk made a motion to approve the minutes; seconded by Mr. Gardner;  
All in favor; none opposed; Mayor O'Brien; abstain

**Correspondence and Discussion:** Resolution 2018-84 appointing Borough Planner  
4.25.2018 County Planning Board Re. Spring Lake Golf Club  
4.27.18 DEP Correspondence Re.. Block 1 Lot 1 The Mill  
5.9.2018 DEP Correspondence Block 1 Lot 1  
5.14.18 Papi Correspondence Re. 554 Church Street, LLC  
6.5.18 Borough Engineer J. May Re. Administrative review Spring Lake Golf Club PB Application 2017-02  
6.6.18 East Point (B. Papi) Spring Lake Golf Club Punch List PB Application 2017-02

Chair Eilenberger mentioned that the site plan waiver fees discussed at the 4/18/18 Planning Board meeting are being looked at by the Governing Body. Mayor O'Brien confirmed that Councilwoman King had said they would be done in the next few meetings.

Chair Eilenberger informed the board that the Master Plan Review Subcommittee was having its meeting on the following Friday.

**Old Business:** JDE Spring Lake, LLC **Application No. 2017-04**  
Block 1 Lot 1  
101 Old Mill Road  
Parking Lot Revision Portico at front door

Mr. Leckstein announced that the Mill has asked to be carried to the August 15, 2018 meeting without further notice.

Ms. Hayduk made a motion to carry The Mill application to the August 15, 2018 meeting without further notice; seconded by Mayor O'Brien. Approved by the following vote:  
All in favor; none opposed

**New Business:** Fairway Mews Community Association **Application PB 2018-03**  
Block 42.07 Lot 1  
1 Clubhouse Drive  
Addition to clubhouse, two covered entries; outdoor patio pavers and expansion

Mr. Leckstein marked the following exhibits:

A-1 5/3/2018 zoning permit denial  
A-2 5/24/18 zoning application  
A-3 1/23/18 preliminary final major site plan package; revised 2/13/18  
B-1 6/21/18 Board Engineer Papi completeness review letter

Mr. Leckstein stated that Mr. Papi has indicated that in his opinion, the application is incomplete. He added that the board should have a completeness hearing to decide whether or not the application is complete or incomplete and if the board determines that the application is incomplete, whether they will grant waivers of the missing items which would make it complete.

Mr. Papi sworn by Mr. Leckstein

Attorney Harvey York of Novins, York and Jacobus representing the applicant stated that the applicant is prepared to offer testimony to make the items which are incomplete complete.

Mr. Papi stated that he had gone through the application documents and the borough checklist. He added that several of the required items are not included in the application, such as topographic survey information; architectural drawings; elevations and other items. He deemed the application incomplete. He added that since then the applicant requested a waiver from items in his letter. He does not have an issue hearing what they have to say. It is ultimately up to the board to decide if they want to grant waivers.

Chair Eilenberger asked if they can hear the application and not grant the waiver.

Mr. Leckstein stated that the board can carry the application. He added also that an approval can be conditioned. He stated that the board shouldn't proceed until it is deemed complete or grant waivers subject to their submittal during the application.

Ms. Hayduk asked if they grant the waiver and then decide during testimony that they need more information, what happens.

Mr. Leckstein stated that they are granting the waiver for purposes of commencing the application. Information still has to be given during the course of the application. The board would be granting the waiver for completeness purposes; not for granting the application.

Chair Eilenberger stated that she feels there was not enough information provided so it will be difficult to make a decision tonight.

Mr. Leckstein said that until the board has the entire package before them that could be grounds to not deem it complete.

Ms. Hayduk agrees with Chair Eilenberger that there is not enough information presented.

Mr. York stated that the applicant is here. He added that they would like to proceed and give the board what they have prepared. If the board wants more information, they can come back if necessary. He added that the application has little or no impact on the borough due to it being within the community.

Mayor O'Brien said since they are here before the board, he would like to hear the application. If the board needs more information, they can come back.

Motion made by Mayor O'Brien to grant the waivers for the purpose of proceeding with the application for completeness purposes only; seconded by Mr. Gardner; roll call taken as follows:

AYES: Ms. Hayduk, Mayor O'Brien, Mr. Clark, Mr. Santos, Mr. Gardner, Chair Eilenberger

NAYS: None

ABSTAIN: None

Mr. York stated that this is a small addition to the clubhouse. They are adding space to the side of the clubhouse, some walkways and there will be additional parking. Mr. York added that everything being presented tonight is attached to and to be used by the clubhouse.

Ray Carpenter sworn by Mr. Leckstein

Mr. Leckstein accepted Mr. Carpenter as an expert licensed planner and licensed engineer unless the board had any objections; there were no objections.

Mr. Carpenter described the location of the property as being surrounded by Old Mill Road; Allaire Road, Route 71 and Warren Road. He stated that 18.9 acres, which is a small portion of the site, is involved in the application.

Referring to the site plan, Mr. Carpenter stated that they are proposing a 16 by 74 expansion of the existing clubhouse. They are moving the clubhouse to the east of the existing structure. They

are also removing part of the patio and constructing a new patio. There will be new landscaping, and new curbing along the planting area to delineate the planting areas. In addition, they are adding 16 parking spaces.

Mr. York asked Mr. Carpenter if the proposed construction is a significant improvement to the existing site. Mr. Carpenter said yes. Mr. York asked Mr. Carpenter in response to issues raised by Mr. Papi to describe what is around the club house Mr. Carpenter stated that Lot 1 has a crazy shape. He added that a fair amount of the bordering properties are part of the golf course. There are some residential properties to the southeast and southwest. Mr. Carpenter added that to the northeast of the structure across the street there are also some residential areas. Mr. Carpenter indicated that the project is in the center of the lot.

Mr. York asked Mr. Carpenter to describe the plan and the storm water system. Mr. Carpenter indicated that on Linden Drive, there are two catch basins. All water from the site drains down the parking lot and into the two catch basins. Mr. Carpenter stated that currently there is an internal drain system. He added there are no roof drains. Mr. Carpenter stated that he believes there is a manhole on the property that roof drainage drains into. Mr. York asked Mr. Carpenter if that will be verified as part of the application. Mr. Carpenter said yes. Mr. York asked if the addition has an effect on the drainage in the area. Mr. Carpenter stated due to the size of the lot and the open space around the property, it is de minimus.

Mr. York asked if plans with ADA parking spaces showing that elevations are in compliance with ADA will be submitted. Mr. Carpenter stated that that information has not been submitted but has been done and that it complies with site plan requirement.

Mr. Carpenter stated that a total topographic survey of the 19 acres would be onerous on the applicant. Mr. Carpenter added that based on the location, nature and configuration of the site in the center of the lot, that usual zoning requirements such as setbacks and building coverage, do not apply in this project. He added that there is no zoning impact on the zone plan and zoning ordinance of the Borough of Spring Lake Heights. Mr. Carpenter said a partial survey of Lot 1 will be drawn, sealed and submitted.

Mr. York asked if the revised plan will show utility information, elevations and additional information that is necessary and requested by the engineer. Mr. Carpenter said yes. Mr. York asked if the item is technical in nature, it can be reviewed by the borough planning board engineer. Mr. Carpenter said yes. Mr. York pointed out that the engineer has determined that delineation of setbacks is not necessary. Mr. York asked about lighting that is proposed and the request of the waiver of the formal lighting plan. Mr. Carpenter said the building has lighting on it; the architect's plans will show that. Mr. Carpenter stated it is his understanding that the parking lot has no lighting now and there are no plans to put lighting in. Mr. York asked if the revised plan will address plan review comments. Mr. Carpenter said yes. Mr. Carpenter added that the application is an expansion of the building; it currently is not serving the purpose of the community at this time; it is a de minimis expansion.

Mr. York had no further questions of Mr. Carpenter.

Mr. Leckstein asked other than submitting a light plan, if the applicant is agreeing to comply with Mr. Papi's review letter. Mr. Carpenter added also the topographic survey of the entire lot.

Ms. Eilenberger asked if there are any lights in the parking lot now. She added that the end of the parking lot is far from the building. Mr. Carpenter said no. Mr. York stated that the architect will

testify to that. Mr. Santos asked why there are no lights in the parking lot; isn't it dark. Mr. York indicated the architect will testify to the lighting. He added that there are some lights in the parking lot.

Mr. Papi inquired about the current and the proposed use of the building. He also asked for the location of handicap parking. Mr. Carpenter replied it is delineated on his plans. He added that it is on either side of the entranceway. Mr. Carpenter stated that they will have an additional handicap spot due to the expansion of the parking lot. He added he will confirm dimensions. Mr. Papi asked if the ramp is existing. Mr. York said yes. Chair Eilenberger asked if that is where the handicap spot currently exists. Mr. Carpenter said yes.

Mr. Leckstein asked if Mr. Papi was okay with the two waiver requests. Mr. Papi stated a partial topographic survey is okay. He added that he would like to see contours and style elevations along the existing parking lot, the pool, within the vicinity of the proposed area of the parking lot and along ADA access routes. Mr. Carpenter said that will be provided in more detail.

Mr. Papi asked where water will go since the patio is not going to be covered. Mr. Carpenter indicated that the patio will drain down to the landscaping plan; to the cart path; to the street; to the drainage system. Mr. Papi stated that he would like to look at that closer. Mayor O'Brien asked if the patio is currently covered. Mr. Carpenter said that the existing patio is being expanded and that a portion of that will be removed and replaced. Mayor O'Brien asked if the building is emptying into the manhole. Mr. Carpenter said yes. Mr. Papi asked will the patio be accessible from the parking lot. Mr. Carpenter said yes. Mr. Carpenter added that the patio will not have a wall around it, but will have landscaping curb around the planting area.

Ms. Hayduk asked about the square footage of the total area of disturbance on the parking lot and extended patio. Ms. Hayduk asked if they were adding 72 feet to the parking lot. Mr. Carpenter said they are adding 72 feet to the building. Mr. Carpenter said 1,150 square feet approximately. Ms. Hayduk asked if that is the parking lot and the building area. Mr. Carpenter stated that is the building addition. He added that the parking lot area is approximately 4,600 square feet. Mr. Carpenter stated that is the required additional parking for the expansion. Ms. Hayduk asked if the parking lot drains onto Linden Drive. Mr. Carpenter said that the drainage goes down the middle of the parking lot. Ms. Hayduk asked how many spaces are being added. Mr. Carpenter said 16.

Mr. Papi asked if there is a fence around the pool from the parking lot. Mr. Carpenter said yes. Mr. Papi asked how high the fence is. Mr. Carpenter said he believed 4 feet. Mr. Governale commented 6 feet.

Mr. Leckstein asked about the light waiver. Mr. York said the architect will testify to what is currently there but it is not on the plan.

Mr. Santos asked if during construction of the parking lot will there be filter bags, storm water, catch basin bags, and some type of filtering. Mr. Carpenter stated yes. He added that a filter system is required.

Mr. Papi stated he would like to see different fonts showing the proposed and existing elevations to show the difference in grade between the pool and patio area. Mr. Carpenter said it will be shown in different tones. Mr. Papi stated he would like to see spot elevations around the pool and existing finish floor elevations. Mr. Papi asked if it is a sanitary manhole in the sidewalk.

Mr. Carpenter said yes. Mr. Papi asked Mr. Carpenter to also label widths on the paths. Mr. Carpenter agreed.

Chair Eilenberger asked if there were any further questions for Mr. Carpenter.

Dan Governale sworn by Mr. Leckstein

Mr. Leckstein accepted Mr. Governale as an expert as a licensed architect unless the board had any objections; there were no objections.

Mr. York asked Mr. Governale to describe the proposed and actual uses and changes in the structure of the application, and why it is being done.

A-4 7/10/2018 Phase II alterations to Fairway Mews Community Association consisting of two sheets

Mr. Governale stated that currently the building is a one story post and beam constructed wood frame building with a flat roof. The building is divided into two areas by a vestibule entrance. The west side of the floor plan has been renovated and converted to the plan before the board. The multipurpose room, meeting room, library, and restrooms were updated in anticipation of Phase 2. There will be larger multipurpose room and pro shop spaces. Mr. Governale added that it is ADA compliant.

To the east side of the plan, the building ends right along where the existing 32 foot dimension line is. A 16 foot addition to the east is being proposed. Currently the spaces end there. The kitchen space, multipurpose room, pro shop exists. They are proposing an expansion to increase use, size and capacity. Mr. Governale added they will be constructing on top of the existing concrete patio that is used as transitional space and entertainment. There are sliding doors that provide indoor and outdoor passage onto the patio space. Mr. Governale stated that they are recreating what is there today; they are just expanding it.

Mr. Governale stated that in addition to changes in the floor plan, they are proposing modifications to the exterior. He indicated that on the plan the area of a new portico is labeled. Mr. Governale indicated that by creating a portico and entrance to the pro shop and main vestibule, they are highlighting the traffic from the parking lot.

Mr. Governale said that currently the lighting consists of sconces, coach lights on the exterior of the building located on existing posts that wrap around the building. They are proposing using the same type of lighting wrapping around to the new patios space. Mr. Governale said the lighting will give off light 15-20 feet away from the building. There are three lights at the south end of the parking lot spaced where the 18<sup>th</sup> hole and parking lot come together.

Mr. York stated that the applicant will amend the engineer site plan to show the existing lights. Ms. Eilenberger asked if they are adding light poles. Mr. Governale said no. They will replicate the lights at the patio. Ms. Hayduk stated that currently there are no specs before the board for the existing post. She asked if the board will receive that. Mr. York said yes. Mr. York added that there is existing lighting in the parking lot which will remain. Mr. York added that three exist now to the south. Mr. York said they will add another light pole to the west and the details will be provided to the board. Ms. Eilenberger said they have to meet Borough requirements.

Mr. York asked if the design of the building and the exterior is an upgrade to what exists. Mr. Governale said yes.

Mr. Governale added that the building now has a flat roof. He indicated that mechanical equipment on the roof will be screened better than it is today.

Mr. Papi pointed out the awning on the north side. Mr. Governale stated that this is an existing patio to the north with an existing seasonal awning. Mr. Papi requested that the patio extension be shown on the site plan.

Ms. Hayduk stated that she would like to see what exists and what is proposed. She added that it is difficult to see it. Mr. York stated that the total construction addition is shown on the architect plan.

Mr. Leckstein stated that he does not know what is being presented based on being told what they are going to provide and what is being added to what is before the board. He would not be able to write a resolution as of now. Mr. York stated that the architectural plans are an accurate portrayal. Ms. Hayduk said it is hard to envision what currently exists. She added that they do not even have a photograph. Mr. York said the architect will take the plan and white will show what exists and color will be added to show what is proposed.

Ms. Hayduk stated that she would like to see actual square footage of the building, the existing parking lot, the existing patio and the proposed square footage. Mr. Papi added that the 16 by 16 patio extension underneath the awning extension needs to be added to the site plan. He added that it does not show what are pavers and what is concrete. Mr. Papi added that if the patio that is not delineated is being extended, it needs to be shown.

Chair Eilenberger quoted the ordinance regarding visibility of mechanical equipment on the roof. Mr. York said they will submit that. Mr. Governale said their plan improves the existing condition.

Chair Eilenberger asked if there were any other questions.

Mr. Leckstein asked the board about the lights. Chair Eilenberger said they need to see something. Mr. Papi indicated such as a lighting plan showing proposed and existing poles and lights. He added that a point to point analysis is not necessary but a photometric on the plan to show the throw of light would be.

Chair Eilenberger said the board could not decide tonight. Mr. York stated that he agrees. He added that they would like to answer as many questions as possible. He stated that they will come back and that the board should let them know what they want. Ms. Hayduk stated that the board needs to be consistent with zoning as well as protect the community. She stated that the board does not have enough information. Ms. Hayduk indicated that they need a proposed and existing lighting plan in the site and architect plan. Mayor O'Brien stated that pictures of the existing structure would be very helpful. Mayor O'Brien stated that from the plans it is not clear what is the new and what the existing square footage of the patio is. Mr. Gardner asked about the bulk table waiver. Mr. Papi stated that he feels that a bulk table does need to be added to the plan; Mr. Leckstein stated it should be added. Mr. Leckstein confirmed to Mr. York that the bulk table is not being waived. Mr. Carpenter asked what he would base that on. Mr. York stated the existing zoning and/or setbacks. Mr. Papi indicated that Mr. Carpenter can look at the zoning and do their best. Mr. Papi stated that a partial topographic is fine. Mr. Papi added that the lighting plan is needed.

Ms. Hayduk confirmed that there was no decision to be made tonight; the Board is waiting to hear everything.

Chair Eilenberger asked if Fairway Mews is one lot. She added that would determine the bulk chart. Mr. York asked Mr. Carpenter where is Lot 1. Mr. Carpenter indicated it is the shaded area on the plan. Chair Eilenberger asked if the bulk can be done just for Lot 1. Mr. Leckstein stated that the applicant should do an approximate, get it to Brent before the next meeting and see if that is enough for him. Mr. Carpenter added that it is an unusual situation based on the zoning.

Ms. Hayduk asked if there have been any previous site plan amendments and/or resolutions of the planning board regarding the clubhouse since it was built. Mr. York said not to anyone's knowledge.

### **Voice of the Public –**

Chair Eilenberger opened the voice of the public to any questions or comments of the witnesses.

Juliana Hayes-Labruto, 1000 Allaire Road stated that she is not in favor of the application. The applicant has existing issues with the parking lot lighting that will be expounded by the proposal. The southwest pole lights remain on all night long and they shine into their house. She has spoken to Fairway Mews management about resolving the lighting. It has not been resolved.

#### **A-5 – Google map of area**

Mr. York asked Ms. Hayes-Labruto to show her house on the corner of Greve and Allaire Road. He indicated her property is approximately 600-700 feet from the site. Ms. Labruto said that 600-700 feet shows that they are a problem since it shines into her house from that distance. Mr. Papi stated that any lights proposed will be shielded and comply with spillage requirements. Mr. Leckstein said the application can be approved by the board with the condition that the lights are shielded. Ms. Hayes-Labruto said she would appreciate that.

Kevin Kilgannon, 36 Linden Drive stated that he had not seen plans; he did not know the application was coming before the board. Mr. Leckstein stated the legal requirements for notice have been met. Mr. Kilgannon asked if the tee off will be moved. Mr. Carpenter said no. Mr. Kilgannon stated that he has runoff concerns. Ms. Hayduk said they are waiting for plans. He stated his daughter's unit is the closest unit to the clubhouse. He is concerned about the drainage as well as the lighting and the effect of the parking on his daughter's unit. He stated that he would like to see the 4 designated spots be assigned to her unit. Mayor O'Brien said the parking spots are more of an association matter. It is not up to the board. Mr. York stated the 4 spots are an association issue but that anyone can park there. Mr. Kilgannon feels the applicant was not prepared for the hearing tonight. Mr. Leckstein asked Mr. Kilgannon where his residence is. Mr. Kilgannon responded 121 McBaine Avenue, Staten Island, New York. Ms. Hayduk stated that the plans are available for review for the public at Borough Hall.

### **Voice of the Public – Close**

A motion to carry the application to the August 15 meeting without further notice was made by Ms. Hayduk; seconded by Mayor O'Brien.

All in favor; none opposed; no abstentions .

Mr. Leckstein announced that the application will be carried to the August 15, 2018 7:00 meeting without further notice.

**Adjourn:** On a motion by Ms. Hayduk and seconded by Mayor O'Brien, the meeting was adjourned without objection at 8:17 p.m.

Respectfully submitted and approved:

*May Ellen Kavanagh* Date: 08-15, 2018  
Board Secretary