

Mayor
ANTHONY TALERICO, JR.

Council
VIRGINIA M. EAST, President
MARK REGAN, JR.
DANIELLE M. JONES
DAVID GINDI
EVERETT D. LUCAS
MEIR ARAMAN



BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

AGENDA
Mayor and Council
Wednesday, March 22, 2023

Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.

WORKSHOP 7:00 pm

1. Roll Call, Flag Salute
2. Proclamation - Child Abuse Prevention and Awareness Month
3. Proclamation - Recognizing National Autism Acceptance Month
4. Downtown Redevelopment Plan (*Mayor Talerico*)
5. Date Selection, Eatontown Student Government Event (*C/Jones*)
6. Programming, NJ Local Government Week, 4/16-4/22 (*C/Jones*)

REGULAR MEETING 7:30 pm (or as soon thereafter)

1. Roll Call
2. **APPROVAL OF MINUTES** (*vv*)
 - A. Workshop/Regular Meeting/Closed Session - 3/8/23
3. **COMMUNICATIONS**
 - A. Colliers Engineering, Freshwater Wetlands Application Notice, Trinity Hall, Tinton Falls (Blk 101.02, Lot 2)
 - B. Notice of Hearing - West Long Branch Zoning Board of Adjustment, Monmouth University
 - C. WSP UDA Environ. - Public Notification Update, Lowes Home Center, 118 Rt. 35
4. **MAYOR'S REPORT** - Mayor Talerico
5. **REPORTS OF COMMITTEES**
 - A. PARKS & RECREATION - Council President East
 - B. EMERGENCY SERVICES - Councilmember Regan, Jr.
 - C. FINANCE & ORDINANCE - Councilmember Jones
 - D. PUBLIC WORKS & INSURANCE - Councilmember Gindi
 - E. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas
 - F. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman
6. **ADMINISTRATOR'S REPORT** - Interim Administrator Lucia

7. OLD BUSINESS (rc)

- 1) **Ordinance 05-2023** - An Ordinance Approving a Redevelopment Plan for the Properties Designated as Block 2201, Lots 1.02, 1.02, 2, 3, 4 and 5, Block 2201, Lot 1 Known as the Monmouth Mall - **Public Hearing/Adoption (carried from 2/22)**

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL (vv)

10. NEW BUSINESS

A. ORDINANCE INTRODUCTION (rc)

- 1) **Ordinance 10-2023** - An Ordinance of the Borough of Eatontown Amending Chapter 89 Land Use, Article XIII Application Fees, Tax Map Revision Fees for Subdivisions and Escrow Fees, and Section 105 Escrow Fees Increasing the Document Preparation Fee for Various Applications - **First Reading/Introduction (Public Hearing 4/12/23)**

B. CONSENT AGENDA RESOLUTIONS (rc)

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request an item be removed for separate consideration).

- 1) **Resolution 77-2023** - Auth. Cancellation of Property Taxes Due to Exempt Status (Blk 301, Lot 1.01)
- 2) **Resolution 78-2023** - Auth. Transfer of Tax Overpayment Due to Tax Appeal (Blk 3001, Lot 38)
- 3) **Resolution 79-2023** - Auth. Revocable License and Hold Harmless Agreement, 17 Emory Court (Blk 3304, Lot 59)
- 4) **Resolution 81-2023** - Approval of Amended Affordability Assistance Manual
- 5) **Resolution 82-2023** - Auth. the Provision of a Loan Pursuant from the Borough of Eatontown's Affordability Assistance Program for the Purchaser of Affordable Housing Unit within the Borough

C. CONSENT AGENDA MOTIONS (vv)

- 1) Acceptance of NJ Firemen's Association Application for Membership (Addotta)

11. REMARKS OF COUNCIL AND CITIZENS

12. ADJOURNMENT (vv)

**The next meeting of the Governing Body is
Wednesday, April 12, 2022 @ 7:00 p.m.**

ORDINANCE 05-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR THE PROPERTIES DESIGNATED AS
BLOCK 2201, LOTS, 1.01, 1.02, 2, 3, 4 and 5, BLOCK 2201, LOT 1 KNOWN AS THE MONMOUTH
MALL**

WHEREAS, the Mayor and Council of the Borough of Eatontown adopted Resolution 70-2021 on April 14, 2021 Authorizing the Borough Planning Board to undertake a preliminary investigation to determine whether Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202, Lot 1 on the Borough Tax Map, commonly known as the Monmouth Mall Property (the "Monmouth Mall Property"), meets the criteria to be designated as a non-condemnation area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5 (the "LRHL"); and

WHEREAS, the Planning Board adopted a Resolution on December 6, 2021 determining that the Property meets the criteria under the LRHL to be declared a Non-Condensation Area in Need of Redevelopment; and

WHEREAS, Borough Council reviewed the recommendations of the Planning Board and adopted Resolution 208-202 designating the Property as a Non-Condensation Area in Need of Redevelopment under the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 (b) and (h) on December 8, 2021; and

WHEREAS, the Borough and Planning Board Planner, Jennifer C. Beahm, P.P., AICP of Leon S. Avakian, Inc. prepared a report entitled "Monmouth Mall Redevelopment Plan" dated January 2023 setting for the zoning and bulk standards by which the Monmouth Mall Property may be redeveloped; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to adopt a Redevelopment Plan to resuscitate and redevelop the Monmouth Mall Property so as to ensure continuing and sustained tax revenue from the Monmouth Mall Property and to otherwise serve the public.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby approves and adopts the Monmouth Mall Redevelopment Plan dated January 2023 for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 on the Borough of Eatontown Tax Map in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.

BE IT FURTHER ORDAINED THAT in accordance with N.J.S.A. 40A:12A-7 (c), the Monmouth Mall Redevelopment Plan contains superseding zoning and the Zoning District Map of the Borough of Eatontown is hereby amended to include the Monmouth Mall Redevelopment Plan as a zoning district.

BE IT FURTHER ORDAINED THAT the superseding zoning standards contained within the Monmouth Mall Redevelopment Plan shall supersede the applicable regulations in the Eatontown Borough Land Use Ordinances governing the Monmouth Mall Property and if a particular land use,

development regulations or site standards are not addressed in this Redevelopment Plan, compliance with the Eatontown Borough Land Use Ordinances or other applicable code requirements apply.

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication in accordance with applicable law.

DATE INTRODUCED: 1/25/2023
PUBLIC HEARING: ~~2/22/2023~~ 3/22/2023

APPROVED:

Anthony Talerico, Jr. Mayor
Date:

ATTEST:

Julie Martin, Municipal Clerk
Date:

ORDINANCE 10-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 89 LAND USE, ARTICLE XIII APPLICATION FEES, TAX MAP REVISION FEES FOR SUBDIVISIONS AND ESCROW FEES, AND SECTION 105 ESCROW FEES INCREASING THE DOCUMENT PREPARATION FEE FOR VARIANCE APPLICATIONS

WHEREAS, the Department of Land Use recommends that the Borough Council increase the fee for document preparation services for variance applications to the Zoning Board of Adjustment set by the Borough Code at \$200.00 to \$250.00 because the fee has not been increased for a substantial period of time; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to increase the fee by \$50 as recommended by the Department of Land Use.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 89 Land Use, Article XIII, Subdivisions and Escrow Fees, Section 89-105 (A)(1) as follows:

(additions are underlined and deletions are ~~stricken~~)

Use Variances or "D" Variance	[No Change]
Application for any variance before the Zoning Board of Adjustment to cover the costs of document preparation	\$200 <u>\$250</u>

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: March 22, 2023
PUBLIC HEARING/ADOPTION: April 12, 2023

RESOLUTION 77-2023
BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AUTHORIZE CANCELLATION OF PROPERTY TAXES DUE TO EXEMPT STATUS

WHEREAS, the Tax Collector has forwarded to the Mayor and Council of the Borough of Eatontown, a recommendation to cancel exempt taxes, due to property being Federal owned as of January 1, 2023, and approval by the Tax Assessor of tax exempt status; and

WHEREAS, in accordance with N.J.S.A. 54:4-99, there are provisions for the Borough of Eatontown to adjust with respect to uncollectible taxes.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown, Monmouth County, New Jersey, do hereby authorize the cancellation of taxes as follows, based upon the recommendation of the Tax Collector:

BLOCK	LOT	NAME	AMOUNT
301	1.01	Fort Monmouth Revitalization	\$7,327.12 (1 st Q. 2023) \$7,327.13 (2 nd Q. 2023)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on March 22, 2023. <div style="text-align: right;"> <u>Kathleen Muscillo, Deputy Borough Clerk</u> </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 78-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AUTHORIZING TRANSFER OF TAX OVERPAYMENTS DUE TO TAX APPEALS

WHEREAS, the Tax Collector has forwarded to the Borough of Eatontown, a list of taxes which are overpaid, and has recommended that the same be transferred from the first quarter of 2023 to second quarter 2023; and

WHEREAS, State Statute makes provisions for the Borough of Eatontown to make adjustments with respect to overpaid taxes.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Eatontown that the following taxes are hereby authorized to be transferred to the first quarter of 2023 based upon the recommendation of the tax collector:

BLOCK	LOT	NAME	AMOUNT
3001	38	AGGARWAL, LEENA	\$434.20

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on March 22, 2023. <div style="text-align: right;"> <hr/> Kathleen Muscillo, Deputy Borough Clerk </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 79-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

**AUTHORIZING REVOCABLE LICENSE AND HOLD HARMLESS AGREEMENT FOR PROPERTY
DESIGNATED AS BLOCK 3304, LOT 59 BEARING THE ADDRESS OF 17 EMORY COURT**

WHEREAS, Frank Lucisano and Christine Donahue (the "Property Owners") owns the property bearing the designation on the Eatontown Tax Map as Block 3304, Lot 59, commonly known as 17 Emory County (the "Subject Property"); and

WHEREAS, the Property Owners filed for a Zoning Permit seeking to install a 6' fence in the rear yard of the Subject Property in a 20' wide sanitary sewer easement owned by the Borough (the "Borough Easement"); and

WHEREAS, Section 200-6 of the Borough Code of the Borough of Eatontown authorizes the Borough to grant the Property Owners a revocable license to create an encroachment on Borough property subject to the entry of a Hold Harmless Agreement; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents to enter into a Hold Harmless Agreement with the Property Owners to permit them to construct a fence in the rear-yard of their Property within the Borough's Easement subject to entering into a Hold Harmless Agreement, which, in part, requires them to temporarily remove or permanently relocate the fence, or any portion thereof, so that the Borough may use, access or maintain the Borough Easement at their expense.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves the Hold Harmless Agreement with Frank Lucisano and Christine Donahue for the property located at 17 Emory Court and the Mayor is authorized to execute the Hold Harmless Agreement in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Frank Lucisano and Christine Donahue
2. Kathy Muscillo, Zoning Officer

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on March 22, 2023 <div style="text-align: right;"> <hr/> Kathleen Muscillo, Deputy Borough Clerk </div>
Council President East							
Councilmember Regan							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 80-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AUTHORIZING TAX SALE CERTIFICATE REDEMPTIONS

WHEREAS, The Tax Collector has forwarded to the Borough of Eatontown a list of Tax Sale Certificate Outside Liens for Redemption and has recommended that the same be refunded.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Eatontown that the below listed Tax Sale Certificates be cancelled and endorsed as fully satisfied.

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
3201	5		PRO CAP 8 FBO FIRSTRUST BANK	\$ 936.91	\$ 1,900
3901	9.14		FIG 20, LLC FBO SEC PTY	\$ 616.32	\$ 1,800

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on March 22, 2023. <div style="text-align: right;"> <u>Kathleen Muscillo, Deputy Borough Clerk</u> </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 81-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

RESOLUTION APPROVING AMENDED AFFORDABILITY ASSISTANCE MANUAL

WHEREAS, the Borough filed a declaratory judgment action captioned In the Matter of the Application of the Borough of Eatontown, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2522-15 (the "Mt. Laurel Litigation") in July 2015 following the New Jersey Supreme Court's decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Borough of Eatontown were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mount Laurel* obligations in order to maintain immunity from builder's remedy litigation; and

WHEREAS, the Fair Share Housing Center ("FSHC") is a Supreme Court designated interested party in the Mt. Laurel Litigation to advocate on behalf of low and moderate- income households in the State of New Jersey and the County of Monmouth; and

WHEREAS, the Borough entered into a Settlement Agreement with the Fair Share Housing Center to resolve the Superior Court Litigation, and the Court approved the Settlement Agreement and provided the Borough with a Third Round Judgment of Repose and Compliance protecting the Borough from builder's remedy litigation through July 1, 2025 and which in part, required the Borough to provide affordability assistance as part of its Spending Plan from its Affordable Housing Trust Fund; and

WHEREAS, the Borough adopted Resolution 280-2019 on December 4, 2019 approving the Affordability Assistance Manual prepared by its then Administrative Agent, the Affordable Housing Alliance, to be administered on behalf of the Borough of Eatontown;

WHEREAS, the Borough recently awarded a contract for affordable housing Administrative Agent services to Community Grants Planning & Housing ("CGPH") and CGPH has recommended that the Borough update and amend its Affordability Assistance Manual; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to update its Affordability Assistance Manual in accordance with the advice from its current Administrative Agent.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown hereby approves the Affordability Assistance Program prepared by Community Grants, Planning & Housing dated March 2023.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Heather Mahaley, CGP&H
2. William P. Lucia, III, Interim Administrator

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<p>CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on March 22, 2023</p> <p style="text-align: right;">_____ Kathleen Muscillo, Deputy Borough Clerk</p>
Council President East							
Councilmember Regan							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 82-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT FROM THE BOROUGH OF
EATONTOWN'S AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASER OF AN AFFORDABLE
HOUSING UNIT WITHIN THE BOROUGH**

WHEREAS, Ernest D. Grove ("Owner") is purchasing property located at 515 Mill Pond Way, Eatontown, NJ 07724, Block No. 1.3801, Lot No. 13, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and

WHEREAS, the Borough has a court approved Affordable Housing Plan which includes a Spending Plan for its Affordable Housing Trust Fund which requires the Borough to provide affordability assistance to qualified low and moderate income households; and

WHEREAS, the Borough has approved an Affordability Assistance Policies and Procedure Manual created by its Administrative Agent to implement its obligation to provide affordability assistance to qualified low and moderate income households; and

WHEREAS, the Owner has requested a loan for downpayment assistance in the amount of \$5000.00 through the Affordability Assistance Program loan which will be funded through the Borough's Affordable Housing Trust Fund; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to authorize a loan to the Owner from the Borough's Affordable Housing Trust Fund in the amount of \$5,000.00 subject to the required conditions outlined in the Borough's Affordability Assistance Manual in furtherance of its constitutional obligation to provide for its fair share of affordable housing.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves a loan in the amount of \$5000.00 from its Affordable Housing Trust Fund to Ernest D. Grove as downpayment assistance for the purchase of 515 Mill Pond Way, Eatontown.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute an Affordability Assistance Program Agreement with Ernest D. Grove for the purchase of Affordable Housing unit located at 515 Mill Pond Way, Eatontown, NJ 07724, Block No. 1.3801, Lot No. 13 and the Borough's Administrative Agent, Community Grants Planning & Housing is authorized to take all necessary actions to implement the Affordability Assistance Program Agreement.

BE IT FURTHER RESOLVED a copy of this Resolution shall be provided to the following:

1. Katherine Ritenband, Community Grants, Planning & Housing
2. Dena Amodea, Chief Financial Officer
3. Andrew Bayer, Borough Attorney

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on March 22, 2023 <div style="text-align: right;"> <u>Kathleen Muscillo, Deputy Borough Clerk</u> </div>
Council President East							
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Councilmember Araman							
Mayor Talerico							