

**The September 16, 2024 Regular Session** of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey was called to order by Council President Graetz at 7:00 p.m. in the Frank E. Adams Municipal Building with a moment of silence and a salute to the flag.

## **ROLL CALL**

### Present:

Councilman Leonard Capristo  
Councilwoman Michele Degnan-Spang  
Councilman William Graetz  
Councilwoman Sara King  
Councilman Christopher Willms

### Absent:

Councilman John Casagrande  
Mayor Christopher Campion

### Also attending:

Andrew Bayer, Attorney  
Janine Gillis, Borough Clerk  
John Barrett, Borough Administrator

Council President Graetz announced: Pursuant to the requirements of New Jersey's Open Public Meetings Act, notice of this meeting was included in the Annual Meeting Notice filed in the Office of the Borough Clerk; posted on the Borough website and in the Municipal Building; published as a legal notice in the Coast Star newspaper; and mailed to those requesting notice and providing payment.

## **APPROVE AGENDA**

On a motion by Mrs. King, seconded by Mrs. Degnan-Spang, the agenda was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None      Abstain: None      Absent Mr. Casagrande

## **APPROVE MINUTES – August 19, 2024**

On a motion by Mrs. King, seconded by Mrs. Degnan-Spang, the August 19, 2024, minutes were approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

Nays: None      Abstain: Mr. Graetz      Absent Mr. Casagrande

## **PRESENTATIONS – Proclamation – Howard Dombrowski**

Council President Graetz read the proclamation honoring Howard Dombrowski for his dedication to the Borough of Spring Lake Heights as a crossing guard for over 10 years.

## **DISCUSSION ITEMS – None**

## **MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS**

Councilman Capristo – Mr. Capristo reported on the fall pickleball and softball recreation programs. He also provided an update regarding the tennis and pickleball courts at Joseph E. Robertson Park. He explained the Borough's grant application for new pickleball courts and asked the residents to bear with the Borough as they transition the park.

Councilwoman King – Mrs. King referenced the two grants on the agenda and stated they are annual grants. She continued to provide information on the annual Veterans Day Luncheon. She asked residents to spread the invitation to all Spring Lake Heights Veterans.

Councilman Willms – No report

Councilwoman Degnan-Spang – Mrs. Degnan-Spang reminded residents of hydrant flushing that would occur overnight from September 16 to September 27, 2024, and to run cold water in the tub if they experience discolored water. The milling of paving on Tenth Ave, Meadowbrook Dr, Nadine Dr, Monmouth Ave, Shenandoah Dr, Seventh Ave, and Prospect Ave will be starting on September 16<sup>th</sup> and continuing one street at a time in cooperation with Monmouth County Road Department Shared Services.

Councilman Graetz – Mr. Graetz reported on the Police traffic control and speeding initiative throughout the Borough as well as reminded residents to be mindful school is in session.

**PUBLIC COMMENT (Any Item)**

On a motion by Mr. Willms, seconded by Mrs. Degnan-Spang, the public comment section was opened by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms  
Nays: None            Abstain: None            Absent Mr. Casagrande

None presented

On a motion by Mrs. Capristo, seconded by Mrs. King, the public comment section was closed by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mrs. King, Mr. Willms  
Nays: None            Abstain: Mr. Graetz            Absent Mr. Casagrande

**SCHEDULED PUBLIC HEARINGS**

Attorney Andrew Bayer explained the Builders Remedy Litigation Spring Lake Heights faced as well as the Fair Share Housing settlement the Borough reached. The settlement agreement included reducing the Borough’s 1987 to 2025 fair share housing obligation from 221 affordable housing units to 17 total units based on a vacant land adjustment. The ordinances that are on the agenda also include adopting State Law into the local code for future development regulations.

Councilman Capristo asked Mr. Bayer to explain the history of affordable housing and how the Borough got to their current position. Mr. Bayer detailed affordable housing obligations, how municipalities can lose control of their zoning based on court rulings, and how this is impacting most municipalities in New Jersey.

Councilwoman King asked for clarification on the definition of “affordable housing” and traffic studies on these projects. Mr. Bayer clarified this is not section 8 government subsidized housing. He described the affordable housing units are “workforce housing” and the applicants need to qualify, including proving income, to be considered for the rentals. Mr. Bayer further clarified the ordinances are include zoning changes and all plans will still need approvals from the Land Use Board and New Jersey Department of Transportation approvals.

Councilwoman Degnan-Spang asked Mr. Bayer is there is a difference in affordable housing credits for rentals vs. ownership. Mr. Bayer stated that municipalities essentially get a 2 for 1 rental bonus credit for rentals and that is why rentals are encouraged.

Councilwoman King inquired on the funds. Mr. Bayer explained the fee ordinance, the creation of an affordable housing trust fund and how the trust fund is used for affordable housing purposes. Councilman Capristo asked for clarification on exemptions for the fee. Mr. Bayer clarified the exemptions in the ordinance and State regulations.

- **Ordinance No. 2024-11** An ordinance creating the affordable housing AH-3 zoning district in furtherance of the Borough’s obligation to provide for its fair share of affordable housing

On a motion by Mrs. King, seconded by Mr. Willms, the public comment section was opened by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms  
Nays: None            Abstain: None            Absent Mr. Casagrande

None Presented

The council clarified the location of the property in the ordinance as Highway 71.

On a motion by Mrs. King, seconded Mr. Capristo the public comment section was closed by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms  
Nays: None            Abstain: None            Absent Mr. Casagrande

On a motion by Mr. Willms, seconded Mrs. King, **Ordinance 2024-11** was adopted by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **Ordinance No. 2024-12** An ordinance amending Article VI Zoning, Section 606 in furtherance of the Borough's obligation to provide for its fair share of affordable housing

On a motion by Mrs. King, seconded by Mr. Willms, the public comment section was opened by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

Mr. Bayer explained the ordinance is not zoning one parcel, but changing the current B1 and B3 zones, to allow for affordable housing.

Douglas Garrett, 1 Hampton Court, questioned certain properties and if this would change their zoning.

Councilwoman King and Mr. Bayer clarified the MU1 and MU2 zones are different than the AH2 and AH3 zones. Mrs. Gillis provided Mr. Garrett the zoning map.

On a motion by Mrs. King, seconded Mr. Willms the public comment section was closed by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

On a motion by Mr. Willms, seconded Mrs. King, **Ordinance 2024-12** was adopted by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **Ordinance No. 2024-13** An ordinance establishing the borough's development fees

On a motion by Mr. Willms, seconded by Mr. Capristo, the public comment section was opened by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

Mr. Willms clarified the ordinance terminology and the "whereas clauses" at the beginning of the ordinance.

Anthony Iarriccio, 553 Church Street, questioned the order of the ordinances, asking which pertained to Church St. Mr. Bayer clarified this ordinance is about affordable housing but not a specific property.

On a motion by Mrs. King, seconded Mr. Willms, the public comment section was closed by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

On a motion by Mrs. King, seconded Mr. Willms, **Ordinance 2024-13** was adopted by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **Ordinance No. 2024-14**, An ordinance eliminating Chapter 22 Sections 650 & 651 and creating New Chapter 22 Section 650

On a motion by Mr. Willms, seconded by Mrs. King, the public comment section was opened by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

None presented

On a motion by Mrs. King, seconded Mr. Capristo, the public comment section was closed by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

On a motion by Mr. Willms, seconded Mrs. King, **Ordinance 2024-14** was adopted by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None          Abstain: None          Absent Mr. Casagrande

- **Ordinance No. 2024-15**, An ordinance creating the affordable housing AH-4 zoning district in furtherance of the borough's obligation to provide for its fair share of affordable housing

On a motion by Mr. Willms, seconded by Mrs. King, the public comment section was opened by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None          Abstain: None          Absent Mr. Casagrande

Michael Rubino, Attorney with Pandolfe, Shaw & Rubino, LLC, questioned if Mrs. Degnan-Spang was required to be disqualified from participating in Ordinance 2024-15. Mrs. Degnan-Spang stated she would abstain from voting on the ordinance.

Anthony Iarriccio, 553 Church Street, voiced concerns regarding the number of units proposed for the property as well as logistics of the parking and potential closure of Church Street. Mr. Barrett shared that a study was done by New Jersey Transit, we have gotten word that they do not have plans to close the Church Street crossing. Mr. Bayer explained why the project met the standards for affordable housing. Mr. Iarriccio further expressed concerns. Mrs. King explained the projects still need to come before the Land Use Board for approval and changes can still be made.

Pasquale Spitaletta, 552 Pitney Drive, shared further concerns on infrastructure support for the proposed projects as well as parking and traffic concerns. Mr. Bayer explained how approvals will still need to be given by the appropriate parties including the Land Use Board, the NJDEP, and NJDOT. The Borough does have a tree preservation ordinance. Mr. Spitaletta also asked questions regarding the developer's agreement with Pitney Commons LLC.

Anna Kuntz, 2005 Parkview Terrace, questioned the quantity of affordable housing units the Borough is required to have. Mr. Bayer clarified that the Borough's requirement is 17 units.

Karen Garrett, 1 Hampton Court, asked Mr. Willms to provide more details on the Tree ordinance. Mr. Willms briefly described the tree ordinance and how a replacement plan would be needed with the site plan.

Maria Iarriccio, 553 Church Street, questioned the set back on the proposed property. Mr. Bayer stated the ordinance does change the zoning of the property to allow for the affordable housing. Mrs. Iarriccio further questioned the water and sewer mains on the property and how they would be impacted. Mr. Barrett stated that the Borough Engineer is working with the developer and the sewage authority on that issue. Mrs. Iarriccio concluded with expressing strong concerns on parking especially in the summer months.

Cecilia Barreda, 557 Church Street, questioned how taxes would be impacted on the affordable housing properties. Mr. Bayer clarified that the units are deed restricted and assessed differently being affordable units vs. not affordable units. Mr. Barrett provided more details.

Pasquale Spitaletta, 552 Pitney Drive, asked what would happen if the council did not approve the ordinances. Mr. Bayer stated the Borough would be at risk for greater development lawsuits and the current number of required units was extensively fought to be derived through the legal system.

Anthony Iarriccio, 553 Church Street, asked if the developer could return to the previous plan of two homes for the location. Mr. Bayer said that the builder in theory could; however, he had never seen anything like that before. He shared examples of another municipality that rejected the initial settlement and ended with a builder's remedy of many more units.

Kathleen Leddy, 2019 Fifth Avenue Spring Lake, questioned the ordinance procedure and how the Land Use Board can enforce requirements. Mrs. King explained ordinance procedures and how this developer came to requesting affordable units. Mr. Capristo further explained how the Borough is in the current position and how the courts could mandate more if the ordinance is not approved as proposed.

Harry Brady, 3 Hampton Court, asked where the total 17 units are coming from. Mrs. King responded with the projects that will have affordable housing units.

Maria Iarriccio, 553 Church Street, inquired if the council has the authority to change the ordinance. Mr. Bayer stated that if it is not approved it will start the process over and could end worse. Mrs. Iarriccio suggested the Borough purchase property directly to put affordable housing on.

Karen Garrett, 1 Hampton Court, expressed further concern that the units are concentrated in one part of town.

Cecilia Barreda, 557 Church Street, inquired on Land Use Board procedures as well as the availability of the contaminated property on Ludlow Avenue. Mr. Capristo answered that the Ludlow site would need to be followed up on with Mr. Barrett and the New Jersey Department of Environmental Protection for status of the contamination and remediation.

On a motion by Mrs. King, seconded Mr. Willms the public comment section was closed by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None          Abstain: None          Absent Mr. Casagrande

On a motion by Mrs. King, seconded Mr. Capristo, **Ordinance 2024-15** was adopted by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None          Abstain: Mrs. Degnan-Spang          Absent Mr. Casagrande

## **REPORTS, NOTICES & CORRESPONDENCE**

Mr. Graetz invited Christine Nevin-Meloro to present the Environmental Commissions' new logo. The logo was created by two Spring Lake Heights students as part of a contest. Ms. Nevin-Meloro showed the image of the commission's new logo that won an award on behalf of the Borough.

- Thank You from St. Vincent DePaul Society-Use of Cornelius V. Kelly Community Center
- Spring Lake Heights Municipal Court Monthly Report – February 2024
- Spring Lake First Aid Squad Monthly Report – August 2024
- Spring Lake Heights Police Monthly Report – August 2024
- Independent Fire Co. No. 1 Monthly Report – August 2024
- NJDEP Freshwater Wetland Letter of Interpretation application Re: 1920 Hwy 35 B:151 L:10.01 & 20
- Spring Lake Heights Land Use Board Public Notice Re; 1002 Hwy 71 Blk 53 Lot 1
- Wall Township Zoning Board of Adjustment Public Notice Re: JDE Spring Lake, LLC Block 1 Lot 1

## **ORDINANCE INTRODUCTIONS – None**

### **CONSENT AGENDA Resolutions R2024-142A to R2024-149**

*Consent Agenda items are considered routine and will be enacted with a single motion; any items requiring expenditure are supported by a Certification of Availability of Funds; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.*

- **R2024-142A**, Approving extension of outdoor dining date
- **R2024-143**, Approving membership to the Independent Fire Company No. 1 – Donald Brahn
- **R2024-144**, Appointing a police officer to permanent status – Matthew Bogdan
- **R2024-145**, Appointing a police officer to permanent status – Ronald Velardi
- **R2024-146**, Authorizing to go to public bidding for improvements to Lake Avenue
- **R2024-147**, Requesting Director of NJ Div. of Local Government Services to approve amendment to 2024 Budget – \$5,542.84 Recycling Tonnage Grant
- **R2024-148**, Requesting Director of NJ Div. of Local Government Services to approve amendment to 2024 Budget – \$16, 971.40 Clean Communities Grant
- **R2024-149**, Authorizing to enter into an employment agreement with the Director of Public Work – Joseph May

On a motion by Mr. Willms, seconded by Mr. Capristo, the consent agenda was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None          Abstain: None          Absent Mr. Casagrande

## RESOLUTIONS

- **R2024-150**, Borough Council endorsing the Housing Plan Element and Fair Share Plan approved by the Spring Lake Heights Land Use Board

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2024-150 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: Mrs. Degnan-Spang Absent Mr. Casagrande

- **R2024-151**, Appointing a Municipal Housing Liaison

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2024-151 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **R2024-152**, Approving Affirmative Marketing Plan for the Affordable Housing Units

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2024-152 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **R2024-153**, Approving the Affordable Housing Trust Fund Spending Plan

On a motion by Mr. Willms, seconded by Mrs. Degnan-Spang, Resolution No. R2024-153 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **R2024-154**, Approving developer's agreement – Pitney Commons, LLC

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2024-154 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: Mrs. Degnan-Spang Absent Mr. Casagrande

- **R2024-155**, Appointing Affordable Housing Agent-Community Grants Planning & Housing, LLC CGP&H

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2024-155 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **R2024-156**, Approving developer's agreement – 2015 NJ Route 71 Holdings

On a motion by Mrs. King, seconded by Mr. Willms, Resolution No. R2024-156 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **R2024-157**, Approving the payment of claims as set forth on the August 30, 2024 bills list

On a motion by Mr. Willms, seconded by Mrs. Degnan-Spang, Resolution No. R2024-157 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent Mr. Casagrande

- **R2024-158**, Approving the payment of claims as set forth on the October 2, 2024 bills list

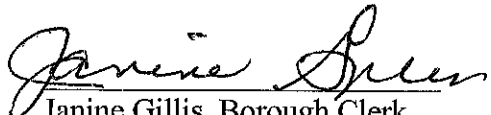
On a motion by Mr. Willms, seconded by Mrs. Degnan-Spang, Resolution No. R2024-158 was approved by the following vote:

Ayes: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None      Abstain: None      Absent Mr. Casagrande

**ADJOURNMENT**

There being no further business, on a motion by Mrs. King, seconded by Mr. Capristo, the meeting was adjourned without objection at 9:17 p.m.

  
Janine Gillis, Borough Clerk

Approved: October 7, 2024