

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
December 12th, 2019**

WORKSHOP MEETING: 7:30 P.M.

Roll Call **Members Present** – DR. KLOBY, MR. MURPHY, MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF, MRS. MURRAY, MR. COLANGELO, MR. MCGOLDRICK, MR. ILLIANO

Members Absent – MR. PEPE, MR. DOUGHERTY, MS. DREW

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, asked if the discussion regarding moving the Planning Board meetings to the first Thursday of the month would include a discussion about changing the time as well. Mr. Colangelo answered yes, it will be discussed.

Pending Litigation – Mr. Steib announced that the Denholtz property application had submitted their trial brief and that the Borough's trial brief was due next Wednesday [December 18th, 2019], and that it is currently in process.

Other Business –

2020 Meeting Date and Time: Mr. Colangelo announced that the Planning Board meetings were being moved to the first Thursday of the month in 2020, due to a conflict with the Mayor and Council meetings. Mr. Colangelo also made it known that there had been several requests to move the meeting time to 7:00pm, with a new soft ending time of 10:00pm. There were no objections from the board. Mr. Colangelo asked Miss Burke to let the Borough Clerk know about the new meeting dates, and Mr. Steib made it known that notice will need to be published regarding moving the January meeting to January 2nd, 2020.

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

MR. MURPHY 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 7:40pm.

Christine Burke
Planning Board Secretary

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REGULAR MEETING: 7:40P.M.

Roll Call

Members Present – DR. KLOBY, MR. MURPHY, MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF, MRS. MURRAY, MR. COLANGELO, MR. MCGOLDRICK, MR. ILLIANO

Members Absent – MR. PEPE, MR. DOUGHERTY, MS. DREW

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

Approval of Minutes for the November 14th, 2019 Meeting

MR. NEFF MOVED TO APPROVE THE MEETING MINUTES FOR NOVEMBER 14TH, 2019, SECONDED BY MR. MCGOLDRICK.

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

Nays: NONE

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

Absent: MR. PEPE, MR. DOUGHERTY, MS. DREW

Approval of Attorney's Voucher for October 2019 in the amount of \$ 3010.00

MRS. MURRAY MOVED TO APPROVE THE ATTORNEY'S VOUCHER FOR OCTOBER 2019, IN THE AMOUNT OF \$3010.00, SECONDED BY DR. CETRON.

Ayes: DR. KLOBY, MR. MURPHY, MR. CACCAMO, DR. CETRON, MR. NEFF, MRS. MURRAY, MR. COLANGELO, MR. MCGOLDRICK, MR. ILLIANO

Nays: NONE

Abstain: MR. HAWLEY

Absent: MR. PEPE, MR. DOUGHERTY, MS. DREW

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

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

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

Nays: NONE

Abstain: NONE

Absent: MR. DOUGHERTY, MS. DREW

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

MR. MCGOLDRICK MOVED TO MEMORIALIZE PB19-11, SECONDED BY MR. NEFF.

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

Nays: NONE

Abstain: NONE

Absent: MR DOUGHERTY, MS. DREW

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PB19-12, Block 107, Lot 7, 11 West Lincoln Ave (Muradi) - Application for Use and Bulk Variance

Mr. Steib announced that the applicant's attorney had requested to be carried to the January meeting. Mr. Steib made it known that he had reviewed service and service was in order, and that the application was being carried to the January 2nd, 2020 meeting at 7:00pm at 100 First Avenue in Atlantic Highlands, no further notice required.

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

Mr. Steib announced that the applicant's attorney had requested to seek reconsideration of the resolution which the board had just adopted regarding this application, but then had decided to withdraw his request, and the application was withdrawn.

PB19-13, Block 26, Lot 2, 16 Keystone Drive (Bisaccia) – Application for Bulk Variance for Deck

Mr. Steib announced 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 of Ronald and Michelle Bisaccia dated May 29th, 2019; A-2 Narrative of Intent prepared by Kevin Kennedy; A-3 Steep Slope Review Plan prepared by Richard E. Stockton and Associates dated November 5th, 2015; A-4 Variance Plan by Land Identity, LLC dated May 21st, 2019; A-5 Zoning Determination from Zoning Officer Michelle Clark dated September 24th, 2019; A-6 Review #1 from CME Associates dated November 6th, 2019.

Kevin Kennedy was present on behalf of the applicant. Mr. Kennedy made it known that the property was located in the R-2 Steep Slope zone, and that currently there was a single family home on the site. Mr. Kennedy stated that his clients were requesting permission to construct a new raised deck and spiral staircase.

At 7:47pm Ronald Bisaccia, 16 Keystone Drive, was sworn in. Mr. Bisaccia described the existing single family home which included a relatively small outdoor deck, and made it known that they were requesting to construct the new deck because there is currently very little outdoor space for cook-outs, entertaining, etc. Mr. Kennedy asked if the proposed structure would be able to be seen from the street, Mr. Bisaccia answered that he did not think so, and made it known that he had spoken with his neighbors regarding the application.

At 7:51pm Gregg Spadaro, 534 Hort Street, Westfield, was sworn in as a certified landscape architect. Mr. Spadaro listed his licenses and experience and was accepted as a witness. Mr. Spadaro listed the variances being requested which included lot coverage and impervious coverage. Mr. Spadaro described the property in detail, pointing out that it has spectacular views of the bay and city skyline, but there is not much opportunity to create outdoor space. Mr. Spadaro presented Exhibit A-7 Existing 3-D View, South West; A-8 Existing 3-D View, South; A-9 Proposed 3-D View, Southwest; A-10 Proposed 3-D View, South all dated December 12th, 2019 and prepared by Land Identity, LLC. Mr. Spadaro described the existing decks, pointing out that they were too small for entertaining, and made it known that the applicants have chosen to expand the second story deck for convenience and for the view. Mr. Spadaro listed the non-conformities which included side yard set-back, rear yard set-back, and building coverage area, and made it known that they are not making any of the existing non-conformities worse. Mr. Spadaro stated that there will be about 70 square feet of disturbance, which is being kept to a minimum by hand digging, and a tree would be transplanted from the rear yard to the front yard. Mr. Spadaro stated that there would be no change in storm water drainage due to 1/4" gaps in the boards, which would allow for infiltration.

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At 8:07pm Doug Rohmeyer was sworn in as the Borough Engineer. Mr. Rohmeyer asked if the spiral staircase would have any sort of impervious walkway, Mr. Spadaro answered no, there is an existing foot path but it will not be changed. Mr. Rohmeyer asked if the area under the deck will remain pervious, Mr. Spadaro answered yes, it will remain pervious.

At this point Mr. Colangelo asked for any questions from the board. Mrs. Murray asked if a wall which was depicted on the site plan was being removed, Mr. Spadaro answered no, the wall will remain. Mr. Murphy asked if it is dangerous to build a larger, heavier deck on the slope, Mr. Spadaro answered no, a structural engineer will design the deck. Mrs. Murray asked about the dimensions of the proposed deck, Mr. Spadaro answered it will be 12'9" deep, and the grade will vary.

At this point Mr. Colangelo called for board discussion. Mr. Neff stated his concern about disturbing soil in the steep slope zone, and Mr. Colangelo stated that he appreciated the effort to keep the disturbance at a minimum. Dr. Cetron stated that he was concerned about the weight of the proposed deck, and he believed that the plans should be approved by the Borough engineer. Mr. Spadaro and Mr. Kennedy made it known that this was agreeable. Mr. Hawley stated that he believed that the proposed deck would make the property safer, as it could be a second means of egress.

DR. CETRON MOVED TO APPROVE PB19-13, SECONDED BY MRS. MURRAY.

Ayes: DR. KLOBY, MR. MURPHY, MR. HAWLEY, MR. CACCAMO, DR. CETRON, MR. NEFF,
MRS. MURRAY, MR. COLANGELO, MR. MCGOLDRICK

Nays: NONE

Abstain: NONE

Absent: MR. PEPE, MR. DOUGHERTY, MS. DREW

At 8:20pm Mr. Colangelo called for a break.

At 8:25pm the meeting was called to order.

PB19-14, Block 87, Lots 12&13, 29 East Garfield (Monmouth Builders/Brian Gill) – Application for Minor Subdivision and Bulk Variance

At 8:25 Mr. Illiano recused himself.

Mr. Steib announced 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 of Monmouth Builders; A-2 Narrative of Intent prepared by Kevin Kennedy; A-3 Zoning Review of Zoning Officer Michelle Clark; A-4 Location Survey prepared by Richard E. Stockton and Associates dated July 8th, 2019; A-5 Subdivision Plan prepared by Richard E. Stockton and Associates dated July 8th, 2019; A-6 Review #1 by CME Associates dated November 18th, 2019; A-7 Revised Review #1A by CME Associates dated November 19th, 2019.

Kevin Kennedy was present on behalf of the applicant. Mr. Kennedy stated that there is an existing single family home on the site, which is made up of two lots which were presumably merged at some point, and that the client was requesting permission to subdivide the property back into the original two lots. Mr. Kennedy made it known that if the application is approved, the existing single family home will remain on lot 12, and a new single family home will be constructed on lot 13.

At 8:27pm, Brian Gill, 7 Burlington Avenue, Leonardo, was sworn in. Mr. Kennedy made it known that there had been a neighboring objector, and asked Mr. Gill if he had had an opportunity to speak with the

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neighbor. Mr. Gill answered yes, he had spoken with the neighbor and had agreed to move the proposed driveway. Mr. Kennedy asked Mr. Gill if there will be any tree removal, Mr. Gill answered yes, one dead tree will be removed. Mr. Kennedy asked Mr. Gill if he had had a utility mark-out done, Mr. Gill answered yes, and that there will be no issues.

At this point Mr. Colangelo asked for any questions from the board. There was a discussion about the proposed driveway, and Mr. Gill made it known that he is flexible about the driveway location.

Mr. Colangelo asked for any questions from the public. Attorney Lynn Patillo commented that she was representing Chris Dehoust, who was the neighboring objector at 33 East Garfield Avenue. Ms. Patillo asked if there was an oil tank on the property, Mr. Gill answered yes, on lot 12. Ms. Patillo asked if the soil on that lot would be tested, Mr. Gill answered yes, it would be. Ms. Patillo asked Mr. Gill if the current trees on the property would remain there, Mr. Gill answered all except one dead tree. Ms. Patillo asked if the existing fence around the lot would be removed, Mr. Gill answered yes. Ms. Patillo asked Mr. Gill to confirm that there would not be a fence on the property, Mr. Gill answered yes but that he would plant trees and shrubbery for privacy. Ms. Patillo commented that the proposed garage is not on the plans, Mr. Gill confirmed that there are no house plans yet. Ms. Patillo asked Mr. Gill if his intention was to sell both of the houses, Mr. Gill answered yes, that was his intention.

Mark Fisher, 91 Third Avenue, asked what the plan was for the existing garage which straddled the property line, Mr. Gill answered that if the application was approved the garage would be removed.

At 8:42pm Richard Stockton, 942 Route 36, Leonardo, was sworn in as a licensed surveyor and professional planner and was accepted as a witness. Mr. Kennedy asked Mr. Stockton to describe the proposal, and Mr. Stockton described the existing lots and plans for development in detail. Mr. Stockton presented the board and the public with Exhibit A-8 Tax Map with Undersized lots in 200' and 500' Radius; A-9 Tax Map with Non-Conforming Lots- Frontage, and A-10 Portion of Subdivision Plan, Lot 13. There was a discussion regarding the compatibility of the proposed development with the rest of the neighborhood. Mr. Rohmeyer suggested that the applicant lock down what is actually being proposed. Dr. Cetron stated that he did not believe there was enough information and he could not visualize what was being proposed, and several board members agreed. Mr. Kennedy apologized for any confusion associated with the last minute changes which had been made.

At this point Mr. Colangelo asked for any questions from the public. Chris Dehoust, 33 East Garfield Avenue, asked Mr. Stockton about other undersized lots in the area, Mr. Stockton discussed this. Mr. Dehoust asked if any of the variances being sought were being removed, Mr. Stockton answered the side yard set-back and driveway set back variances would be removed. Mr. Kennedy asked Mr. Gill if he would be willing to place additional landscaping, Mr. Gill answered yes, he would. Mr. Rohmeyer asked about grading and storm water runoff, Mr. Stockton answered that the existing flow pattern would not be changed. Mr. Dehoust asked if the proposed structure would damage any existing trees, Mr. Gill answered that he has built close to trees before with no problems. Mr. Fisher asked if there will be a front set-back variance sought for the proposed structure, Mr. Stockton answered no, it will be compliant.

At 9:41 Mr. Colangelo called for a break.

At 9:48 Mr. Colangelo called the meeting to order.

At this time Mr. Kennedy made it known that he and his applicant would like to come back at a later date with a house plan. The board agreed that many of them did not feel prepared to vote on the application. Mr. Kennedy asked for permission for the application to be carried to the January meeting, Mr. Steib recommended that it be carried to February. Mr. Steib announced that the application would be carried to the January 2nd, 2020 meeting at 7:00pm at 100 First Avenue, Atlantic Highlands, with the intention of

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carrying it to the February meeting, no further notice required. Mr. Kennedy consented to extend the time for a decision to be made until March.

At this time Mr. Colangelo made it known that Mayor LeGrice was present that night, and thanked the Mayor on behalf of the board for being extremely supportive and always defending the Planning Board during her time as Mayor. Mayor LeGrice thanked the board for all of their hard work and dedication.

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 9:54PM, SECONDED BY MR. NEFF. BY VOICE VOTE ALL AGREED.

Christine Burke
Planning Board Secretary