

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
November 14th, 2019**

WORKSHOP MEETING: 7:30 P.M.

Roll Call **Members Present** – Mr. Caccamo, Mr. Neff, Mr. Colangelo, Mr. Dougherty, Ms. Drew, Mr. McGoldrick

Members Absent – Dr. Kloby, Mr. Murphy, Mr. Hawley, Dr. Cetron, Mr. Pepe, Mrs. Murray, Mr. Illiano

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.

Bob Sherman, 20 Harborview Drive, asked for clarification on what is legal in the Historic Business District. Mr. Sherman made it known that he knows of a woman who would like to rent office space in the HBD to perform facials. Mr. Colangelo stated that he believed that this case or something similar to it had already come before the Planning Board. Mr. Steib stated that he is not aware of any ordinance revisions in the last few months that would change the results from the last time this was investigated, and that this person would need to come to the Planning Board for approval or denial.

Pending Litigation – Mr. Steib announced that there is pending litigation continuing on a contract with brief trials due tomorrow [November 15th, 2019]. Mr. Steib made it known that this can be discussed in executive session at December's meeting.

Other Business:

Consistency Review- Mr. Colangelo announced that a Consistency Review for Ordinance 16-2019 was the next item on the agenda. Mr. Steib made it known that the proposed ordinance would update the requirements for escrow deposits- applicants are currently required to deposit escrow funds to cover professional fees throughout the application process. Ordinance 16-2019 would be more specific, particularly with regard to traffic engineering. Mr. Neff asked if there have been problems in the past with collecting escrow. Mr. Steib answered that the prior language has been very general, and the proposed language would now be more specific as to what sort of professionals escrow deposits could be used for. Mr. Colangelo asked if funds may go towards traffic experts, Mr. Steib confirmed yes, they may. Mr. McGoldrick made it known that he believed this proposed ordinance adds more clarity for applicants.

MR. MCGOLDRICK MOVED TO APPROVE THE CONSISTENCY REVIEW FOR ORDINANCE 16-2019, SECONDED BY MR. DOUGHERTY.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: DR. KLOBY, MR. MURPHY, MR. HAWLEY, DR. CETRON, MR. PEPE, MRS. MURRAY, MR. ILLIANO

2020 Meeting Time- Mr. Colangelo announced that the next item on the agenda was a discussion about the possibility of starting the Planning Board meetings at 7:00pm in 2020. Mr. Colangelo made it known that this time works for Mr. Steib and Mr. Rohmeyer, but he had some concerns about board members who

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
November 14th, 2019**

do not work in the immediate area. It was decided that this matter should be discussed at the December 12th meeting, as there were several members absent this night.

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

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

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:41pm.

Christine Burke
Planning Board Secretary

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
November 14th, 2019**

REGULAR MEETING: 7:41 P.M.

Roll Call

Members Present – Mr. Caccamo, Mr. Neff, Mr. Colangelo, Mr. Dougherty, Ms. Drew, Mr. McGoldrick

Members Absent – Dr. Kloby, Mr. Murphy, Mr. Hawley, Dr. Cetron, Mr. Pepe, Mrs. Murray, Mr. Illiano

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

Approval of Minutes for the October 10, 2019 Meeting

MR. NEFF MOVED TO APPROVE THE MEETING MINUTES FOR OCTOBER 10, 2019, SECONDED BY MR DOUGHERTY.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: DR. KLOBY, MR. MURPHY, MR. HAWLEY, DR. CETRON, MR. PEPE, MRS. MURRAY, MR. ILLIANO

Approval of Attorney's Voucher for September 2019 in the amount of \$3145.50

MR. MCGOLDRICK MOVED TO APPROVE THE ATTORNEY'S VOUCHER FOR SEPTEMBER 2019, IN THE AMOUNT OF \$3145.50, SECONDED BY MS. DREW.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: DR. KLOBY, MR. MURPHY, MR. HAWLEY, DR. CETRON, MR. PEPE, MRS. MURRAY, MR. ILLIANO

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

MR. NEFF MOVED TO MEMORIALIZE PB19-10, SECONDED BY MR. DOUGHERTY.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: MR. HAWLEY, DR. CETRON, MR. PEPE, MRS. MURRAY

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

MR. DOUGHERTY MOVED TO MEMORIALIZE PB19-05, SECONDED BY MR. MCGOLDRICK.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
November 14th, 2019**

Nays: NONE

Abstain: NONE

Absent: MR. HAWLEY, DR. CETRON, MRS. MURRAY

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

Mr. Steib made it known that he had received materials from a neighboring objector. Mr. Steib explained that when the Hofbrauhaus was subdivided, part of the approval included a determination that no buildings shall be placed less than 33' from the westerly property line. Mr. Steib read from the Planning Board Resolution dated December 11th, 2008, pointing out special conditions which were intended to protect the views of the water, and also pointing out that these special conditions were formalized by deed restrictions. Mr. Steib made it known that an applicant can ask for restrictions to be set aside, however when restrictions are set in a deed the Planning Board and Governing Body do not have the jurisdiction to grant approval- the applicant must go to court. It was Mr. Steib's recommendation that the board dismiss the case, and Mr. Steib stated that he had spoken with the applicant's attorney and that the attorney did not disagree with the findings. Mr. Colangelo stated that a letter had been sent to Miss Burke asking to carry the application to the December 12th meeting. Mr. Steib stated that he was not aware of this letter. Ms. Drew asked when the letter was sent. Mr. Colangelo answered that it was sent after Mr. Steib had sent a memorandum with his findings.

Hugh Gallagher, 295 Ocean Boulevard, stated that he believed that the application should be dismissed, especially considering that no one in connection to the application was present at the meeting.

Valery Greene, 252 East Highland Avenue, stated that she is the person who found the deed restriction.

Mrs. Greene expressed her frustration that the application had gotten this far in the process. Mr.

Colangelo reminded Mrs. Greene that at this moment the board was only deciding if the application could be heard, they were not discussing the application itself.

Ms. Drew asked Miss Burke what her response was when the request to carry to the December 12th meeting was made. Miss Burke answered her response was that a letter should be sent to Mr. Steib. Ms. Drew made it known that it was her opinion that the applicant and/or attorney could have been present at the meeting on that night, and that they should make a motion to dismiss the application. Mr. Neff and Mr. Colangelo stated that they agreed.

MR. MCGOLDRICK MOVED TO DISMISS PB19-11, SECONDED BY MS. DREW.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: DR. KLOBY, MR. MURPHY, MR. HAWLEY, DR. CETRON, MR. PEPE, MRS. MURRAY, MR. ILLIANO

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

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 Zoning Review of Zoning Officer Michelle Clark dated June 17th, 2019; A-2 Variance Application of Myles Stout dated March 21st, 2019; A-3 Survey prepared by Charles Surmonte, P.E. &

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
November 14th, 2019

P.L.S. dated March 31st, 2016; A-4 Survey prepared by Charles Surmonte, P.E. & P.L.S. dated March 21st, 2019 with drawn shed location; A-5 Review #1 by CME Associates dated July 15th, 2019.

At 7:58pm Myles Stout and Kathleen Kennedy, 57 Avenue D, were sworn in. Mr. Stout thanked his family, friends and neighbors for their on-going support. Mr. Stout stated that in March of this year he received a violation notice for cease and desist on a shed located in his back yard which had been built about a year and a half ago. Mr. Stout made it known that he had checked with his neighbors prior to building the shed regarding the placement of it, and that the neighbors had liked the placement because it provided them with more privacy. Mr. Stout also made it known that he had asked the structure company if permits were needed to build the shed, and the permit company had told him none that they were aware of. Mr. Stout stated that he then called Borough Hall and asked if any construction permits were needed, and he was told no. Mr. Stout believes that this was a misunderstanding, because a year and a half after this phone call he received the violation notice. Mr. Stout stated he then began the process of applying for a variance, which took about eight months. Mr. Stout made it known that he researched some municipal codes and could not find the code which requires a 5' setback from a property line, he could only find a code stating the distance from a principal structure.

At this point Mr. Stout presented Exhibit A-6, Board Mounted Photograph and Survey, and pointed out that he is easily able to walk around the shed for cleaning and maintenance. Mr. Stout described the photograph of the shed as seen from the street in detail, and stated that it is 14'x10' which is within the 150 square feet limit. Mr. Colangelo made it known that the issue was with the location of the shed. Mr. Rohmeyer asked about the height of the shed, Mr. Stout answered 10 feet. Mr. Rohmeyer made it known that 12 feet is permitted. Mr. Colangelo asked who put the shed in, Mr. Stout answered "Structures on 36". Ms. Drew asked about the measurement from the house to the back property line, Mr. Stout answered it tapers from about 11' to about 16'. Mr. Colangelo asked Mr. Stout to confirm that is it being used only as a shed and there is no plumbing, Mr. Stout confirmed that is correct, it is used for storage only. Mr. McGoldrick asked if there is any electricity to the shed, Mr. Stout confirmed no, there is not. Mr. Steib asked if the fence which was visible in the photograph ran to the rear of the property, Mr. Stout answered yes, the fence continues between the houses.

At this point Mr. Colangelo asked for any public comment.

At 8:10pm Marilyn Scherfen, 55 Avenue D, was sworn in. Mrs. Scherfen made it known that she and her husband supported Mr. Stout and stated that he was an excellent neighbor, who they believed had improved his property and the entire neighborhood. Mrs. Scherfen stated that Mr. Stout always considers and informs his neighbors before doing anything on his property, and she hoped that his application would be approved. Mr. Steib asked Mrs. Scherfen if the shed had any detriment to her property or neighboring properties, Mrs. Scherfen answered no, it doesn't.

At 8:12pm Michael Scherfen, 55 Avenue D, was sworn in. Mr. Scherfen thanked Mr. Stout for placing the shed where he did, as this placement gave his property more privacy. Mr. Scherfen made it known that he is delighted with the shed and asked that the board grant Mr. Stout the variance.

At 8:14pm Kate Wiggington, 62 Avenue D, was sworn in. Mrs. Wiggington made it known that she was in favor of Mr. Stout's application, and that he was a great neighbor who had jumped through many necessary hoops for his application. Mr. Colangelo informed Mrs. Wiggington that the "hoops" are the process. Mrs. Wiggington and Mr. Stout confirmed that they understood that.

Mr. Colangelo asked Mr. Stout the measurement from the shed to the house, Mr. Stout answered about 12'-15'. Mr. Rohmeyer asked if the plan was drawn to scale, Mr. Stout answered no, it was not, but there is a good amount of space between the shed and the house.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
November 14th, 2019**

MR. NEFF MOVED TO APPROVE PB19-08, SECONDED BY MR. MCGOLDRICK.

Ayes: MR. CACCAMO, MR. NEFF, MR. COLANGELO, MR. DOUGHERTY, MS. DREW, MR.
MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: DR. KLOBY, MR. MURPHY, MR. HAWLEY, DR. CETRON, MR. PEPE, MRS. MURRAY,
MR. ILLIANO

Adjournment

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

MR. DOUGHERTY MOVED TO ADJOURN THE REGULAR MEETING AT 8:17PM, SECONDED BY MR. NEFF. BY VOICE VOTE ALL AGREED.

Christine Burke
Planning Board Secretary