

**BOROUGH OF SPRING LAKE HEIGHTS
REGULAR PLANNING BOARD MINUTES
APRIL 17, 2019 – 7:00 P.M.**

Flag Salute

Swearing in of newly appointed or re-appointed members by Mayor O'Brien:
Carlos Santos, Elizabeth Stader, Christopher Willms

Roll Call:

Eileen Eilenberger, Chairperson - Present	Also Present:
Stephen Clark - Absent	Marc Leckstein, Board Attorney
Councilman Willms – Present	Jennifer Beahm, Board Planner
Roy Francolino - Present	Mary Ellen Karamus, Board Secretary
Nancy Hayduk - Present	
Frederic Manger - Absent	
Mayor O'Brien – Present	
Erik Gardner – Absent	
Carlos Santos - Present	

Alt. #2 Elizabeth Stader - Present

Approval of Minutes: January 16, 2019, Re-organization and Regular Meeting

On a motion by Ms. Hayduk; seconded by Mayor O'Brien, the minutes were approved by the following vote:

All in favor
None opposed
No abstentions

New Business: Resolution 2019-05 Appointing Jennifer Beahm of Leon S. Avakian, Inc. Planning Board Planner

On a motion by Ms. Hayduk, seconded by Mayor O'Brien the Resolution was approved

Roll Call As follows:

AYES: Mr. Francolino; Ms. Hayduk, Mayor O'Brien; Mr. Santos; Ms. Stader;
Councilman Willms; Chair Eilenberger

NAYS: None

ABSTAIN: None

Correspondence and Discussion: 2019 Member/Professional Contact List

January 25, 2019 B. Papi Correspondence re. Fairway
Mews Resolution Compliance Review #2

February 27, 2019 B. Papi Correspondence re. Fairway
Mews Resolution Compliance Review #3

Ms. Hayduk stated that the Mill had received a temporary CO. Ms. Hayduk added that the Mill was not following and complying with their resolution. Ms. Hayduk asked if Mr. Leckstein had suggestions regarding what actions the borough could take to enforce resolution compliance. Mr. Leckstein stated a CO should not be issued if an applicant is not in compliance with conditions of their resolution. Ms. Hayduk asked if there were measures that the planning board could take. Mr. Leckstein stated that Mayor and Council has options. Mr. Leckstein added that if an applicant is not in compliance with their resolution, an ordinance is not needed for the building department to not issue a CO. Mr. Leckstein stated that if there is a temporary CO and conditions are not being followed, then a stop work order can be issued and a summons for court can be given. Mr. Santos asked if the concern was safety or a stormwater issue. Mayor O'Brien stated there were no safety issues with the Mill when they were issued a temporary CO. Ms. Hayduk asked if a temporary CO can be revoked. Mr. Leckstein stated yes; although he has not seen this specific temporary CO. Mayor O'Brien stated that to his understanding, it was issued with conditions for items that needed to be taken care of during the timeframe of the temporary CO. Ms. Hayduk stated that the Mill still needs to comply with stormwater conditions. Ms. Hayduk added that the work being done at the Mill exceeds what the approval was given for. Ms. Hayduk added that they should come back before the board with any new plans. Ms. Hayduk suggested an ordinance is needed. Mr. Leckstein stated the planning board can make recommendations to the Mayor and Council. Councilman Willms stated that in Sea Girt if the planning board engineer finds that there is an issue with compliance, the zoning officer can revoke zoning approval and work must be stopped and then fixed or come before the board. Mr. Leckstein stated an ordinance is not needed to do that. Ms. Hayduk stated a zoning permit being revoked would be effective and may be a quicker way to handle it than to go through the construction officer. Mr. Leckstein added that zoning ordinances may be looked at while going through the Master Plan review. Mayor O'Brien agreed that that would be a good idea.

Chair Eilenberger reviewed meeting procedures and asked the new and current members of the board to review the Rules and Regulations of the Planning Board. Chair Eilenberger also asked the board to review meeting materials and to go by an application site before meetings. Mr. Leckstein stated that the site should be looked at and it should be announced at the meeting for the application. Mr. Leckstein added not to discuss an application online or to neighbors if an application is being spoken about in person or online.

Chair Eilenberger referred to the board contact list. Mr. Leckstein added to never send a group email; it is considered a quorum and it is a violation of the Open Public Meetings Act. Mr. Leckstein added if a board member has a question of him, to email him separately; not to email the whole board.

Master Plan Review discussion

Chair Eilenberger stated that the master plan review is at the point where she wanted to discuss recommendations and specifically Route 71. She explained her handout for the board to follow. Chair Eilenberger asked the board to take the handout home, review it and if there are any questions to let her know.

Ms. Hayduk asked about the tax impact if zones are changed on Route 71. Chair Eilenberger stated she does not have an answer to that.

Chair Eilenberger stated there are currently several gas and service stations; conditional use may be an option. Chair Eilenberger added that there are many banks as well. Chair Eilenberger stated outside dining is an issue.

Mayor O'Brien indicated that he would not be opposed to making auto-related businesses a conditional use. Mayor O'Brien added it is difficult to change the use of a gas station due to environmental issues. Ms. Beahm suggested the board should look forward and think of what they would want to see in that corridor not what is there; this is a forward 10-year look. Ms. Beahm stated there is the option to remove a permitted land use from the zoning if there is an ample amount of a type of business. Ms. Beahm added that the existing businesses would remain, but the use would be removed from the zoning. Ms. Beahm added if someone wanted to come in with a new business of that type, they would then have to apply for a use variance. Mayor O'Brien asked if ownership switched, would it be a permitted use. Mr. Leckstein stated it would remain a permitted use if it is a continuous use. Mayor O'Brien stated he would agree with that if the existing business can remain.

Mayor O'Brien stated he is supportive of outdoor dining. Mayor O'Brien added that the amount of possible outdoor dining on the Route 71 corridor would not cause more traffic and/or parking problems. Mayor O'Brien added that the ordinance does not say it is permitted or not permitted. Ms. Hayduk stated that the parking seems to be the issue more than the outdoor dining. Mayor O'Brien stated parking for residents can be improved; there are options such as permit parking only or meters can be considered for non-residents. Mayor O'Brien added that income from meters can be used to support enforcement of the parking rules by a special officer. Chair Eilenberger mentioned that there are a few small places in town that do have outdoor seating. Ms. Hayduk suggested checking on site plans for some existing businesses in town and see if they are complying with their employee parking.

Ms. Beahm stated indoor recreation is currently a trend in other towns that the board may want to look into. Ms. Beahm stated it helps with commercial vacancies.

Chair Eilenberger asked for thoughts on commercial/residential use and motels. Mayor O'Brien mentioned Airbnb and asked if there is a way to regulate them more, as well as the need for Airbnb users to meet CO inspection requirements. Ms. Beahm stated that it is hard to regulate because it is a website but she has suggested to other towns a registration for homeowners using Airbnb with a fee and a permit, as well as fines if not complied with. Mr. Leckstein explained police enforcement would be involved with a registration requirement versus a zoning ordinance. Ms. Hayduk pointed out that Belmar

has quality of life regulations and that fines are given to landlords. Ms. Hayduk added the fines go up for the number of infractions.

Chair Eilenberger mentioned motels on 71. Mr. Leckstein suggested a conditional use. Ms. Beahm also said to make sure there is enough property when considering that. Chair Eilenberger stated she thinks bed and breakfasts are more in keeping with the town. Chair Eilenberger also stated she has heard of possible assisted living on 71. Ms. Beahm said that is not a bad use; it does not add much to traffic, but you need a big enough area for the use. Chair Eilenberger mentioned apartments and/or condos over commercial use. Ms. Hayduk stated she likes that use. Mayor O'Brien mentioned properties on 71 that are currently used as residential but are in a commercial zone as well as properties that do not front on 71 but are in a commercial zone. Mayor O'Brien stated that it can be difficult for those residents to sell their homes. Chair Eilenberger stated that is something to be thought about. Ms. Beahm stated there are times when zones are improperly zoned.

Chair Eilenberger stated regarding residential zoning, currently only single-family dwellings are allowed. Ms. Eilenberger added that there are 8 apartment complexes and approximately 5 condominium/townhouse complexes and Fairway Mews which is zoned R1 zone.

Chair Eilenberger asked the board for their thoughts on townhouses. Ms. Beahm said the board first should determine if residential development along 71 is wanted, and if so, what type. Ms. Hayduk stated that the existing townhouse and condo development on 71 is nice. Ms. Hayduk added that she also feels a mixed use with a business on the bottom and residential on top is a good use. Mayor O'Brien stated there are some properties where he would prefer a few townhomes as opposed to 3 houses being put up. Mr. Leckstein stated there are different use options and that another town he knows of has both a provisional use section and a conditional use section which are different from each other. Ms. Beahm stated conditions can be very specific and use variances can be sought which gives a town more control. Ms. Beahm added that the board should keep in mind that area and size is important when looking at planning for townhomes and decisions on what you want to see along the 71 corridor.

Chair Eilenberger stated public parking for public access to businesses should be looked at which might bring desirable businesses into town. Ms. Hayduk stated there are not many options for different types of businesses. Ms. Hayduk added that she thinks West Belmar is the most alike community to compare development on 71 in Spring Lake Heights to. Mr. Santos stated that businesses are hard to see on 71 in West Belmar. Chair Eilenberger asked what is most beneficial to the town and the most attractive options for 71.

Ms. Beahm stated that, as an example, along 71 from Shore Road to Warren Avenue, the interior lots are occupied by residential but zoned commercial; she recommends adjusting the residential zone line. Ms. Beahm stated there could be a R5 and a R5A zone. Chair Eilenberger stated she would like to leave residential where it is and have mixed use for residents that are there and for the possibility of townhouses or bed and breakfasts. Ms. Beahm clarified mixed use to her is more of an apartment over retail. Chair Eilenberger asked about townhomes. Mr. Leckstein stated there are considerations, such as school capacity and number of people moving in to think about. Ms. Beahm stated you should

determine the section of a community where you want something and then determine a zone for it. Ms. Beahm added that when zone changes are made, you will have some people happy with the changes and some who are not. Ms. Beahm suggested that if someone has a thought or vision for what may be a good idea, they should share it and it may or may not be a good way to go. Ms. Beahm added the master plan review is a work in progress and hopefully by the end of summer there can be a public hearing.

Chair Eilenberger asked if anybody had anything else.

Mr. Leckstein stated that the Voice of the Public is not required for the planning or zoning board. Mr. Leckstein added that an application that is not before the board may be brought up during the voice of the public and that is not proper. Mr. Leckstein stated it is up to the board but they may want to get rid of it as part of the agenda. Mayor O'Brien stated that people can still comment on an application that is presented to the board during the application.

Old Business:

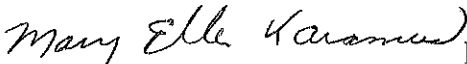
Voice of the Public

Adjourn: On a motion by Mayor O'Brien and seconded by Ms. Hayduk, the meeting was adjourned without objection at 8:35 p.m.

Approved by the following vote:

All in favor
None opposed
No abstentions

Respectfully submitted and approved:



Mary Ellen Karamus
Board Secretary

Date: June 19, 2019