

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
September 12 , 2019**

WORKSHOP MEETING: 7:30 P.M.

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

Pending Litigation – Mr. Steib announced that a schedule order has been submitted for the Denholtz application.

Other Business – Mr. Neff made it known that at the Council meeting held on September 11, 2019 there was a discussion about the Mother Theresa School. Mr. Neff stated that the town would like to purchase the property, decide what to do with it, and then turn it over to a developer. Mr. Neff believes that the town seems to have a lack of confidence in the Planning Board in regards to what will be done with the property. Mr. Fligor stated that he believes that the town does not understand the Municipal Land Use Laws. Mr. Fligor believes that the Planning Board is well trained, they work together well, and that he is proud of them. Dr. Cetron made it known that the Planning Board has never passed a high density development that didn't make sense. Mr. Fligor stated that senior housing, open land, and residential lots are some of the ideas which are being proposed, and that there will most likely be another meeting. Dr. Cetron asked Mr. Steib if there are certain exemptions for Borough owned property, Mr. Steib confirmed that yes, there are. Mr. Colangelo made it known that the Council also had a discussion about possibly passing an ordinance imposing a traffic study request on Planning Board applications, and that the Planning Board would be given the opportunity to review this ordinance.

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 FLIGOR.
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: 7:43 P.M.

Roll Call

Members Present – Dr. Kloby, Mr. Fligor, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Pepe, Mr. Colangelo, Mr. McGoldrick

Members Absent – Mr. Hawley, Mrs. Murray, Mr. Dougherty, Ms. Drew, Mr. Illiano

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

Approval of Minutes for the August 8, 2019 Meeting

DR. CETRON MOVED TO APPROVE THE MEETING MINUTES FOR AUGUST 8, 2019, SECONDED BY MR PEPE.

Ayes: MR. FLIGOR, MR. CACCAMO, DR. CETRON, MR. PEPE, MR. COLANGELO, MR. MCGOLDRICK

Nays: NONE

Abstain: DR. KLOBY, MR. NEFF

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

Approval of Attorney's Voucher for July 2019 in the amount of \$3,172.50

MR. MCGOLDRICK MOVED TO APPROVE THE ATTORNEY'S VOUCHER FOR JULY 2019, IN THE AMOUNT OF \$3,172.50, SECONDED BY DR. KLOBY.

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

Nays: NONE

Abstain: NONE

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

PB18-01, Block 19, Lot 1, 233 E. Highland Ave (Kozlowski) – Memorialize Resolution for Request for Extension of Time

DR. KLOBY MOVED TO MEMORIALIZE PB18-01, SECONDED BY MR. PEPE.

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

Nays: NONE

Abstain: MR. PEPE

Absent: MR. HAWLEY, MRS. MURRAY, MR. DOUGHERTY, MS. DREW

PB19-04, Block 36, Lot 10, 95 Asbury Ave. (Hendrickson) – Memorialize Resolution for Application for Bulk Variance

MR. PEPE MOVED TO MEMORIALIZE PB19-04, SECONDED BY DR. KLOBY.

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

Nays: NONE

Abstain: NONE

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Absent: MRS. MURRAY, MR. DOUGHERTY, MS. DREW, MR. ILLIANO

PB19-07, Block 96, Lot 16.0, 27 Third Ave. (Hall) – Memorialize Resolution for Withdrawal of Application for Minor Subdivision, Use and Bulk Variance

DR. CETRON MOVED TO MEMORIALIZE PB19-07, SECONDED BY DR. KLOBY.

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

Nays: NONE

Abstain: DR. KLOBY, MR. FLIGOR, MR. NEFF

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

PB19-09, Block 114, Lot 3, 89-93 First Ave (Winfield Management/Portland Real Estate) - Memorialize Resolution for Application for Change of Use

Mr. Steib made it known that attorney Kevin Kennedy provided the board with a memorandum regarding access to the rear of the building. The applicant chose to install an ADA chairlift to allow handicap access to the building, however this lift cannot accommodate a stretcher or a gurney, as was requested by the board. The applicant is also proposing to build a platform with 5-6 steps leading up to it. The platform will be large enough to accommodate a stretcher or gurney. The applicant was seeking clarification as to whether the ADA equipment must be large enough to accommodate a stretcher or gurney, or just the entrance to the building. Mr. Kennedy was present on behalf of the applicant and made it known that the entrance to the building will be ADA compliant, however a stretcher will need to be carried up 5 or 6 steps. Dr. Cetron asked how big the lift will be, Mr. Kennedy answered 36x54. Dr. Cetron stated that 5 steps is manageable with a stretcher. Mr. Steib asked if this was the concession of the board, it was. Mr. Kennedy asked Dr. Cetron to confirm that 6 steps would also be manageable, Dr. Cetron confirmed that it would be.

DR. CETRON MOVED TO MEMORIALIZE PB19-09, SECONDED BY MR. MCGOLDRICK.

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

Nays: NONE

Abstain: NONE

Absent: MR. HAWLEY, MRS. MURRAY, MR. DOUGHERTY, MS. DREW

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

Attorney Chad Warnken was present on behalf of the applicant. Mr. Warnken made it known that the current owner is a new owner who purchased the property at foreclosure. Mr. Warnken stated that the new owner has uncovered new construction issues and is now asking for a third one-year extension. Dr. Cetron made it known that it has been four years since the application was approved, and it is his opinion that the applicant should have to come back to the planning board, or re-notice. Mr. Steib advised the board to consider whether there have been any changes in zoning, any changes in the neighborhood, or any circumstances which would make what was granted previously no longer appropriate. Mr. Warnken had indicated that there have not been any of these changes. Mr. Neff asked if there was a time frame. Mr. Warnken stated that this will be the last request, if the project can't be done then the applicant will come back to the Planning Board for a new application. Mr. Colangelo made it known that the prior owner was operating the proposed bed and breakfast as a sort of "hall", which would probably involve parties, alcohol, and a lot of trash. Mr. Colangelo asked if the new owner was still intent on operating the property as a bed and breakfast. Mr. Warnken answered that yes he is, and he is trying to be a good neighbor. Mr. Colangelo stated that extending the application for a year may help to solve some of the problems which have come

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up. Mr. Caccamo asked why it has been so difficult to complete the project. Mr. Warnken answered that new construction issues have been discovered. Mr. Caccamo expressed concerns about traffic, and Dr. Cetron confirmed that the property has a large parking lot.

DR. CETRON MOVED TO EXTEND PB15-03, SECONDED BY MR. NEFF.

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

Nays: MR. PEPE

Abstain: MR. FLIGOR

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

Mr. Steib announced that **PB19-08, Block 144, Lot 1, 57 Avenue D (Stout)** –Application for Bulk Variance for Shed had issues with service and Mr. Steib was not able to review service prior to this meeting. The application would be rescheduled for October 10, 2019 at 7:30pm at 100 First Ave. Atlantic Highlands, and if notice was correct there will be no further notice required. If notice was incorrect, a new notice will be sent.

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

Mr. Steib made it known that he had reviewed service for this application and listed all known exhibits: A-1 Variance Application from Daniel and Darlene Miragliotta; A-2 Pool Specifications Plan from Swim-Mor Pools dated November 10, 2018; A-3 Narrative Statement from Swim-Mor Pools; A-4 Zoning Denial from Zoning Officer Michelle Clark dated December 19, 2018; A-5 Existing Conditions Survey prepared by Main Street Surveying dated March 11, 2019; A-6 Proposed Conditions Survey prepared by Main Street Surveying dated March 11, 2019; A-7 Color Rendering of Proposed Pool and Patio Area; A-8 Review #1 by CME Associates dated May 2, 2019; A-9 Planning Board Resolution adopted October 10, 1996 granting side set back variances; A-10 Memorandum from Mr. Steib to the Board dated May 2, 2019; A-11 Review #2 from CME Associates dated July 17, 2019; A-12 Pool Grading Plan prepared by James E. Maccariella Jr. dated June 19, 2019.

Attorney Peter Klouser was present on behalf of the applicant. He stated that the Miragliottas have lived at their property for 33 years and are intending to build a pool. Mr. Klouser make it known that the house was damaged by a fire in 1996, and back then the Miragliottas came to the Planning Board to reconstruct the house. The property is undersized with 7' set backs on either side, which the Planning Board granted a variance for. Mr. Klouser made it known that the pool does not create any variances and does not violate any ordinances. There is an existing shed at the rear of the property which is too close to the side and rear yard.

At 8:10 Ms. Drew arrived.

At 8:11 Darlene Miragliotta, 24 South Avenue, was sworn in. Mr. Klouser asked Mrs. Miragliotta to confirm that they will comply and build the pool according to the plans submitted to the board, she confirmed yes, they will. Mr. Klouser asked Mrs. Miragliotta to confirm that the fence around the shed is 6' tall, and that she is able to walk around the shed to clean and maintain it, she confirmed yes. Mr. Klouser asked Mrs. Miragliotta if others in the neighborhood have similar sheds, she confirmed yes, they do. Mr. Klouser made it known that there were some concerns about the grading of the property affecting neighbors, and there was a TOPO survey done which confirmed that there will be no negative impacts. He asked Mrs. Miragliotta to confirm that any fill will be removed from the property, she confirmed yes, and that there will be limited disturbance.

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At 8:15 Doug Rohmeyer was sworn in. Mr. Rohmeyer asked Mrs. Miragliotta if there will be any lot clearing, tree removal, or landscaping removal, she answered no. Mr. Rohmeyer asked about any pool equipment, Mr. Klouser confirmed that it is on the survey in the north-west corner of the property, and complies with the set-back requirements. The consensus of the board was that the applicant had provided a nice and conforming plan.

MR. PEPE MOVED TO APPROVE PB19-02, SECONDED BY MR. NEFF.

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

Nays: NONE

Abstain: MS. DREW

Absent: MR. HAWLEY, MRS. MURRAY, MR. DOUGHERTY, MR. ILLIANO

At 8:20 Mr. Kennedy requested that **PB19-05, Block 1, Lot 26, 36 Bayside Drive (John Potter)** – Application for Bulk and Use Variance be adjourned until the next meeting. Mr. Steib asked for the board to have an extension of time to decide the application until November 30, 2019. Mr. Kennedy agreed. By voice vote, all agreed to carry the application. Mr. Steib announced that **PB19-05, Block 1, Lot 26, 36 Bayside Drive (John Potter)** – Application for Bulk and Use Variance will be carried to the October 10, 2019 meeting at 7:30 at 100 First Ave. Atlantic Highlands, no further notice required.

At 8:23 Mr. Colangelo called for a break.

At 8:30 Mr. Colangelo called the meeting to order.

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

Mr. Steib made it known that this application is a continuation and is no longer a subdivision with variances, it is now a minor subdivision. There is no longer notice required. Mr. Steib listed all the exhibits and all known new exhibits: A-28 Elevation Floor Plan for Hofford/Austin Residents prepared by Kaplan Gaunt DeSantis Architects dated August 25, 2017; A-29 Layout, Grading, and Soil Erosion & Sediment Control Plan prepared by Houser Engineering; A-30 Limited Geotechnical Investigation by Whitestone Associates; A-31 Report from French & Parrello Associates; A-32 (inaudible) Evaluation; A-33 Revised Report from French and Parrello Associates; A-34 Completeness Review #1 prepared by CME associates; A-35 Minor Subdivision Plan prepared by Richard Stockton and Associates dated August 2, 2018 revised September 17, 2018; A-36 Completeness Review #2 prepared by CME Associates dated January 8, 2019; A-37 Supplemental Report from CME Associates; A-38 Revived Plan prepared by Stockton Associates dated February 26, 2019.

Attorney Michael Leckstein was present on behalf of the applicants. Mr. Leckstein made it known that the purpose of the application is to make an isolated lot disappear. Four neighbors of the property have purchased the property with the intention of subdividing it. Mr. Leckstein stated that they believe that this is what is best for the town and the residents living on the slope where the lot is located. Mr. Leckstein made it known that the subdivision is protected by deeds, and that the Borough will be given an easement so that they may continue servicing a fire hydrant and drainage pipe, which are currently on private property.

At 8:37 Doug Rohmeyer was sworn in. He stated that he believed everything had been touched upon by Mr. Leckstein.

At 8:38 Jim Krauss, 77 Bayside Drive, was sworn in. Mr. Krauss asked the board to please approve this application. Mr. Krauss believes that everyone should be thankful that the applicants have chosen to purchase this fragile piece of property, and made it known that the residents who live on the slope are grateful.

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MR. FLIGOR MOVED TO APPROVE PB16-13, SECONDED BY MR. MCGOLDRICK.

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

Nays: NONE

Abstain: NONE

Absent: MR. HAWLEY, MRS. MURRAY, MR. DOUGHERTY, MR. ILLIANO

Basement/Cellar Sub Committee Discussion

Mr. Colangelo made it known that the Basement/Cellar Subcommittee had proposed recommendations for the council for the basement/cellar distinction. Mr. Pepe made it known that there have been a lot of applications where basement versus cellar has come up. The subcommittee believes that the 50% threshold distinguishing between the two may be part of the problem, so they are proposing to change the 50% threshold to a 30% threshold. The façade of the front of the lower level will only be considered a cellar if no more than 30% of it is above grade. Dr. Cetron stated that if it is not a cellar, it's a basement, there is no more in between. He believes this simplifies things. Mr. McGoldrick stated that he believes this gives clarity to the applicant, and there is now math to do. Mr. Pepe made it known that Mr. Caccamo has suggested making a check list for applicants, if the ordinance is passed. Dr. Cetron made it known that the subcommittee made sure that the proposed recommendations do not conflict with the flood zone ordinance. Mr. Rohmeyer made it known that the "predevelopment grade" definition needs to be cleaned up, and asked if 75% referred to out of the ground, or below the ground. Mr. Pepe confirmed out of the ground. Mr. Rohmeyer stated that most cellars are non-habitable, and asked what the vision for the use of a cellar is. Dr. Cetron and Mr. Pepe confirmed habitable. Mr. Rohmeyer asked the subcommittee to clarify that a cellar is defined as a story. Dr. Cetron confirmed that a story is a story, with the exemption of one cellar. Mr. Pepe wondered if "façade" is the correct word to use, and stated that he assumed anything that is exposed is façade. The subcommittee asked Mr. Steib and Mr. Rohmeyer to review the proposed ordinance and decide what the correct word would be. A detailed discussion about the subcommittee's intent followed. Mr. Steib recommended supplementing the proposal with a schematic.

At this time Mr. Fligor announced that this would be his last Planning Board meeting, as he has been hired as the new Harbor Manager. He made it known that he will be resigning from the Planning Board and the Council. Mr. Fligor thanked the board and made it known that he is very proud of them. The board wished Mr. Fligor well and made it known that he will be missed, and he was a pleasure to work with.

Adjournment

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

MR. FLIGOR MOVED TO ADJOURN THE REGULAR MEETING AT 9:17PM, SECONDED BY MR NEFF. BY VOICE VOTE ALL AGREED.

Christine Burke
Planning Board Secretary