

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
October 10, 2019**

WORKSHOP MEETING: 7:30 P.M.

Roll Call **Members Present** – Dr. Kloby, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Dougherty, Ms. Drew, Mr. McGoldrick, Mr. Illiano
Members Absent – None

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Chairman Colangelo called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. Mr. Colangelo called for a moment of silent prayer followed by the Pledge of Allegiance.

Public Comment – Mr. Colangelo opened the meeting to any members of the public who wish to make comments.

Mark Fisher, 91 Third Avenue, acknowledged that the Planning Board has three meetings left in 2019, and asked that they please consider starting the meetings at 7:00pm in 2020, as they are usually the longest of the Borough meetings.

Kate Wiggington, 62 Avenue D, stated that she was horrified that the Planning Board had been disrespected because of the decision made by McConnell at September’s meeting. The board expressed their appreciation. Ms. Wiggington also made it known that she disagreed with Mr. Neff’s interpretation of that meeting, and she thought it was a pleasant meeting. Mr. Neff apologized if his comments came across the wrong way, he did not mean to say that it was an argumentative or nasty meeting.

Pending Litigation – Mr. Steib announced that transcripts have been received regarding the Denholtz case and a briefing has been scheduled. Mr. Steib made it known that as briefs come in they will be provided to the board.

Other Business – Basement/Cellar Subcommittee Discussion

Mr. Colangelo made it known that Mr. Rohmeyer had made a sketch based on the basement/cellar discussion which had occurred at September’s Planning Board meeting, and Mr. Steib had provided the board with Attachment A, “Proposed Revisions to Development Regulations”. Mr. Rohmeyer stated that the sketch will add clarity to the cellar/basement definition, and described the sketch in detail. Mr. Rohmeyer recommended that this sketch be sent to the council, if it was in line with the vision of the subcommittee. Dr. Cetron stated that the verbiage is clean and straight forward, and they will no longer need to spend hours debating basement versus cellar. Mr. Pepe agreed that the language is perfect and the diagram is helpful.

DR. CETRON MOVED TO PRESENT THE BASEMENT/CELLAR ORDINANCE TO THE COUNCIL, SECONDED BY MR. CACCAMO.

Ayes: DR. KLOBY, MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK, MR. ILLIANO

Nays: NONE
Abstain: NONE
Absent: NONE

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Mr. Colangelo noted there is no further business to be discussed during the Workshop Meeting.

DR. CETRON MOVED TO ADJOURN THE WORKSHOP MEETING, SECONDED BY MR. NEFF.
BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:42PM.

Christine Burke
Planning Board Secretary

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REGULAR MEETING: 7:44 P.M.

Roll Call **Members Present** – Dr. Kloby, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Dougherty, Ms. Drew, Mr. McGoldrick, Mr. Illiano

Members Absent – NONE

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Approval of Minutes for the September 12, 2019 Meeting

MR. PEPE MOVED TO APPROVE THE MEETING MINUTES FOR SEPTEMBER 12, 2019, SECONDED BY DR. CETRON.

Ayes: DR. KLOBY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. PEPE, MR. COLANGELO, MR. MCGOLDRICK

Nays: NONE

Abstain: MR. HAWLEY, MRS. MURRAY, MR DOUGHERTY, MS. DREW, MR. ILLIANO

Absent: NONE

Approval of Attorney’s Voucher for August 2019 in the amount of \$3,482.50

MRS. MURRAY MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR AUGUST 2019, IN THE AMOUNT OF \$3,482.50, SECONDED BY DR. CETRON.

Ayes: DR. KLOBY, MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK, MR. ILLIANO

Nays: NONE

Abstain: NONE

Absent: NONE

PB15-03, Block 17, Lot 8.01, 170 Ocean Boulevard (Thomas Paine House) – Application for Minor Site Plan and Conditional Use Permit – Memorialize Resolution for Request for Extension of Time

MR. NEFF MOVED TO MEMORIALIZE PB15-03, SECONDED BY MR MCGOLDRICK.

Ayes: DR. KLOBY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. COLANGELO, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: NONE

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PB19-02, Block 134, Lot 3, 24 South Ave (Miragliotta) - Memorialize Resolution for Application for Bulk Variance for Pool

MR. PEPE MOVED TO MEMORIALIZE PB19-02, SECONDED BY DR. KLOBY.

Ayes: DR. KLOBY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. PEPE, MR. COLANGELO, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: NONE

PB16-13, Block 8, Lot 23.01 25 Bayside Drive- Memorialize Resolution for Application for Subdivision

MR. MCGOLDRICK MOVED TO MEMORIALIZE PB16-13, SECONDED BY DR. KLOBY.

Ayes: DR. KLOBY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. PEPE, MR. COLANGELO, MS. DREW, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: NONE

PB19-08, Block 144, Lot 1, 57 Avenue D (Stout) –Application for Bulk Variance for Shed

Mr. Steib announced that this application would be carried to the November 14, 2019 meeting at 7:30pm at 100 First Avenue, Atlantic Highlands, as there was an issue with the newspaper notice. The newspaper will need to be re-noticed, but the public will receive no further notice. Myles Stout was present and thanked his neighbors for all of their help and support throughout the application process, and stated that he will be ready for the November meeting.

PB19-11, Block 9, Lot 5.03, 254 East Highland Ave (Jasontek) – Application for Bulk Variance for Garage

Mr. Steib announced that he had received a phone call and a letter from the applicant's attorney stating that the applicant felt the need to re-notice based on an additional variance noted by CME Associates during their review of the application. The applicant will re-notice and include this variance so that their notice is not challengeable. The application will be carried to the November 14, 2019 meeting at 7:30pm at 100 First Avenue, Atlantic Highlands, the applicant will fully re-notice.

PB19-10, Block 94, Lot 17, 37 Fourth Ave (Fortier)-Application for Use and Bulk Variance

Mr. Steib made it known that he had reviewed service for this application and that service was in order, the board had jurisdiction to hear the application. Mr. Steib listed the exhibits which to his knowledge were to be presented: A-1 Application for Variance by Michael and Elizabeth Fortier dated May 6, 2019; A-2 Location Survey prepared by Richard Stockton and Associates dated June 7, 2018 revised September 26, 2019; A-3 Site Plan with Elevation and Floor Plans prepared by CJ Stone Architects dated July 29, 2019; A-4 Review #1 by CME Associates dated September 4, 2019; A-5 Review #1A by CME Associates dated September 5, 2019; A-6 Review #1B from CME Associates dated October 1, 2019.

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At 7:51pm architect Christopher Stone, Middletown, and Elizabeth Fortier, 37 Fourth Avenue, were sworn in. Mr. Stone listed his experience and licenses and was accepted by the board.

At 7:53 Dr. Kloby recused herself.

Mr. Stone made it known that Mrs. Fortier had contacted him about expanding some parts of her home, which was built in the 1890s. The Fortiers felt the need to fix the safety and livability of the structure. Mr. Stone made it known that many other homes on Fourth Avenue are tower-esque and presented Exhibit A-7, an 11 x 17 inch color photo of the subject property and adjacent properties, which was taken by Mr. Stone about 3-4 months before the meeting. Mr. Stone described the photo in detail, pointing out that most of the homes had towers. Mr. Stone placed the exhibits where they could be seen by the public and presented Exhibit A-8, a photo board with site plan and seven 8 ½ x 11 inch photographs of the subject property and adjacent properties prepared by Mr. Stone's office. Mr. Stone made it known that they propose to improve the stairways and square the building off to make it rectangular. Mr. Stone described the floor plan, which included a cellar and a deck. Dr. Cetron asked Mr. Stone to confirm that the measurement of the floor to ceiling in the [cellar/basement] is 6 feet, Mr. Stone confirmed yes, it is. Dr. Cetron stated that, based on the current definition, this lower level appeared to be a basement, and that Mr. Stone would need to demonstrate in drawing that it is a cellar or it will be counted as a story. Mr. Stone presented exhibit A-9, "Cellar/Basement Volume Calculations" prepared by Christopher Stone to the board and described it in detail. Mr. Pepe asked if they were seeking a variance for this cellar/basement, Mr. Stone stated no, they are not. Dr. Cetron made it known that Mr. Stone will either have to seek a variance or dig to 8-9 feet to meet code. Mrs. Murray stated that she thinks this should be an existing condition, as the house was built in the 1890s. Dr. Cetron stated that this makes no difference. Mr. Stone made it known that he will seek a variance. Mr. Rohmeyer asked about a storage compartment and open spiral staircase which were on the chart, Mrs. Fortier made it known that the house currently has no storage, and that this area is used to store boating equipment. Mr. Caccamo asked if the basement had anything hanging down from the ceiling, Mr. Stone confirmed yes, pipes, ducts, etc. Mr. Caccamo asked if the basement is completely unfinished, Mrs. Fortier confirmed yes, it is completely unfinished. Mr. Stone made it known that the lot is undersized, and that some parts of the proposed structure will extend over the allowable building area, and also the air conditioning units will be moved up into a balcony space. Mr. Stone continued to describe the exterior elevations in detail. Mr. Colangelo asked about the existing tower, Mr. Stone stated that tower will be raised one foot. Mr. Caccamo asked if the tower will maintain its current pitch, Mr. Stone answered that it will remain very close to the current pitch. Dr. Cetron made it known that Mr. Stone will have to do the calculations to determine whether this is a spire or stair tower, Mr. Stone confirmed that he understood. Mr. Stone described the floor plan which included a habitable attic and pointed out that access throughout the house is difficult due to narrow hallways. Mr. Rohmeyer made it known that the bedroom count triggers the parking requirement, and based on the bedroom count of the structure, which is five, three parking spaces are required. Mr. Rohmeyer asked Mr. Stone to confirm that there are zero proposed parking spaces, Mr. Stone confirmed that is correct. Mr. Pepe asked if there is parking now, Mrs. Fortier responded no, and that most of her neighbors do not have parking. Mr. Stone went on to state that the proposed improvements will make the bedrooms more habitable and up to the fire code, and the bathrooms will be more handicap accessible. Mr. Rohmeyer asked Mr. Stone to discuss storm water management. Mr. Stone described the roof leaders and down spouts which led to a pipe, and stated he did not know where the pipe goes, but that it will be investigated. Mrs. Fortier stated that there is a retaining wall in the back to protect the property behind hers. Mr. Hawley told Mr. Stone to make sure this pipe does not run to the sanitary sewer line, Mr. Stone confirmed that he understood and that there are currently no issues. Mr. Rohmeyer described to Mr. Stone what will be required for a satisfactory infiltration system. Mr. Rohmeyer then asked if they will be updating water, sewer, or gas. Mr. Stone replied that they anticipate updates to the water, but he is currently not aware of any gas line updates. Mr. Rohmeyer made it known that the roads on Fourth

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Avenue will be paved in the Spring and any utility work will have to be coordinated with this, as the road cannot be opened after it is paved. Mr. Stone and Mrs. Fortier confirmed that they understood. At this time Mr. Colangelo asked for any public comments.

At 9:09pm Calvin Serkin, 43 Fourth Avenue, was sworn in. Mr. Serkin made it known that he and his mother lived next door to the applicants and were present to support the application. They believe that the proposed structure looks great. At this time Mr. Colangelo called for board discussion. Mr. Hawley made it known that he did not believe that the existing and proposed drainage had been fully discussed. Mrs. Murray asked if there are currently problems with erosion, Mr. Stone confirmed no, there are not. Mr. Rohmeyer made it known that any storm water over flow must go directly out to the street. Mr. Steib made it known that Exhibit A-10 A-H, eight 8 ½ x 11 inch color photographs showing various drains on the property, was being passed around the board. Mr. Hawley stated that he believed any drainage plan must be approved by Mr. Rohmeyer, as a condition.

MRS. MURRAY MOVED TO APPROVE PB19-10, SECONDED BY MR DOUGHERTY.

Ayes: MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANGELO

Nays: NONE

Abstain: NONE

Absent: NONE

At 9:18pm Mr. Colangelo called for a break.

At 9:29pm Mr. Colangelo called the meeting to order.

PB19-05, Block 1, Lot 26, 36 Bayside Drive (Potter) – Application for Bulk and Use Variance

Mr. Steib announced that he had accepted service for this application at the July 11, 2019 meeting. Mr. Steib listed the exhibits which to his knowledge had been submitted since that meeting and were to be presented: A-10 Improvement Plan prepared by FWH Associates, P.A. dated July 19, 2019 revised August 20, 2019; A-11 Cellar Exhibit prepared by FWH Associates, P.A. dated July 25, 2019; A-12 Septic Design Plan prepared by WH Engineering dated January 6, 2015 revised November 20, 2018; A-13 Review #2 from CME Associates dated August 7, 2019.

Attorney Kevin Kennedy was present on behalf of the applicant. Mr. Kennedy made it known this was a continued hearing from the July 11, 2019 meeting. Mr. Kennedy reminded the board that there is an existing three bedroom vacant house on the property which is not suitable for the needs of a modern family. Mr. Kennedy made it known that the applicant proposes to demolish the existing structure and construct a new single family home. Mr. Kennedy stated that the board had requested more details regarding grading, drainage, roof leaders, landscaping, and air conditioner units.

Engineer Christopher Rosati had been previously sworn in and understood that he was still under oath. Mr. Rosati made it known that the plans were now compliant with the cellar definition, as per the August 7, 2019 review from CME Associates. Mr. Rosati also made is known that the thickness of the proposed driveway which was in question will be six inches, and that an improved septic plan had been submitted. Mr. Rosati stated that the two air conditioning condensers which were in question would be located behind the garage, and that five shade trees will be planted to replace the nine trees which are proposed to be removed. Dr. Cetron asked if these trees are native species, Mr. Rosati answered yes, they are. Regarding roof runoff, Mr. Rosati stated that all gutter leaders will be directed towards Bayside Drive

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where catch basins in the road will direct the runoff towards the Sandy Hook Bay. Mr. Rosati also made it known that with the improved plans there is now a 5% reduction in impervious. At this time Mr. Colangelo asked for any public questions.

Mark Fisher, 91 Third Avenue, acknowledged that we must be very careful with heavy equipment on Bayside Drive, and asked Mr. Rosati how this will be accomplished with the demolition and construction. Mr. Rosati made it known that the trackhoe used for demolition and digging may be the only issue. Mr. Fished made it clear that his concern is with the vibrations. Mr. Rohmeyer asked if there will be a pile foundation, Mr. Rosati answered no, there will be a standard foundation which can be dug by a rubber tire backhoe, which is somewhat smaller.

At 9:44pm contractor Franklin Levering was sworn in. Mr. Levering confirmed that the existing structure can be taken down by hand. At this time Mr. Colangelo called for board discussion. Mr. Neff stated that the proposed structure is better than what is on the property now. Mr. Hawley asked Mr. Rohmeyer if he believed that the drainage issues were resolved, Mr. Rohmeyer confirmed that he was satisfied. Mr. Colangelo asked Mr. Rohmeyer if he agreed with the cellar calculations, Mr. Rohmeyer confirmed that yes, he did. Mr. Pepe asked Mr. Rohmeyer if he was comfortable with the proposed foundation, Mr. Rohmeyer answered yes, it is appropriate, and that it will need to be signed and sealed by a licensed engineer.

MRS. MURRAY MOVED TO APPROVE PB19-05, SECONDED BY MR. CACCAMO.

Ayes: MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF, MRS. MURRAY, MR. COLANGELO, MR. DOUGHERTY

Nays: NONE

Abstain: NONE

Absent: NONE

Adjournment

There being no further business to come before the Board, Mr. Colangelo asked for a motion to adjourn the meeting.

DR. CETRON MOVED TO ADJOURN THE REGULAR MEETING AT 9:50PM, SECONDED BY MRS MURRAY. BY VOICE VOTE ALL AGREED.

Christine Burke
Planning Board Secretary