

**MAYOR AND COUNCIL
AGENDA**

DECEMBER 3, 2019

6:00 PM

Present: Mayor Mark Walsifer, Council President Thomas Brennan, Councilman James McCracken, Councilman Thomas Carvelli, Borough Attorneys Jerry Dasti, Business Administrator Edward Kirschenbaum and Borough Clerk April Claudio

Absent: Councilwoman Patricia Wann

Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 19, 2018 and notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families and all first responders

WORKSHOP DISCUSSION:

- Presentations
 - o 9th Avenue and Main Street project (former Bank of America site)
 - Mayor Walsifer stated our planner worked with the developer and their planner to come up with redevelopment plan. The plans are much better than those that were presented in 2017.
 - Alec Taylor of Sachem Pond LLC, developer and his architect/planner John Taikina gave a presentation of the proposed plans for the site.
 - Mr. Taikina stated the proposal is a combination of parking and office use on the first floor and three floors of residential use above. The proposed height is 45 feet with architectural embellishments that exceed that height but are in accordance with the redevelopment plan. There would be a substantial buffer between the rear of the building and the residential area. Under the current zoning a building could be built with a 10 ft. buffer, the redevelopment plan requires 30 ft. and the proposal is 40 ft. to the building. There would be a combination of parking spaces under the building and in an exterior lot in the rear. There would be 30 residential uses with 45 parking spaces. The redevelopment plan is more restrictive than the current CBD-1 zoning.
 - Mayor Walsifer asked how they get 45 feet with four floors. Mr. Taikina stated the ceiling heights are 15 ft. and 9 ft.
 - Councilman McCracken asked about the gated parking. Mr. Taikina stated it controls the parking inside. He added they could discuss whether the open parking area needs to be gated.
 - Councilman McCracken stated we can allow a building to be built that has more density under the current zoning or we can approve a redevelopment plan that is more restrictive. He asked why the plan only includes two lots and not the rest of the block.
 - Christine Bell, Borough's Planner, agreed. She added that the other lots in the redevelopment area were not added in this plan because it didn't make sense to do it if we didn't know what the vision would be for the remainder of the area.
 - Councilman McCracken asked if the Planning Board has discussed reviewing the Master Plan and getting public input. Ms. Bell stated the Master Plan gets re-examined every six years and the last one was done in 2016.
 - Councilman Carvelli asked for Ms. Bell's professional opinion if the parking is enough. Ms. Bell replied yes.
 - Mayor Walsifer asked if a denser building could be built under the existing commercial zoning. Ms. Bell stated the current commercial doesn't have a density requirement so they could build as big of a building and parking area as they could fit.
 - o Belmar Historical Society: Belmar's Sesquicentennial, 150th birthday in 2022
 - Brian Magovern stated the Historical Society would like to participate and would like the participation of the Mayor and Council. They would like to form a committee to work on ideas to celebrate this event. They would like to have events all year long.
 - o The Phoenix
 - Amy Emily, NJ Chapter Manger of The Phoenix. They provide a sober community for those that have issues with drug and alcohol abuse. Have a storefront in Belmar now where yoga, meditation and group fitness classes are provided for those in recovery.
 - o Mayor Walsifer stated we don't know if the new beach badge bill will pass so the Beach Director has asked to change the badge age to 14 years old. Also need to think about changing the time

that bicycles are allowed on the boardwalk.

PETITIONS: Michelle Lomas, 609 9th Avenue, submitted a petition of over 200 signatures speaking against Ordinance 2019-35.

APPROVAL OF MINUTES: Councilman Brennan made a motion to approve the minutes of the November 6, 2019, which was seconded by Councilman McCracken and approved unanimously.

REPORTS OF COUNCIL:

Councilman Carvelli: Attended some sessions at the League of Municipalities conference that will be useful to us. Attended the Belmar PTO fundraiser which was a great event. There were three ribbon cuttings a few Saturdays ago: Every Little Heart, Antoinette Rose, and Jersey Mikes.

Councilman McCracken: The Belmar Housing Authority met last night. They did a fantastic job making the building look nice for the holidays. Unit inspections are currently being conducted. The resident who was in accident outside the building is still in recovery and should be kept in our thoughts and prayers. The next Shade Tree Commission meeting is December 10th but may change to the 18th at the Library.

Councilman Brennan: Went to a couple workshops at the League of Municipalities. One was on an app called Recycle Coach which Belmar is now using. It explains what can be recycled and what can't. Dune planting at the boardwalk was completed between 14th and 15th Avenues. The cost was only \$300 which is so much lower than what we have had in the past couple years. The Borough and Environmental Commission had applied for a grant but were not accepted because the plants are too far away from the water.

Mayor Walsifer: Thanked DPW and his crew for the Christmas lights. Tree lighting is this Friday. We have two retirements coming up: Sgt. Chris Lynch and Kathy Henriques, Human Resources Coordinator. Wished them both well. Commended Mr. Kirschenbaum and our engineer Peter Avakian for securing a grant to pave 15th Avenue. Also attended the League of Municipalities conference, made a lot of contacts and attended a lot of sessions.

PUBLIC SESSION: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

None

Councilman Brennan made a motion to close the public session, which was seconded by Mayor Walsifer and approved unanimously.

CONSENT AGENDA:

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Councilman Carvelli made a motion to adopt the following resolutions:

No. 2019-212 RESOLUTION AUTHORIZING PAYMENT OF BILLS

No. 2019-213 RESOLUTION SETTING 2020 MEETING DATES

No. 2019-214 RESOLUTION ESTABLISHING FEE FOR MAILING OF SEASONAL BEACH BADGES

No. 2019-215 RESOLUTION APPROVING ELECTION OF DEPARTMENTAL OFFICERS FOR THE FIRE DEPARTMENT 2020

No. 2019-216 RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2020

No. 2019-217 RESOLUTION AUTHORIZING REFUNDS

No. 2019-218 RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FOR 2019

No. 2019-219 RESOLUTION APPOINTING FIRE ADMINISTRATOR

No. 2019-220 RESOLUTION PERMITTING SPECIAL EVENTS

Seconded by Councilman Brennan and approved by the following vote:

AYES: Walsifer, Brennan, McCracken and Carvelli

ORDINANCES:

ORDINANCE 2019-35

Second Reading & Public Hearing

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DETERMINING THAT THE REDEVELOPMENT PLAN RECOMMENDED BY THE PLANNING BOARD IS ACCEPTABLE AND THEREFORE THE SUBJECT PROPERTY SHOULD BE REZONED ACCORDINGLY

Public Hearing: Brad Lomas, 609 9th Avenue, asked when the area was made a redevelopment area the purpose was so these properties could be cleaned up. Mr. Dasti stated there would be a planning report that gives more detail on it which was done back in 2017. Mr. Lomas stated the Planning Board determined this plan isn't consistent with the Master Plan. He added the Master Plan states development should preserve the character of the neighborhood. He takes issue with 80% of the frontage being on 9th Avenue. It doesn't preserve the character of the neighborhood. The Master Plan references that these lots should be part of the Seaport Redevelopment Plan. This new plan allows for a larger building than the Seaport Redevelopment Plan. He questioned who wrote the plan. Mr. Dasti stated the plan was started before he was here and involved the developer and the Borough engineer's office. Mr. Lomas felt a traffic study needs to be done. Mr. Dasti stated that would be done when they make their site plan application to the Planning Board. Mr. Lomas was concerned about his children looking out their bedroom window and losing the sunset to this building. Felt it is not our job to make sure developers maximize their profit. The CBD1 zoning and this plan are not the right plan and we can go back to the drawing board.

Councilman McCracken asked for clarification on when the CBD1 zoning and redevelopment plans were created. Ms. Claudio stated the commercial zoning was created long before many of us, the seaport redevelopment plan was created in 2003 and amended several times and this new redevelopment plan was started in 2017.

Larry Reynolds, 201 9th Avenue, stated nobody in this crowd wants a four-story building next to a residential house.

Gary Lockwood, 5th Avenue, asked with all the redevelopment in town, how long will it be until the water and sewer infrastructure fail.

Gerald Buccafusco, 5th Avenue, stated it is not a negotiation between the town and the developer. Felt this should be added to the Seaport Redevelopment Zone.

Tom Burke, 10th Avenue, recalled several properties being removed from the Seaport Redevelopment Plan due to a lawsuit.

Mark Pheiffer, 319 5th Avenue, asked if a PILOT would be considered. Mayor Walsifer replied no.

Mike Haberstick, 507 9th Avenue, was concerned about public safety. Currently there is the ability to go from 9th Avenue to 10th Avenue through the lot but the new plan does not allow for that. There are a lot of parking issues in this area already.

Anita Pecorelli, River Ridge Apartments, stated her concern would be if a fire truck can fit around these properties. Adding population to the town hurts the fire department.

Mark D'Aloia, 603 9th Avenue, stated 9th Avenue is our town square and asked if we want a mammoth structure eclipsing the sky in front of our town square.

Tom Giordano, 605 9th Avenue, stated nobody wants this.

Councilman McCracken and Mayor Walsifer stated we could leave the commercial zoning in place which is not what everyone wants.

Mike Long, Ocean Avenue, stated there are two sides to every story. Not everyone is opposed to this project. After seeing the presentation tonight, he is now in favor. Just because he doesn't live on Ninth Avenue doesn't mean it is easy for him to say that. There are other people that feel the same way.

Rose DaGayna, 201 9th Avenue, asked how many people in the crowd don't want the project. She suggested leaving the property the way it is, it doesn't need to be developed. Asked what we do as residents to stop development.

Elaine Giordano, 605 9th Avenue, felt the plan was a waste of the Planning Board's time. The Master Plan says these properties should be in the Seaport Redevelopment plan.

Councilman McCracken asked what she would like to see there.

Mr. Lomas stated the plan is not far off from what he would like to see. The four stories are killing him. Understands it is in line with the heights of other buildings but is concerned it will set a precedent. The Seaport Redevelopment Plan has step backs and suggested this plan have that as well.

Cy Reitmayer, 5th Avenue, ask what constitutes an area of redevelopment. Mr. Dasti stated there is a statute that has about eight or nine criteria that determine if an area needs redevelopment.

Arlene Neppel, 100 15th Avenue, stated the Bank of America building is a glorious historic building. She is tired of properties building to the maximum. Tired of over development. Felt there are ways to develop the property where they can make money.

Mr. Buccafusco stated there is a third option, a time out. Seek legal counsel as to what the Council could legally do to stop redevelopment.

Mr. Dasti stated the Council always has the right to work with the Planning Board to change the Master Plan or zoning ordinances but if the developer files an application that complies with the commercial zoning, we cannot change the ordinance after the fact.

Michelle Lomas, 9th Avenue, asked if the owner of the lots is here and asked if they would consider revising the plan after everything that was heard. Mr. Taylor stated he would not dismiss anyone's comments but feels that we may not all agree on what is acceptable for this project.

Ms. Giordano stated she would like to see a more reasonable building. Something that reflects the Seaport Redevelopment Plan.

John Taikina explained the step backs listed in the Seaport Redevelopment Zone. The step back beyond 35 feet states the maximum height is no greater than 49.6 ft. So, a building at 40 ft a building would be permitted to be 49.6 ft. according to the Seaport Redevelopment plan. There was a mention about FAR. The Seaport Redevelopment plan has a provision that if you have interior parking the FAR requirements do not apply to encourage building along the streetscapes and not parking lots. The current proposal is 46 feet and will be limited to 30 units as opposed to a building with no FAR requirement. The proposed redevelopment plan is more restrictive than the Seaport Redevelopment plan.

Mr. Lomas stated the plan does say tax incentives can be issued even though it was said there would be no PILOT.

Councilman McCracken asked Mr. Lomas what in the Seaport Redevelopment plan is appealing to him. Mr. Lomas stated one of the big differences is parking.

Councilman Brennan made a motion to close the public hearing, which was seconded by Mayor Walsifer and approved unanimously.

Councilman McCracken made a motion to table Ordinance 2019-35, which was seconded by Councilman Brennan and approved unanimously.

PUBLIC SESSION:

None

Councilman Brennan made a motion to close the public session and adjourn the meeting, which was seconded by Mayor Walsifer and approved unanimously.

Respectively submitted,

April Claudio
Municipal Clerk