

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
OCTOBER 14, 2014**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables, Mayor Naughton

ABSENT: Mr. Erbe, Mr. Fay

ALSO PRESENT: Dina Zahorsky, Deputy Borough Clerk  
W. Bryan Dempsey, Borough Administrator  
Joseph Colao, Esq, Borough Attorney  
Peter Avakian, Borough Engineer

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**Workshop**

The Mayor introduced the topic stating that there were suggestions made by the Planning Board regarding generators, garages, and lot coverage in the R-2 zone. The council has addressed the generator issue, stated the Mayor, yet the other two (2) issues are still pending. The Mayor introduced Mr. Nick Sapnar, the Planning Board Chairman, thanked him for attending and asked him to speak to the two (2) pending issues. Mr. Sapnar confirmed the three (3) items suggested by the Planning Board and reiterated that desire to allow residents to install generators provided the pads are 25 square feet or less. Mr. Sapnar stated that regarding the second item, garages, the code currently allows for a 500 square foot garage in the R-2 zone and a 600 square foot garage in the R-1 zone. Mr. Sapnar stated that the Planning Board is suggesting the council consider going to a formula of 5% of coverage but still allowing a resident to go up to 500 square feet if the 5% formula falls below 500 square feet. Therefore, a resident with a 15,000 square foot lot (double lot), or larger, in the R-2 zone, could build a 750 square foot garage. In summary, when applying the 5% formula, if the result equals less than 500 square feet, a resident could build to a maximum of 500 square feet; if the 5% results in an amount greater than 750 square feet, a resident would be limited to 750 square feet, stated Mr. Sapnar. The Mayor asked if the Planning Board is seeing a lot of applications that would be affected by this. Mr. Sapnar stated that they have seen several scenarios of residents with an undersized lot in R-1 who wants to put in a 600 square foot garage.

Mr. Sapnar continued with the second item stating that the Planning Board gets complaints in connection with R-2 construction on undersized lots in the R-2 zone. Currently, Mr. Sapnar stated that the lot coverage maximums are 55% in the R-2 zone, 40% in the R-1 zone, and 45% in the R-3 zone. The typical argument, Mr. Sapnar stated, is the need for a driveway which takes up impervious coverage and the smaller the lot, the more the driveway eats into the resident's coverage allowance. Therefore, Mr. Sapnar stated that the Planning Board is recommending 50% in the R-2 zone while leaving R-1 and R-3 at 40% and 45% respectively. Today, Mr. Sapnar added, in the R-2 zone with a 55% restriction there is 3,375 square feet of pervious coverage while in R-1 the restrictions result in 9,000 square feet of pervious coverage. The change to a 50% maximum in R-1, Mr. Sapnar summarized, will allow for more effective pervious coverage across all zones. Mr. Judge asked whether the change would render certain lots as nonconforming. Mr. Sapnar stated that any existing structure would be grandfathered in and any potential change may require an application for a variance. Mr. Sapnar stated that unfortunately what has happened is that residents will build to the maximum allowable coverage, get their Certificate of Occupancy, and then begin adding patios, porches and the like and soon there is 70% coverage. The Mayor expressed strong agreement with Mr. Sapnar's concern and reiterated that

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there is a great deal of "building creep" noting that it's difficult to control, absent patrolling every home every day. Another option, Mr. Sapnar offered, is that at the time a resident sells their home they obtain a survey which is compared to the previous survey on file and potentially be required to come into compliance before getting a Certificate of Occupancy. Mr. Judge asked how this might impact the workload for the Borough. The Mayor stated that she believes it would be significant. The Mayor reflected back historically when the issue of impervious coverage was discussed in connection with the Environmental Commission's concern about water drainage in the Borough. The Mayor stated that there is a very good reason there are restrictions on impervious coverage reminding everyone of how Spring Lake is impacted as the loss of pervious surface west of the Borough increases.

The Mayor thanked Mr. Sapnar and stated that the council will consider the topic further and regroup in the next few weeks.

**Proclamations, Presentations & Special Guests**

**Approval of Minutes**

Mr. Judge offered a motion to approve the minutes of September 30, 2014, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay

ABSTAIN: NONE

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**Public Hearing**

Ms. Helen Motzenbecker, 4 Glenwood Avenue, stated that the Borough has the second lowest taxes in all of Monmouth County and stated that she doesn't know why the council worries so much about penny increases in light of the issues at Lake Como and Wreck Pond. Ms. Motzenbecker added that she was not in favor of renovating the First Aid building and that she is growing tired of looking at the door and wondered when the project will be completed. Mr. Dempsey stated that the new doors are being delivered tomorrow and should be in place by Friday. Mr. Dempsey also stated that painting is underway and brick pavers will be put in place after the door is installed. Mr. Jordan asked for more detail regarding the brick pavers. Mr. Dempsey stated that named bricks, sold to the general public, will be placed in front of the building. The work to place the bricks, Mr. Dempsey added, will be done by DPW or a third party. Ms. Motzenbecker further stated that she has done a little research on the Borough's tax rates and noted that there were six (6) demolitions worth about \$4 million. Ms. Motzenbecker further stated that when new homes are built on the vacated lots the combined value will likely be about \$10 million. This, Ms. Motzenbecker opined will only give the Borough some breathing room and further suggested the council not be so concerned with the tax rate.

Ms. Elsie Dubac, 415 St. Clair Avenue, expressed thanks to Mr. Dempsey and the Department of Public Works for the benches and plaques stating that they are absolutely beautiful.

Mr. Harry Zarb, 2205 Third Avenue, expressed his thanks to the Department of Public Works for the beautiful sign at Marucci Park.

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**Council Comments & Staff Reports**

Mr. Judge stated that yesterday marked the end of a very successful beach and pool season and expressed thanks to Mr. Dan Finn and his staff, Ms. Janet Carbin and her team of Lifeguards, and Mr. Frank Phillips and his crew for their hard work and contribution to a safe and fun summer season.

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Mr. Frost echoed Mr. Judge’s thoughts adding that it’s his first year getting an up close look at all the hard work that goes into the beach and pool season.

Mr. Jordan stated that a survey is being put out to all those who purchased something in connection with the beach and pools in an effort to get feedback and solicit some ideas. As survey responses come in, Mr. Jordan stated, the beach committee will review them and report back. Mr. Jordan stated that it will be going out on email and via Facebook.

Mr. Avakian reported that he and Mr. Dempsey traveled to Trenton, NJ to meet with representatives from the Army Corps of Engineers, US Fish and Wildlife, and the DEP to speak about the permitting process for the second pipe. Mr. Avakian stated that everything was presented well and everyone seemed to understand all the aspects of the project. Mr. Dempsey added that there were no issues or concerns and that all the players that needed to be involved were at the table and given an opportunity to ask questions. At the end of the meeting, Mr. Dempsey added, he asked if anyone saw any reason that they would not get the permit and no one could identify a reason. Mr. Dempsey further added that it’s a Federal Consistency permit meaning that US Fish and Wildlife is the lead which removes the need for an application fee. Mr. Avakian also reported that there is a Wreck Pond regional storm water management meeting tomorrow and he will be making a presentation on the elevated berm portion of the living shoreline. Mr. Avakian added that they hired a representative from Monmouth University Urban Coast Institute to put tide gauges in place to allow them to monitor the pond elevation which will help determine the best vegetation for the living shoreline. Finally, Mr. Avakian stated that they have made application to the DEP in connection with the Borough’s road program. Mr. Dempsey added that this is for the Phase II project located on Second Avenue in front of St. Catharine School. Mr. Dempsey also stated that he spoke of this topic to the representatives from Rutgers who agreed this was a good project to move forward on. Mr. Judge asked for clarity on what the grant would cover. Mr. Avakian responded stating that it’s for the roadway and it will also include drainage and masonry work (curbing and driveway entrances). Mr. Jordan, reflecting on a previous grant, asked if they would experience similar reductions to the grant. Mr. Avakian stated that this was for a technical issue in the turnaround time on spending the money from a previous grant and that this issue has been resolved. Mayor Naughton asked if the discretionary status would be considered a “rejection” and result in points on this current application. Mr. Avakian stated that it would and expressed confidence that the Borough is in good shape.

Mr. Dempsey reported that the work on the dune walkover at pier beach has begun and the piles at Washington and Brighton Avenues have been put in place for those projects. The Mayor added that she noticed the county had put the guardrails in place at pier beach. Mr. Dempsey further stated that temporary dunes are being put in place along the east side of the boardwalk. Mr. Jordan asked about the status of the flooding issue in the women’s restroom. Mr. Dempsey stated that it is going to be addressed.

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**Business Items Under Consideration**

**Event Application – Brielle Orthopedics Jingle Bell 5K –**

The Mayor reported that this item is being carried until the meeting of October 28, 2014 to allow for the Municipal Clerk to gather additional information.

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**Ordinances for Introduction**

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**Ordinance for Adoption**

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Borough Attorney Colao read Ordinance No. 2014-014 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, STATE OF NEW JERSEY", by title.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-014, seconded by Mrs. Venables.

All in favor. None opposed.

**PUBLIC HEARING NOW OPEN**

Mayor Naughton stated that the Ordinance being considered is in connection with generator pads. The Mayor stated that there was a request by the Planning Board to make a slight change to the language noting that instead of it reading "less than twenty-five square feet" have it read "twenty-five square feet or less" when referencing the size of generator pads. The Mayor consulted with Borough Attorney Colao to confirm that this change would be considered de minimus and not require a reintroduction of the ordinance. The Mayor asked for questions and comments.

There being no comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-014, seconded by Mrs. Venables.

All in favor. None opposed.

**PUBLIC HEARING NOW CLOSED**

Borough Attorney Colao read the revised section as discussed.

Mr. Judge offered a motion to adopt Ordinance No. 2014-014 as amended, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay

ABSTAIN: NONE

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**Consent Agenda**

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-191 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION  
RA#35-2014 – UNITED METHODIST WOMEN OF ST. ANDREWS UNITED METHODIST  
CHURCH ON PREMISE DRAW RAFFLE**

WHEREAS, United Methodist Women of St. Andrews United Methodist Church has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#35-2014, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#35-2014 be and the same is hereby approved as follows:

**NAME: United Methodist Women  
Of St. Andrews United Methodist Church  
907 4<sup>th</sup> Avenue, Spring Lake, NJ  
Identification No.: 475-3-31760**

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**LOCATION:** Wesley Hall  
Mercer Avenue, Spring Lake NJ  
**DATE:** November 22, 2014 9:30 AM - 2:00 PM

ROLL CALL:  
AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables  
NAYS: NONE  
ABSENT: Mr. Erbe, Mr. Fay  
ABSTAIN: NONE

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Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-192 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION  
RA#36-2014 – ST. CATHARINE CHURCH -  
OFF PREMISE CALENDAR RAFFLE**

WHEREAS, St. Catharine Church has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#36-2014, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#36-2014 be and the same is hereby approved as follows:

**NAME:** St. Catharine Church  
215 Essex Avenue, Spring Lake, NJ 07762  
Identification No.: 475-1-372  
**LOCATION:** St. Catharine Church  
215 Essex Avenue, Spring Lake, NJ  
**DATE:** Last Monday of Each Month from November 2014  
to April 2015 10:30 A.M.

ROLL CALL:  
AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables  
NAYS: NONE  
ABSENT: Mr. Erbe, Mr. Fay  
ABSTAIN: NONE

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Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-193 – RESOLUTION – ESTABLISHING HALLOWEEN CURFEW**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a curfew will be in effect for all persons under the age of eighteen (18) between the hours of 9:00 P.M. and 6:00 A.M. on October 29, 30 & 31 and November 1 and concluding 6:00 A.M. on November 2, 2014.

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BE IT FURTHER RESOLVED that copies of this Resolution be sent to the two elementary schools in town and the secondary schools in neighboring communities where resident children may be enrolled.

ROLL CALL:

AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay

ABSTAIN: NONE

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Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-194 – RESOLUTION – – APPROVAL OF BILLS – OCTOBER 14, 2014**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 14, 2014, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

<u>SUMMARY</u>	
<b>CURRENT FUND (1)</b>	<b>368,661.19</b>
<b>WATER/SEWER OPERATING (9)</b>	<b>216,744.51</b>
<b>DOG TRUST (13)</b>	<b>2.40</b>
<b>SPRING LAKE TRUST (15)</b>	<b>2,500.00</b>
<b>MT LAUREL TRUST (16)</b>	<b>2,402.50</b>
<b>MARRIAGE TRUST (19)</b>	<b>550.00</b>
<b>RECREATION (25)</b>	<b>1,089.95</b>
<b>BEACH OPERATING (81)</b>	<b>24,462.07</b>
<b>POOL OPERATING (91)</b>	<b>33,774.69</b>
<b>TOTAL</b>	<b>\$647,784.81</b>

ROLL CALL:

AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay

ABSTAIN: NONE

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**Public Comments**

Mr. Harry Zarb, 2205 Third Avenue, asked when the restrooms are open during the off season. Mr. Dempsey stated that the restrooms at the pavilions will remain open until the end of October at which time the single stall restroom located at the north end pavilion which will remain open through the winter months.

Ms. Elsie Dubac, 415 St. Clair Avenue, asked if there was a public meeting next week regarding Marucci Park. The Mayor responded that on Tuesday, October 21, 2014 at 5:00 pm there will be a meeting on this topic that is open to the public.

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Ms. Dolores Cacace, 106 York Avenue, asked about the status of the beach access at York Avenue. Mr. Judge stated that the Beach Committee has not yet formulated a position on this issue and agreed to do so in the next few weeks. Ms. Cacace also asked what the next step would be if the permits are issued for the second pipe at Wreck Pond. Mr. Avakian responded stating that they are waiting for the US Fish and Wildlife to present their hydraulic analysis, which is expected by the end of October. The results will help determine the recommended pipe size, the slope, how the fish interact from the ocean into the pond and then ultimately the overall design. Ms. Cacace expressed concern about the installation of the pipe and its impact on the inlet. Mr. Avakian stated that he didn't think the elevation of the sand above the pipe would allow us to excavate it out and that the intent of the pipe is to carry the volume of water out. Mr. Avakian suggested waiting until additional information is received from Fish and Wildlife, DEP and the Army Corps. Mayor Naughton asked for confirmation on the intended location of the pipe. Mr. Avakian stated that it would likely be placed where the emergency spillway is located. Mr. Judge asked if the pipe is installed and there's a flooding event where the two pipes are not removing enough water could an inlet be cut to the north of spillway. Mr. Avakian confirmed that this is a possibility.

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**Adjournment**

Mr. Judge offered a motion to adjourn the meeting, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay

ABSTAIN: NONE

Time of Adjournment: 7:40 PM

Respectfully submitted,

  
DINA ZAHORSKY  
Deputy Borough Clerk

Approved at a meeting held on: October 28, 2014