

MINUTES
July 1, 2019

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding and Commissioner McLoughlin and Commissioner Bolan answering the roll call. Also in attendance was the Borough Clerk/Administrator and Borough Attorney.

The meeting was called to order at 7:30 P.M. with a salute to the flag.

Mayor McLaughlin announced that the notice requirements of R.S. 10:4-18 had been satisfied by delivering the required notice to the Coaster, posting the notice on the board in Borough Hall and filing a copy of said notice with the Borough Clerk.

COMMUNICATIONS:

None

ANNOUNCEMENTS:

Allenhurst Illumination 7-21-2019

ORDINANCES – FINAL READING

ORDINANCE #2019-07

**AN ORDINANCE OF THE BOROUGH OF ALLENHURST, IN THE
COUNTY OF MONMOUTH, NEW JERSEY ADOPTING THE AMENDED
AND RESTATED MAIN STREET REDEVELOPMENT PLAN PURSUANT
TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, on November 15, 2004, in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), the Borough of Allenhurst (the “**Borough**”) designated certain property fronting on Main Street or Deal Lake as an area in need of redevelopment (as further described in the Redevelopment Plan defined below, the “**Redevelopment Area**”); and

WHEREAS, in accordance with the provisions of the Redevelopment Law, the Borough enacted the “Main Street Redevelopment Plan” dated October 2006, as amended November 2007 (the “**Initial Redevelopment Plan**”) for the Redevelopment Area; and

WHEREAS, the Borough wishes to amend and restate the Redevelopment Plan to encourage redevelopment within the Redevelopment Area given evolving market conditions; and

WHEREAS, in accordance with the Redevelopment Law, the Borough has prepared a proposed amended plan, being the Main Street Redevelopment Plan, Amended March 2019, prepared by Heyer, Gruel & Associates (the “**Proposed Amended Plan**”), and in accordance with *N.J.S.A. 40A:12A-7(e)*, referred the Proposed Amended Plan to the Planning Board for review, comment and recommendations, if any, by Resolution #2019-62 adopted on February 12, 2019; and

WHEREAS, the Planning Board after due consideration of the Proposed Amended Plan at a duly noticed and constituted public meeting held on March 19, 2019, determined that the Proposed Amended Plan is generally consistent with the Borough’s Master Plan, except that the Master Plan provides for the retention of the allocation of land uses in the Initial Redevelopment Plan, which the Planning Board requested the Committee review, and recommended that the Mayor and Board of Commissioners enact the Proposed Amended Plan, subject to certain recommended revisions which are set forth in a letter from the Planning Board Attorney dated March 20, 2019 (the “**Proposed Revisions**”),

NOW, THEREFORE, BE IT ORDAINED, by the Commissioners of the Borough of Allenhurst that the statements contained in the foregoing preambles be and are hereby incorporated into this Ordinance as if more fully set forth herein at length; and

BE IT FURTHER ORDAINED, that the Commissioners hereby concur with the following Proposed Revisions and have incorporated those revisions into the version of the plan amendment attached hereto as **EXHIBIT A**, being the Main Street Redevelopment Plan, Amended April 2019, prepared by Heyer, Gruel & Associates (the “**Amended Plan**”):

1. Page 17 was revised to remove the requirement for a specific type of fence,
2. Page 17 was revised to provide that the parking spaces for the Eastside housing units be set at a depth of 20 feet,
3. Page 12 was revised to reflect that the square footage for the units on the Westside be calculated based on net square footage,

4. Page 13 was revised to reflect that all wireless, solar arrays and other utilities equipment on the roof of the Westside building be set back 10 feet to screen the same from visibility from the street; and
5. Pages 14 and 17 were revised to include language to indicate that all exhibits and conceptual drawings are illustrative and not deemed as an approval of same,
6. Page 13 was revised to provide that any roof structure on the Westside be set back and shielded to prevent visibility from the street,
7. Page 24 was revised to delete the reference to the plumbing supply company as the reference was outdated and no longer relevant,
8. Page 16 was revised to reflect that each townhome cluster be comprised of no more than four units,
9. An analysis was conducted to determine whether the water treatment plant should be considered a historic aspect of the community within the plan and it was determined that it is not necessary to be included in the Plan as it is addressed in other documents,
10. The Borough commissioned a review of the Plan by a traffic engineer and as a result of that review the number of permitted units in the Townhouse District was reduced from 31 to 28, a requirement for visitor parking spaces in the Townhouse district at a rate of 0.5 spaces per unit was added, the maximum permitted impervious coverage was increased from 65% to 70% to account for the increased parking requirement, the permitted 5% deviation provision was removed to require strict adherence to the RSIS "Mid-Rise" standard, variances from the parking standards by the Planning Board are prohibited and any relief associated with parking must be addressed as a plan amendment; and

BE IT FURTHER ORDAINED, that the Commissioners do not concur with the following Proposed Revisions and have not incorporated those revisions into the Amended Plan attached hereto as **EXHIBIT A**, for the following reasons:

1. The Amended Plan does not include a provision that requires the courtyard depicted in the Westside remain at the proposed size because in order to provide design flexibility and to increase the potential parking yield of a redevelopment project, a reduction of the courtyard area as depicted (7,500 square feet) is permitted and the requirement to build within the existing footprint is eliminated, the required minimum area of the courtyard is 5,000 square feet,
2. The subdivision for lots 3 and 4 has not been perfected because the subdivision is a legal requirement of the sale of the property and it is not necessary to modify the Plan as the subdivision will be perfected in due course,
3. The Amended Plan does not require a buffer on Main Street adjacent to the Eastside housing because it is the intent of the Amended Plan to create an active Main Street corridor and so curb cuts are not permitted along Main Street and it is the intent of the concept to have residences and a publicly accessible plaza area facing Main Street and a landscaped buffer along Main Street would detract from an active corridor, and further street trees are mandated in the Amended Plan and it is anticipated that there would be front yard landscaping as part of any development that will enhance and beautify the corridor; and

BE IT FURTHER ORDAINED, that the Committee has reviewed the allocation of land uses within the Initial Redevelopment Plan, and believes that the change in allocation of uses in the Amended Plan is necessary to effectuate the redevelopment of the Redevelopment Area due to evolving residential construction trends and the passage of time since the adoption of the Initial Redevelopment Plan without redevelopment occurring and to provide for transit-oriented residential uses that will complement the existing land uses in the Borough while advancing the Master Plan goals of:

- (1) Assuring the appropriate availability for affordable housing,
- (2) Advancing the historic preservation of the Borough,
- (3) Attracting new businesses to the Borough, and
- (4) Implementing and/or revising the 2007 Redevelopment Plan; and

BE IT FURTHER ORDAINED, that the Amended Plan attached hereto as **EXHIBIT A**, is hereby enacted; and

BE IT FURTHER ORDAINED, by the Commissioners that the zoning map of the Borough of Allenhurst is hereby amended to incorporate the provisions of the Amended Plan, and to delineate the boundaries of the Redevelopment Area, as amended by the Amended Plan; and,

BE IT FURTHER ORDAINED, that the Amended Plan shall supersede the Initial Redevelopment Plan in all respects; and

BE IT FURTHER ORDAINED, by the Commissioners that all of the provisions of the Amended Plan shall supersede the applicable development regulations of the Borough's municipal code; and

BE IT FURTHER ORDAINED, if any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately; and

BE IT FURTHER ORDAINED, that the Clerk shall maintain a copy of this Ordinance on file in her office and make the same available for public inspection during regular business hours; and

BE IT FURTHER ORDAINED, that the Clerk shall provide a copy of this Ordinance to the Monmouth County Planning Board.

Carried to July 23, 2019 meeting.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

ORDINANCES – FIRST READING

ORDINANCE #2019-08

**AN ORDINANCE REVISING CHAPTER X OF THE
BOROUGH CODE OF THE BOROUGH OF ALLENHURST
ENTITLED “BEACH REGULATIONS.”**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Beach Regulations to address the needs of the community;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented as follows:

Chapter X, subsection “10-1.6 g” be supplemented by the addition of the following subsection “1”:

1. Additional weeks may be added to the program at the discretion of the Recreation Director. In the event they are added, cost for participation in the additional weeks will be one hundred (\$100.00) dollars for the first child and ninety (\$90.00) dollars per child for additional children from the same family. Any Field trips during the additional week(s) may be subject to an additional charge.

And, it is further

ORDAINED that except as herein above provided, the remainder of Chapter X, BEACH REGULATIONS, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTIONS

RESOLUTION #2019-162

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By:

Seconded By:

BE IT RESOLVED, That the minutes of the regular meeting of June 11, 2019 be ratified and approved.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-163

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By:

Seconded By:

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

A RESOLUTION TO APPROVE CHAPTER 159

Offered By:

Seconded By:

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$1,768.24, which item is now available as revenue from Alcohol Education Rehabilitation Enforcement Fund pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$1,768.24 be and the same is hereby appropriated under the caption of Alcohol Education Rehabilitation Enforcement Fund.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-168

A RESOLUTION TO APPROVE APPOINTMENT OF LOCAL REGISTRAR

Offered By:

Seconded By:

WHEREAS pursuant to N.J.S.A. 26:8-13 Donna Campagna was appointed as the Borough Local Registrar, effective July 1, 2016 for a term of 3 years.

WHEREAS, pursuant to N.J.S.A. 26:8-11., the governing body of each registration district shall appoint a Local Registrar; and

NOW, THEREFORE, BE IT RESOLVED, that Donna Campagna be re-appointed as the Borough Local Registrar, effective July 1, 2019 for a term of 3 years.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-169

A RESOLUTION TO APPROVE DEPOSITORIES

Offered By:

Seconded By:

WHEREAS, Pursuant to Chapter 8, Laws of 1982, the Borough of Allenhurst is required to adopt a Cash Management Plan, including the Designation of a Depository or Depositories;

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Kearny Bank and Manasquan Saving Bank and State of New Jersey Cash Management Fund be and are designated as official depository of Borough funds; and,

BE IT FURTHER RESOLVED, That the funds of the Borough shall be invested in interest bearing accounts. The Chief Finance Officer shall see that minimum funds shall be maintained in any non-interest bearing account in such amounts as the Chief Finance Officer shall deem necessary to provide the orderly transition of business by the Borough and to take advantage of any services provided to the Borough by the depository through maintenance of minimum balances in said accounts where the Chief Finance Officer deems it in the best interest of the Borough to do so.

All other monies shall be invested in interest bearing accounts, in investments in which municipal funds may lawfully be invested or in the State of New Jersey Cash Management Fund in such accounts and at such times, from time to time, and the Chief Finance Officer shall deem in the best interest of the Borough; and,

BE IT FURTHER RESOLVED, That the Auditor receive a copy of this resolution.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-170

A RESOLUTION TO APPROVE SPECIAL MEETING STIPEND

Offered By:

Seconded By:

WHEREAS, The Board of Commissioners has determined from time to time that is it

necessary to hold special meeting to address issues zoning issue; and,

WHEREAS, The Zoning Officer has attend these special meetings which are in additional to the regular meetings; and

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, as follows:

The Zoning Officer shall receive a stipend of \$250 for each special meeting.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-171

A RESOLUTION TO APPROVE CHANGE ORDER #2 FOR THE NEW PAVILION AT THE ALLENHURST BEACH CLUB

Offered By:

Seconded By:

WHEREAS, A contract was awarded Whirl Construction, Inc.; and,

WHEREAS, The scope of work was expanded to provide for the following:

16 Column Pack-Outs	4,000.00
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WHEREAS, Whirl Construction, Inc., has submitted a request for a Change Order for the additional work in the net amount of \$4,000.00 which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 2 in the amount of \$4,000.00 be approved, thereby amending the contract total to \$124,442.00.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-172

A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #2

Offered By:

Seconded By:

WHEREAS, A contract was awarded to Whirl Construction, Inc. for the New Pavilion at the Allenhurst Beach Club and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #2, which is on file in the Clerk's office;

WHEREAS, Funds for this purpose shall be provided through the "2015-11 ABC and Park Improvements", and the CFO has so certified;

NOW, THEREFORE, BE IT RESOLVED, That Whirl Construction, Inc. be compensated in the amount of \$66,148.17 for work done in accordance with the Engineer's Certificate #2.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-173

A RESOLUTION TO APPROVE ABC REFUNDS

Offered By:

Seconded By:

BE IT RESOLVED, That the following refund of ABC Recreation fees be approved:
Kaufman, Erica –Overpayment of Fees - \$75

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-175

A RESOLUTION TO APPOINT A DEPUTY COMMUNITY DEVELOPMENT BLOCK GRANT REPRESENTATIVE FOR THE YEAR 2019

Offered By:

Seconded By:

BE IT RESOLVED, That Patty Lynch be and is hereby appointed as the Deputy Community Development Block Grant Representative for the Borough of Allenhurst.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-175

A RESOLUTION TO CONFIRM PURCHASES

Offered By:

Seconded By:

WHEREAS, Purchases were made for amounts over \$1,000.00 and it is the policy of the Borough that the Board of Commissioners approve or confirm said purchases; and;

NOW, THEREFORE, BE IT RESOLVED, That the following contracts are hereby confirmed:

L&L Paving Company	Striping on Main Street	\$3,500.00
Realty Appraisal Company	Tax Appeals	\$6,100.00
Reporting Systems, Inc.	Alerts Through April 2020	\$1,420.00

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-176

A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By:

Seconded By:

WHEREAS, State law permits the exclusion of public in certain circumstances; and,

WHEREAS, The Board of Commissioners of the Borough of Allenhurst finds that such circumstances currently exist; and,

WHEREAS, The Board of Commissioners will make public, minutes of the closed session when confidentiality no longer exists;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners that they are hereby authorized to enter into closed session to discuss legal/contractual matters which are exempt from the public meeting under the Sunshine Law.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-177

A RESOLUTION TO CONSIDER MORATORIUM WAIVERS

Offered By:

Seconded By:

WHEREAS, The Borough has received several requests for the waiver of the provisions of the construction moratorium; and,

WHEREAS, The Board of Commissioners has reviewed the waiver requests; and,

WHEREAS, Under the provisions of granting approval for a waiver for the period ending 5 PM on July 8, 2019, the following provisions shall be adhered to:

1. No construction activities prior to 8:00 AM or after 5:00 PM daily.
2. No construction activities on weekends.
3. No construction activities on Thursday, July 4, 2019.
4. No dumpsters on property or heavy equipment permitted. No construction debris on outside of property

NOW, THEREFORE, BE IT RESOLVED, That the following requests for waiver of the provisions of the construction moratorium are hereby approved/denied:

1. **Frieda Shalam – 120 Spier Avenue** for 2 weeks from 8am to 5pm for the following work:

Needs to lay stone around pool deck and install new kitchen cabinets and appliances. Work could not be completed due to Norwood Avenue being closed off for two weeks blocking access to her property.

Ms. Shalam was represented by Jeff Beekman, Esq. Mr. Beekman was advised that the cutting of zone would be done off-site. The Commissioners approved 2 days for the work to be done. Trim work can be done after the Moratorium period is over. Mr. Beekman was advised that they cannot work on the 4th of July weekend. Work can be done on weekdays between the hours of 9am and 5pm. There can be no trucks on the street. Ms. Shalam must notify the Borough of the days the work will be done. If they require any more than 2 days for the work, Ms. Shalam must come back and request another Moratorium waiver.

Extension APPROVED through – 2 days through July 23, 2019.

2. **David Moss – 402 Main Street** for 1 day on July 11, 2019 from 8am to 5pm for the following work:

Repave driveway- Remove old/grade/place new asphalt. Have tried for two months to complete work but the Main Street Project and Weather hasn't allowed.

Mr. Moss was advised to keep the power tools to a minimum to control noise. He was also advised to call the Borough Hall with the exact time. Work can be done from 9am to 5pm on weekdays and work trucks must be parked in the back of the house. No work can be done over the July 4th weekend.

Extension APPROVED – 1 day through July 23, 2019.

3. **Marcus Adjmi – 205 Cedar Avenue** for 2 days from 8am to 5pm for the following work:

Repair to Soffit. The Soffit is in bad shape and will lead to leaks and further damage.

Mr. Adjmi was advised to call the Borough Hall with the exact days the work is going to be done. The work can be done from 9am to 5pm on weekdays and trucks must be parked in the back of the house. No work can be done over the July 4th weekend.

Extension APPROVED – 1 day through July 23, 2019.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

RESOLUTION #2019-178

A RESOLUTION TO APPROVE BILLS (6/16/2019 to 6/30/2019)

Offered By:

Seconded By:

BE IT RESOLVED, That bills totaling \$308,811.26 be approved for payment; and,
BE IT FURTHER RESOLVED, That, the June 30, 2019 consolidated bill list be attached hereto and made a part thereof.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

ITEMS TO DISCUSS

1. CDBG Grant project – The Borough is going to apply for a 2020 Community Block Development Grant (CDBG) to replace the handicap ramp and landing at Borough Hall. The Borough Engineer will be attending the July 23, 2019 Meeting to discuss the grant and to ask for public comments.
2. 105 Cedar – Allowance for bank to do step Repairs
The Zoning Officer gave a brief discussion. The Judge has officially declared the property abandoned. The sheriff sale is blocked. The bank is now able to do work. The bank thinks the garage has to come down. The bank would have to go to the planning board to state why the garage has to come down as it is historical. The Zoning Officer also will have to give testimony. Comm. McLoughlin asked the Borough Attorney if they have to take down the garage can the Planning Board ask a new owner to put it back up. The Borough Attorney responded, no, but the bank will have to do a Certificate of Appropriateness Application with the Planning Board. Comm. McLoughlin suggested that the Borough change the ordinance to require all residents to have garages. The Borough Attorney will look into it. The Bank is going to start to do the necessary repairs and will apply before the Planning Board.
3. Special Event Request – McLoughlin, Patricia – Graduation Party - Location: Cabanas at Allenhurst Beach Club, Date: 7-27-2019, Time: 6pm to 11pm, Number of People: 75, No tent – Approved.
4. Allenhurst Beach Club Members David Moss and Lee Elmer would like to switch beach cabanas. The Moss's are currently in Cabana P-01 and the Elmer's are currently in Cabana Z-32. – Approved, members can make the move after the 4th of July weekend. Borough records will be updated.

The Mayor asked about the street lights on Ocean Avenue from Cedar to Allen because they are all not working. The Borough Administrator has reported these outages to JCP&L several times. JCP&L has a service ticket set up and will be out in the next few weeks to address.

The 7-9-2019 Commissioners meeting will be cancelled. The next meeting will be held on July 23, 2019.

PUBLIC COMMENTS

Chris Hochster, of 15 Spier, requested the summer speed bump. She also asked if there could be a stop sign placed on Spier. Mayor McLaughlin will into it and call the Police Chief tomorrow.

Chris Hochster also asked if we could change the moratorium to include weekends commencing with Memorial Day weekend. The Commissioners stated they thought it was a good idea and will look into it.

Chris Hochster asked about guest passes at the Allenhurst Beach Club. She asked if the club could sell single tickets and if passes could be good for two years. Comm. Bolan explained that the Borough changed the passes to only be valid for one year at the advise of the CFO to address budgeting concerns. Comm. Bolan stated the Borough will look into tweaking the process next year.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:20PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 9:00 PM. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator