PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
JULY 12, 2007

WORKSHOP MEETING: 7:29P.M.

Call to Order Members Present – Mayor Donoghue, Councilman Fligor, Mrs. Caffrey, Mr. Howe, Mr. Marcolous, Mr. Ackerson, Mr. Greco, Mr. Kelley

Members Absent – Chairman Chiles, Mrs. Rast, Mr. Lollos, Mr. Neff, Mr. Keough

Michael B. Steib was present as Board Attorney. David Marks was present as Board Engineer.

Attorney Steib said the meeting is in compliance with the Open Public Meetings Act. He called for a moment of silent prayer followed by the Pledge of Allegiance.

The record will reflect that Mr. Lollos and Mr. Keough are now in attendance.

Attorney Steib stated that there was no Pending Litigation.

Attorney Steib stated that there was no Other Business and recommends the Board adjourn the Workshop Meeting and proceed with the Regular Meeting.

MAYOR DONOGHUE MOVED TO ADJOURN THE WORKSHOP MEETING, SECONDED BY MR. GRECO. BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:38 P.M.

Michelle Clark
Planning Board Secretary

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
JULY 12, 2007

REGULAR MEETING: 7:38 P.M.

Call to Order — Members Present – Mayor Donoghue, Councilman Fligor, Mrs. Caffrey, Mr. Howe, Mr. Lollos, Mr. Marcolus, Mr. Ackerson, Mr. Greco, Mr. Kelley, Mr. Keough
Members Absent – Chairman Chiles, Mrs. Rast, Mr. Neff

Michael B. Steib was present as Board Attorney. David Marks was present as Board Engineer.

Attorney Steib advised the Chair that the first order of business would be the adoption of the resolution, adopting the Storm Water Management Plan.

MAYOR DONONGHUE MOVED the adoption of the "Resolution Adopting Storm Water Management Plan Master Plan Element", SECONDED BY Councilman Fligor.

Ayes: Mayor Donoghue, Councilman Fligor, Mrs. Caffrey, Mr. Howe, Mr. Lollos, Mr. Marcolus, Mr. Ackerson, Mr. Grecco, Mr. Kelley, Mr. Keough
Nays:
Absent: Chairman Chiles, Mrs. Rast and Mr. Neff
Abstain: None

Attorney Steib commented that the next order of business was a memoralization of a resolution for: PB07-03, Block 52, Lot 12, 82 E Garfield Avenue (Tevald) –

Mr. Greco MOVED TO APPROVE THE RESOLUTION GRANTING VARIANCE APPROVAL FOR PB07-03, SECONDED BY Mrs. Caffrey.

Ayes: Mayor Donoghue, Councilman Fligor, Mrs. Caffrey, Mr. Lollos, Mr. Marcolus, Mr. Greco, Mr. Kelley
Nays:
Absent: Chairman Chiles, Mrs. Rast
Abstain: None

Attorney Steib commented that the next order of business was a memoralization of a resolution for: PB06-18, Block 90 Lot 7, 25 East Highland Avenue (Welch) –

MRS. CAFFEREY MOVED TO APPROVE THE DENIAL OF APPLICATION FOR VARIANCE, SECONDED BY MR. KEOUGH.

Ayes: Mrs. Caffrey, Mr. Lollos, Mr. Grecco, Mr. Kelley
Nays: None
Absent: Mrs. Rast

Abstain: None

Attorney Steib commented that the next order of business was a memoralization of a resolution for: PB07-01, Block 132, Lot 2 & 3, 90 Bay Avenue (Cavanagh) –

MR. KELLY MOVED TO APPROVE THE DENIAL OF APPLICATION FOR VARIANCE, SECONDED BY MR. GRECCO.

Ayes: Mrs. Caffrey, Mr. Lollos, Mr. Grecco, Mr. Kelley
Nays: None
Absent: Chairman Chiles, Mr. Neff
Abstain: None

Mayor Donoghue requested that the Minutes and Attorneys Voucher be taken care prior to him and Mr. Fligor stepping down for the SFC application.

MAYOR DONOGHUE MOVED TO APPROVE MINUTES OF THE MAY 24, 2007 MEETING, SECONDED BY MR. KELLY.

Ayes: Mayor Donoghue, Mrs. Caffrey, Mr. Howe, Mr. Lollos, Mr. Marcolus, Mr. Ackerson, Mr. Greco, Mr. Kelley
Nays: None
Absent: Chairman Chiles, Mrs. Rast and Mr. Neff
Abstain: Councilman Fligor

MAYOR DONOGHUE MOVED TO APPROVE ATTORNEY'S VOUCHER FOR THE MONTH OF MAY 2007, IN THE AMOUNT OF $2,015.00, SECONDED BY MRS. CAFFREY.

Ayes: Mayor Donoghue, Councilman Fligor, Mrs. Caffrey, Mr. Howe, Mr. Lollos, Mr. Marcolus, Mr. Ackerson, Mr. Greco, Mr. Kelley
Nays: None
Absent: Chairman Chiles, Mrs. Rast and Mr. Neff
Abstain: None

The record will reflect that Mayor Donoghue, Councilman Fligor and Mr. Grecco have left the dais and the Board can proceed with the continuation hearing for PB06-02, Block 117, Lot 8, 35 First Avenue (SFC Enterprises) – application for Use Variance. Mr. Ackerson, Mr. Marcolus, Mrs. Caffrey, Mr. Howe, Mr. Lollos, Mr. Kelley and Mr. Keough all of which are eligible, in this matter to vote.

PB06-02, Block 117, Lot 8, 35 First Avenue (SFC Enterprises) – at the last meeting the presentation on behalf of the applicant and the public had been completed and the only matter left was for the Board to consider, subject to any rebuttal, the testimony and report of Margaret Westfield –425 Whitehorse Pike, Haddon Heights, NJ, the architectural expert retained by the board. She was sworn and her credentials were outlined regarding her background and education as it relates to this hearing. She stated that her goal was to make recommendations for a compromise that everyone would be able to live with. Her

resume was received by Attorney Steib and marked into evidence as exhibit A-45 dated July 12, 2007. There were no objections to the board accepting her credentials.
William Eaton 84 Bay Avenue questioned Ms. Westfield on her experience and qualifications as a Planner and Architect.
Ms. Westfield outlined what she had reviewed and studied in preparation for tonight's presentation. She has visited the site, reviewed the portion of the application provided to her. She has reviewed the Master Plan, the Development Regulations and has researched the history of the building, which is the subject of tonight's discussion.
Attorney Steib received a two and on half page report of her findings and recommendations and marked it into evidence as exhibit A-46 dated July 12, 2007.
Mr. McGann had no objection to the Board receiving her report, but Mr. Leckstein had some objections to the reports recommendations/conclusions being distributed because he felt the expert was not qualified to make such recommendations/conclusions.
Ms. Westfield orally reviewed the report of her findings, which was openly discussed by the board. She commented that basically we have a modified building that has lost some of its architectural integrity, most significantly in the level of detailing. We distinguish between details that have been lost, just because they are covered over but are still underneath. We still have a portion of the original claverdide. It also has a corner board that was a piece of the trim. That is a piece of its architectural integrity that has been lost, but could be found again by taking off the artificial siding. There are other elements that have been lost for good. Other aspects of the buildings integrity have been lost but are documented, and be can be restored through reconstruction. This building is not individually eligible for the National Register. It is not individually significant from that criterion which is basically at the national level. She believes the Landmark Building; adjacent to it would meet National Register criteria. What is important about the subject building is its context. As part of the Historic District there, it is a contributing building meaning it dates from the period of significance and it maintains it's massing… Based on her observation of the side of the building, there is a building which has been hidden by modern alterations. Looking at the 1910 photographs, you can see what is missing. Under the Secretary of the Interiors standards, referenced by the Borough's legislation, when you are recreating an element you have to have documentary evidence so that it is not a hypothetical reproduction. She further commented that she is concerned that the loss of this building would have an adverse effect, because the mass ion scale of the historic building would be lost diminishing the historic quality of the Streetscape. The area behind the subject building [West Ave] is not of concern to her because it is outside of the historic context, but Bay Avenue, being a major public right-of-way view from First, therefore what happens on that elevation is of concern.
Her recommendation would be for the applicant to maintain the existing historic building and restore the façade as a frontace piece. Her experience in encouraging an applicant to do something that they did not originally intend to do, such as save this significant part of collective history, you often have to have a give and take. Her feeling, as an architect would be to maintain the front section, allow the rear addition of the existing building to be removed and to allow new construction to go right up against the rear elevation. It could even be stepped up because the public would not be able to see it from sidewalk across the street, because of the angle it has created. That would maintain the scale of the buildings along the frontage. The last point mentioned was that she did not feel it

appropriate to review the proposed architectural design, because it is predicated on the demolition of the historic building, which she feels should be retained. The most critical factors to achieve contextural compatibility, in order for a new building to blend with the older ones, are to maintain the corneous line and belt course line; the overall massing [the three dimensional form of the buildings] need to be compatible in scale; the fenestration pattern [the placement of the windows and the doors] and its rhythm; maintaining the existing scale [how a person relates to the openings and details of a building]; being sensitive to materials, textures and colors being reminiscent of the historical architecture and finally the overall proportions of the new building can assist in establishing compatibility between the new and the old.
Mrs. Caffrey asked how sound the buildings structure was. No signs of structural distress were found on the exterior envelope of the building.
Martin McGann asked if she new how long the Skipper Shop has appeared with this façade?
Ms. Westfield did not know that exactly, she believes it dates to 1980 give or take and that is purely a guess.
Mr. McGann paraphrased his understanding of her recommendation being a preservation or reconstruction, of the façade of the building as it originally appeared.
Ms. Westfield clarified that the massing of the building is still there. What do not exist are the porches and that would be a reconstruction. The work on the building proper would be stabilization and a restoration.
Mr. McGann expressed his confusion over her recommendation regarding the building itself and asked if there was anything else associated with this building, that she [Ms. Westfield] would any concern about reconstruction or preservation thereof.
Ms. Westfield referencing photograph 8 commented that she feels the elements on the rear are not significant because they are not in view from the historic right-of-way, but feels in order to maintain the façade; you need to maintain a portion of the mass behind it.

Mr. Leckstein commented that the Zoning Ordinance permits a mixed use and a residential use if and only if the historic building is preserved and asked if she agreed that that would be an incentive. She did agree, but commented that was out of the realm of her expertise. He asked her if she were an advocate of preserving this building and an Ordinance saying you could have a residence upstairs if you preserved the building. She agreed.

William Eaton of Bay Ave asked if the Borough would be best served by the preservation of the main block of the existing structure and the restoration of the original porches that would enhance its architectural character?
Ms. Westfield replied yes.
Absent that preservation, would she conclude that the application would have an adverse impact on the intent of the zoning plan and the Master Plan?
Mr. Leckstein objected to the question and Mr. Steib commented that she is not going to give her opinion on that question.

Mr. McGann asked for a brief recess so he may speak to two of his professionals. He just received the report this evening and is not prepared and would like a couple of moments with them.
Mr. Steib granted a brief recess at 8:36pm.

Meeting resumed at 8:47pm

Mr. McGann had no further questions and Ms. Westfield was asked to stand down, but please stay incase something came up.

Mr. McGann commented that they were not prepared to go forward this evening in terms of aspects associated with report just rendered by Margaret Westfield. He has Gregory Dietrich from CRCG Cultural Resources, who is his expert in the matter and he will be prepared by the August 9th meeting to render a report, but need some time to prepare it. He would suggest that the board leave the Skipper Shop footprint out of this and turn now to the other aspect, the rear of the building, where the new structure would be built. He would like to get some feed back from the board regarding that aspect of the application with anticipation on returning August 9th and addressing the boards issues and concern to that.

Mr. Leckstein commented that he does not feel it appropriate for the board to make recommendations, citing a case in Randolph Township, referenced by Mr. Steib and Mr. McGann. He had read that case and feels the Supreme Courts rulings are different from an application where there is five use variances and stated the reasons supporting his positions. He feels the board has a quasi-judicial responsibility to hear the facts as presented on the application that is presented by the applicant, and then make a decision on that. If Mr. McGann and his client wish to withdraw this application and bring another application, that is fine, but we should not be prejudice or the public should be prejudice, as objectors, to allow an informal byplay between the board about the individual thoughts that bother you the most. He does not feel it is appropriate and asks the board not address that kind of recommendations to the applicant.

Mr. McGann commented that they would not suggest the board become a partner in the application, but they have spent over a year before the board, with very little feed back with how the board feels in terms of the application and suggestions as we move along.

Mr. Leckstein responded that he does not believe it is appropriate for the board to tell that applicant what bothers them and render modifications, as to various variances that have been testified to.

Paul Boyd- 17 Lawrie Road commented that he has been confused because the proposal in front of you says to demolish the building. He cannot understand why we continue to spend time discussing the back part of the property when its premised on demolishing the front half, and you have not decided whether or not that part of the building should be preserved at all. It seems that is the decision that should be made now or at the next

meeting. If the decision of the board were not to demolish, then the applicant would have to modify its plan.

Mr. Steib commented that the board does not have a legal obligation to participate in a discussion with an applicant. On the other hand the case law and the Supreme Court has said it is not prohibited and it certainly, in the context of an application, can provide some guidance. He agrees with both Mr. Leckstein and McGann that this board should not get into a back and forth dialogue in a partnership to try and "craft" what is going to happen with this parcel. That is not the board's function. He does not think it inappropriate for the board, on a member-by-member basis, to express particular concerns with the applicant. They have no obligation to do it, but they can. He suggested we go one by one and those who wanted to make comments could do so.

Mr. Kelley feels the plan, as submitted is to high. The structure is too big. There are to many residential units and not enough commercial. He would also like to see the façade restored.

Mrs. Caffrey had similar comments. She would defer to the Historic Preservation Specialist because she feels it is very important to our town. She is anxious to see something be developed on that piece of property, which would help direct more business to that area, and add more to that part of our Master Plan. She would like to see more residential and mixed use. She would like this project to fit the context of the appearance of our town.

Mr. Keough commented that he would like to the area developed. He thinks what is being proposed would accomplish many of the objectives she [Mrs. Caffrey] has outlined. Tonight gives us a little bit of pause in terms of the preservation of the historic outline, and thinks it is prudent to allow the applicant to come back in light of that.

Mr. Lollos commented that he though the proposal was too high, too dense. Had to many apartments for the size of the property. If we got a proposal that adhered to the zoning in the business as well as the historic district, as laid out, it is a pretty good plan. It would result in what Susan eluded to in the back of the property; more traffic and business opportunities. Ms. Westfield's historical proposal was a breath of fresh air. To restore that building, with its porch and mansioned roof, eliminating the back portion and abutting the new stuff right up to it, is a remarkably refreshing idea.

Mr. Marcolus commented that he felt the building was too high with too many apartments. He is still not comfortable with the whole standard of the D-1 Variance. There were some good points to the building. The parking on site was a positive. Perhaps with less apartments and one less story, he would be more inclined to see something on the property.

Mr. Howe commented that he feels it is an interesting design solution but he thinks it is too much for that site. There are too many units, its too high and he would like to hear

more about preserving the historic façade and keeping it in scale with the historic streetscape.

Mr. Steib stated that the board would need and extension.

Mr. McGann stated that he has given extensions to the end of August. Assuming we will be back here on August 9th and if you need further extensions at that time he will be certain to entertain that.

Mr. Steib asked that this portion of the application be concluded for this evening and the matter be carried to August 9, 2007; this same room at 7:00pm and no further notice would be required.

Mr. Leckstein asked a procedural question regarding the adjustment of plans and the requirements to re-advertise.

MRS. CAFFREY MOVED TO ADJOURN THE REGULAR MEETING, SECONDED BY MR. LOLLOS. BY VOICE VOTE ALL AGREED.

Being no further business to come before the Board, the Regular Meeting adjourned at 9:07 P.M.

Michelle Clark
Planning Board Secretary