

**BOROUGH OF SPRING LAKE HEIGHTS
REGULAR PLANNING BOARD MINUTES
VIRTUAL MEETING MINUTES
DECEMBER 16, 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 Maclearie – Present
Mayor Campion- Absent
Adam Anzzolin – Present
Peter Gallo - Absent
Councilman Christopher Willms - Present
Chairperson Eileen Eilenberger - Present
Alternate #1 Elizabeth Stader – Present
Alternate #2 Joseph Tompey - Absent

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

Approval of Minutes: September 16, 2020 - On a motion by Mr. Manger; Seconded by Councilman Willms, the minutes were approved by the following vote:
In Favor: Councilman Willms, Mr. Francolino, Mr. Manger; Mr. Anzzolin, Ms. Stader; Chairperson Eilenberger
OPPOSED: None
ABSTAIN: Ms. Maclearie, Mr. Clark

October 21, 2020- On a motion by Mr. Manger; Seconded by Ms. Stader, the minutes were approved by the following vote:
AYES: Councilman Willms, Mr. Manger; Mr. Anzzolin, Ms. Stader; Chairperson Eilenberger
OPPOSED: None
ABSTAIN: Mr. Clark, Mr. Francolino

Correspondence:

Discussion: Chair Eilenberger asked Mr. Papi if the golf course application is in final resolution review. Mr. Papi stated that plans had been recently submitted for review. Mr. Papi stated that the status of the berm construction work is 100% complete and applicant is on their two-year guarantee.

Old Business: **Resolution 2020-07**
Application No. PB- 2020-02
Christopher Spagnoli

Block 39 Lot 76
402 Sixth Avenue
Subdivision

On a motion by Ms. Stader, seconded by Councilman Willms, Resolution 2020-07 was approved; roll call taken as follows:

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

Chair Eilenberger thanked the board for participating in the past year before recusing herself from the Mill Application.

Vice Chair Manger took the char.

New Business:

Application No. 2017-04A

JDE Spring Lake, LLC – The Mill

Block 1 Lot 1

Proposed redesign of parking facilities and addition to existing building previously approved. Changes to approved plan proposed.

A-1: Existing Conditions Plan dated March 17, 2020 prepared by Justin J. Hedges, P.L.S. of Insite Surveying.

A-2: Amended Preliminary/Final Major Site Plan dated July 31, 2019, revised February 7, 2020 prepared by Mathew J. Robinson, P.E. of MidLantic Engineering (consisting of 5 pages)

A-3: Amended Preliminary/Final Major Site Plan Improvements Plan dated October 15, 2020, revised December 10, 2020 as prepared by Kevin E. Shelly, P.E. of Shore Point Engineering.

A-4: Agreement Between The Township of Wall and Old Mill Inn dated January 8, 1970.

A-5: Deed between The National Farm School and the Township of Wall dated June 9, 1970.

B-1: Resolution of the Planning Board adopted on September 19, 2018

B-2: Engineering Review Letter # 3 dated September 8, 2020 by Brent Papi, Jr. P.E., C.M.E.

B-3: Agreement between Township of Wall and NJ Department of Conservation and Economic Development dated February 2, 1970.

Mr. Leckstein stated that to his understanding, there are no variances before the board. The only issues involve changes to the site plan, a minimum drive aisle width where 24 is required and 20 is proposed and minimum parking stall dimensions where 9 by 18 is proposed and 9 by 20 is required.

Mr. Leckstein stated that more parking spaces are being added which was not covered under the previous application so there would need to be a variance granted.

Mr. McLaughlin stated that they are before the board for an amended site plan which has a few changes from the original application. Mr. McLaughlin clarified that an issue came up before the previous meeting regarding property lines and the boundary lines. Mr. McLaughlin stated the issue has been satisfied and that Old Mill Pond is owned in its entirety by the Township of Wall. Mr. McLaughlin added that part of the pond, including

the dam is within the Spring Lake Heights boundary line so Spring Lake Heights has land use jurisdiction over that portion, although it is owned by Wall Township.

Mr. McLaughlin said that there is a covered porch, a small portion of the deck and a slate walkway within Wall Township boundaries, which are minor encroachments which Wall Township is aware of. Mr. McLaughlin stated that Wall Township requested the Mill to come before the Spring Lake Heights board before going to Wall to take action. Mr. McLaughlin stated there have been informal meetings with Wall and Wall is aware the Mill will be going to them for either a license agreement or easement license agreement for the Mill to maintain the encroachments.

Mr. McLaughlin stated that if the board approves the site plan, applicant will agree to a condition to obtain either an easement or license agreement from Wall for the encroachments. Mr. McLaughlin referred to a note on the plan which indicates that the pond is owned by the township subject to a Green Acres document.

Kevin Shelly, Mill Project Engineer, Brent Papi, Planning Board Engineer, Sam Avakian, Board Planner, and George Truesdale, Mill owner, sworn by Mr. Leckstein.

Mr. Shelly was accepted by the board as an expert professional engineer.

Mr. Shelly stated that during construction, changes were made to the site and building and, as a result, applicant is now before the board for amended approval. Mr. Shelly stated that a significant change are the adjustments made to the upper parking area reverting to its original striping configuration. Mr. Shelly added that the changes have created more parking spaces for the Mill. Mr. Shelly said that 114 parking spaces are currently being proposed; 94 were approved in 2018. Mr. Shelly stated that the existing upper parking lot is in good shape and in order to rip out pavement, regrade and do new curbing to eliminate parking spaces did not make economic sense for the project. Mr. Shelly stated that by leaving the existing area of the parking lot, it created additional parking, which requires one additional handicap parking space, as well as a walkway and revised sidewalks providing a handicap compliant accessible path from the parking space to the building. Mr. Shelly stated that the curb center island at the entrance to Ocean Road has been eliminated to provide turning radius for delivery vehicles and a depressed curb has been installed at the entrance that keeps Ocean Road runoff from entering the site. Mr. Shelly stated neither the portico entryway and paver area in front of the front door drop-off area have been installed for aesthetic reasons.

Mr. Shelly stated that proposed minor changes to the configuration of the sidewalk from the upper parking lot have not been made and the upper parking lot has not been restriped since the upper parking lot improvements were not done. Mr. Shelly said that the prior proposed fountain and paver area near the building were not installed and that landscaping has been installed instead.

Mr. Shelly stated minor changes were made to site lighting and landscaping. Mr. Shelly said that existing light poles were retrofit with new light fixtures and some proposed lights were not installed due to parking lot configuration changes not being done.

Mr. Shelly stated that site lighting meets the intent of the previous approved plan and meets the borough requirements. Mr. Shelly added that more landscaping has been added around the property and a small pier into the pond has been installed. Mr. Shelly added that permitting is pending depending on application approval by the board.

Mr. Shelly stated that adjacent to the pond, pavers were reset in a different configuration.

Mr. Shelly stated that signage and retainage wall changes are proposed depending on approval by Wall Township. Mr. Shelly stated that minor changes to the stormwater

management system were made during construction and that the changes were reviewed and approved by the board engineer.

Mr. Shelly stated that an awning over the rear deck was replaced with a timber roof. Mr. Shelly stated that part of the rear deck and roof extend beyond the rear property line into the pond and that the pond is under Wall Township jurisdiction. Mr. Shelly added that an easement or license agreement will be obtained with Wall Township for any deck encroachment.

Mr. Shelly stated that no improvements were made to the upper parking lot area and that waivers are being sought for aisle width where 24 feet is required, 20 feet exists and is proposed. Mr. Shelly added that parking spaces, drive aisles, parking stalls all exist, and applicant is asking for a waiver to maintain them.

Mr. Shelly said that the same waiver is being asked for in this application that was granted previously for parking stall dimensions. Mr. Shelly stated that additional parking spaces are being added.

Mr. Shelly stated that when all final site work is completed, including the new handicap accessible parking spaces and sidewalks, that final paving and striping will be done and that the property, parking, curbs, and ramps will be fully compliant.

Mr. Leckstein asked Mr. Shelly to clarify the number of parking spaces. Mr. Shelly stated that 114 exist and 2 spaces closest to Ocean Road will be eliminated so the total is 112.

Mr. Shelly stated 5 will be handicap and that 4 are double-stacked parking spaces. Mr. Leckstein clarified that the change is that there will be 103 regular spaces. Mr. Shelly stated that is correct.

Chair Manger asked for questions from the board.

Ms. Maclearie asked Mr. Shelly if a condition of the 2018 approval required a deed restriction running with the land. Mr. McLaughlin stated he does not recollect a deed restriction regarding number of spaces and that the number of spaces always exceeded the required amount by the borough. Mr. Leckstein stated that the 2018 resolution does not have any conditions regarding the number of parking spaces but that the 2003 resolution does limit building capacity to 440. Mr. Leckstein stated that then, a condition in the 2018 application limited capacity to 260. Ms. Maclearie asked if the capacity was supposed to be filed with the deed. Mr. Leckstein stated that the 2018 does acknowledge the condition, but it does not say it has to be recorded with the deed. Ms. Maclearie stated she remembers making it run with the land so that if ownership changed in the future, the occupancy cannot go back to 800. Mr. Leckstein stated that a deed is not recorded but the resolution runs with the land and a new owner is bound by the resolution; a new owner cannot just change the occupancy.

Ms. Maclearie asked if the deck and/or timber roof replacing the canvas awning enlarged the deck. Mr. Shelly stated that a metallic awning was replaced with a timber roof. Mr. Shelly stated that the deck and the columns that hold up the roof remained the same size, Mr. Shelly added that the roof projects beyond that so runoff does not drop on the edge of the deck so there is a small extension on the roof that overhangs 12 or 24 inches. Ms. Maclearie asked if the walkway adjacent to the pond leading to the gazebo and new dock was enlarged. Mrs. Shelly stated he does not believe so; that pavers were pulled and repurposed and reused for the walkway.

Ms. Maclearie stated that she is concerned with Green Acres interest in the pond and where the roof and deck overhangs Green Acres property. Ms. Maclearie stated she would request that if the board approves the application, a separate condition of any approval that may be made by the board requires the applicant to obtain a jurisdictional determination specifically from Green Acres. Ms. Maclearie stated she has no objections to the waivers asked for or the improvements that were made. Ms. Maclearie stated that

she is disappointed in the Mill making changes and asking for approval after changes were made. Ms. Maclearie added that the Mill looks beautiful, is a great neighbor, and that she wants their business to be successful.

Mr. Leckstein stated that if the board approves the application, anything will be subject to Green Acres approval regardless but if a special condition is made, it would be limited to the roof part, not the deck. Mr. Leckstein added that the roof appears to be the only Green Acres area infringed on. Mr. Shelly stated it is just the roof. Ms. Maclearie asked if there was ever approval of the deck from Green Acres.

Mr. McLaughlin stated that there is no objection to the inclusion of an appropriate condition that refers to Green Acres, but it is not a jurisdictional determination as stated by Ms. Maclearie; that it is an issue between Wall Township and Green Acres and it is a diversion application, which is a completely different process. Mr. McLaughlin said that Wall Township owns the property and is the obligated entity to Green Acres and Wall Township will have to make it part of its approval process. Mr. McLaughlin stated that there is no objection to that.

Mr. McLaughlin stated that applicant is not asking for forgiveness for something that was done without permission or trying to deceive the borough. Mr. McLaughlin said that increasing parking spaces is one of the changes being asked for, and it benefits the borough.

Mr. McLaughlin stated that the application was filed over a year ago, it is a big project and projects of this size always have changes based on work in the field. Ms. Maclearie asked if all changes in the field were approved by the board engineer. Mr. McLaughlin stated Mr. Papi has been extremely protective of the board's approval, and applicant has worked closely with Mr. Papi. Mr. McLaughlin stated that applicant is now before the board for minor changes that are needed for things that make sense.

Mr. Papi stated that there were changes that were able to be made in the field during construction, such as drainage modifications. Mr. Papi added that additional parking spaces and some building modifications were not approved in the field. Mr. Papi stated that in speaking with applicant, it made sense to come before the board to make sure that modifications, specifically that trigger ADA noncompliance were addressed. Mr. Papi added that ADA compliance is Federally mandated and was a concern for everyone. Mr. Papi stated that plans evolved, multiple engineers were involved so coming to the board with an amended site plan was the right thing to do for what was not approved in the field.

Mr. Manger asked Mr. Papi if he had anything more to add. Mr. Papi stated that Mr. Shelly had addressed comments in his September 8, 2020 report in testimony which he had asked Mr. Shelly to do. Mr. Papi added they had met as a group in October and discussed those items.

Mr. Papi added that clarification on approval from Green Acres or Wall Township, depending on which one it should be, is an open item. Mr. Papi added that the survey by Insite Engineering should be updated to reflect the final determination on the final survey so deed, book, page and references will be on the development plan, amended site plan and the survey. Mr. Papi stated that parking count adjustments are also important but other than those items, he has no other open items.

Ms. Stader, referring to the plan, described the handicap parking area which she had gone to see. Ms. Stader said that the parking spaces on the left and the right abutting the curb are narrow and that when getting out on the driver side in one parking space or the passenger side on the other space, you get out on the curb, not the asphalt. Ms. Stader added that if you park where the walkways are, it defeats the purpose of the walkway, and defeats the purpose of being van accessible.

Mr. Papi stated the requirement for the dimensions of regular parking spaces and van accessible spaces vary depending on the type of space. Mr. Papi added that the parking configuration provides an access aisle between the two handicap parking spaces on the top side and another access aisle on the other side, so depending on what side the driver is on, you'd have to pull in forward or backward to line up with an access aisle. Mr. Papi stated that ADA requirements do not require access aisles on every side of every handicap parking space. Ms. Stader stated that because of grandfathered approvals for narrower spaces abutting either end spot, you have to park on the access route, and you do not have van accessibility. Ms. Stader stated there are not as many accessible spots if they are not usable. Mr. Papi stated there are 4 provided at the front entranceway with a walkway into the building and an additional 5th spot by the double-stacked parking area. Mr. Papi added that has been added to the amended site plan. Ms. Stader asked if the walkway and van are supposed to be 5 feet wide. Mr. Papi stated 8 feet wide for van accessible and 5 feet wide for regular. Ms. Stader stated she does not think it is 5 feet wide. Ms. Stader stated she pulled into all of the spaces and she thinks that the walkway where it is van accessible does not meet van accessible requirements. Ms. Stader added that she does not believe it is 5 feet for walking either. Mr. McLaughlin stated the waivers granted previously, and what is being asked for now, have nothing to do with the handicap spaces. Mr. McLaughlin added that all of the handicap spaces are ADA compliant. Ms. Stader stated she questions that. Mr. Papi stated when meeting with the applicant on site, his concern with handicap parking was the paving was not flush to the concrete, depressed curb. Mr. Papi added that those areas will be resurfaced areas and when resurfaced, they will be restriping the areas to match the plan so what is being looked at today in those areas will be top coated to his understanding. Mr. Shelly said yes, that they will be and they will also be restriped. Mr. Shelly added all handicap parking spaces will be completely ADA compliant in their final condition. Mr. Leckstein stated that Mr. Papi, as board engineer, will verify everything on the plan and that the spaces will have to be ADA compliant, and if not, Mr. Papi will say so and applicant will not get their final completion of resolution compliance. Ms. Stader stated it is important. Mr. Leckstein stated it is absolutely important. Mr. Papi stated handicap compliance is Federally mandated, so it is Federally enforced, not just the borough. Mr. Papi added Mr. Truesdale is aware of that and he intends to make sure everything is Federally complaint, and that is why the additional parking space was added. Mr. McLaughlin stated Mr. Papi did point those items out in October when Mr. Papi did his field inspection and that is why it appears different. Mr. McLaughlin added that the Mill is as concerned as the borough with ADA compliance for their guests. Ms. Stader stated she appreciates that. Chair Manger opened the meeting to the public.

There was no public participation.

Chair Manger closed the meeting to the public and asked for board member comments.

There were no board comments.

Mr. Leckstein asked Mr. Papi if he had any objections to the two waivers being asked for. Mr. Papi stated he did not. Mr. Papi added he did want to add, whether it is in the resolution or not, that the 20-foot aisle widths that are part of the waiver be dimensioned and shown on the plan. Mr. Shelly stated that the waiver is noted on the plan; the dimensions will be added.

Chair Manger asked Mr. Leckstein to review the conditions and approvals of the resolution. Mr. Leckstein said it is everything in the site plan. Mr. Leckstein stated the following conditions: subject to an easement or license from Wall Township due to Wall's ownership of the pond, as well as all other conditions of approvals to be received;

Green Acres approval is needed as per that agreement; the updated survey to show Green Acres delineation on the survey and to delineate dimensions for the driving aisle. Mr. Leckstein stated the two waivers: minimum drive aisle width and minimum parking stall dimensions. Chair Manger asked if the same adjustments to the updated survey will be made to update the site plan. Mr. Leckstein stated everything has to be on the site plan. Ms. Maclearie asked Mr. Leckstein to repeat the condition regarding Green Acres approval. Mr. Leckstein stated they will have to get Green Acres approval.

On a motion by Ms. Maclearie to approve the application with the conditions as stated by Mr. Leckstein; seconded by Councilman Willms; roll call taken as follows:

AYES: Mr. Clark; Councilman Willms; Mr. Francolino; Ms. Maclearie; Mr. Anzzolin; Ms. Stader; Chair Manger


NAYS: None.

ABSTAIN: None

Mr. Leckstein stated it has been a pleasure serving the board. Board Secretary thanked the board for serving the board.

Adjourn: On a motion by Ms. Maclearie; seconded by Mr. Manger, the meeting was adjourned without objection at 8:07 p.m.

Respectfully submitted and approved:



Mary Ellen Karamus, Board Secretary

Date: January 20, 2021