

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JUNE 27, 2017**

Council President Judge 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. He then proceeded with the Pledge of Allegiance to the Flag. Council President Judge announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley  
ABSENT: Mr. Frost, Mr. Sagui, Mayor Naughton  
ALSO PRESENT: Dina M. Zahorsky, Borough Clerk  
W. Bryan Dempsey, Borough Administrator  
Peter Avakian, Borough Engineer  
Joseph Colao, Borough Attorney

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**Workshop Discussion:** None

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**Approval of Minutes:**

Mr. Drasheff offered a motion to approve the amended minutes of June 13, 2017, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: Mr. Erbe

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**Proclamations, Presentations & Special Guests:** None

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**Public Comments:**

Maureen Quinn, 410 Salem Avenue would like a sidewalk installed along Fifth Avenue between Salem and Atlantic Avenues; it is a safety concern for pedestrians. Mr. Judge said it would be taken into consideration.

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**Council Comments & Staff Reports:**

Ms. Whalley reported the Garden Club is doing their annual tour tomorrow and are expecting over five hundred and forty people, which is higher than last year.

Ms. Whalley then reported that the Business Improvement District and the Chamber of Commerce are planning their annual fundraiser at the Community House on August 16<sup>th</sup> with The Music Man; it is a dress rehearsal costing \$25.00 per ticket.

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**Borough Engineer's Report:**

Mr. Avakian reported that the Third Avenue repaving project is complete and being closed out. The next phase has been approved and the plans are being worked on. Ms. Whalley asked about the process of deciding the traffic calming measures. Mr. Judge explained it was previous discussed at a council meeting but if the streets and roads committee has suggestions they should be brought up at a meeting. Ms. Whalley asked if work is expected to be done in the fall. Mr. Avakian explained that the work will be done in the fall by borough desire.

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Mr. Avakian further reported on the Atlantic Avenue water system improvements from Second to Fourth Avenues; plans have been drafted and will be submitted to DEP for a permit and there is a ninety day permit review period.

Mr. Drasheff asked about the storm runoff issue on the corner of Fourth and Essex Avenues. Mr. Avakian looked at it the other day but has yet to look at it during a storm event; he will look into it and report back.

Ms. Whalley asked if they have heard back about the open space grant for Devine Park. Mr. Avakian reported the preliminary assessment report was just submitted. Mr. Dempsey reported within the next week or two they should have a meeting to discuss.

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**Borough Attorney's Report:**

Mr. Colao recommended Ordinance No. 2017-007 "An Ordinance Amending Chapter 225, Section 9 Land Development, Amending the Zoning Map" adoption be tabled to July 11, 2017.

Mr. Erbe made a motion to table Ordinance No. 2017-007, seconded by Mr. Drasheff.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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**Borough Administrator's Report:**

Mr. Dempsey reported the platform tennis court walkways are now complete, which completes the entire project.

Mr. Dempsey then reported in the event of a significant rain storm approaching the pipe at Wreck Pond would be left open, but for smaller rain events the pipe will be closed to prevent beach closures. Mr. Drasheff asked about the water quality in the lake because of the beach closing on Washington Avenue. Mr. Dempsey believes that was a onetime deal, the closing on Washington Avenue would have been from street run off. Mr. Avakian added that the last closure was on Terrace Avenue in Sea Girt, it is unclear as to why there were high bacteria levels. Mr. Avakian explained sometimes there are high readings after several days of high heat followed by a flash flood rain event.

Mr. Dempsey reported on the open space grant applications for this upcoming year, they are due September 10<sup>th</sup>. He suggested the borough come up with a project and apply.

Mr. Dempsey reported the South End pool is looking great. Mr. Judge added that there is spray paint on the east side wall along the beach; he asked if that could be cleaned up. Mr. Judge also asked about additional bike racks up at the beach. Mr. Dempsey said the spray paint will be cleaned up this week and additional bike racks will be added.

Ms. Whalley asked about adding more bike racks in town and if that would be from the Borough of the BID. She added bike racks should be added by Healthy Day Café. Mr. Dempsey added it will be tricky to add bike racks in that area since the sidewalk is narrow. He suggested possibly borrowing bike racks from H.W. Mountz during the summer. Mr. Judge agreed that would be perfect, he also suggested Ms. Whalley talk to business owners to find out where they would like additional bike racks.

Mr. Lyle Marlow, 110 Pennsylvania Avenue asked about giving up parking spaces for bicycle racks. Ms. Whalley will go back to the BID to find out where they would like bike racks.

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**Business Items Under Consideration:** None

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**Ordinances for Introduction:** None

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**Ordinances for Adoption:**

Mr. Erbe offered a motion to open the public hearing for Ordinance No. 2017-005 seconded by Mr. Drasheff. All in favor. None opposed.

**PUBLIC HEARING NOW OPEN**

Mr. Erbe asked if a garage apartment would be affected by this ordinance. Mr. Judge specified that it would be. Mr. Erbe stated he is against this ordinance. Mr. Drasheff explained that this would only be in the situation that the property owner demolishes the primary structure and asks the planning board for a non-conforming garage. Mr. Dempsey added that this came from the planning board. Mr. Erbe believes this is a little too much conformity. He added that garage apartments should be looked at as a possible COAH obligation. He feels that there should be a little more flexibility to keep the accessory structure.

Elise Dubac, 415 St. Clair Avenue asked about the house on Brighton Avenue when they took down the entire garage and got a variance to build a new garage with an above apartment. Mr. Dempsey added that there is no apartment upstairs.

Mr. Drasheff offered a motion to close the public hearing for Ordinance No. 2017-005, seconded by Mr. Erbe. All in favor. None opposed.

**PUBLIC HEARING NOW CLOSED**

Mr. Drasheff offered a motion to adopt Ordinance No. 2017-005, seconded by Mr. Erbe.

**AN ORDINANCE AMENDING CHAPTER 225, LAND DEVELOPMENT,  
SECTION 20 A (5) OF THE BOROUGH CODE**

**WHEREAS**, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

**WHEREAS**, the following sections of Chapter 225 are amended with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline**;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

§ 225-20. Nonconforming lots, structures, and uses.

A. Lots and structures.

(1) Contiguous lot ownership. Where two or more lots created by the filing of a map pursuant to the Map Filing Law prior to establishment of the Planning Board have any contiguous lines and are in single ownership and one or more of the lots is nonconforming in any aspect, the lots involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be conveyed or divided except through the filing of an approved subdivision in accordance with the provisions of this chapter.

(2) On any nonconforming lot, or for any nonconforming building or structure on a conforming lot, a zoning permit may be granted to allow for additions to the principal structure or for the construction of an accessory building, provided that all of the following criteria are met:

(a) The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question;

(b) The addition or enlargement is conforming; and

(c) The resulting building or structure does not create any new zoning violations.

(d) Any renovation does not include conversion of an existing unfinished attic or porch space that encroaches in any required yard into habitable floor area.

(3) Restoration of nonconforming structure.

(a) If a nonconforming structure is destroyed either unintentionally through fire, wind, water or other method, or through demolition by the owner or an agent of the owner, the nonconforming building or

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structure may be reconstructed or otherwise restored provided that the Borough Zoning Officer shall determine that such destruction affects less than 50% of the gross floor area of the original structure and the structure is not made more nonconforming than the original structure.

(b) If the destruction to a nonconforming structure affects more than 50% of the gross floor area of the original structure, as determined by the Borough Zoning Officer, then the structure shall only be restored in conformance with the applicable zoning standards.

(c) Nothing in this section shall prevent the correction of an unsafe condition of any wall, floor or roof that has been declared unsafe by the Building Official of the Borough or his representative.

(4) Permits may be issued for new buildings or structures on existing nonconforming lots, provided that the use of the proposed buildings or structures is permitted and that the new buildings or structures meet all bulk requirements of the zone in which the lot is located.

**(5) No permit shall be issued for the construction of any new principal dwelling on any lot unless all accessory structures proposed to remain are in, or are proposed to be brought into, conformity with the applicable zoning standards.**

ROLLCALL:

AYES: Mr. Drasheff, Mr. Judge, Ms. Whalley

NAYS: Mr. Erbe

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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Mr. Erbe offered a motion to open the public hearing for Ordinance No. 2017-006, seconded by Mr. Drasheff. All in favor. None opposed.

**PUBLIC HEARING NOW OPEN**

Lyle Marlowe, 110 Pennsylvania Avenue stated that the council recently changed the height and grade of garages. He is asked who is asking for larger garages, particularly in the R2 zone. Mr. Colao explained that the Planning Board has received enough applications that this was a suggestion to change. Mr. Marlowe hasn't heard of any residents from Spring Lake wanting larger garages. Mr. Erbe is in favor of larger garages, he feels that it is very restrictive of lots, particularly in their backyards.

Dolores Cacace, 104 York Avenue explained that the homes on the south end of town do not have basements for storage because of the flood risk. She added that for homeowners do not have a basement, they store many of their items in the garage.

Mr. Erbe offered a motion to close the public hearing for Ordinance No. 2017-006, seconded by Mr. Drasheff. All in favor. None opposed.

**PUBLIC HEARING NOW CLOSED**

Mr. Erbe offered a motion to adopt Ordinance No. 2017-006, seconded by Mr. Drasheff.

**AN ORDINANCE AMENDING CHAPTER 225, LAND DEVELOPMENT,  
SECTION 12D OF THE BOROUGH CODE**

**WHEREAS**, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

**WHEREAS**, the following sections of Chapter 225 are amended with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline**;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

**§ 225-12. R-1, R-2 and R-3 Residential.**

D. Area and yard requirements.

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Principal Building (minimum)	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
Lot area	15,000 square feet	7,500 square feet*	11,250 square feet	15,000 square feet
Lot frontage	100 feet	50 feet*	75 feet	100 feet
Lot width	100 feet	50 feet*	75 feet	100 feet
Lot depth	125 feet	125 feet	125 feet	150 feet
Side yard				
One	15% of width	12% of width	13.5% of width	25 feet
Aggregate of both	35% of width	32% of width	33.5% of width	50 feet
Front yard	25 feet	25 feet	25 feet	35 feet
Rear yard	35 feet	35 feet	35 feet	25 feet

Accessory Building (minimum)	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
Distance to side line	6 feet	6 feet	6 feet	20 feet
Distance to rear line	6 feet	6 feet	6 feet	20 feet
Distance to principal building	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Coverage (% of lot area or square feet)	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
Principal Building coverage (1)	25%	25%	25%	15%
Swimming pools (1)	7%	7%	7%	---
Driveways	1,650 square feet	1,650 square feet	1,650 square feet	---
Walkways	350 square feet	200 square feet	275 square feet	---
Detached private garages	600 square feet	500 square feet	550 square feet	600 square feet
Total cumulative accessory building coverage (excluding detached private garages (3))	100 square feet	100 square feet	100 square feet	
Maximum total impervious surface coverage	40%	55%	45%	35%
Maximum Building Height	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches

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Accessory Building (minimum)	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
Principal building	2 1/2 stories/ 35 feet	2 1/2 stories/ 35 feet	2 1/2 stories/ 35 feet	
Detached private garage [Amended 4-10-2012 by Ord. No. 2012-005]	1 1/2 stories/18 feet	1 1/2 stories/18 feet	1 1/2 stories/18 feet	
Maximum Building Height	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
All accessory buildings, excluding detached private garage	1 story/ 15 feet	1 story/ 15 feet	1 story/ 15 feet	1 story/ 25 feet

Notes:

- (1) (Reserved)
- (2) (Reserved)
- (3) Accessory structures include tool and storage sheds, greenhouses, gazebos and pool cabanas.
- (4) A detached private garage shall be required for all new construction of a principal residential structure in the R-1 and R-3 Districts in accordance with the provisions of § 225-16.
- (5) No garage shall be higher than 1 1/2 stories and 18 feet in height such that the half-story above shall be nonhabitable and provide no more than six feet standing room from the top of the floor framing to the roof framing/collar tie at the underside of the roof. Flat roofs shall not be permitted.
- (6) For properties located in the AE Flood Zone as shown on the most current FEMA – Flood Insurance Rate Map (FIRM), the Maximum "Building Height" shall be as defined in § 225-7, Definitions.
- (7) For corner lots, in accordance with the definition provided within § 225-7, in the R-2 Zone District, the minimum lot area shall be 9,750 square feet. The minimum lot frontage shall be 65 feet and the minimum lot width shall be 65 feet. A corner lot with contiguous lot(s) under single ownership that conformed to the zoning requirements prior to the adoption of Ordinance No. 2013-001, March 26, 2013, shall be considered to be an undivided parcel pursuant to § 225-20A(1), except any lots held under single ownership pursuant to an approved subdivision by a Borough land use board, or otherwise held in single ownership, where the distinct identity of the lots has not been destroyed. Furthermore no portion of the said lot(s) shall be conveyed or divided except through the filing of an approved subdivision in accordance with the requirements adopted on March 26, 2013.
- (8) The permitted impervious total for any detached garage in any residential zone may be increased up to a total of 5% (five percent) of the lot area of the lot subject to a maximum permitted area of 750 square feet.**

ROLLCALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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**Ordinance No. 2017-008**

Ms. Whalley explained that this particular ordinance relates to the tree canopy in town along with the installation of curbing and sidewalks. The council had some concerns about the ordinance and it was tabled until the July 11<sup>th</sup> Mayor and Council meeting.

Mr. Colao suggested tabling Ordinance No. 2017-008, "An Ordinance Amending and Supplementing Chapter 330, Streets and Sidewalks of the Borough Code" to July 11, 2017.

Ms. Whalley made a motion to table Ordinance No. 2017-008, seconded by Mr. Drasheff.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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**Consent Agenda:**

Mr. Drasheff offered the following resolution and moved its adoption, seconded by Mr. Erbe.

**R-17-121- RESOLUTION – REFUNDING STREET OPENING FEES  
412 MORRIS AVENUE BLOCK 73, LOT 21**

WHEREAS, an application was received by the Borough of Spring Lake for a Street Opening application for 412 Morris Avenue, Block 73, Lot 21, and

WHEREAS, this money has inadvertently been deposited twice in error by the Borough of Spring Lake, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that refund be made to AV National Water Utility Services in the amount of \$550.00 for the application and inspections fees also \$1,250 for the street opening bond.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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Mr. Drasheff offered the following resolution and moved its adoption, seconded by Mr. Erbe.

**R-17-122-RESOLUTION – APPOINTING BEACH PERSONNEL FOR THE 2017 SEASON**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the following individuals be appointed immediately as Beach Employees for the 2017 Season

**Office Staff:**

Sturtevant, Shane \$11.25/hr

**Badge Checkers:**

Scrivanic, Jack \$8.44/hr

Houston, Jack \$8.44/hr

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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**Resolutions:**

Resolution R-17-123 was removed from the consent agenda.

Mr. Drasheff offered the following resolution and moved its adoption, seconded by Mr. Erbe.

**R-17-123- RESOLUTION – APPOINTING THOMAS J. SATEARY -  
TAX APPEAL ATTORNEY**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Thomas J. Sateary be and hereby is appointed Tax Appeal Attorney for the Borough of Spring Lake effective immediately.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: Mr. Erbe

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Mr. Drasheff offered the following resolution and moved its adoption, seconded by Mr. Erbe.

**R-17-124- RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR  
SUTPHEN FIRE APPARATUS**

WHEREAS, the Borough Council of the Borough of Spring Lake wishes to purchase a Sutphen Fire Apparatus from an authorized vendor under the State Contract; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Blaze Emergency Equipment Company, 247 Downhill Run, Toms River, NJ is under the State Contract #A86453; and

WHEREAS, the Fire Chief recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

WHEREAS, the cost for the purchase of one Sutphen Fire Apparatus is \$449,988.69; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the purchase of one Sutphen Fire Apparatus ordered under State Contract #A86453 be and is hereby authorized.

**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I Robbin Kirk, Chief Financial Officer of the Borough of Spring lake hereby certify that funds are available from the following accounts: Bond Ordinance No. 2017-001 with an available balance of \$499,998.69.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-17-125-RESOLUTION – APPROVAL OF BILLS – JUNE 27, 2017**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending June 27, 2017, 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.

**SUMMARY**

**CURRENT FUND (1)  
GRANT FUND (2)**

**564,212.32  
172.88**



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WATER/SEWER UTILITY CAPITOL (8)	1,740.00
WATER/SEWER OPERATING (9)	33,656.13
TRUST OTHER FUND (12)	948.97
DOG TRUST (13)	929.20
SPRING LAKE TRUST (15)	1,250.00
RECREATION (25)	486.37
JR GUARDS (26)	599.91
BEACH OPERATING (81)	33,872.01
POOL OPERATING (91)	3,016.26
TOTAL	\$640,884.05

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Frost, Mr. Sagui

ABSTAIN: NONE

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**Public Comments:**

Dolores Cacace, 104 York Avenue asked if the Borough can apply for the Open Space Grant for the berm around Wreck Pond. Mr. Dempsey explained that they can apply for the grant however, the berm is already funded. Mr. Avakian added that they will have something in August to present to the council.

Ms. Cacace asked if there will be food trucks at Brown Avenue this weekend. Mr. Dempsey said hopefully there will be food trucks there this weekend.

Harry Zarb, 2205 Third Avenue asked for status of the tree on the south-east corner of Washington and Fifth Avenues. Mr. Dempsey is waiting on the county to remove the tree; they are hoping to get to it within the next week or two.

Mr. Drasheff thanked Mr. Zarb for reaching out to JCP&L regarding many street lights that are out around town.

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**Executive Session: NONE**

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**Adjournment:**

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

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

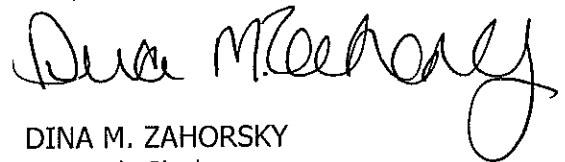
NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Time of Adjournment: 8:03 PM

Respectfully submitted,



DINA M. ZAHORSKY  
Borough Clerk

Approved at a meeting: July 11, 2017