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## **AGENDA SESSION**

**JUNE 10, 2009**

An Agenda Session of the Mayor and Council of the Borough of Belmar was held on the above date in the Municipal Complex at 6:30 P.M.

**PRESENT:** Mayor Pringle, Council President Brennan, Councilwoman Deicke, Councilman Doherty, Councilman Wright, Karl Kemm, Esq., Borough Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

The Borough Clerk stated Adequate notice of this meeting which is an Agenda Meeting of the Mayor and Council of the Borough of Belmar was faxed to the Asbury Park Press and The Coast Star our official newspapers on December 4, 2008. 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.

### **PRESENTATION:**

#### **Wind Energy:**

Will Heyniger, Kean University gave a power point presentation on wind energy and wind turbines. The presentation showed different types of wind turbines that can be used in urban or suburban areas.

Gregory Hart, President of The Big Wind, stated he makes the turbines and would like to install anemometers at the marina, Borough Hall and 10<sup>th</sup> and 5<sup>th</sup> Avenue Pavilions to collect wind data for Belmar. He explained that residents could also have anemometers brought to their homes to determine if their home would be eligible for a wind turbine. He also explained the tax rebates that are available.

#### **Miniature Golf Course at 500 Main Street**

Pasquale Menna, Esq., and his client Shark River Investors LLC gave a presentation on the miniature golf course they would like to build at 500 Main Street. Mayor Pringle recused himself because of a conflict with Mr. Menna. The plan involves upgrading the existing buildings, landscaping, lighting, and providing a recreational use for the residents. Mr. Menna explained that if the plan moves forward he would enter into an agreement with the Havens and Hampton property to use their property for parking. He stated he has spoken to Mr. Kemm about whether this use would be permitted in the redevelopment zone. Mr. Kemm explained that the current redevelopment plan does not permit interim uses and the properties involved in this application are labeled to be used for mixed-use buildings with a parking garage. Mr. Menna stated he believes there is language in the plan that does allow recreational uses. Mr. Kemm said his opinion is that the entire redevelopment plan would have to be amended to allow interim uses. Council member Deicke asked if allowing interim uses would prohibit long term uses from being constructed. Mr. Kemm explained that if the Council were to allow interim uses the interim use would have to be in such a manner that it would not prohibit anyone from developing the lots. Council member Brennan stated she feels there should be some flexibility in the plan.

#### **Public:**

Joe Hillman, Esq., 517 5<sup>th</sup> Avenue, stated he is not aware of case law that permits temporary uses in redevelopment zones. He feels that the miniature golf is an amusement and not a recreational use, which by ordinance is not permitted on Main Street. He asked the Council to not allow it to through.

Arlene Sheridan, 100 Inlet Terrace, stated the traffic on Fifth Avenue is horrendous when the bridge is up and adding a miniature golf course would increase the traffic.

Maureen Ennis, 418 Seventh Avenue, stated as a business consultant she hopes the Council would consider interim uses and as a parent and resident she would like the Council to consider more recreational uses in town.

Dave Pizzolato, 603 Fifth Avenue, stated he understands Mr. Hillman's perspective but feels it would be nice for the children.

Kevin O'Donnell, 604 Fifth Avenue, stated he feels the miniature golf course is a good idea but not at that location because of the traffic problems already there.

Neil Scheck, 410 Fourth Avenue, stated parking and traffic would be a problem. He asked if the golf course would comply with ADA requirements. Mr. Menna stated it would.

Pat Magovern, 610 Sixth Avenue, stated he feels this use is an amusement and not recreational. The master plan and redevelopment plan were put together with a lot of thought and he feels that the Council should not consider amending the plan based on the emotions of property owners.

William Shipers, attorney representing Andy Pendondjis of Acropolis Diner, stated he could see chaos evolving if the Council were to allow interim uses or spot redevelopment. He feels that flexibility in the plan would affect his client's property and others.

Anne Collins, 419 Fourth Avenue, stated she couldn't imagine this only being a temporary use.

Sari Gottdenker, 609 Fifth Avenue, stated this plan doesn't fit with the vision the Council had for the town.

Rich Hunt stated he is looking for a way to keep families in town and provide them with a recreational use. He stated he has a pending agreement with Havens and Hamptons to use their property as a parking lot for five years. He stated the economy makes it tough for him to get a construction loan to build the mixed-use buildings so he feels that the miniature golf course would allow an interim use that he can make money off of and the town could benefit from. He would even like to offer funds for the schools to partake in. He would be willing to put in writing that the use would only be for three to five years. He feels it would benefit the businesses and the community.

Council member Brennan stated the Council needs to determine if they want to add interim uses to the redevelopment plan and whether or not to allow this application to move forward to the TDRC and Planning Board.

Council member Wright stated he doesn't believe it fits with the current redevelopment plan as it stands today.

Council member Doherty agreed that a miniature golf course would be nice but will rely on Mr. Kemm's opinion that the use is not permitted.

Council member Deicke stated she is concerned how interim uses would affect the community.

Council member Brennan stated she feels Mr. Hunt's intentions are wonderful but doesn't want to set precedents by opening up the redevelopment plan and allowing interim uses without having a separate meeting and putting a lot of thought into whether to amend it or not.

Council member Doherty made a motion to deny the application from proceeding further to the TDRC and Planning Board based on the fact that the use is not permitted in the current redevelopment plan, which was seconded by Council member Brennan. The application was denied by the following vote:

AYES: Brennan, Deicke, Doherty, Wright

**DISCUSSION:**

The Mayor rejoined the Council.

Ms. Kirk explained that Anthony Toricello of the Belmar Boy Scouts would like to hold a campout and bonfire on the beach on June 26<sup>th</sup>. The Mayor and Council agreed it would be permitted since they have allowed it for other troops in the past. She also explained that the

FOBH is bringing in a boy scout troop from Pennsylvania that will campout at Maclearie Park on August 8<sup>th</sup> and 9<sup>th</sup> and they will be providing sailing lessons to them, as they have done in the past. The Mayor and Council agreed it would to permit it.

Ms. Kirk stated she would like to hold off discussing the ordinance amending the fees for use of public buildings because she needs more time to review it.

Ms. Claudio explained that the dog and cat license fees should be increased due to increased fees from the Humane Society. Currently the Borough charges \$6.50 and for dogs and \$5 and \$3 for cats depending if they are neutered or non neutered. The Mayor and Council agreed to raise the fee for both cats and dogs to \$12 based on the amounts other towns in the area charge. An ordinance will be placed on the agenda for the next meeting.

Ms. Claudio explained she received a letter from Jason Heleotis who runs the umbrella and beach chair rental concession at 10<sup>th</sup> Avenue. The letter stated he would like to request a second location at 16<sup>th</sup> Avenue. The Mayor and Council agreed and Mr. Kemm will prepare a revised lease to be adopted at the next meeting.

Mayor Pringle closed the Agenda Session and opened the Regular Meeting.

Respectively submitted  
April Claudio, Acting Borough Clerk