

**BOROUGH OF SPRING LAKE HEIGHTS
REGULAR PLANNING BOARD MINUTES
VIRTUAL MEETING MINUTES
MAY 20, 2020
7:00 P.M.**

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:

Also Present:

Stephen Clark - Present
Roy Francolino – Present
Frederic Manger – Present
Nancy Hayduk - Present
Mayor Campion- Absent
Adam Anzzolin – Present
Peter Gallo - Present
Councilman Christopher Willms - Present
Eileen Eilenberger, Chairperson - Present

Marc Leckstein – Board Attorney
Mary Ellen Karamus, Board Secretary
Brent Papi – Board Engineer

Alternate #1 Elizabeth Stader - Present

Approval of Minutes: No Minutes Presented for Approval

Correspondence: None

Discussion: None

Old Business: **Resolution 2020-06**

Application Number PB 2019-04

Spring Lake Golf Club - Clubhouse

901 Warren Avenue

Block 25 Lots 11 ,13 & 27

Addition to existing clubhouse, covered patio, uncovered patio and parking area modifications.

Chair Eilenberger stated that she appreciated that Mr. Leckstein, in the Resolution, under Number 9 Conditions, included “Subject to all representations made by the applicant during the application.” Mr. Leckstein stated that he believes that is included in all of his resolutions.

Chair Eilenberger asked Mr. Papi if he had received information for the lighting plan, the construction plan phasing for the project, the parking spot near the fire hydrant and the relocation of the existing fire hydrant that were mentioned in the conditions of the resolution.

Mr. Papi stated that is what has to be looked at. Mr. Leckstein stated that information usually comes after a resolution has been adopted. Mr. Leckstein stated that the only thing that was to commence

before the adoption of the resolution was the berm, which, to his recollection from the last meeting, applicant had said work would begin on immediately before the resolution was adopted. Ms. Stader stated that it did not look like much had been done on Park Avenue, other than beginning a split-rail fence. Ms. Stader added that the new fence was very attractive. Ms. Hayduk stated that inside the golf club is a different view than from the outside. Ms. Hayduk added that the outside view is not mowed, not manicured, and is covered with weeds. Ms. Hayduk stated that the split rail fence looks great. Ms. Hayduk added however, work needs to be done. Ms. Hayduk stated that the property on the inside of the club is impeccable. Ms. Hayduk stated that she had been to the site earlier in the day and had taken pictures. Ms. Hayduk added that in order to mow the berm, since it is so steep, a lawn mower is hung from a rope to mow it. Ms. Stader stated it is not a lawn. Mr. Gallo agreed. Mr. Gallo asked if the club was taking advantage of the State shut down due to covid. Ms. Hayduk added that she would move on the memorialization of resolution but would like to see no construction permits issued until the berm and Park Avenue are both addressed.

Chair Eilenberger stated that the applicant agreed, as a condition of approval, that there had to be continued maintenance of the berm and that work would immediately commence.

Mr. Peter Kenny, Vice President of the Board of the Club stated that Ms. Culligan is on the meeting. Ms. Culligan stated that to her recollection the club did not state that they would begin work on the berm before the resolution was adopted. Ms. Culligan added that a lot of work has been done on the perimeter of the property. Ms. Culligan added that a requirement of the previous application was to fix the chain link fence where there were holes and falling down. Ms. Culligan said that Code Enforcement had come to the club and went over how to fix the chain link fence with the greens superintendent. Ms. Culligan said that the club decided to take down the chain link fence and put in a split rail fence and that that fence is in the process of being completed. Ms. Culligan stated that the berm may not look nice, but it is being worked on and that the club is trying to do what was requested. Ms. Culligan said the club is cutting down fescue and is complying with what was asked for at the Planning Board meeting. Ms. Culligan said that the berm will look better but that it is an ongoing process. Ms. Culligan said that it had nothing to do with covid and that the club is doing what they thought was asked of them and more. Ms. Hayduk stated that the whole back area is overrun with weeds and that maintenance of the berm on Park Avenue and getting rid of fescue was discussed. Ms. Culligan stated that the club had agreed to cut the fescue down to 3 inches, which was said at the prior meeting. Mr. Leckstein stated his recollection is that the board was close to not voting on the application at the previous meeting because of the berm and public concerns. Mr. Leckstein added that the suggestion was made by applicant that the berm would be taken care of right away and they were not going to wait until the resolution. Ms. Culligan stated that she remembered that they agreed to cut to 3 inches and that was acceptable. Ms. Culligan added that the club thought that they were ahead of what was being asked by the board and that the club is working in good faith. Mr. Leckstein stated that the resolution can be pulled if the board has concerns that the applicant has not complied. Mr. Leckstein added that the resolution can be amended to state no construction permits will be issued until the berm is taken care of properly. Mr. Leckstein stated that it is up to the board how to proceed. Ms. Culligan stated that it is a disadvantage that they have not seen the resolution. Ms. Culligan stated that she feels that the board is ignoring that the fence was ripped down and replaced with a beautiful fence. Ms. Culligan added that neighbors have commented that the fence is beautiful and that the values of their homes are being improved. Ms. Stader stated that the fence is not being ignored; that she and Ms. Hayduk both stated that the fence looks beautiful but that the berm is still not being maintained and still does not look good.

Mr. Gallo asked Ms. Culligan to explain what has been done to the berm since the meeting in February. Ms. Culligan stated that the fescue grass has been cut down. Ms. Culligan added that grass has been cut back. Ms. Culligan added that the club understands and that they are committed to making it look better than last year and that if, when building permits are to be obtained, the board feels the club has not achieved that, permits can be held up. Mr. Manger asked Ms. Hayduk when she last saw the berm area. Ms. Hayduk stated she had seen it a few hours before the meeting and that she had pictures. Ms. Hayduk

stated that the grass length was cut but that there is crab grass and weeds. Ms. Hayduk added that the aesthetic of the berm and its environment is not being taken care of. Mr. Rob Anen stated that wood piles were taken care of the week after the last meeting. Ms. Hayduk stated the wood pile was removed as a provision of the new entryway application and is 2 years overdue. Ms. Hayduk stated that was a prior condition of a prior application. Ms. Hayduk added that it was only done because the present application resolution was conditioned on it being done. Ms. Culligan stated she drives all around the club every day to check on the progress of the work. Ms. Hayduk asked Ms. Culligan if she feels it looks good. Ms. Culligan stated it is a work in progress and if given a little time, it will look better. Ms. Culligan stated that the club is trying to work with the town.

Ms. Hayduk stated that Park Avenue residents are not asking for much. Ms. Hayduk added that visually the berm is obnoxious; it is awful and that it is the club's job to make it look as nice as possible. Ms. Hayduk added that once the resolution is signed off on, the town has no recourse. Ms. Culligan stated that she has not seen the resolution but if the resolution says the berm needs to be taken care of or the club cannot get a permit, then they cannot get a permit. Mr. Leckstein stated that the problem is that there was no specificity with regard to the berm, other than it is to be made aesthetically pleasing. Ms. Culligan stated that the club is looking at ways to improve the berm. Ms. Culligan said the club has spoken to landscapers and has gotten bids to improve the berm. Ms. Culligan added that the club is not ignoring what the board is saying. Ms. Culligan stated that after cutting the fescue to 3 inches, she thought it would look fine in the summertime. Ms. Hayduk stated it does not look fine. Mr. Leckstein stated that the representation was made at the last meeting that the berm would be taken care of and that it sounds like that has not been done. Ms. Culligan stated that it is going to be done. Ms. Culligan added that maybe the fence should have been done after the berm. Ms. Culligan stated that the club is trying to take care of the berm.

Mr. Leckstein stated that if the board wants to carry the resolution to the next meeting for more specificity; then the board can decide to carry the resolution. Mr. Leckstein stated that the only power the board has is to adopt or not adopt the resolution. Mr. Leckstein added that maintenance of the berm is a continuing condition, and the club can be cited by code enforcement for not maintaining the berm so there is power under the resolution but planning boards do not have powers of enforcement.

Chair Eilenberger asked for board comments. Mr. Clark stated that he would like to keep the resolution as is and then involve code enforcement who deal with things of this nature, such as unkept lawns, etc., who would be a better judge than the board. Mr. Clark added that would be better than the board talking about it on a monthly basis. Councilman Willms stated that he agrees with Mr. Clark. Councilman Willms added that he feels the resolution is good. Councilman Willms added that no one on the board can make a determination on what is aesthetically pleasing; that that is up to code and zoning enforcement. Councilman Willms stated it will be a continuing condition of the resolution. Councilman Willms stated that the board has talked about it enough and he would like to take a vote. Ms. Hayduk stated that it is not appropriate for the code enforcement officer to decide what is aesthetically pleasing. Chair Eilenberger stated that she appreciates the new fence, but people see the berm every day and it is concerning to people in town. Chair Eilenberger stated that she does not want to see the golf course not have their new addition, but people who live there look at this every day and it is reasonable to be asking for it to be maintained and attractive.

Ms. Hayduk described photographs taken the day of the meeting. Ms. Stader stated that the fence looks great, but who considers what is aesthetically pleasing and what is not. Ms. Stader stated she would like the inside and outside of the course look the same. Ms. Hayduk identified a photograph of the berm. Ms. Hayduk asked Ms. Culligan if she sees the berm. Ms. Culligan stated she sees photographs. Ms. Culligan stated other options are being looked at to make the berm attractive.

Mr. Papi stated that he does not know the exact height of the berm; it exceeds a 3 to 1 slope; it is a nonmaintainable slope and is dangerous if trying to drive a lawnmower or maintenance equipment on it. Mr. Papi stated that in his opinion, the berm, like the berm along the front of the property on Warren Avenue, should be landscaped or planted. Mr. Papi added that grass growing on the berm would be non-

maintainable. Mr. Papi added that there should be a landscaping plan along the front of the berm or changing the slope to make it more maintainable should be considered. Mr. Papi stated he does not know who approved the berm originally and does not remember seeing it on any plans or seeing it come through the town on an application. Mr. Papi stated it will be complicated until a landscaping scheme is decided on. Mr. Papi added that he has not seen any landscaping plans for the berm. Ms. Culligan stated a landscaping scheme or plan is being looked at that would be low maintenance similar to what is at the front entrance where lawn mowers can go on some grass but it is mostly wood chips and sea grass and other plants that do not require much maintenance. Ms. Culligan added that bids are being looked at. Mr. Papi asked if a schematic can be submitted to show what the club is proposing. Ms. Culligan stated yes, that can be done.

Ms. Hayduk asked when the club wanted to start construction. Ms. Culligan stated the fall.

Mr. Papi stated he does not know where in the process the applicant is with NJ DEP and various permit applications associated with the project. Mr. Papi stated he is waiting to be copied or see correspondence related to that. Mr. Papi added that an LOI permit can take four to six months; he had hoped that it had been progressing while waiting for the resolution but he has not seen anything. Mr. Papi added that NJ DEP permit applications become part of final compliance and final permitting. Mr. Papi stated construction permits, schedules and final compliance require permits to be submitted. Mr. Papi added that since a construction schedule is being discussed, he hopes that permits have been initiated in anticipation of an end of summer/early fall construction start. Mr. Papi added that permitting is an important part of construction scheduling.

Mr. Manger stated that the board has to determine what is acceptable for maintaining the berm. Mr. Manger added that it should be less dangerous to maintain and attractive. Mr. Leckstein stated that the resolution can be amended to say that, although not stated at the meeting, that a landscaping plan for the berm has to be submitted subject to Brent's approval. Mr. Manger agreed; Ms. Stader agreed. Mr. Leckstein asked if applicant agreed. Ms. Culligan said yes. Mr. Papi stated that is the best way to achieve what is being looked for. Mr. Leckstein stated that he will add an amendment to the resolution and the board can vote with the amendment if they want to. Ms. Hayduk asked Mr. Leckstein what the amendment will say so everyone is on the same page. Mr. Leckstein stated that Paragraph 7, which is Condition 7 says "Subject to proper maintenance of the berm located at the 16th green so as to ensure it is aesthetically pleasing for those along the road." Mr. Leckstein stated that the words "A landscaping plan shall be submitted to the Board Engineer for his review and approval. Proper maintenance of this berm shall be a continuing condition of this resolution" will be added. Chair Eilenberger asked if that is acceptable to the golf course. Ms. Culligan stated yes. Ms. Hayduk stated it is a good solution moving forward.


On a motion by Ms. Stader, seconded by Mr. Manger, Resolution 2020-06 was approved as amended; roll call taken as follows:

AYES: Mr. Clark, Councilman Willms, Mr. Francolino, Ms. Hayduk, Mr. Manger, Mr. Anzzolin, Mr. Gallo, Ms. Stader, Chair Eilenberger
NAYS: None
ABSTAIN: None

New Business:

Adjourn: On a motion by Mr. Gallo; seconded by Mr. Manger, the meeting was adjourned without objection at 7:51 p.m.

Respectfully submitted and approved:



Mary Ellen Karamus, Board Secretary

Date: September 16, 2020