

PLANNING BOARD
JANUARY 14, 2013

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Campbell, Windas, Kaye and Ms. Sheridan

Absent: Messrs. Forte, Hoffman, Doherty, and Magovern; and Ms. Provenzano

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on January 7, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kovats administered the oath of office to re-appointed members Mr. Campbell and Mr. Meyer.

Mr. Kaye made a motion to nominate Mr. Windas as Chairman of the Board, which was seconded by Mr. Campbell. Being there were no further nominations Mr. Windas was appointed Chairman unanimously.

Mr. Windas made a motion to nominate Ms. Provenzano as Vice Chair, which was seconded by Ms. Sheridan. Being there were no further nominations, Ms. Provenzano was appointed Vice Chair unanimously.

Mr. Meyer made a motion to waive the reading and approve the minutes of the December 17, 2012 regular meeting, which was seconded by Ms. Sheridan and approved by the following vote:

In the Affirmative: Messrs. Meyer, Campbell, Windas, Kaye and Ms. Sheridan

Opposed:

Abstain:

Mr. Meyer made a motion to waive the reading and approve the resolution appointing Douglas Kovats, as Board Attorney, which was seconded by Mr. Campbell and approved by the following vote:

In the Affirmative: Messrs. Meyer, Campbell, Windas, Kaye and Ms. Sheridan

Opposed:

Abstain:

Ms. Sheridan made a motion to waive the reading and approve the resolution establishing Open Public Meetings Act regulations, which was seconded by Mr. Meyer and approved by the following vote:

In the Affirmative: Messrs. Meyer, Campbell, Windas, Kaye and Ms. Sheridan

Opposed:

Abstain:

Mr. Meyer made a motion to waive the reading and approve the resolution granting site plan approvals to I2 Ventures, LLC, 612 Fifth Avenue, which was seconded by Mr. Campbell and approved by the following vote:

In the Affirmative: Messrs. Meyer, Campbell, Windas, Kaye and Ms. Sheridan

Opposed:

Abstain:

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Prior to voting Mr. Kovats explained the applicant and their attorney requested some changes to the resolution, most of which were typographical errors.

At approximately 7:40 p.m. Mr. Windas made a motion to go into executive session to discuss Ordinance 2012-17, which was seconded by Mr. Campbell and approved unanimously.

At approximately 8:20 p.m. Mr. Campbell made a motion to close the executive session and return to the regular public meeting, which was seconded by Ms. Sheridan and approved unanimously.

The hearing on Ordinance 2012-17 was opened and there were no public comments.

Mr. Kovats explained the intent of the ordinance. Mr. Campbell stated he agrees with the ordinance and supports it. Mr. Kovats will prepare a report to the Mayor and Council offering the Board's support of the ordinance.

Mr. Windas and Mr. Campbell volunteered to join the Site Plan Advisory Committee, which is established by this ordinance. Ms. Sheridan offered to be an alternate member. The Committee will need one more member from the Planning Board. (After the meeting ended, Mr. Meyer offered to join the Committee.)

Public: Charles Bull, 1501 Ocean Avenue, was present to observe the meeting but had not comments.

Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Meyer.

PLANNING BOARD
JANUARY 30, 2013

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Hoffman, Doherty, Magovern, Campbell, Windas, Kaye (arrived at 6:10 p.m.) and Ms. Sheridan

Absent: Messrs. Forte and Ms. Provenzano

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 6:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 28, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

The meeting was held in the lobby of the municipal building and due to not having an American Flag present, Mr. Windas made a motion to waive the Pledge of Allegiance, which was seconded by Mr. Meyer and approved unanimously.

The Board met to discuss proposed Ordinance 2013-02, which would amend the beachfront commercial zone to have bars/taverns/pubs as a permitted use.

Mr. Doherty explained Governor Christie will be releasing an Executive Order to permit seasonal liquor licenses to open on March 1, 2013 instead of May 1, 2013.

Mr. Doherty explained that he originally thought the proposed ordinance would affect La Dolce Vita and D'Jais and the zoning ordinances state that bars/taverns/pubs are a non-conforming use and therefore if these establishments wanted to open early they would be expanding their non-conforming use. However, after further review of the Borough's zoning ordinances it was determined that it would only affect D'Jais because La Dolce Vita is not a bar it is a restaurant with a liquor license. He further stated that rather than doing this ordinance D'Jais could go before the Zoning Board to ask for a variance to open on March 1 if they chose to do so.

Mr. Kovats explained that even though there will be no further discussion on this matter since the Mayor and Council will not be acting on the ordinance the Board was required to open the meeting because it was advertised and they needed to explain what happen on the record.

There were several comments made by unidentified public members. The comments ranged from concerns about the operations of D'Jais and the rumor that additional bars would be added to Ocean Avenue.

Mr. Doherty explained there will be no additional bars added to Ocean Avenue.

Being there was no further discussion, Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

**PLANNING BOARD
FEBRUARY 11, 2013**

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Hoffman, Forte, Magovern, Campbell, Windas, Kaye, and Ms. Sheridan

Absent: Messrs. Mr. Doherty and Ms. Provenzano

Also Present: Doug Kovats, Board Attorney, Planner Dave Roberts, and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the January 14, 2013 meeting, which was seconded by Mr. Kaye and approved by the following vote:

AYES: Meyer, Magovern, Campbell, Windas, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN: Mr. Forte and Mr. Hoffman

Mr. Hoffman made a motion to waive the reading and approve the minutes of the January 30, 2013 special meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Meyer, Magovern, Hoffman, Campbell, Windas, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN: Mr. Forte

Mr. Kovats stated at the March meeting the Board will be holding a study on designating the boardwalk area as an area in need of redevelopment.

REHABILITATION STUDY

Mr. Kovats explained the Mayor and Council have asked the Board to do a study on whether or not the Borough of Belmar would qualify as an area in need of rehabilitation. The purpose of this is to allow the Mayor and Council to apply the designation so they could offer tax abatements to residents who do improvements to their homes. The Borough Engineer prepared a letter stating the housing stock and infrastructure in the Borough is greater than 50 yrs old.

Dave Roberts, the Borough's Planner, submitted US Census data showing the age of structures. He explained the Borough would have to meet one of the statutory criteria, which he feels we meet. The criterion the Borough meets is that more than half the housing stock and water/sewer infrastructure is over 50 years old. He explained that once the designation is made the Borough can offer five year tax abatements. He stated there was enough data and information to support the Board making a recommendation to the Mayor and Council that they adopt the designation.

Mr. Magovern stated some residents were concerned about eminent domain. Mr. Roberts stated that would not be permitted under the rehabilitation statute. Mr. Kovats added that the Borough has ordinances prohibiting eminent domain as well.

Ms. Sheridan asked how long the designation would be in place. Mr. Roberts stated there is no expiration but the Mayor and Council can repeal it anytime.

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Mr. Windas asked how the tax abatement works. Mr. Roberts stated one would still pay the base tax amount but the percent added to the assessment would be phased in over five years.

Public Comments: None

Mr. Meyer thought it makes sense to recommend the designation.

Ms. Sheridan though it is a good idea to provide assistance but would like to see a sunset clause put in.

Mr. Campbell stated he agrees with the Mayor and Council's intentions.

Mr. Forte stated he has no problem with the designation but doesn't like the phase in of the increased assessments. Mr. Roberts explained the Mayor and Council will determine how the tax abatement program works.

Mr. Magovern stated the designation would take out the pain of doing work on your house and may even encourage people to do work.

Mr. Hoffman thought it would be beneficial. Mr. Windas agreed with his fellow Board members.

Mr. Windas made a motion to authorize Mr. Kovats to prepare a writing to the Mayor and Council that would state they recommend the Mayor and Council designate the Borough as an area in need of rehabilitation, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Meyer, Magovern, Forte, Hoffman, Campbell, Windas, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN:

AMENDMENTS TO HEIGHT ORDINANCE

Mr. Kovats explained the current zoning ordinance permits a height of 35 feet for residential properties. Ms. Claudio explained the new FEMA advisory base flood elevations are set at 8-11 feet above sea level depending on which flood zone a property is in. Ms. Claudio explained the Mayor and Council would like the Planning Board to recommend an ordinance amendment that would raise the height limit so that properties that are affected by the new flood elevations and are required to raise their house won't have to obtain a height variance from the Zoning Board.

Mr. Kovats and Mr. Roberts recommended having the Technical Design Review Committee review this matter and make recommendations because he was concerned about the design and architectural look of the houses that would be raised and felt they had more expertise to draft recommendations.

Mr. Hoffman made a motion to send this matter to the TDRC for further review, which was seconded by Mr. Kaye and approved by the following vote:

AYES: Meyer, Magovern, Forte, Hoffman, Campbell, Windas, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN:

Mr. Windas made a motion to adjourn the meeting, which was seconded by Mr. Meyer and approved unanimously.

PLANNING BOARD
MARCH 18, 2013

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Hoffman, Forte, Magovern, Windas, Kaye, and Ms. Sheridan

Absent: Mr. Campbell, Mr. Doherty and Ms. Provenzano

Also Present: Doug Kovats, Board Attorney, Planner Dave Roberts, and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the February 11, 2013 meeting, which was seconded by Mr. Forte and approved by the following vote:

AYES: Messrs. Meyer, Hoffman, Forte, Magovern, Windas, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN:

Mr. Hoffman made a motion to waive the reading and approve the resolution adding the Star Ledger as an official newspaper of record, which was seconded by Mr. Kaye and approved by the following vote:

AYES: Messrs. Meyer, Hoffman, Forte, Magovern, Windas, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN:

ORDINANCE 2013-04:

Mr. Kovats explained to the Board that they are required to review the ordinance prior to the Mayor and Council adopting it. The ordinance allows for properties to go above the 35 ft. height limit in order to comply with the new base flood elevations. Rather than measuring height from average grade the height would now be measured from the elevation. This ordinance allows those homes who are affected by the flood elevations to raise their homes without needing a height variance.

Mr. Magovern stated there were no changes to the flood elevation for homes around Silver Lake and asked if they would require a variance if they raise their home. Mr. Kovats stated they would, if they did not fall under this ordinance.

Mr. Kovats thought there may be some front setback encroachment issues and design standards that may need to be addressed at a later time.

Mr. Windas made a motion to recommend to the Mayor and Council that they adopt the ordinance, which was seconded by Mr. Meyer and approved unanimously.

BOARDWALK REDEVELOPMENT STUDY:

Mr. Roberts explained the Mayor and Council would like the Board to determine if Ocean Avenue and the boardwalk area known as Block 3 Lot 3 can be designated as a redevelopment area. The area meets two of the criteria for the designation: the fact that it is more than 5 acres and that it was destroyed by a fire or a storm. The buildings and the boardwalk were destroyed by Hurricane Sandy. There are reports from the Borough's engineer stating the buildings needed

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to be demolished due to the extent of the damage. The designation would be for only the boardwalk and Ocean Avenue to the west curb line. Mr. Roberts gave a printout of a PowerPoint presentation outlining the site and how it qualifies for the designation. He also prepared an investigation report of the site which is required as part of the study.

Mr. Roberts explained the process is to have the Board hold a public hearing and make the recommendation to the Mayor and Council to move forward with the designation. The Mayor and Council will then create and adopt a redevelopment plan. By doing this the Mayor and Council have the authority to negotiate with developers for construction of new buildings on the boardwalk.

Public Questions and Comments: None

Mr. Hoffman made a recommendation to adopt Mr. Robert's investigation report and recommend to the Mayor and Council that the redevelopment designation be made, which was seconded by Mr. Meyer and approved unanimously.

Mr. Windas made a motion to adjourn the meeting, which was seconded by Mr. Meyer and approved unanimously.

Respectively submitted,

April Claudio, Planning board Secretary

PLANNING BOARD
APRIL 15, 2013

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Hoffman, Forte, Kaye, and Ms. Provenzano and Ms. Sheridan

Absent: Messrs. Windas, Magovern, Doherty, and Campbell

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the March 18, 2013 meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Hoffman, Forte, Kaye, and Ms. Sheridan

OPPOSED:

ABSTAIN: Ms. Provenzano

KLEIN'S FISH MARKET – 708 RIVER AVENUE

Applicant – Ollie Klien

Attorney – William Shippers

Architect – Mary Hearn

The application was for the placement of an emergency generator in the front yard which requires a front yard setback variance and a variance for having a structure in the front yard. Ms. Hearn stated Birdsall's review letter suggested turning the generator 90 degrees so that the front yard setback would be 10 feet instead of 5 feet, which they have no objection to doing if the Board agrees.

Ms. Hearn stated the property is in a flood zone and therefore they would place the generator on a 36 inch elevated platform. The generator is 8x3 and 4 feet high. The top of the generator would be 7 feet from the ground. She would make sure the generator is screened with lattice and landscaping and suggested the platform look like a dock to match the existing nautical theme outside the building. The generator would be placed in front of an existing refrigerator box.

Mr. Forte asked about the noise level. Ms. Hearn stated it is a 70 kw generator which is less noisy than others.

Ms. Provenzano asked if it will be used for emergencies only. Mr. Klein replied yes.

Mr. Kaye stated he likes the idea of a wood dock platform. He asked why they chose to place it in the front yard. Mr. Klien stated that is where the gas and electric are and it would be more costly to move it elsewhere. Ms. Hearn added that it must be 5 feet from any building.

Ms. Provenzano suggested moving the walk-in freezers at the back of the building and put the generator there. Mr. Klein stated it would be very costly and difficult to do.

Ms. Hearn stated if they turn the generator per Birdsall's recommendation and screen it, it will not be noticeable.

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Mr. Forte was concerned about there not being a curb there and vehicles hitting it. Ms. Hearn stated if the platform is built like a dock with pilings it would be noticeable and act as a barrier.

Mr. Forte suggested relocating the generator to the area labeled on the site plan “enclosed entrance”. Mr. Klein stated that area is where the gas and electric meters are and where people enter the Fish Market. Mr. Klein stated he was also told that the generator could not be placed in front of the gas meters.

Mr. Shipers suggested that they agree to move the generator to this location 5 feet from the gas meters if so allowed if not they will place it at the closet point to this area or in their originally proposed location if neither of the other two locations work.

Mr. Kovats suggested that prior to the next meeting a proposal of how the generator is to be screened be submitted and a revised drawing showing the new location of the generator as well. Mr. Shipers agreed.

Ms. Provenzano stated she would also like to see the manufacturer specifications for the generator.

Public – None

Mr. Meyer stated he sees no other feasible location to place the generator.

Mr. Kaye had concerns about the location and noise but it really only affects his business.

Mr. Hoffman made a motion to approve the application, which was seconded by Mr. Kaye and approved by the following vote:

AYES: Messrs. Meyer, Hoffman, Forte, Kaye; Ms. Sheridan and Ms. Provenzano

OPPOSED:

ABSTAIN:

Mr. Meyer made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

PLANNING BOARD
MAY 20, 2013

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Campbell, Windas, Doherty, Magovern, Hoffman, Forte, Kaye, and Ms. Provenzano and Ms. Sheridan

Absent:

Also Present: Doug Kovats, Board Attorney, Board Secretary April Claudio, Borough Engineer Paul Calabrese

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the April 15, 2013 meeting, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Messrs. Meyer, Hoffman and Kaye and Ms. Sheridan

OPPOSED:

ABSTAIN: Messrs. Campbell, Windas, Doherty, and Magovern and Ms. Provenzano

Mr. Kovats discussed with the Board the revised plans and supplemental information that was submitted by Klein's for the propose location of their generator.

Mr. Hoffman made a motion to waive the reading and approve the resolution granting approvals to Klein's Realty, 708 River Avenue, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Hoffman and Kaye and Ms. Sheridan

OPPOSED:

ABSTAIN: Messrs. Campbell, Windas, Doherty, and Magovern and Ms. Provenzano

JOANN ALI – 606 NORTH LAKE DRIVE

Mr. Meyer, Mr. Kaye and Mr. Windas stepped down from the dais because they live within 200 feet of the application. Mr. Forte (alternate member) joined the remaining Board members.

Ms. Ali stated she currently lives on the property and would like to subdivide the property into lots and eventually build new homes on each of the lots. One lot would be kept by her and the other would be sold. The proposed lot sizes are 7,500 square feet and 8,142 square feet.

Appearing with her were her architect Brendan McKew and engineer Ray Carpenter. One lot would have a house facing Seventh Avenue and the other would face North Lake Drive. No variances were being requested. Mr. Carpenter stated he will amend the proposed site plan per Birdsall Engineering's recommendations.

Public:

Eleanor Canning, 604 North Lake Drive, stated she could not visualize a house being placed on proposed lot 15.01. Mr. Carpenter showed her the proposed site plan and the possible location of a home that would comply with the Borough's setback requirements. He explained that the footprint on his proposed site plan was just an example of what size house could be built. They did not propose any homes for the sites at this time.

There were no questions from the Board.

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Mr. Hoffman made a motion to approve the application, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Magovern, Campbell, Doherty, Forte, Hoffman, and Ms. Provenzano and Ms. Sheridan

OPPOSED:

At approximately 8:00 pm the Board took a five minute recess. All Board members returned.

LOKO CO. LLC – RIVER AVENUE

Appearing for this application was the property owner Gregory Kapalko and his attorney Michael Rubino.

Mr. Rubino stated their original application consisted of two phases: a temporary use and then the final proposal for the site. In light of the review letter prepared by Birdsall Engineering it was decided that they would only move forward with preliminary site plan approvals for phase 1 of the project which includes some site improvements for phase 2.

Mr. Kapalko explained the phase 1 proposal is for an outdoor seasonal restaurant and phase 2 which would be the final improvements would be for mixed used buildings. He stated he currently has a pending developer's agreement for the Borough. He is also working on obtaining a liquor license for the site. At this time he would also like to do site work such as the water/sewer infrastructure and paving which would be for both phases of the project.

Ms. Provenzano was concerned about approving the application without knowing if Mr. Kapalko will be able to secure a tenant and a liquor license.

Mr. Rubino stated the existing building on the site would not be demolished until after Labor Day so as to not disrupt Klein's business. He also stated the temporary restaurant would not be open until 2014.

Mr. Forte asked why there is a need for a temporary use if construction won't start until 2014. Mr. Kapalko stated he would like to have the temporary use because he doesn't know how long CAFRA will take to approve phase 2. He further stated if phase 1 is not approved then the building will remain on site until phase 2 is approved by CAFRA.

Mr. Windas and Mr. Campbell stated they would like to hear the presentation for phase 1.

Mr. Kapalko stated the ultimate goal is to have two, three story mixed use buildings on the site but for now he is proposing to do all site work: curbing, parking, landscaping, etc. and a seasonal outdoor restaurant with a potential bar. He proposed temporary bathroom facilities similar to the style on the boardwalk, a 12x24 pre-manufactured building for cooking and refrigeration, and decorative outdoor tables and chairs.

Mr. Kaye asked about parking. Mr. Kapalko stated there would be 32 parking spaces on site and is working on sharing parking with the Borough in the neighboring municipal lot through the developer's agreement.

Mr. Kapalko, Mr. Rubino and Mr. Calabrese went through Mr. Calabrese's review letter line by line. Mr. Kapalko stated the proposed seating is for 336. There would be buffers with planters and rope. New water and sewer lines would be installed. A trash compactor would be used for recycling and garbage and would be enclosed.

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Mr. Calabrese stated there needs to be a traffic discussion and during phase 2 the sidewalk needs to be reviewed, however he has no issues with moving forward with phase 1. He also stated he would like to see a storm water management plan and a lighting plan for phase 1. Mr. Rubino and Mr. Calabrese agreed that those items could be submitted when they seek to obtain final approvals.

Scott Kennel, applicant's traffic engineer, stated they are proposing 10x20 parking stalls. The width of the east bound lane of River Avenue would be decreased. The proposed look of the parking stalls would be similar to the work the Borough did for the municipal lot.

Public: none

Board Comments:

Mr. Meyer stated he has no problem with the application.

Ms. Sheridan stated she looks forward to seeing the plans for phase 2.

Mr. Campbell stated he likes phase 1 and is looking forward to phase 2; both projects will be good for Belmar.

Ms. Provenzano stated she is glad that area will be revitalized.

Mr. Magovern stated it will be a great project. Mr. Kaye agreed.

Mr. Hoffman and Mr. Windas stated they are in favor of the application.

Mr. Hoffman made a motion to grant preliminary site plan approvals, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Doherty, Magovern, Hoffman, Kaye, and Ms. Provenzano and Ms. Sheridan

OPPOSED:

The applicants will resubmit an application and plans for final site plan approval to the Technical Design Review Committee and the Planning Board within the next few months.

Mr. Doherty made a motion to go into closed session per the request of the Board Attorney, which was seconded by Mr. Meyer and approved unanimously.

After approximately 15 minutes the Board reconvened in public session to adjourn the meeting. Mr. Meyer made a motion to adjourn, which was seconded by Ms. Sheridan and approved unanimously.

PLANNING BOARD
JUNE 17, 2013

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Windas, Magovern, and Kaye

Absent: Messrs. Campbell, Forte, Hoffman, Doherty, and Ms. Provenzano, and Ms. Sheridan

Also Present: Doug Kovats, Board Attorney, Acting Board Secretary Kelly Williams

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

At approximately 7:45 p.m. the meeting was adjourned under the advisement of the Board Attorney due to the fact there was not a quorum present. All matters on the agenda will now be on the agenda for the next meeting.

PLANNING BOARD
JUNE 27, 2013

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Forte, Campbell, Windas, Magovern, Kaye, and Hoffman

Absent: Mr. Doherty, Ms. Provenzano, Mr. Meyer and Ms. Sheridan

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 6:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on June 20, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Hoffman made a motion to waive the reading and approve the minutes of the May 20, 2013 regular meeting, which was seconded by Mr. Magovern and approved by the following vote:

AYES: Messrs. Forte, Campbell, Windas, Magovern, Kaye, and Hoffman

NAYS:

ABSTAIN:

Mr. Hoffman made a motion to waive the reading and approve the minutes of the May 20, 2013 executive session meeting, which was seconded by Mr. Magovern and approved by the following vote:

AYES: Messrs. Campbell, Windas, Magovern, Kaye, and Hoffman

NAYS:

ABSTAIN: Mr. Forte

Mr. Hoffman made a motion to waive the reading and approve the minutes of the June 17, 2013 regular meeting, which was seconded by Mr. Magovern and approved by the following vote:

AYES: Messrs. Campbell, Windas, Magovern, Kaye, and Hoffman

NAYS:

ABSTAIN: Mr. Forte

Mr. Hoffman made a motion to waive the reading and approve the resolution granting minor subdivision approvals to Joann Ali, 606 North Lake Drive, which was seconded by Mr. Magovern and approved by the following vote:

AYES: Messrs. Forte, Campbell, Windas, Magovern, and Hoffman

NAYS: Mr. Kaye

ABSTAIN:

Mr. Hoffman made a motion to waive the reading and approve the resolution granting preliminary site plan approval to Loko Co. LLC – River Avenue phase 1 project, which was seconded by Mr. Magovern and approved by the following vote:

AYES: Messrs. Forte, Campbell, Windas, Magovern, Kaye, and Hoffman

NAYS:

ABSTAIN:

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DISCUSSION: ORDINANCE 2013-09

Mr. Kovats explained the Mayor and Council are making amendments to the ordinance pertaining to impervious area and building coverage calculations. The ordinance amendments would allow for a 50% permeable surface credit for properties that choose to use specific interlocking paver systems.

Mr. Magovern was concerned about people stacking pavers and water not being able to get through. Mr. Kovats explained if the pavers installed did not to meet these specific requirements then the pavers would count as 100% impervious. Mr. Campbell suggested language be added that the pavers need to be inspected otherwise he has no issue with the changes. Mr. Hoffman stated he thought it should work.

Mr. Hoffman made a motion to authorize Mr. Kovats to prepare a letter to the Mayor and Council giving authorization to proceed with adoption of the ordinance, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Forte, Campbell, Windas, Magovern, Kaye, and Hoffman

NAYS:

ABSTAIN:

Public: None

Mr. Kovats stated he reviewed the rules and regulations for conflict of interest and the procedure for when a Board member must step down. He stated his professional opinion is that the Board member that steps down should have someone else speak on their behalf so there is no appearance of someone trying to influence the Board with their position. Mr. Kovats stated he can change the Board's policy if the Board would like but does not recommend it. Mr. Windas suggested Mr. Kovats discuss changing the policy with Mr. Kennedy, Zoning Board Attorney, so that both Boards follow the same policies. Mr. Kaye suggested Mr. Kovats contact the State.

Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Mr. Campbell and approved unanimously.

PLANNING BOARD
JULY 15, 2013

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Campbell, Windas, Magovern, Hoffman, Kaye, Forte, and Ms. Sheridan

Absent: Mr. Doherty and Ms. Provenzano

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Hoffman made a motion to waive the reading and approve the minutes of the June 27, 2013 regular meeting, which was seconded by Mr. Forte and approved by the following vote:

AYES: Messrs. Windas, Campbell, Magovern, Hoffman, Kaye, and Forte

NAYS:

ABSTAIN: Mr. Meyer and Ms. Sheridan

WILLIAM MERKLER & SHANNON MCALOON – 510 SIXTH AVENUE

Appearing with Mr. Merkler was his attorney David Lonski, architect Mary Hearn, and surveyor Joseph Lasok.

Mr. Lonski stated the existing lot is 100 x 150 and they would like to subdivide it into two conforming 50x150 lots. All existing structures would be demolished and new single family homes would be constructed on each lot. He reviewed the letter from the Borough's engineer and will comply with it. There are no variances being requested.

Mr. Magovern asked if any trees will be removed. Mr. Merkler stated there is only one shade tree at the front of the property which will remain.

Mr. Forte asked if garages and houses could be built on the properties without variances. Ms. Hearn replied yes.

Ms. Hearn also noted that the properties are not in a flood zone and she feels two conforming homes could be built with garages and without variances.

Public: none

Mr. Meyer felt the application was pretty straight forward. Ms. Sheridan stated it looks fine. Mr. Campbell stated he likes the application. Mr. Magovern stated it will make the block a nice place to live. Mr. Hoffman stated it is a nice application. Mr. Forte stated it complies with the master plan. Mr. Windas echoed everyone's comments.

Mr. Forte made a motion to approve the application, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, Hoffman, Kaye, Forte, and Ms. Sheridan

NAYS:

ABSTAIN:

PLANNING BOARD
JULY 15, 2013

Public: Joseph Taormina, 102 14th Avenue, expressed concern about the construction going on at the subdivided lot at 13th and Ocean Avenues. He felt the house under construction exceeded the height approved by the Board. Ms. Claudio explained this application was heard by the Zoning Board of Adjustment in 2007 and has spoken to Mr. Taormina and the zoning officer Ted Bianchi; the house has not exceeded the Board's approvals. Mr. Kovats and Mr. Windas advised Mr. Taormina that he should direct his concerns to the zoning officer since this Board did not have jurisdiction over that application.

Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Meyer and approved unanimously.

PLANNING BOARD
JULY 23, 2013

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Windas, Doherty, Magovern, Hoffman, Kaye, Forte, and Ms. Sheridan and Ms. Provenzano

Absent: Mr. Campbell

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 6:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on July 9, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kovats stated the purpose of tonight's meeting was to hear the application of Tulipanos Restaurant, 1006 Main Street, however it has come to his attention that there is a discrepancy between the newspaper notice and the notice sent to those within 200 feet. The notice that was sent to those within 200 feet does not list that they are seeking a waiver from the requirement to submit a minor site plan application. Given the inadequacy of the notice he feels the Board does not have jurisdiction to proceed with the application. The applicant will have to redo both notices for a future date. He also suggested the applicant confer with their legal counsel prior to doing so. The Board agreed they could not proceed. Mr. Kovats made an announcement to the public. The applicant's attorney also agreed.

Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

PLANNING BOARD
AUGUST 6, 2013

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Windas, Doherty (arrived at 6:05 pm), Magovern, Kaye, and Ms. Sheridan and Ms. Provenzano

Absent: Mr. Campbell, Mr. Forte, and Mr. Hoffman

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 6:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on July 24, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

TULIPANO'S RESTAURANT – 1006 MAIN STREET

Appearing for this application were the applicants, Jose and Christina Garcia, their attorney Dennis Collins, and their architect Vincent Piacente. Mr. Kovats marked all of the exhibits into the record. Mr. Collins stated he prepared a notice seeking approval for a change of use and the waiver of the requirement to submit a full minor site plan application. He stated he feels however that they are only required to seek approval for the change of use.

Ronald Gasiorowski stated he is an attorney representing an objector, Kaniela Dallaportas and her daughter Patty Cavanaugh. He stated he has concerns about no plans being submitted for outdoor dining in the rear. Mr. Kovats and Mr. Collins explained that outdoor dining is not part of the application as that is handled by the Zoning Officer and the Board does not have jurisdiction on that matter.

Mr. Piacente stated the property owner did renovations to the entire building to allow for a potential tenant. He is working with the owners of Tulipanos to move them into the first floor of the building. There are no variances being requested and they fully comply with the Borough's parking ordinance requirements.

At approximately 6:25 pm the Board took a five minute recess to allow Mr. Gasiorowski to review the letter marked as PB1 referring to the parking calculations and the memo from the Site Plan Review Committee. The Board reconvened at approximately 6:30 pm.

Mr. Gasiorowski felt that the Site Plan Review Committee should have held a public meeting prior to preparing the memo; however Mr. Kovats and Mr. Collins stated it is not required and the memo simply is a recommendation to the Board.

Mr. Zimmerman, licensed planner hired by Mr. Gasiorowski, stated he visited the site and visited the Municipal Offices to review the application file. There was some question as to what documents he actually reviewed and whether or not it was the entire file. Ms. Claudio explained she provided him with a copy of the application submitted by the applicant and not the entire file on the property. Mr. Collins stated any letters from the applicant to the Board are not required to be on file and therefore may not necessarily be available for viewing. Mr. Zimmerman stated he was surprised to see that there was no parking or lighting plan submitted.

Mr. Gasiorowski asked Mr. Piacente when he started working on the plans for the restaurant. Mr. Kovats and Mr. Collins asked why this information was relevant. Mr. Piacente stated the plans are dated June 27, 2013 and therefore he most likely started working on them sometime before that date. Mr. Gasiorowski asked about the plans for the outside of the building. Mr. Collins stated tonight's application is only for the interior of the building. Mr. Gasiorowski asked about

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the use of the outdoor second floor deck. Mr. Collins stated it is for the residential apartments upstairs.

Public – (Questions for the architect only)

Marvin Van Hise, 610 11th Avenue, asked about exterior illumination. Mr. Piacente stated the only proposed lighting is on the front façade. Mr. Van Hise stated he would like to see Tulipanos re-open but is concerned about how the whole application process has played out. Mr. Van Hise referenced sections of the Borough's ordinances pertaining to minor site plan applications and that certain criteria must be met in order to grant a waiver from it, which he feels have not been met. He also asked about the plans for the rear of the building where landscaping has been done. Mr. Collins reiterated that the application is only for the interior of the building and the change of use.

Ms. Gasiorowski and Mr. Zimmerman read the Borough's definition of a change of use, exempt development and a minor site plan. They too agreed that certain documents must be submitted and criteria must be met in order to grant a waiver from submitting a site plan application. Mr. Gasiorowski had copies of construction plans approved by the Borough's Construction Department for renovations and additions to the entire building which he felt required the application to be a major site plan, and which he wanted to submit into the record. Mr. Collins objected to the relevancy of submitting those plans.

(Mayor Doherty left the room from approximately 7:45-7:48 pm)

Mr. Zimmerman stated the applicant and their attorney have not provided any testimony on why they are seeking a waiver from submitting a minor site plan application and he felt the waiver is not warranted. He wanted more information about the number of employees, where deliveries will take place, exterior seating, waste storage, hours of operation, and lighting. He felt there was not enough information being provided in order for the Board to grant approvals.

Mr. Kovats asked how the parking calculations were determined. Mr. Piacente stated he based it off of past usage of the building and the requirements listed in the Borough's ordinances.

Mr. Magovern asked Mr. Zimmerman if he would be in favor of allowing food outside and Mr. Zimmerman stated he would not unless proper approvals were given.

Mr. Zimmerman and Mr. Gasiorowski wanted the construction permit plans marked as an exhibit. Ms. Provenzano stated those plans were approved by the construction office without variances and has no relevancy for the application.

Public

Marguerite Siegel, Oceanside Gallery – Main Street, stated they are wonderful neighbors and would like to see them re-open.

Tom MacGowan, 1000 Main Street, stated he has been on Main Street for over 28 years and has seen the changes such as Nicchio and Tulipanos opening. There is only some noise from Nicchio and no noise from Tulipanos. The building was in major disrepair and he could not believe someone wanted to fix it up and not rebuild it. He felt the property owners have done a wonderful job and the building looks amazing.

Ronnie Lippsett, 620 11th Avenue, stated she is in favor of the restaurant, the façade looks phenomenal but her only concern is the affects it will have on the properties that abut along the rear.

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Norman Einhorn, 613 10th Avenue, stated he would like to see the restaurant there however he has concerns about noise, rodents, trash and wants to ensure the neighboring properties will be protected.

Joanne Ryan, 609 10th Avenue, stated the owners of Tulipanos have been good neighbors but is concerned about people eating in the back yard.

Sam Marzarella, 10th Avenue, stated he does not want to see the use of Main Street intensified and parking made worse. He expressed concern about the name of the restaurant already being placed on the building without approvals being granted.

Marvin Van Hise, 11th Avenue, stated nobody has an issue with the restaurant but the concern is whether or not they comply with Borough ordinances and if enough information is being provided to grant approvals. He also expressed concern about the impact the restaurant will have on the neighbors.

Mr. Marzarella and Mr. Van Hise submitted photos they took of the site and surroundings.

Board Comments

Mr. Meyer stated the renovations are a fine improvement and he has no problem with the change of use.

Ms. Sheridan agreed.

Ms. Provenzano stated she was a tenant in the building twenty years ago and the building was in disrepair then. She stated the Board has no jurisdiction over the outdoor dining and that will have to be handled by the Zoning Officer. She stated she too would share the concerns about noise, lighting and trash however she will rely on the Borough's professionals to handle it. She explained that if any renovations for the restaurant have been done already they were done at their own risk.

Mr. Magovern stated the improvements look great and they are only moving two doors down. He stated he would be okay with outdoor dining in the front but would not like to see it in the rear.

Mr. Kaye stated he can see how much money has been put into the building and can see potential problems with dining in the rear. He feels what has been done will be good for Belmar.

Mr. Doherty stated Mr. and Mrs. Garcia run a first class operation and it's disingenuous to think they won't operate their new location just as well. He felt we should be supporting small business owners rather than putting them through the ringer. He stated he looks forward to voting in favor of the application and hopes everyone will patronize the restaurant.

Mr. Windas stated they have heard compelling comments but the issue is the change of use. He feels it will be a draw to Belmar and would be voting in favor of the application.

Mr. Collins stated they would comply with the outdoor dining ordinance and submit an application as required. He also stated he feels they are simply seeking approval for the change of use and that a waiver of minor site plan is not required.

Mr. Gasiorowski asked to speak however Mr. Collins objected. Mr. Windas stated Mr. Gasiorowski had ample time to speak however he agreed to give him an additional minute. Mr. Gasiorowski declined to speak further.

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Mr. Kovats summarized the discussion. There are no variances being requested. He stated the use conforms to the zone and parking is provided per the Borough ordinance. The application is for a change of use from one permitted use to another. He agreed that the application is only for a change of use and the waiver of a minor site plan application is not required. He read all of the exhibits into the record again.

Mr. Meyer made a motion to approve the application for a change of use, which was seconded by Mr. Doherty and approved by the following vote:

AYES: Mr. Meyer, Ms. Sheridan, Mr. Windas, Ms. Provenzano, Mr. Kaye, and Mr. Doherty

NAYS: Mr. Magovern

Mr. Meyer made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

PLANNING BOARD
AUGUST 19, 2013

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Forte, Campbell, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

Absent: Ms. Provenzano and Mr. Doherty

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the July 15, 2013 meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

OPPOSED:

ABSTAIN: Mr. Campbell

Mr. Hoffman made a motion to waive the reading and approve the minutes of the July 23, 2013 meeting, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

OPPOSED:

ABSTAIN: Mr. Campbell

Mr. Meyer made a motion to waive the reading and approve the minutes of the August 6, 2013 meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

OPPOSED:

ABSTAIN: Mr. Campbell and Mr. Forte

Mr. Meyer made a motion to waive the reading and approve the resolution granting approvals to William Merkler for 510 Sixth Avenue, which was seconded by Mr. Kaye and approved by the following vote:

AYES: Messrs. Meyer, Forte, Campbell, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

OPPOSED:

DOWN TO EARTH FARMS – 112 FIFTH AVENUE:

Appearing for this application was attorney William Shippers, builder Dave Kinsel, engineer Richard DiFolco, and one of the owners William Merkler.

Mr. Shippers stated the property was part of a subdivision application in 2006 by I2 Ventures which was approved to create 9 lots out of 3 lots. Instead they are proposing to take one lot and subdivide it into two lots that are 7500 sq ft. each.

Mr. DiFolco stated the surrounding uses are residential with similar size lots. The existing Barclay venue would be demolished if approved. There are no bulk variances being requested for

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AUGUST 19, 2013

the interior lot. There are three variances being requested for the corner lot: lot size, frontage, and A Street front yard setback. This proposal would create more light and air. On street parking would increase by two parking spaces. There is off street parking proposed for both lots. There will be a reduction in water runoff.

Mr. Kovats asked if both lots could be developed without additional variances. Mr. Merkler replied yes.

Public:

David Yale, 113 Fourth Avenue, stated he is happy with the project and his only question is will his property be protected during demolition. Mr. Merkler stated he will be using a demolition company that has been in business for 30 years and will take all necessary precautions.

John Sullivan, 402 A Street, stated he is happy to see the building going down but would like to see one house and not two.

Mr. Kovats confirmed with Mr. Shipers that the Applicant sought a "flexible C variance". Mr. Kovats discussed the difference between a "hardship C variance" and a "flexible C variance" and the elements of proof for the same.

Board Comments:

Mr. Meyer stated he remembers the 2006 application and wanting lesser lots and he feels this proposal will conform to the area.

Ms. Sheridan stated the plan is a step in the right direction.

Mr. Forte stated the plan keeps with the master plan and the variances are reasonable.

Mr. Campbell stated it will be appropriate for the neighborhood and is happy to see the Barclay will be demolished. He also added that Mr. Merkler and Mr. Kinsel have done nice work in town.

Mr. Magovern stated the Barclay has a great history in the town; however two houses will be appropriate.

Mr. Kaye stated anything is better than what's there now and hopes they wait until after the summer to demolish the building.

Mr. Hoffman stated he approves of the application.

Mr. Windas stated it is a great opportunity to get rid of a non-conforming use and believes it will have two beautiful buildings.

Mr. Hoffman made a motion to approve the application, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Forte, Campbell, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

OPPOSED:

Ms. Claudio presented the Board with a copy of Ordinance 2013-14 which amends sections of the ordinances pertaining to driveways, parking spaces and garages facing the street. Mr. Kovats stated he would like to take time to review the ordinance and ask that the Mayor and Council wait until their second September meeting to have the public hearing on the ordinance.

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AUGUST 19, 2013

Mr. Meyer made a motion to adjourn the meeting, which was seconded by Mr. Forte and approved unanimously.

**PLANNING BOARD
SEPTEMBER 16, 2013**

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Forte, Windas, Magovern, Kaye, and Hoffman

Absent: Ms. Provenzano, Ms. Sheridan, Mr. Doherty, and Mr. Campbell

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 7:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kaye made a motion to waive the reading and approve the minutes of the August 19, 2013 regular meeting, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Messrs. Meyer, Windas, Magovern, Kaye, and Hoffman

ABSTAIN: Mr. Forte

Mr. Meyer made a motion to waive the reading and approve the resolution granting minor subdivision approvals to Down to Earth Farms, LLC, 112 Fifth Avenue, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Magovern, Kaye, and Hoffman

REVIEW OF ORDINANCE 2013-14

Mr. Kovats explained the ordinance changes. He explained the original ordinances were put in place several years ago to prohibit “snout” houses, where a garage sticks out closer to the street than the front of the house and then creates a streetscape of two car garages with small front door areas. He stated this ordinance proposes to allow for the driveway area in the front yard to be counted as a parking space. It also allows for garages to be attached to the house and they are no longer required to be setback 70 ft.

Mr. Forte asked why these changes are necessary and why not just grant variances if needed.

Ms. Claudio stated the Zoning Board of Adjustment recommended to the Mayor and Council that they amend the section regarding a parking space in the front yard. The changes to the garage section was made by the Mayor and Council due to interest by properties with undersized lots wanting to build attached garages.

Mr. Magovern expressed concern about people creating parking areas in their front yards. Ms. Claudio stated the intent of the ordinance is not to create new parking areas in the front yard but to allow that front space of the driveway to be counted as a legal parking space when one is determining their parking calculations.

Mr. Meyer suggested limiting the size of a garage in the front and adding language that it can't protrude out further than the front of the house.

Mr. Windas suggested that these changes only be limited to the R-40 and R-36 zones only.

Mr. Kovats will prepare a writing to the Mayor and Council for their review.

At approximately 8:05 pm the Board went into Executive Session to discuss the pending litigation of Kanelia Dallaportas vs. the Borough of Belmar Planning Board.

At approximately 8:35 pm the Board reconvened. Roll call was taken again, all were still present.

**PLANNING BOARD
SEPTEMBER 16, 2013**

Public: Connie Dallaportas, 1002 Main Street, asked the Board how they could approve the Tulipano's application. She said they destroyed her building and is concerned about water runoff and them ruining neighboring properties.

Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Mr. Forte and approved unanimously.

**PLANNING BOARD - SPECIAL MEETING
SEPTEMBER 24, 2013**

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:00 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Doherty, Campbell, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

Absent: Ms. Provenzano and Mr. Forte

Also Present: Doug Kovats, Board Attorney, Board Secretary April Claudio, Planner David Roberts

At approximately 7:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on September 18, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Boardwalk Redevelopment Plan:

Mr. Kovats explained the Board has 45 days to review the plan for inconsistencies with the master plan and provide written recommendations to the Mayor and Council. When the Mayor and Council receive the report they may approve or disapprove any of the recommendations.

Dave Roberts, Borough's Planner, stated this process began back in March when a study was undertaken to designate the entire boardwalk as an area in need of redevelopment. He gave a brief background on those discussions and the process that was undertaken by him and the Board at that time. He explained the next step is to create a redevelopment plan which is reviewed very similarly as would be done with a zoning ordinance. The redevelopment plan is a combination of a master plan and zoning ordinance for a specific area. In this case the area is known as Block 3 Lot 3 which encompasses the entire boardwalk area. There are no proposed changes to uses that were previously allowed at the boardwalk. The plan gives the governing body as much flexibility and options as possible to get the full boardwalk redeveloped. The plan focuses on the areas where the pavilions previously were. The plan allows for pavilions to be built in the same footprint but not necessarily the same location. The governing body currently has architectural plans available for the rebuilding of the 5th and 10th Avenue pavilions which were incorporated in the plan to be used as design guidelines for future pavilions. The plan sets boundaries for each parcel in case the governing body wanted to enter into a redeveloper's agreement for the construction of one of the pavilions. The redevelopment designation and the plan allow the governing body to entertain developer's agreements with private parties for any or none of the buildings. The plan limits the pavilions to only two stories. He stated the governing body has not introduced this plan yet and is awaiting comments from the Board.

Mr. Roberts stated he has some changes he thinks the Board may want to recommend to the governing body. He proposed on page 5 of the plan some additional language to the paragraph on the top of the page referencing the affects of Super storm Sandy on the beachfront and the recovery from it. (Changes are highlighted in red on document A-1) He proposed on page 10 under the section labeled "permitted uses", some additional uses to be added such as bicycle sales and rentals, bicycle lanes, loading areas to service concessions, and fixing some typographical errors.

Mr. Kovats clarified that the plan lists the areas where pavilions previously were as parcels. Mr. Roberts replied yes. Mr. Kovats clarified that there aren't any changes to the permitted uses typically allowed in this area and this is simply to help facilitate the redevelopment of the boardwalk. Mr. Roberts agreed. Mr. Kovats asked if there is anything in the plan that would be inconsistent with the Borough's master plan or the County's master plan. Mr. Roberts replied no. Mr. Kovats asked if the plan would allow for temporary uses. Mr. Roberts stated that would be

**PLANNING BOARD - SPECIAL MEETING
SEPTEMBER 24, 2013**

up for determination by the redevelopment authority which is the Mayor and Council and would not be prohibited through this plan. Mr. Roberts added that a non-permitted use would not be allowed without the consent of the governing body.

Mr. Campbell stated he understood the footprints have to stay the same but when it mentions they don't have to be in the same location what are the parameters for that; can it be moved out of redevelopment area. Mr. Roberts stated the pavilions don't have to be in the exact location they previously were but could be relocated elsewhere along the boardwalk.

Mr. Magovern stated there are no plans to rebuild the 8th and 13th Avenue pavilions and asked if there is a time limit for doing so. Mr. Roberts stated the redevelopment plan just gives guidelines on rebuilding and does not specify a timeframe for which it has to be done.

Ms. Sheridan asked if the Planning Board will have to review site plans for any of the pavilions. Mr. Roberts stated the Board would only review those site plans for pavilions that would be built through a developer's agreement.

Mr. Kaye asked if the pavilions are staying in the same footprint could they be moved anywhere on the boardwalk. Mr. Roberts replied yes. Mr. Kaye asked if two pavilions could be placed next to each other. Mr. Roberts stated it could not happen based on this plan.

Public:

Ted Ehmann, 1218 Oakwood Road, stated he reviewed the Borough's master plan and the minutes from the March Board meeting and was concerned about it taking six months to get to this plan. He does not feel enough consideration has been given to this. He would like the Board to give a lot of thought on this. He stated he feels the master plan is for addressing the quality of life for full time residents and this doesn't fit it in with that.

Mike Seebeck, 110 Second Avenue, expressed concern about the plan listing four buildings and it putting a lot of the decision making into the hands of the Mayor and Council. He was concerned that the Board did not mention how much public outcry there is about the pavilions and them being two stories. He stated there is a lot of concern about moving too quickly and not giving a lot of thought in what is needed. He asked why the pavilions need to be two stories if nothing else is changing. He stated the Board owes it to their fellow residents to review this thoroughly and weigh all of his comments into consideration.

Mr. Kovats stated he doesn't want to discount anyone's concerns or the Board member's roles or opinions as tax payers but the statute is very clear that the Board's role is to review the plan and determine if there are any inconsistencies with the master plan.

Mr. Seebeck stated the plan calls for two stories which he feels the Board should be able to weigh in on. Mr. Roberts stated the plan does not stop the governing body from doing anything they normally wouldn't be allowed to do when doing a capital project on municipal owned land. He stated the ultimate decision on heights, setbacks and like is under the jurisdiction of the governing body acting as the redevelopment authority.

Fred Marziano, 208 Second Avenue, complimented Mr. Roberts on his professional presentation. He asked the Board how many of them have read every single word of the plan and what they are expected to do tonight. He felt this plan is "putting the cart before the horse". He stated the plan does not reference anything about the costs of building the pavilions and maintenance costs. He also stated the insurance terms and costs of are unknown. He stated the plan also allows for the pavilions to be 10 feet higher than they were previously. He asked the Board to defer consideration on this plan for now and wait for more information to become available. He was concerned about the affect of the plan on the culture and finances of the town. He felt something with this much long term magnitude should be voted on by the public.

**PLANNING BOARD - SPECIAL MEETING
SEPTEMBER 24, 2013**

Eugene Creamer, Fourth Avenue, asked what would be the benefit of getting CAFRA permits for the building of each of the pavilions. (He referenced page 21, section entitled "permits and approvals") Mr. Roberts stated this section was added in the chance that a private developer would be used and therefore they would need to ensure they do or don't need CAFRA approval. Mayor Doherty stated a CAFRA permit is not needed if the pavilions are in the same footprint. He added that if we wanted to do additional buildings or make changes we would have to apply for a CAFRA permit which he was verbally told CAFRA would not permit. Mr. Creamer felt there are other benefits to having a CAFRA permit.

Brendan Reed, 100 Ninth Avenue, asked if the plan would allow the 13th Avenue pavilion to be moved to 19th Avenue. Mr. Roberts stated if that is an idea that the Borough would want to entertain then the plan would have to be amended to reflect the relocation of the parcel. Mr. Reed asked if the plan would allow a gazebo or open air structure rather than a pavilion. Mr. Roberts stated there is nothing in the plan that says a pavilion must be entirely enclosed. Mr. Reed asked if there is a provision for an RFEI process to see if there is any private commercial interest in building on the boardwalk. Mr. Roberts stated that would be allowed. He added the plan gives the governing body a lot of flexibility to seek RFP's, RFQ's or letters of interests if they choose.

Bill McKim, 905 Ocean Avenue, asked if the Board has formally or informally entertained any ideas for a private developer to build on 8th or 13th Avenues. Mr. Kovats stated the Board has not. Mr. McKim asked if someone could sue the Borough to take over an area on the boardwalk for development against what the Borough wants. Mr. Roberts stated he would refer to the state statute to respond to that question which limits what can be done in a redevelopment zone.

David Schneck, 302 C Street, asked if a public/private agreement was entered into would the developer own the buildings. Mr. Roberts stated if a developer fronts the cost of a building it is still on municipal land and money would be paid to the Borough through a lease or some other form of compensation which would be negotiated. Mr. Schneck felt that a private developer isn't going to build a cheap building and felt they would want a liquor license to make it worthwhile for them. Mr. Roberts stated the issue with a liquor license is for the Mayor and Council to determine. Mr. Schneck asked if the using of beach revenues to finance the pavilions, which is being challenged, is found not to be allowed, how it would affect the building of the pavilions. Mr. Kovats stated that is not under the Board's jurisdiction.

Board Comments:

Mr. Kovats reiterated that the Board's role is to find any inconsistencies with the master plan and then direct him to prepare a report to the Mayor and Council. He added that there was mention from the public to defer this however the law states the Board has 45 days to review and if the Board does not respond the Council can move forward without the Board's opinion.

Mr. Meyer stated he does not see any inconsistencies with the master plan. He stated he hopes the governing body would take into consideration any public input and concerns.

Ms. Sheridan stated she has no problems with the plan but agrees with Mr. Meyer that she hopes the governing body will take into consideration the comments made tonight.

Mr. Campbell stated he sees no problems with the plan. He would not want to defer this and lose the Board's right to be involved.

Mayor Doherty thanked the board for convening tonight to review the plan.

Mr. Magovern stated he feels the pavilions are consistent with the master plan. He stated Belmar developed because of the tourists coming to the boardwalk and beach. He stated the 5th Avenue pavilion will pay for itself with rentals and the 10th Avenue pavilion will benefit the safety of people at the beach. He felt these pavilions will make Belmar a better place.

**PLANNING BOARD - SPECIAL MEETING
SEPTEMBER 24, 2013**

Mr. Kaye stated we had no complaints about what was on the boardwalk before and now we have the opportunity to make them better. All we are doing is asking the council to do their job. He stated there has been a lot of public discussion at meetings and through newspapers about the boardwalk and he believes the council will do their job.

Mr. Hoffman stated he agrees that a lot of the issues that were brought up tonight should be handled by the council.

Mr. Windas agreed with Mr. Campbell. He would like to recommend the changes Mr. Roberts suggested be made. He also added that the report should list the concerns of the public so the Mayor and Council are informed of them.

Mr. Windas made a motion to authorize Mr. Kovats to prepare a report to the Mayor and Council, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Doherty, Magovern, Kaye, and Hoffman; and
 Ms. Sheridan

Mr. Meyer made a motion to adjourn the meeting, which was seconded by Mr. Campbell and approved unanimously.

**PLANNING BOARD - SPECIAL MEETING
OCTOBER 21, 2013**

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Forte, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

Absent: Ms. Provenzano, Mr. Campbell and Mr. Doherty

Also Present: Doug Kovats, Board Attorney, Board Secretary April Claudio, Planner David Roberts

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Ms. Sheridan made a motion to waive the reading and approve the minutes of the September 24, 2013 meeting, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Windas, Magovern, Kaye, Hoffman and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Forte

Mr. Meyer made a motion to waive the reading and approve the minutes of the September 16, 2013 meeting, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Magovern, Kaye, and Hoffman

NAYS:

ABSTAIN: Ms. Sheridan

DOWN TO EARTH FARMS LLC – 201 FOURTH AVENUE

Appearing for this application was the attorney William Shipers, applicant William Merkler, and engineer Rich DiFolco.

Mr. Shipers stated the property was the former parking lot for the Barclay. The Barclay property was approved for a subdivision into two lots two months ago. The proposal for this lot is to subdivide it into two lots as well with two single-family conforming homes being built. The variances being requested were for the corner lot size where 9,000 sq. ft. is required and 7,500 sq. ft. is proposed; lot frontage for the corner lot where 60 ft. is required and 50 ft. is proposed; and the front yard setback for A Street on the corner lot, 20 feet is required and proposed is 15 ft.

Mr. DiFolco stated the property is surrounded by single-family homes. The future homes on these new lots would connect to existing water/sewer connections. The electric will be placed underground. The existing driveway curb cuts will be reused but slightly modified. The non-conforming use of the parking lot will be abandoned. There are no concerns about water runoff or drainage issues. There is no problem with complying with any FEMA regulations. No parking variances are being requested.

Mr. Magovern asked if the future homes would have a basement. Mr. DiFolco replied no.

Mr. Magovern asked the applicant if he is aware of the Borough's future water/sewer infrastructure improvements that will take place in this neighborhood. Mr. Merkler replied yes and stated it will have no affect on their project.

Mr. Meyer asked if there will be garages on the two new lots. Mr. DiFolco replied yes.

Mr. Magovern asked if the driveway for the corner lot would affect the neighbor on A Street in any way. Mr. Merkler replied no.

**PLANNING BOARD - SPECIAL MEETING
OCTOBER 21, 2013**

Mr. Kovats asked if that driveway could be moved further away from the neighbor. Mr. Merkler stated it could but he would prefer it not be moved.

Mr. Kaye asked when construction would start. Mr. Merkler stated he would start after the appeal period expires.

There were no public comments.

Mr. Meyer, Mr. Forte and Ms. Sheridan stated they had no issues with the application.

Mr. Magovern asked about shade trees. Mr. Merkler stated two trees will be planted on A Street.

Mr. Kaye stated the proposal is better than a parking lot.

Mr. Hoffman stated it is a good project.

Mr. Windas agreed and added that it would be eliminating a non-conforming use.

Mr. Kaye made a motion to approve the application, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Magovern, Kaye, and Hoffman; and Ms. Sheridan

OPPOSED:

Public Session: No Comments

Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Mr. Forte and approved unanimously.

**PLANNING BOARD - SPECIAL MEETING
NOVEMBER 4, 2013**

A special meeting of the Planning Board of the Borough of Belmar was held on the above date at 6:00 p.m., in the Municipal Complex.

Present: Messrs. Forte, Windas, Magovern, Hoffman and Ms. Sheridan

Absent: Mr. Meyer, Mr. Kaye, Ms. Provenzano, Mr. Campbell and Mr. Doherty

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 6:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on October 28, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

REVIEW & DISCUSSION OF ORDINANCE 2013-18

Mr. Kovats explained the language in the ordinance. He stated it is the intent of someone to open a micro brewery at the existing Freedman's Bakery site. He explained it will be a manufacturing plant with samplings and tours. The State ABC board issues the liquor license, not the Borough. He stated the Mayor and Council would like to amend the ordinance to add the definition of a micro brewery and to list it as a permitted use in the CBD-1 zone. He suggested the Board possibly highlight some concerns for the Mayor and Council to consider before adopting the ordinance.

Mr. Magovern stated his concerns would be noise and how the business would affect their neighbors.

Ms. Sheridan stated her concerns would be noise from trucks coming and going and the traffic when school is in session.

Mr. Hoffman had asked if anyone has visited another brewery to see what it is like.

Ms. Claudio stated the proposed operators of the brewery gave a presentation to the Mayor and Council at which they stated their operation would be very similar to an operation of a bakery.

Mr. Magovern stated he would also be concerned about any odors coming from the building.

John Giunco, attorney for East Coast Brewery (proposed operator) was present with his clients. Mr. Giunco stated they would only have one distribution van. There would not be a lot of noise because most of it would be contained inside the building. There would only be some minor odors periodically that would smell like cooked cereal. There will not be a lot of refuse. It will be a less intense operation than the current bakery.

Mr. Windas asked why the ordinance sets minimum requirements and not maximums. Mr. Kovats stated the language in the ordinance was taken right from the State statute. Mr. Windas suggested the Mayor and Council may want to consider adding maximums to the ordinance.

Public: Brendan Reed, 100 Ninth Avenue, stated he supports the ordinance and the proposed operators. He stated he has visited other breweries and they have a pleasant smell if there even is a scent. He urged the Board to support the ordinance.

Brian Buccafusco, Wall Township, stated he supports them as well and feels it will be a great addition to the Jersey Shore. He stated his only concern is over consumption and monitoring of it.

Mr. Kovats and Mr. Giunco stated they are required to follow all the rules of the State ABC board as would any other liquor license establishment.

**PLANNING BOARD - SPECIAL MEETING
NOVEMBER 4, 2013**

Mr. Windas made a motion to authorize Mr. Kovats to prepare a writing to the Mayor and Council listing their comments and concerns, which was seconded by Mr. Forte and approved unanimously.

Ms. Sheridan made a motion to adjourn the meeting, which was seconded by Mr. Hoffman and approved unanimously.

**PLANNING BOARD - REGULAR MEETING
NOVEMBER 18, 2013**

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Forte, Windas, Magovern, Campbell, and Hoffman; and Ms. Sheridan

Absent: Mr. Kaye, Ms. Provenzano, and Mr. Doherty

Also Present: Doug Kovats, Board Attorney and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 7, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the October 21, 2013 regular meeting, which was seconded by Mr. Forte and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Magovern, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Campbell

Mr. Hoffman made a motion to waive the reading and approve the minutes of the November 4, 2013 special meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Windas, Forte, Magovern, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Meyer and Mr. Campbell

Mr. Meyer made a motion to waive the reading and approve the resolution granting minor subdivision approvals to Down to Earth Farms LLC, 201 Fourth Avenue, which was seconded by Mr. Forte and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Campbell, Magovern, and Hoffman; and Ms. Sheridan

NAYS:

Public Comments: None

At approximately 7:33 pm the Board went into Executive Session to discuss pending litigation.

At 7:55 pm Mr. Hoffman made a motion to close the Executive Session and return to the public meeting, which was seconded by Mr. Meyer and approved unanimously.

Being there was no further business, Mr. Hoffman made a motion to adjourn the meeting which was seconded by Mr. Campbell and approved unanimously.

**PLANNING BOARD - REGULAR MEETING
DECEMBER 16, 2013**

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Forte, Windas, Kaye, and Hoffman; and Ms. Sheridan

Absent: Mr. Campbell, Mr. Magovern, Ms. Provenzano, and Mr. Doherty

Also Present: Doug Kovats, Board Attorney and Acting Board Secretary Nancy Murray

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 7, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the November 18, 2013 regular meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Kaye

Mr. Hoffman made a motion to waive the reading and approve resolution establishing the 2014 meeting dates, which was seconded by Mr. Windas and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Kaye

Mr. Windas and Mr. Kovats announced that the application for Loko Co. LLC will be postponed until the January 2014 meeting per the applicant's request. Additional noticing to be determined.

MICHAEL SCHAPPERT – 513 NINTH AVENUE

Mr. Windas stepped down from the dais because of a conflict in accordance with the Planning Board Operating Rules.

Mr. Schappert appeared pro se and explained to the Board his proposal to demolish the existing detached accessory dwelling structure and garage, and combine the same into an accessory dwelling structure in accordance with 40-6.14.1 *et seq.* Mr. Schappert explained that the existing accessory structure, inclusive of the covered porch had a total square footage of 723 square feet. The Applicant proposes to attach the unit to the proposed garage structure. The proposed accessory dwelling structure inclusive of covered porch is in an area of 857 square feet. The Applicant explained that they attempted to determine whether or not they could seek relief under the Ordinance to build a larger structure, but was unclear after receiving direction from Code Enforcement as to the specific mechanism with which to proceed. The Applicant further advised that they did not notice for any variance relief which would allow for the construction of a larger structure nor, to the best of the Applicant's knowledge did the Director/official advise that under the Ordinance a larger structure, replacing the 723 square foot structure was necessary to accommodate a more efficient design or layout.

The Board took a five minute recess to all the Board Attorney to speak privately with Mr. Schappert. Mr. Kovats stated he had concerns about the notice to property owners that was mailed and the fact that variances were not listed in the notice. He suggested the application be carried to the January meeting to allow for further review and discussion on this matter.

Mr. Meyer made a motion to carry this application to the January 2014 meeting, which was seconded by Ms. Sheridan and approved unanimously.

Mr. Meyer made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.