

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
FEBRUARY 14, 2019**

WORKSHOP MEETING: 7:30 P.M.

Roll Call **Members Present** – Dr. Kloby, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Mrs. Murray, Chairman Neff, Mr. Pepe, Mr. McGoldrick, Mr. Dougherty
Members Absent – 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; none were received.

Other Business – Mr. Steib noted that there is no pending litigation.

Mr. Colangelo announced that Kevin Ilarraza has resigned from the Planning Board.

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

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

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:32 P.M.

Erin Uriarte
Planning Board Secretary

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REGULAR MEETING: 7:32 P.M.

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

Members Absent – Mr. Illiano

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

PB18-06, Block 142, Lot 5, 17 Avenue D (Denholtz Custom Homes) – Application for Preliminary & Final Subdivision Approval with Variances as may be required – Mr. Steib announced that this application will be continued at a Special Meeting to be held on February 20, 2019 at 7:30 pm at the Atlantic Highlands Elementary School, 140 First Avenue, Atlantic Highlands, NJ and while no further notice is required, the applicant has re-noticed and the notices are in order.

PB18-02, Block 74, Lot 8, 58 Prospect Circle (Swanton) – Application for Bulk Variances – Mr. Steib advised that the notices for this hearing were insufficient therefore this application is being carried to March 14, 2019. The applicant will be required to re-notice.

Approval of Minutes for the January 10, 2019 Meeting

MRS. MURRAY MOVED TO APPROVE THE MEETING MINUTES FOR JANUARY 10, 2019, SECONDED BY MR. NEFF.

Ayes: Dr. Kloby, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mrs. Murray, Mr. Colangelo, Mr. Dougherty

Nays: None

Abstain: Mr. Pepe

Absent: Mr. Illiano

Approval of Minutes for the January 16, 2019 Meeting

MRS. MURRAY MOVED TO APPROVE THE MEETING MINUTES FOR JANUARY 16, 2019, SECONDED BY MR. NEFF.

Ayes: Dr. Kloby, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Dougherty

Nays: None

Abstain: Councilman Fligor

Absent: Mr. Illiano

Approval of Attorney's Voucher for December 2018 in the amount of \$3,739.50

COUNCILMAN FLIGOR MOVED TO APPROVE THE ATTORNEY'S VOUCHER FOR DECEMBER 2018, IN THE AMOUNT OF \$3,739.50, SECONDED BY DR. CETRON.

Ayes: Dr. Kloby, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Dougherty

Nays: None

Abstain: None

Absent: Mr. Illiano

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Master Plan Public Hearing – Mr. Steib explained that the usual procedure for this type of hearing would be for the Planner to present an overview of the Master Plan, as proposed. If the public has any questions, then can ask them. Following that, the public will be welcomed up to make the statements and comments. The Board can then decide if they want to vote to adopt or carry the hearing to allow for the subcommittee to take a look at what was presented and sent in to the Board. The Board has received written comments from the following members of the public:

- Mike Harmon, dated May 2018
- Mark Fisher, dated December 20, 2018 (*Initial Mark Up*)
- Mark Fisher, dated December 21, 2018 (*Charts*)
- Mark Fisher, dated December 26, 2018 (*Mark Up #2*)
- Mark Fisher, dated December 31, 2018 (*Mark Up #3*)
- Mark Fisher, dated January 13, 2019 (*Mark Up #4*)
- Mark Fisher, dated January 17, 2019 (*Final Mark Up*)
- Teresa D'Aguanno, dated January 17, 2019
- David Brackett, dated January 18, 2019
- Caroline Northrup, dated February 13, 2019

Mr. Steib stated that he has reviewed the notices for this hearing and they are in order.

Andrew Thomas, Thomas Planning Associates, was sworn in and introduced himself to the Board. He advised that he had been retained to prepare the Master Plan about 3 years ago. A subcommittee was formed to review various sections of the Master Plan, which has met several times. The last revision, dated October 1, 2018, was submitted to the public with the intention of updating the 2006 plan. There have been several written comments received and they are now at the point to receive public comments verbally.

Mr. Thomas presented a blown up copy of the existing land use map, which is contained in the proposed Master Plan, as an exhibit. He explained the legal requirements of the Master Plan review process, pursuant to the Municipal Land Use Law. The elements that are required are the Statement and Objectives, the Land Use Element and the Housing Plan Element, which is technically an optional element but towns must have it if they want to zone. The Housing Element was adopted in September 2018 and will included in this document upon adoption. There are several optional elements listed under the MLUL, an example would be a Parks and Recreation Plan. The GIS map was prepared using the latest GIS lot line base map and then connected to the Borough's Tax Assessment Data.

Mr. Thomas described the different Master Plan Elements, highlighting the major points for each. The background section is a beginning portion and foundation of the Master Plan. It contains six separate sections. It also includes the Vision, Goals and Objectives section and also the Existing Land Use and population sections. The planning history was updated to a minor extent. The major revisions were to the existing land use and population sections, which now reflect the latest census data. The first section of the Master Plan is the Principles and Objectives section, which is required and has been updated since the last Master Plan. This section represents the overall goals of the Borough and the assumption that those goals are based upon. The Land Use Plan Element changes includes recommendations for signage, development area standards and there is a section about short term rentals. Two affordable housing sites have been added to the Land Use Plan Map. One of the major changes is for the Light industrial District which is renamed to a Commercial District.

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When that was done, a number of permitted uses in the old LI district were expanded to include a number of new uses. In regard to the Housing Plan Element, it was prepared by Heyer, Gruel and Associates, adopted in September 2018 and will be folded in to the Master Plan document upon adoption. The Historic Preservation Element, the Coastal Waterfront Design and the Open Space & Recreation Element sections only contained minor tweaking. The Conservation Element contained a number of revisions and additions. Highlights from the following reports and plans were incorporated in to this section: the 2006 Bayshore Regional Strategic Plan, the January 2008 Many Mind Creek Watershed Restoration and Protection Plan, the 2015 Getting to Resiliency Report, prepared after Super Storm Sandy, as well as the Homeowner's Flood Insurance Affordability Act of 2014. Several recommendations were added for all of those topics. The next section is the Circulation Plan, which contains a recommendation that the Borough review the criteria to become a Transit Village. The Borough is unique in the fact that there is a major ferry service here. Typically the Transit Village is geared towards train travelling but it is something that could be investigated further because of the financial benefits that come along with that designation. There is a section about ride share services, which is noteworthy to mention as they have become more popular. There is a section about the work to the Henry Hudson Trail that was done in 2017. There is also information about the Seastreak service, along with a few other minor amendments. The recycling plan was updated with the assistance of the Recycling Coordinator, Adam Hubeny, and incorporates all of the programs that are currently in place. The Utility Plan was updated to reflect the dissolving of the Atlantic Highlands-Highlands Regional Sewerage Authority and the new rates were added along with information on wells. The Community Facilities section was revised to reflect Municipal Services such as fire and ems as well as schools and the public library. The last section is the Policy Statement and Plan Relationships, which is a review and statement of the relationship of the Master Plan to the plans for the contiguous municipalities, the Monmouth County Plan, the State Development and Redevelopment Plan and the Solid Waste Management Plan. The Master Plan is consistent with all of those plans and that is further described in that section. The 2016 Monmouth County Master Plan and the 2009 County Waste Management Plan were both looked at and they also refer to the 2012 Strategic Plan, which will take the place of the State Development and Redevelopment Plan; it had been drafted but not adopted.

Mr. Thomas stated that there has been some comments already received from the public. He noted that Mr. Fisher provided a comparison document of the 2006 version and this version, which was very helpful. He is not quite sure how he did it, but it was extremely helpful. Councilman Fligor added that Mr. Fisher did an excellent job, the Board agreed and thanked Mr. Fisher for his time and input. Mr. Thomas stated that Mr. Fisher took the time to explain some of the definitions that not everyone may know. There are a few topics in Mr. Fisher's comments that the Board will have to consider. Mr. Thomas reminded the Board that the Master Plan isn't set in stone; this is a living document that can be amended at any time. This plan has been structured by chapter so that it is easier to place revisions in the document. Finally, the adoption of the Master Plan is a foundation for the Borough's Land Use Ordinances and there are some recommendations to revise the Ordinances. For example, revising the Zoning Ordinance to reflect the Light Industrial change. Once the Master Plan is adopted the Governing Body will look at those recommendations and revise the Ordinances accordingly.

Mr. Colangelo asked if any Board Members have any questions for Mr. Thomas. None were received. Mr. Colangelo then asked for questions only from members of the public.

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Tony Hannon, Port Monmouth, Middletown Township, and member of the Catamaran Club, asked what Ordinance changes are being suggested. Mr. Thomas replied that there are changes recommended for the change from Light Industrial to Commercial and the expansion of permitted uses associated with that. He pointed to the exhibit to show the area that would be in. Mr. Hannon asked what Ordinance changes are being recommended in regard to open space. Mr. Thomas replied that there are no zoning changes recommended for open space.

No further questions from the public were received. The Board thanked Mr. Thomas for all of his work. Mr. Thomas thanked the subcommittee for all of their input.

Mr. Colangelo opened the hearing for comments from the public.

Theresa D'Aguanno, 85 First Avenue, stated that she came in to discuss her building in the Historic District because she is very restricted about who she can rent to because of the permitted uses associated in the Historic District. The Variance process is very lengthy and costly. She feels it seems to be a burden to her and the tenant who wants to rent the space, when just a block in either direction those uses are permitted. She has one tenant who received a variance for sports massage therapy and she feels that it is an undue burden to place on her and the prospective tenants. She maintains the building to be historic but she is not getting any benefits for maintaining this historic structure. If a person doing facials can go a few doors down but not in her building doesn't seem right to her. She read in the Master Plan that there can be certain incentives offered for maintaining this type of property, which she doesn't get. Mr. Steib explained that the Master Plan gives consideration to expanding uses that are allowed in a zone and this comment is a request to consider that for the HBD zone. Dr. Cetron suggested adding the HBD zone intent to focus on architectural features rather than a restriction on permitted uses and that maybe the uses could match more with the Central Business District. If it is put in the Master Plan as a recommendation, the Governing Body can then amend Ordinances accordingly. Mr. Pepe suggested that there be a consistent list of permissible uses along First Avenue and asked if it can be done outside of the Master Plan review. Mr. Steib advised that it would carry more weight if the recommendation comes via the Master Plan.

Mr. Hawley advised that Massage Therapy is not a permitted use in the Borough at all, so it would have to come for a variances no matter what district it was in. Ms. D'Aguanno asked for clarification. Mr. Colangelo stated that just like an arcade or tattoo parlor, the massage therapist use is not a permitted use in the Borough unless you receive a variance, no matter where you are located.

Mr. Steib added that if a use variance is granted for the property, it would run with the land. If that tenant leaves and another sports therapy massage tenant wants to move in to that space, the use variance would still apply. Ms. D'Aguanno indicated her new tenant was for sports therapy massage but in a different space inside the building. Mr. Steib stated that would be an expansion of the use and they would have to come to the Board for that.

Jon Crowley, 2 Keystone Drive, asked if the Board has ever considered joining the Business District and the Historic District so that any design standards that are adopted would be applied to all of First Avenue. Mr. Colangelo stated that the Board has discussed what is involved in having design ordinances and they looked at other communities. It was determined that it could become a detriment to some of the building owners themselves because it would require them to make costly improvements and it would become hard to enforce and regulate, similar to the comments

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just made by Ms. D'Aguanno. Dr. Cetron added that when they looked at the various zones, they touched on a consolidation of the CBD and HBD but someone had mentioned that expanding the historic restrictions to some of the existing areas of First Avenue just didn't make sense and it raised more concern for situations that could arise in the future from doing so.

James Krauss, 77 Bayside Drive, and on behalf of the Environmental Commission, stated that the Environmental Commission does not meet until the end of the month and they have not had the chance to discuss the Master Plan since it had been released to the public. If it doesn't get approved tonight, he would like to come back with the Commission's comments.

Caroline Northrup, 10 Ocean Boulevard, thanked the subcommittee for all of their hard work and also the Board Secretary for all the work she does behind the scenes. Ms. Northrup had submitted comments related to the arts and culture in the Borough. She also submitted a portion of the County's Master Plan that recommends that municipalities come up with architectural design guidelines to enhance the existing character. Lots of surrounding towns have allowed incredible art murals and sculptures and with the unique make up of Atlantic Highlands, she would like to see something like that done in town. Some Atlantic Highlands' Artists were are part of the mural projects in other communities and she would like to see them share their art in their hometown community. The County is supportive of the Arts & Culture Initiative and she would like to see Atlantic Highlands follow suit. Ms. Northrup added that she normally doesn't like artwork of flowers and nature but at this point she would be happy with a giant rose on a wall just to get some art in to the Borough.

Dr. Cetron stated that they did add a lot of recommendations to change the sign ordinance and allow for murals. The Master Plan also recommends the creation of an advisory committee made up of one Planning Board Member, one Arts Council Member and either the Mayor or a Mayor's representative. Councilman Fligor added that the committee would be appointed by the Mayor.

Tony Hannon, Middletown Township, read from various sections of the Master Plan relating to open space preservation and conservation. He added that he likes seeing it all in the Master Plan and hopes that it is reflected in the ordinance implementation. Mr. Hannon offered comments relating to waterfront open space and was reminded that the Board cannot discuss or hear testimony on that tract due to a pending application.

Bob Sherman, 22 Harborview Drive, asked if the Master Plan Hearings are open to anyone and was advised yes. Mr. Sherman clarified his question to ask if residents from other towns are allowed to comment on the Atlantic Highlands Plan. Mr. Colangelo advised yes.

Mark Fisher, 91 Third Avenue, stated that he has submitted all of his comments and asked if the Board has any questions for him.

Mr. Colangelo addressed Mr. Thomas and asked if many of the items are left vague on purpose to allow for the Ordinances to address them or should they be more specific, as Mr. Fisher requests in certain sections. Mr. Thomas stated that it is a little of both, depending on what the topic is. Some sections are left a little vaguer to allow for the Governing Body to create specific regulations. There are some specific recommendations in the plan such as permitted uses.

Dr. Cetron stated that this is a visioning document not a prescriptive document. Mr. Neff suggested that the subcommittee work thru the comments received from Mr. Fisher and the other members

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of the public to come up with a list of things to be clarified. Mr. Hawley asked if they can include Mr. Fisher on that review. Mr. Steib advised that it is best to keep it just to the subcommittee.

Mr. Neff asked Mr. Fisher if he received input from other residents on his mailing list or is this all his comments. Mr. Fisher replied that he did receive a little input from one or other two residents and their comments were included.

Mrs. Murray asked if the Environmental Commission has received anything from Mike Harmon about the open space he has on the hill. Mr. Krauss advised that he heard from someone that Mr. Harmon is hoping to have his land designated as “to be acquired” but again, that is just what he heard. Mrs. Murray gave a copy of Mr. Harmon’s input to Mr. Krauss for the Environmental Commission to review.

Mr. Fisher asked that a summary of the Master Plan be released so that people know where to go to find things. The 2006 Master Plan is too voluminous; it needs to be more user friendly for people who are interested. There is a lot of old information in the plan and he understands that they have to tell the story of the town but the story is too long. There must be a way to hyperlink it online to make it easier to review certain sections. The reexamination interval lands on 2028 and he would have to dispute that because this started in 2016 but the intent is not to keep pushing it out. He would like to see the 10 year interval maintained rather than waiting to amend.

Mr. Steib stated that the law used to be every 6 years but now it is every 10 years however the requirement is not to redo the Master Plan, but to reexamine the Master Plan. The Reexamination could be a little less voluminous. Mr. Thomas added that a reexamination report was done in 2017 and is a separate document. Mr. Fisher asked if that should be in the same place as the Master Plan online. Mr. Thomas stated he does not know if it is on the website but it should be included in the same file as the Master Plan.

Mr. McGoldrick asked how the Master Plan is compiled; can it be broken down into sections, are there other formats or is it a uniform document throughout the State? Mr. Steib stated that there is a statute that says you have to have a Master Plan with a list of all the things that are required to be in the Master Plan. Mr. Thomas stated that it is broken down by chapter. Dr. Cetron added that the old Master Plan was not broken down in to chapters. Once it goes online, they can work on hyperlinking the different sections.

Dr. Kloby suggested a marketing document that communicates the Master Plan message to make it more relatable to residents and business owners. Perhaps the Mayor could issue some sort of Executive Statement to help guide the reader. She understands Mr. Fisher’s intent was to cut down on the jargon and explain it. Mr. Fisher stated that he tries to write to explain things as though the reader doesn’t know what it all means.

Mr. Fisher thanked the subcommittee again for their work and advised that he would like to make it easier for the next subcommittee by creating a form so that everyone knows what needs to be addressed during the next reexamination so that they just have to go back and approve each item. It would be a very simple process and it will work. He suggested it be a one page form to keep it simple.

No further comments were received from the public.

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Mr. Colangelo indicated that the Board agrees the subcommittee needs to go back and process the input received. Dr. Cetron suggested that they allow the Environmental Commission to meet and make comments as well.

Mr. Steib announced that the Master Plan Public Hearing will be carried to April 11, 2019 here in Council Chambers at the Municipal Building at 7:30 pm. No further notice will take place. He added that any recommended changes be received two weeks ahead of that meeting.

Adjournment

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

COUNCILMAN FLIGOR MOVED TO ADJOURN THE REGULAR MEETING AT 8:55 PM, SECONDED BY MR. NEFF. BY VOICE VOTE ALL AGREED.

Erin Uriarte
Planning Board Secretary