

AGENDA
March 23, 2021

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

PROCLAMATION

**PROCLAMATION
RECOGNIZING THE CAREER AND CONTRIBUTIONS OF THE RETIRING
BOROUGH OF ALLENHURST EMPLOYEE
DOUGLAS CARON**

WHEREAS, Douglas Caron began his employment with the Borough on April 19, 1971; and
WHEREAS, Douglas Caron through his exemplary work ethic rose through the ranks quickly ultimately serving the Borough as Supervisor of Public Works, and

WHEREAS, Douglas Caron has been a key participant and volunteered his time at countless Holiday Celebrations in the Borough and during his tenure; and

WHEREAS, Douglas Caron has served the Borough of Allenhurst for 50 years and is admired and well respected by fellow Borough Employees, Volunteers, Residents, as well as the Greater Allenhurst Community; and

WHEREAS, Doug Caron was, is, and always shall be, an important part of the Allenhurst family;

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor David McLaughlin, on behalf of the Board of Commissioners of the Borough of Allenhurst, both past and present, hereby recognize the retiring Department of Public Works Supervisor, Douglas Caron, for his legacy of service, expressing their deepest appreciation for his dedication and commitment to the citizens of the Borough of Allenhurst, and to extend Doug and his family our best wishes for many years of happiness in the future.

NOW, THEREFORE, LET IT BE FURTHER RESOLVED, that a copy of this Proclamation be given to Douglas Caron, retiring Department of Public Works Supervisor of the Borough of Allenhurst, Monmouth County, New Jersey.

COMMUNICATIONS:

- Resolution from the Borough of Sea Bright urging the immediate amending of Senate Bill 3454.
- Notice of Online Public meeting on March 24 regarding the Local Concept Study for Corlies Avenue Bridge of Deal Lake.

ANNOUNCEMENTS:

None

ORDINANCES

ORDINANCES FINAL READING

ORDINANCE #2021-04 – Final Reading

**ORDINANCE #2021-04
AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST, CHAPTER XXVI ENTITLED
“DEVELOPMENTAL REGULATIONS OF THE BOROUGH
OF ALLENHURST”**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is

in the best interests of the community to revise portions of its existing Borough Code concerning the Development Regulations, adding certain definitions and amending sections 26-4.3 and 26-4.4.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 26 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

SECTION 1. §26-2.1 Definitions

Existing §26-2.1 is hereby modified to insert the following new definitions, to be inserted in alphabetical order:

“Habitable Floor Area” shall be the sum of the gross horizontal area of all the stories and half stories of a building as measured from the exterior face of exterior building walls, or from the center line of wall separating two buildings. In residential buildings, garages, attics, and cellars shall not be calculated as “habitable floor area.” For a new dwelling, 50% of the area of an attached garage shall be calculated as “habitable floor area.”

“Livable Space” shall be any space within a residential structure that can be used for sleeping or prolonged occupancy, including cellars and attics with interior walls, electricity, plumbing, or other features commonly referred to as “finished basements”. Living space shall be treated as a bedroom for purposes of means of egress pursuant to the Uniform Construction Code. Where livable space is in a cellar or attic it shall not be considered “Habitable Floor Area” as defined in this Chapter.

SECTION 2. §26-4.3 Development Regulations, R-2 Residential District

Existing §26-4.3 is hereby renumbered 26-4.3(a), with existing subsection “a.” renumbered as subsection “1.” And,

The following Section §26-4.3(b) is hereby added:

(b) Notwithstanding the provisions of subsection (a) of this Section or the provisions of any other Section of these Regulations, all lots in the R-2 Residential District shall conform to the following requirements:

1. For any lot in this District of a minimum of four thousand (4000) square feet but less than five thousand (5000) square feet, the maximum permitted Habitable Floor Area of the dwelling house shall be one thousand eight hundred (1800) square feet plus an additional forty-two (42) square feet of Habitable Floor Area for every one hundred (100) square feet by which the lot exceeds the minimum.
2. For any lot in this District of a minimum of five thousand (5000) square feet, the maximum permitted Habitable Floor Area of the dwelling house shall not exceed two thousand two hundred and fifty (2250) square feet plus an additional forty-two (42) square feet of Habitable Floor Area for every one hundred (100) square feet by which the lot exceeds the minimum.
3. Portions of lot sizes of less than one hundred (100) square feet each above the minimum may not be considered in the above calculations. By way of example and not limitation, the formula for a lot containing 4,335 square feet is: 1800 square foot maximum Habitable Floor Area plus (3 x 42) additional square feet, for a total of 1926 maximum square feet of Habitable Floor Area. The remaining 35 square feet are discarded and shall not be considered in calculating the maximum Habitable Floor Area of the dwelling house.

SECTION 3. §26-4.4 Regulations Applying to All Residential Districts

Existing §26-4.4 (a) is hereby deleted in its entirety and replaced with the following modified §26-4.4 (a), which shall henceforth read as follows:

- a. In each residential district, building height shall not exceed two and one-half (2 1/2) stories in height or thirty-five (35) feet in height, except that the provision of this subsection regarding height shall not apply to chimneys or flagpoles. No residential dwelling shall have Habitable Floor Area on more than three (3) stories, which shall include any portion or all of any one-half (1/2) story permitted by the Borough’s Development Regulations.

SECTION 4. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 5. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

SECTION 6. If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall take effect immediately upon its passage and adoption

according to law.

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

ORDINANCES FIRST READING

ORDINANCE #2021-05 – First Reading

ORDINANCE #2021-05

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

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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" in October 2006, as amended November 2007 (the "**Prior Redevelopment Plan**") for the Redevelopment Area; and

WHEREAS, the Borough wishes to amend and restate the Redevelopment Plan to, among other things, propose a townhouse development on the east side of Main Street that is sensitive to the historical context of the Borough's residential neighborhoods, modify the Prior Redevelopment Plan by proposing the demolition (rather than adaptive reuse) of the Art Deco Jersey Central Power & Light (JCP&L) buildings along the west side of Main Street, and revise the concept for the redevelopment of the Borough's DPW/Waterworks site on the southside of Hume Street to permit new construction; and

WHEREAS, Heyer, Gruel & Associates has prepared an amended redevelopment plan for the Redevelopment Area, entitled, "Main Street Redevelopment Plan", amended March 2021 (the "**Referred Redevelopment Plan**"); and

WHEREAS, on March 9, 2021, the Borough adopted Resolution #2021-73, authorizing and directing the Borough Planning Board (the "**Planning Board**") to review the Referred Redevelopment Plan and to advise the Borough of its findings in connection therewith in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, on March 10, 2021, the Planning Board held a duly noticed and constituted public meeting, at which it determined that the Referred Redevelopment Plan is generally consistent with the Borough's Master Plan, and recommended that the Borough adopt the Referred Redevelopment Plan, subject to certain recommended revisions which are set forth in a letter from the Planning Board Attorney dated March 17, 2021 (the "**Planning Board Report**") which Planning Board Report is incorporated herein as though set forth at length herein; and

WHEREAS, the Borough Commissioners of the Borough (the "**Borough Commissioners**") have reviewed the Planning Board Report and desire to approve Planning Board comments 1 and 5 through 10, inclusive, as enumerated in the Planning Board Report (collectively, the "**Approved Revisions**"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Commissioners desire to disapprove Planning Board comments 2 through 4, inclusive and 11 through 13, inclusive, as enumerated in the Planning Board Report (collectively, the "**Disapproved Revisions**"), for the following reasons:

Comment 2 – The Referred Redevelopment Plan, under the heading "IMPLEMENTATION OF THE REDEVELOPMENT PLAN – Conditions in Redevelopment Agreement(s)" adequately addresses the requirement of the redeveloper to undertake off-site improvements. Further, the Borough Commissioners anticipate that any redevelopment agreement for the Redevelopment Area will also address requirements of the redeveloper to undertake off-site improvements;

Comment 3 – The Referred Redevelopment Plan, under the heading "DISTRICT STANDARDS – Townhouse Residential District – Additional Standards" adequately prohibits bedrooms on the ground floor of the townhouse units. Further, the Borough Commissioners anticipate that any redevelopment agreement for the Redevelopment Area will contain floor plans for such townhouse units that illustrate that the ground floor of the townhouse units are not conducive to construct a bedroom on the ground floor;

Comment 4 – Responsibility for utility connections is already adequately addressed by existing applicable Borough ordinance;

Comment 11 – The Borough has determined it is not feasible to have the front yard set

back of the proposed townhouses facing Elberon Avenue to match those of the existing single family homes on Elberon Avenue, as such a change would fundamentally alter the proposed redevelopment project and would impede the Borough's ability to effectuate the Redevelopment Plan and the Borough's Master Plan;

Comment 12 – The Planning Board retains the ability to evaluate the color scheme for any proposed project in the Redevelopment Area when the Planning Board reviews such project for site plan approval, and can evaluate the color scheme via the requirements of the Borough's historic preservation ordinance at that time;

Comment 13 – If a rooftop bar is allowed or permitted within the Redevelopment Area, it will be subject to the Borough's existing noise ordinance and, as such, additional language in the Redevelopment Plan is not necessary; and

WHEREAS, Heyer, Gruel & Associates has prepared an amended redevelopment plan for the Redevelopment Area, entitled, "Main Street Redevelopment Plan", amended April 2021, inclusive of the Approved Revisions (the "**Amended Redevelopment Plan**"), which Amended Redevelopment Plan is on file in the Office of the Borough Clerk and available for public inspection;

WHEREAS, the Borough now desires to adopt the Amended Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey (not less than a majority of the full authorized membership thereof affirmatively concurring), as follows:

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

2. The Borough Commissioners have reviewed the Planning Board Report and hereby approve such Approved Revisions as set forth in the Amended Redevelopment Plan. The Borough Commissioners hereby further disapprove the Disapproved Revisions for the reasons set forth herein.

3. The Amended Redevelopment Plan is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7 and shall supersede the Prior Redevelopment Plan in its entirety. Accordingly, the Prior Redevelopment Plan is no longer of full force or effect.

4. All of the provisions of the Amended Redevelopment Plan shall supersede the applicable development regulations of the Borough's municipal code in accordance with the terms of the Amended Redevelopment Plan, and the sections of the zoning map of the Borough that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Amended Redevelopment Plan.

5. 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.

6. This Ordinance shall take effect in accordance with applicable law.

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

ORDINANCE #2021-06 – First Reading

ORDINANCE #2021-06

AN ORDINANCE REVISING CHAPTER X OF THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST ENTITLED "BEACH REGULATIONS."

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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.

BE IT ORDAINED, By the Board of Commissioners of the Borough of Allenhurst that Section 10-1.4 of Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-1.4 Membership Card/Beach Badge

NO ONE will be permitted entrance into the Beach Club without being identified as a member or guest of a member. Identification points will be set up at each Beach Club entrance for member's convenience. Each member must have a current picture on file to enter the Beach Club.

BE IT FURTHER ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, that Section 10-1.6 of Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-1.6 Service and Use Charges.

a. Resident Charges.

No.	Service	Fees, <i>if paid on or before due date</i>	Fees, <i>if paid after due date</i>
1.	Non-shower bathhouse	\$1,185.00	\$1,435.00
2.	A/B Shower bathhouse	\$1,582.50	\$1,832.50
3.	Shower bathhouse	\$1,482.50	\$1,732.50
4.	Cabana	\$2,960.00	\$3,210.00
Facilities Use Charge Per Person:			
5.	Children under 3 years of age	No Charge	No Charge
6.	Children Ages 3 and 4	\$60.00	\$60.00
7.	Age 5 and over	\$85.00	\$85.00
8.	Age 65 and older	\$60.00	\$60.00
Beach Fee			
9.	Ages 12 years or more	\$80.00	\$80.00
10.	Children under 12 years of age	No Charge	No Charge

b. Nonresident Charges.

No.	Service	Fees, <i>if paid on or before due date</i>	Fees, <i>if paid after due date</i>
1.	Non-shower bathhouse	\$1,780.00	\$2,030.00
2.	A/B Shower bathhouse	\$2,575.00	\$2,825.00
3.	Shower bathhouse	\$2,370.00	\$2,620.00
4.	Cabana	\$5,850.00	\$6,100.00
Facilities Use Charge Per Person:			
5.	Children under 3 years of age	No Charge	No Charge
6.	Children Ages 3 and 4	\$155.00	\$155.00
7.	Age 5 and over	\$260.00	\$260.00
8.	Age 65 and older	\$160.00	\$160.00
Beach Fee			
9.	Ages 12 years or more	\$80.00	\$80.00
10.	Children under 12 years of age	No Charge	No Charge

c. Half Season Charges.

1. The fees specified in preceding paragraphs a. and b. are for full season memberships in the Allenhurst Beach Club.
2. Rates for half season shall be two-thirds (2/3) of the full season rate for facilities use charge per person and two-thirds (2/3) of the full season rate for beach fee per person.
3. A half season shall be considered to run from the date of the opening

of the Beach Club for the season consecutively until the midway point of the season, or from the midway point of the season consecutively to the day of the closing of the Beach Club for the season and for no other period.

4. A person or persons desiring a half season membership must utilize a bathhouse or cabana of a full season member, subject to the provisions of subsection 10-1.7 and must present signed, written permission of such member to so utilize the bathhouse or cabana for the exact half season period involved.

d.f Guest Charges.

1. Each individual bathing guest (age 3 and older) using a member's bathhouse or cabana must submit one (1) guest pass per day; Children, age 3 and under will be admitted at no charge. Guest passes from the previous season will be valid for use in the current season, or for such time as the Board of Commissioners may determine in the Allenhurst Beach Club Rules, when guests are accompanied by a registrant of the Allenhurst Beach Club Facilities.
2. Guest tickets will be sold individually at the discretion of the governing body, for \$15.00 per Guest ticket. Individual Guest tickets are good for one individual, for one day's admission. Guest tickets will only be valid for use in the current season or for such time as the Board of Commissioners may determine in the Allenhurst Beach Club Rules.
3. Packages of Guest tickets will be sold in groups of ten (10) passes for \$150.00. Packages of Guest tickets may be sold at a discount at the discretion of the Board of Commissioners. There is no limit on the number of packages that may be purchased but, be advised, that they are only valid for use in the current season or for such time as the Board of Commissioners may determine in the Allenhurst Beach Club Rules.

e. Combination Charges: Where there is a joint tenancy by an Allenhurst resident registrant and a nonresident in any of the accommodations referred to in paragraphs a. and b. hereof, the rates for said accommodations will be as follows:

No.	Service	Fees
1.	Non-shower bathhouse	*\$1,482.50
* Resident Pays, \$592.50 ; Non-Resident Pays, \$890.00		
2.	A/B Shower bathhouse	*\$2,078.75
* Resident Pays, \$791.25 ; Non-Resident Pays, \$1,287.50		
3.	Shower bathhouse	*\$1,926.25
* Resident Pays, \$741.25 ; Non-Resident Pays, \$1,185.00		
4.	Cabana	*\$4,405.00
* Resident Pays, \$1,480.00 ; Non-Resident Pays, \$2,925.00		

f. Catamaran & Kayak Storage Fees

1. There shall be a “Catamaran storage fee” of two hundred (\$200.00) dollars for the “season” for those wishing to store a Catamaran at the Allenhurst Beach Club, during the “season.” Space for Catamarans is limited and shall be on a first come, first serve basis. No one shall be permitted to store any private property, including any Catamaran, at the Allenhurst Beach Club except during the “season.”
2. There shall also be a “Kayak storage fee” of one hundred (\$100.00) dollars for the “season” for those wishing to store a kayak at the Allenhurst Beach Club, during the “season.” Space for Kayaks is limited and shall be on a first come, first serve basis. No one shall be permitted to store any private property, including any Kayak, at the Allenhurst Beach Club except during the “season.”

g. There shall be assessed a fifty (\$50.00) dollar activity fee per facility. All monies from this fee shall go towards activities planned at the Allenhurst Beach Club.

h. A Recreation Program shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) years and twelve (12) years at the discretion of the Recreation Director. The program shall run for seven (7) weeks, during the Beach Club season from 10:00 a.m. to 3:00 p.m., Monday through Friday and will not run on those

days the Beach Club is closed for inclement weather or any other unforeseen circumstance.

The cost for participation in this program will be five hundred fifty (\$550.00) dollars for the first child and four hundred (\$495.00) dollars per child for additional children from the same family. Additional weeks may be offered at the discretion of the Recreation Director.

i. A Swim Team shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) years and twelve (12) years at the discretion of the Swim Team Coach. The cost for participation in this program will be fifty (\$50) dollars per child.

j. A Junior Lifeguard Program shall be established which shall be open to all children who are members of the Allenhurst Beach Club. The cost for participation in this program will be fifty (\$50) dollars per child.

k. There shall be assessed a fee of \$340 for a Nanny Membership. A Nanny is defined as someone who is 18 years of age, or older, and is responsible for the care of member children under the age of 14. The Nanny can only use the Allenhurst Beach Club through this membership when she is in the company of the children with whom she is charged with caring. This membership is exclusively for the nanny named in the member's application and is non-transferrable and non-refundable.

BE IT FURTHER ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, that Section 10-1.7 of Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10.1.7 Occupancy Restriction

It is to be noted that the bathhouses and cabanas described above are restricted in their use as follows:

- a. Minimum Occupancy: Two (2) persons, at least one (1) of whom shall be an adult.
- b. Maximum Occupancy for Bathhouses: Two (2) families, but not to exceed a total of ten (8) persons unless approved by the Board of Commissioners.
- c. Maximum Occupancy for Cabanas: Two (2) families, but not to exceed a total of ten (10) persons unless approved by the Board of Commissioners.
- d. Each family consists of no more than three (3) generations, (grandparents, parents, children).
- e. Additional Families may be added for a facility surcharge of \$250 or \$125 for those aged 65 and older.

BE IT FURTHER ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, that Section 10-1.8 of Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-1.8 Late Fee

Fees must be paid on or before the due date determined by the Board of Commissioners and stated on the membership documentation each year. There will be a late fee assessed in the amount of \$250.00 for any outstanding balances received after the due date. New memberships after that date will not be subject to a late fee.

BE IT FURTHER ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, that Section 10-1.14 of Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-1.14 Counselor-In-Training (CIT) Program

- a. A Counselor-In-Training, (CIT) Program shall be established which shall be open to members of the Allenhurst Beach Club who are a minimum of 13 years of age. Membership and number of CIT's accepted to the Program shall be at the discretion of the Recreation Director. The CIT Program shall run in conjunction with the Recreation Program, with the exception of pre-camp staff training which will be held before the start of the Recreation Program.
- b. The CIT Program is an educational program, with a curricula designed to develop the people and technical skills necessary to be an effective camp/recreational counselor. CIT Programs teach management and leadership skills and can provide basic training

in such skills as group leadership, time management and a variety of outdoor skills. CIT Programs can lead to leadership opportunities at school, in extracurricular activities and at future jobs.

- c. The Borough of Allenhurst makes no guarantee that participation in this program will lead to employment either with the Borough or with any other employer.
- d. Counselors in Training will be matched with a counselor in a unit to provide assistance during program time, meals, and field trips. CIT's will attend staff meetings and work closely with the CIT Coordinator, who will provide each CIT with two evaluations, one after the second week and one at the end of the summer.
- e. CIT's will be subject to the same code of behavior and policies as regular program staff and shall participate in all aspects of the recreation program. Under the supervision of a senior counselor, they will:
 - 1. Make the Recreation Program fun, helping to devise and plan games and activities.
 - 2. Supervise setting up and cleaning up.
 - 3. Help provide a safe and supportive atmosphere for participants.CIT's will always work with a counselor and/or the CIT Coordinator.
CIT's will work with the CIT Coordinator to learn the basics of child development, programming, and supervision procedures and policies, etc.
CIT's will work with staff to develop and co-lead workshops or games.
CIT's will participate in informal and formal activities with participants in the Recreation Program.
- f. Those CIT's not meeting the expectations of the program may be dismissed at the discretion of the Recreation Director.

BE IT FURTHER ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, that Section 10-2.7 of Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-2.7. No smoking and Beach Refuse

- a) **No Smoking.** "Smoking" under N.J.S.A 26:3D-57 means "the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device". It is hereby established that no person shall smoke on the Beach or in the ABC, as hereinafter defined, at any time except in designated "smoking areas:" as indicated by signs posted by the Borough. For the purpose of this Chapter, the term "beach" shall mean all areas east of the public boardwalk, including, but not limited to, all cabana areas and walkways, the ABC, jetties, dunes, the beach and waters immediately adjacent thereof. The penalty for a violation of this section shall be a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense.
- b) **Beach Refuse.** No person shall throw or discard any bottles, cans, paper or other refuse, including, but not limited to, cigarette butts, cigar butts, and other tobacco products, in the Beach or in the ABC and all refuse and paper and litter shall be placed in refuse containers provided therefore. The penalty for a violation of this section shall be \$100.00 and two (2) days community service.

EXCEPT AS HEREIN PROVIDED, the Codified Ordinances of the Borough of Allenhurst shall remain in full force and effect.

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.

This Ordinance shall take effect after publication and adoption according to law.

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

ORDINANCE #2021-07 – First Reading

ORDINANCE #2021-07

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST, CHAPTER XXVI ENTITLED
“DEVELOPMENTAL REGULATIONS OF THE BOROUGH
OF ALLENHURST”**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Development Regulations, to address escrows and costs for monitoring approved projects by amending section 26-8.1.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 26 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

SECTION 1. The existing §26-8.1 is hereby deleted in its entirety and replaced with the following modified §26-8.1, which shall henceforth read as follows:

26-8.1 Fees

- a. Every application for i) site plan review, ii) subdivision reviews, iii) requests for variance relief, iv) application for a certificate of appropriateness, v) drainage plan review, vi) zoning review and/or vii) pool installation shall be accompanied by the appropriate fee in accordance with the schedule set forth in §26-8.1c herein. The application fees charged are to cover the costs associated with the administrative and clerical processing of the application and are not refundable.
- b.
 1. Professional review costs for attorneys, planners, engineers or other professionals or experts retained by or on behalf of the Borough for the purpose of review, analysis, inspection or preparation of documents or reports relating to development applications shall be charged to and shall be paid for by the applicant, inclusive of such fees as are incurred by the Borough to conduct inspections to determine that the project has been performed as per the approved plans. The Borough shall make all payments to the professionals for services rendered to the Borough for the review of applications, review and preparation of documents and inspection of property.
 2. An applicant shall be responsible to reimburse the Borough for all expenses of professional personnel incurred and paid by it necessary to process an application for development before a municipal agency, and to assure its completion in accordance with the approved plans, such as, but not limited to:
 - (A) Charges for reviews by professional personnel of applications, plans and accompanying documents.
 - (B) Issuance of reports by professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by the applicant.
 - (C) Charges for any telephone conference or meeting requested or initiated by the applicant, its attorney or any of its experts or representatives.
 - (D) Review of additional documents submitted by the applicant and issuance of reports relating thereto.
 - (E) Review or preparation of easements, developer's agreements, deeds or the like.
 - (F) Preparation for and attendance at all meetings.
 - (G) The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts.
 - (H) All professional inspection fees incurred by the Borough to assure that any and all projects undertaken pursuant to a i) site plan review, ii) subdivision

reviews, iii) requests for variance relief, iv) application for a certificate of appropriateness, v) drainage plan review, vi) zoning review and/or vii) pool installation, including Engineers review, Surveyors review, elevation compliance check, Code Compliance Officers as well as any and all fees and costs incurred by the Borough to assure that the subject project has been constructed according to the approved application.

3. The applicant shall, at the time of filing of an application, deposit with the Borough in the form of a certified or bank check, the amount prescribed herein. The deposit shall be placed into an escrow account pursuant to N.J.S.A. 40:55D-53.1, and fees shall be collected in accordance with the schedule set forth in §26-8.1c herein.
4. Those funds shall be placed in a separate account by the Borough Clerk and an accounting shall be kept of each applicant's deposit. All professional charges shall be paid from the account and charged to the applicant. Any monies not expended for professional services shall be returned to the applicant upon final approval, denial or withdrawal of the application. If, at any time during the procedure, seventy-five percent (75%) of the monies posted are expended, the applicant shall be required to post such additional sums as may be required by the Borough Secretary to cover professional costs. All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate and the expenses incurred. The Borough shall render a written final accounting to the developer on the uses to which the deposit was put. Thereafter, the Borough shall, upon written request, provide copies of the vouchers to the developer. The applicant shall not be entitled to proceed with the application or any development until such time as the necessary monies have been posted to guarantee payment of professional service fees.

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c. Application and Escrow Fee Schedule.

	Type of Application	Application Fee	Escrow Amount
Subdivisions			
1.	Sketch Plat	\$150.00	\$500.00
2.	Preliminary Plat	\$300.00 + \$100.00 per lot	\$3000.00 + \$100.00 per lot
3.	Final Plat	\$100.00	\$1500.00 + \$100.00 per lot
Site Plans			
1.	Preliminary	\$500.00	\$3000.00
2.	Final	\$300.00	\$500.00
Variance Relief			
1.	Special Question or Interpretation	\$300.00	\$500.00
2.	Hardship	\$300.00	\$1000.00
3.	Use	\$500.00	\$1000.00
4.	Signs Only	\$150.00	\$300.00
Certificate of Appropriateness			
1.	Application	\$500.00	\$1500.00
2.	Application for new construction	\$1000.00	\$4000.00
Additional Fees			
1.	Construction permit in bed of mapped street or drainage right-of-way or lacking street frontage	\$300.00	\$500.00
2.	Special meeting Costs	\$1500.00	\$1000.00
3.	Official Map Appeals	\$200.00	\$500.00
4.	Determination of percentage of impervious surface	\$100.00	No Escrow
5.	Zoning Determination	\$100.00	\$1000.00
6.	Zoning Determination with Determination of Impervious surface	\$150.00	\$1000.00
7.	Pool Permit Application per §26-5.11	\$200.00	\$1000.00
8.	Drainage System Application	\$200.00	\$1000.00

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

SECTION 4. If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

RESOLUTIONS

RESOLUTION #2021-79

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the Regular Meeting of March 9, 2021 be ratified and approved.

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

RESOLUTION #2021-80

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of March 9, 2021.

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

RESOLUTION #2021-81

RESOLUTION AUTHORIZING EASEMENT TO JERSEY CENTRAL POWER & LIGHT COMPANY FOR CONTINUED UTILITY ACCESS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, the Borough of Allenhurst has previously granted utility easements to Jersey Central Power & Light Company ("JCP&L") relating to Block 31, Lots 3 and 4 in the Borough of Allenhurst, County of Monmouth, which are recorded in Deed Book 1288, Page 254, Deed Book 1290, Page 56 and Deed Book 1290, Page 58 (as to Lot 3) and Deed Book 1338, Page 155 (as to Lot 4), of the Monmouth County Clerk's Office; and

WHEREAS, JCP&L has requested that the existing easements be updated to reflect their modern access needs for the provision of the public utility; and

WHEREAS, the Board of Commissioners of the Borough of Allenhurst consider this request by JCP&L to be both reasonable, and in the best interests of the public which JCP&L serves.

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

BE IT FURTHER RESOLVED by the Borough of Allenhurst that the Mayor be and is hereby authorized to execute the Deed of Easement to the benefit of Jersey Central Power & Light Company, a copy of which is on file with the Borough Clerk and incorporated herein by reference, to update the already existing public utility easements described therein.

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

RESOLUTION #2021-82

A RESOLUTION TO AWARD CONTRACT FOR REPAIR OF LIGHTING SYSTEM AT THE ALLENHURST BEACH CLUB RESTAURANT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, There is a need for Repairs to the Lighting System at the Restaurant at the Allenhurst Beach Club; and,

WHEREAS, The following quote was received and is on file with the Borough Clerk: Mike Chambers Oakhurst Electric, LLC, - \$3,800

WHEREAS, Pursuant to 40A:11-6.1c contracts that are in aggregate less than 15% of the bid threshold, or less than \$6,000, may be awarded without soliciting competitive quotations; and,

WHEREAS, Funds for this purpose shall be provided Capital Account 2018-15 Various Capital Improvements (C-04-55-982-000); and,

THEREFORE, BE IT RESOLVED, That a contract be awarded to Mike Chambers Oakhurst Electric, LLC, for Repairs to the Lighting System at the Restaurant at the Allenhurst Beach Club in the amount of \$3,800.

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

RESOLUTION #2021-83

A RESOLUTION TO HIRE A DEPARTMENT OF PUBLIC WORKS SUPERVISOR

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, In anticipation of the retirement of the current Department of Public Works Supervisor, the Board of Commissioners publicly advertised the job opening and interviewed candidates for the position; and,

WHEREAS, After careful consideration, the Board of Commissioners has decided upon a candidate for the position; and,

NOW, THEREFORE, BE IT RESOLVED, That Marc Heitmueller be hired as Department of Public Works Supervisor, at an annual salary of \$80,000, and he shall serve as the licensed Sewer Operator at an annual salary of \$5,000, commencing April 1, 2021, to be prorated from April 1st through December 31st, as per the terms in the official offer letter on file with the Borough Clerk.

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

RESOLUTION #2021-84

RESOLUTION AUTHORIZING AGREEMENT WITH USDA FOR GOOSE DAMAGE MANAGEMENT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, the Borough of Allenhurst has a need to contribute towards the damage management to the geese population in and around Deal Lake; and

WHEREAS, the USDA will has agreed to provide a cooperative agreement providing these services for \$1,652; and

WHEREAS, the Deal Lake Commissioner has recommended that the Borough accept these services, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Allenhurst hereby approves a cooperative agreement with the USDA at the cost of \$1,652 for services that shall continue until September 30, 2021.

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

RESOLUTION #2021-85

A RESOLUTION TO APPROVE SALARIES FOR 2021

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following salaries be and are hereby approved for officials and employees of the Borough of Allenhurst for the year 2021:

Borough Clerk/Registrar	59,621.00
Borough Administrator	50,063.00
Finance Clerk	52,020.00
Public Works Supervisor	80,000.00
Recycling Coordinator	2,000.00
Right-To-Know Coordinator Trainer	500.00
Right-To-Know Coordinator	1,500.00
Tax Collector	6,100.00
Tax Assessor	6,318.00
Code Official	5,100.00
Zoning Officer	15,300.00
Municipal Court Judge, includes 2 court sessions/mo.	20,000.00
Planning Board Secretary	15,000.00
Sewer Operator	5,000.00
Police Chief	138,010.00
Certified Pool Operator	1,000.00
Pump Maintenance	\$75.00/callout
Pool Cleaning	\$100/cleaning – 2hr max
	Over 2hr needs approval of DPW Supervisor
Treasurer	1,500.00
Mayor	1,750.00

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

RESOLUTION #2021- 89
RESOLUTION AUTHORIZING SETTLEMENT OF AN ACTION IN LIEU
OF PREROGATIVE WRITS ENTITLED RICHARD AND FLORE CHERA
V. THE BOROUGH OF ALLENHURST PLANNING BOARD, THE
BOROUGH OF ALLENHURST AND JOSEPH MCGRATH, SUPERIOR
COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY,
DOCKET NUMBER, MON-L-4064-20

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

PREAMBLE

WHEREAS, Richard Chera and Flore Chera (hereinafter APlaintiffs@) are the owners of 1 Spier Avenue in the Borough. On or about June 15, 2019, the Borough issued a Notice of Violation (ANOV@) to the Plaintiffs asserting that certain hedges on their property, in combination with a retaining wall and elevated soil, violated Borough Ordinance 26-5.2; and

WHEREAS, on or about July 3, 2019, Plaintiffs filed a Notice of Appeal of the NOV with the Borough of Allenhurst Planning Board (hereinafter APlanning Board@) challenging its conclusions and seeking an interpretation pursuant to N.J.S.A. 40:55D-72(a); and

WHEREAS, on November 12, 2020, the Planning Board issued Resolution 2-11-12-2020 denying Plaintiffs= appeal, which was published in the Asbury Park Press on November 19, 2020; and

WHEREAS, on or about December 16, 2020, the Plaintiffs filed an Action in Lieu of Prerogative Writs entitled *Richard and Flore Chera v. The Borough of Allenhurst Planning Board, the Borough of Allenhurst and Joseph McGrath, Superior Court of New Jersey, Law Division, Monmouth County, Docket Number: MON-L-4064-20* (hereinafter the ALawsuit@) alleging, *inter alia*, that the Planning Board=s Resolution was arbitrary, capricious and unreasonable, that Borough Ordinance 26-5.2 was applied to them in an arbitrary, capricious and unreasonable manner and that Borough Ordinance 26-5.2 is unconstitutionally vague as applied to the Plaintiffs; and

WHEREAS, the Plaintiffs and each of the Borough Defendants now wish to resolve all their differences in accordance with the terms and conditions of the Settlement Agreement and Release attached hereto as Exhibit AA@ and incorporated herein by reference; and

WHEREAS, upon the advice of counsel, the Settlement Agreement and Release is recommended as a means of resolving a potentially costly and protracted dispute.

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

BE IT FURTHER RESOLVED that, the settlement of the Lawsuit brought by the Plaintiffs in accordance with the terms set forth in the Settlement Agreement and Release attached hereto as Exhibit AA@ and incorporated herein by reference, be and is hereby authorized and approved; and

BE IT FURTHER RESOLVED that, the Mayor be and is hereby authorized to execute the Settlement Agreement and Release on behalf of the Borough of Allenhurst and that Borough Counsel is hereby authorized to execute the associated Stipulation of Dismissal, with prejudice, to bring the Lawsuit to a conclusion.

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

ITEMS FOR DISCUSSION:

The Mayor expressed his deep appreciation for the tremendous job that retiring Public Works Supervisor Douglas has done over his 50 years with the Borough and how much everyone is going to miss him. Comm. McLoughlin, Comm. Bolan and the Borough Administrator echoed the sentiments.

Doug's wife, Louie, thanked the Borough for the good wishes. She commented that Doug always tried to do his best for the residents. She added that they will forever be thankful to the Borough of Allenhurst as she and Doug met here, and the rest is history.

Comm. McLoughlin offered his congratulation to Marc Heitmeuller, who will step into Doug's shoes. The Mayor and Comm. Bolan echoed the sentiment.

OPEN PUBLIC HEARING:

The Attorney representing the Allenhurst Homeowner's Association offered comments on the Redevelopment plan, specifically concerning environmental concerns. A letter was sent from the Attorney, just prior to the meeting, where they are asking that consideration be given by the Borough to hiring an environmental consultant. The Mayor thanked him for his comments.

Multiple residents took the opportunity to offer congratulation to Doug Caron on his retirement, thanking him for his years of service and his exemplary work ethic.

Chief Schneider offered his congratulations to Doug, stating that his cooperation with the Police has always been highly valued and that he never met anyone who worked as hard as Doug.

Marc Heitmueller thanked Doug for being the best boss ever and acknowledged that he is stepping into very big shoes.

Several residents had questions regarding the Redevelopment Plan.

An unidentified resident asked a question regarding the impact on the sewerage system from the redevelopment. The Mayor advised that there would be an impact, and that there would need to be a study done from the Borough Engineer, however, any necessary improvements would be the Developer's responsibility.

Simon Dweck asked if there had been any study of the additional tax revenue that would come from the redevelopment and if there would be tax abatements given to the developers. The Mayor advised that that this is all still being looked at and as soon as figures are developed, they will be made public.

Mr. Dweck also inquired about how the Borough will address the capacity issues at the Beach Club given the Redevelopment. The Mayor advised they are considering several scenarios. If the club is at capacity, the Borough would not be able to provide access to the club. An idea being considered is to sell eligible residents from the new area a pass for beach access only, and then to allow them to join the club as capacity allows.

Mr. Dweck also asked about any environmental studies that would be done on the property to determine if there were any reasons for concern. The Mayor advised that the Developers will need to meet the DEP guidelines and get all the approvals etc. This is all handled by the State of New Jersey.

Debbie – 308 Elberon asked if there could be additional security at the Beach Club to keep the daily beach badge purchasers from entering the club proper. The Mayor advised that additional security will be in place.

Jod Sabbaugh – 308 Spier – stated that he feels that the beach area is already very crowded on the weekends and is concerned about it becoming even more crowded if the new residents in the Redevelopment area are provided with beach passes.

There being no further business or comments, Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:15 PM. Motion carried.

After reconvening, Mayor McLaughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 8:54 PM. Motion carried.