

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
June 4, 2020**

The Regular Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on June 4, 2020 via ZOOM Conference Meeting. Instructions on how to join the meeting were posted on the Borough website, Borough Face Book page, and at Borough Hall.

WORKSHOP MEETING: 7:01pm

Roll Call **Members Present** – Mr. Dougherty (via Zoom), Mr. Boms (via Zoom), Mr. Hawley (via Zoom), Mr. McGoldrick (via Zoom), Mr. Pepe (via Zoom), Mrs. Murray (via Zoom), Mr. Colangelo, Mr. Sonnek-Schmelz (via Zoom), Mr. Krupinski (via Zoom), Mr. Curry (via Zoom)

Members Absent – Mr. Caccamo, Mr. Neff, Dr. Kloby

Also present were Michael Steib, Board Attorney; Douglas Rohmeyer, Board Engineer (via Zoom), Michelle Clark, Board Secretary and Lori Hohenleitner, assisting with Zoom meeting.

Chairman Colangelo called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. Chairman Colangelo stated that notice of this meeting has been transmitted to the Asbury Park Press and the Two River Times, continuously posted in the Borough Hall on a bulletin board reserved for such announcements and filed in the office of the Municipal Clerk, on January 02, 2020. He read the “Open Public Meetings Act” compliance statement and stated that formal action would be taken.

Mr. Colangelo called for a moment of silent prayer followed by the Pledge of Allegiance.

Public Comment – There were no public comments.

Pending Litigation – Mr. Steib announced that we are still awaiting a decision on the Denholtz Trial.

Other Business: There was no other business.

MR. BOMS MOVED TO ADJOURN THE WORKSHOP MEETING, SECONDED BY MRS. MURRAY AND APPROVED BY VOICE VOTE.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:05 PM.

Michelle Clark
Planning Board Secretary

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REGULAR MEETING: 7:05pm

Roll Call

Members Present – Mr. Dougherty (via Zoom), Mr. Boms (via Zoom), Mr. Hawley (via Zoom), Mr. McGoldrick (via Zoom), Mr. Pepe (via Zoom), Mrs. Murray (via Zoom), Mr. Colangelo, Mr. Sonnek-Schmelz (via Zoom), Mr. Krupinski (via Zoom), Mr. Curry (via Zoom)

Members Absent – Mr. Caccamo, Mr. Neff, Dr. Kloby

Also present were Michael Steib, Board Attorney; Douglas Rohmeyer, Board Engineer (via Zoom), Michelle Clark, Board Secretary and Lori Hohenleitner, assisting with Zoom Meeting.

Approval of Minutes for the May 7, 2020 Meeting

MR. MCGOLDRICK MOVED TO APPROVE THE MINUTES OF THE MAY 7, 2020 PLANNING BOARD MEETING, SECONDED BY MR. DOUGHERTY, AND APPROVED BY THE FOLLOWING ROLL CALL VOTE.

Ayes: Mr. Dougherty, Mr. Boms, Mr. Hawley, Mr. McGoldrick, Mr. Pepe, Mr. Colangelo, Mr. Sonnek-Schmelz, Mr. Krupinski

Nays: None

Abstain: Mrs. Murray

Absent: Mr. Caccamo, Mr. Neff, Dr. Kloby

Approval of Attorney's Voucher for April 2020 in the amount of \$3,023.00

MR. MCGOLDRICK MOVED TO APPROVE THE ATTORNEY'S VOUCHER FOR APRIL 2020 IN THE AMOUNT OF \$3,023.00, SECONDED BY MRS. MURRAY, AND APPROVED BY THE FOLLOWING ROLL CALL VOTE

Ayes: Mr. Dougherty, Mr. Boms, Mr. Hawley, Mr. McGoldrick, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Sonnek-Schmelz, Mr. Krupinski

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Neff, Dr. Kloby

PB20-02, Block 97, Lot 17, 44-48 First Avenue (Urban Mane) – Memorialize Resolution Granting Use Variance & Minor Site Plan Approval

Mr. Steib told the Board that he had received correspondence from the Attorney representing the Applicant for this application, asking that the hours listed in the resolution be removed. Mr. Steib explained that these hours were listed in the resolution because they were part of the testimony from the applicant and asked for Board input. Mr. Colangelo said that given this was part of the testimony on the record he felt the resolution should not be changed. Mr. Hawley agreed saying that this was the testimony given and should not be removed. Mr. Sonnek-Schmelz said that he felt that the applicant should come back and give new testimony on the business hours. Mrs. Murray asked who enforces the hours. Mr. Steib explained that the Code Enforcement Officer would do that. Discussion followed, with the conclusion that the Applicant has the opportunity to come back to the Board for changes to the approval at any time.

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MR. PEPE MOVED TO MOVE FORWARD WITH THE RESOLUTION AS PRESENTED TONIGHT, SECONDED BY MR. SONNEK-SCHMELZ.

Ayes: Mr. Hawley, Mr. McGoldrick, Mr. Pepe, Mr. Colangelo, Mr. Sonnek-Schmelz, Mr. Krupinski

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Neff, Dr. Kloby

MR. HAWLEY MOVED TO MEMORIALIZE PB20-02, SECONDED BY MR. PEPE.

Ayes: Mr. Hawley, Mr. McGoldrick, Mr. Pepe, Mr. Colangelo, Mr. Sonnek-Schmelz, Mr. Krupinski

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Neff, Dr. Kloby

PB20-03 Block 37, Lots 16&17, 144-146 Wesley Avenue (Evergreen Builders/Hoffman) -
Application for Minor Subdivision, Lot Line Adjustment and Bulk Variance

Mr. Steib announced that the applicant has requested to be carried to the July 16, 2020 Planning Board meeting at 7:00pm at 100 First Ave, Atlantic Highlands with no further notice required, unless there is to be a virtual meeting.

PB20-07 Blocks 130 & 131, Lots 1 & 7, 12 Harborview Drive (Hesse) - Application for Bulk Variance

Mr. Steib announced that the applicant has requested to be carried to the August 6, 2020 Planning Board meeting at 7:00pm at 100 First Ave, Atlantic Highlands.

PB20-05 Block 104, Lots 1 & 2, Bayshore Plaza (DDJ Management, Inc) - Application for Use Variance

Mr. Steib announced that the applicant has requested to be carried to the July 16, 2020 Planning Board meeting at 7:00pm at 100 First Ave, Atlantic Highlands.

PB20-04 Block 8, Lot 36, 24 Belvidere Road (Kett) – Application for Bulk Variance.

Mr. Steib announced that he has reviewed service, service is in order and he listed the exhibits which were provided to the Board. Exhibit A-1, Zoning Denial from Zoning Officer Michelle Clark, dated January 16, 2020. Exhibit A-2, Application for Variance for Attila Kett, dated January 25, 2020, with Narrative of Intent. Exhibit A-3, Location Survey for Block 8, Lot 36, prepared by Richard Stockton, dated September 30, 2019. Exhibit A-4, Site Plan prepared by Kurt J. Ludwig, Architect dated February 9, 2019 with revisions through September 17, 2019. Exhibit A-5, Steep Slope Analysis for Block 8, Lot 36, dated September 30, 2019. Exhibit A-6, Review letter from Board Engineer, Doug Rohmeyer, dated March 6, 2020. Mr. Kennedy was present on behalf of the applicant. Mr. Luke Pontier was present on behalf of the neighboring property. Mr. Kennedy said that he would have four witnesses this evening, Mr. Ray Girges, Engineer for the Applicant, Mr. Kurt Ludwig, Architect for the Applicant, Mr. Richard Stockton, Surveyor/Planner for the Applicant and the Applicant, Dr. Kett. Dr. Kett, 24 Belvidere Road was sworn by Mr. Steib. Dr. Kett, owner of the property for fifteen years, described the property for the

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Board. He said that this is a one story home which they would like to demolish to the foundation and replace with a two story home in the same footprint. Dr. Kett said that there will be minimum disturbance to the area and that the variances are for existing conditions. He said this property is in the R-3 Zone, it is an undersized lot for zone and contains the home, a patio and a septic system. Dr. Kett spoke about the unique topography of the lot, the retaining walls and the septic system. He said that the factors of the property impact what can exist there. Dr. Kett said that his needs for this home are different now than when he purchased it fifteen years ago. He feels that the elements of the home are not organically connected, the layout is not ideal, he has 7' ceilings in the lower level. He said that a renovation is not feasible, the home is not energy efficient. He proposes to build the new home in the same footprint, he would like higher ceilings in the lower level and has a proposed height of 25.5'. There will be the same number of bedrooms and bathrooms with the addition of a powder room. Dr. Kett said that he has respect for the site, the slope and the neighbors and therefore he is not proposing to go bigger, wider or higher and is looking to preserve the neighbors view. He then went through the variances which are all existing conditions. He said that the drainage will not change, they are not changing the system and have never had a problem. Dr. Kett said that the retaining wall is very stable and they have never had a problem with it. He said that they will need to take precautions with the builders to demolish by hand and said that there will be no impact to the septic system. Mr. Kennedy spoke about an agreement with Mr. Pontier, separate from this application but on the record stating that they will not expand the plans and will allow the neighbor to reasonably prune for their view. There will be no easements or deed restrictions and this is not to be part of the resolution, this will be a private agreement for these two parties. Mr. Rohmeyer asked Dr. Kett if there would be any tree removal or plantings. Dr. Kett said that one tree on the eastern side of the property may be removed or pruned. Mr. Rohmeyer asked Dr. Kett to confirm the situation with the septic system. Dr. Kett said that the septic system is on the eastern side at patio level and this is a flat area. Chairman Colangelo asked for Board questions. There were none. Mr. Pontier said that he had no questions for the applicant and said that he will not be objecting to this application tonight because of the agreement. Mr. Steve Costner, 9 Bayside Drive said that there was a slide several years ago and some of the slope was lost and asked if they were able to ensure the stability of the slope. Has there been a Geo Tech engineer to ensure this. Mr. Kett said that he was aware of the slide before he purchased the property and that they have a super high tech retaining wall system which they have never had a problem with. Mr. Costner asked if they would divert the drainage and ensure the slope is stabilized. Dr. Kett said there will be no runoff on the hill. Mr. Kurt J. Ludwig, Architect, was sworn by Mr. Steib. Mr. Ludwig listed his certification, education and experience and was accepted by the Board. Mr. Ludwig said that he was familiar with the site and application and helped to prepare the plans. Mr. Ludwig went through the plans with the Board. He said that the house has been designed to meet energy code and completely comply with all building codes. Mr. Rohmeyer asked if it would remain a four bedroom home. Mr. Ludwig said that it would. Mr. Rohmeyer asked if he did a foundation study. Mr. Ludwig said he had. Mr. Rohmeyer asked what would happen if the foundation was found to not be usable. Mr. Ludwig said that he would observe the foundation again but has no concerns. Mr. Rohmeyer asked about the septic system, which Mr. Ludwig said that he had looked at. Mr. Rohmeyer asked about the overhead electric wires. Mr. Ludwig said that they will upgrade to 200 amp service, but there is no location change in the plans. Chairman Colangelo asked for Board questions. Mrs. Murray asked what the foundation was made of. Mr. Ludwig said cement block. Mr. Krupinski asked about drainage from the roof. Mr. Ludwig said that it is piped to an underground system. Chairman Colangelo asked for Public questions. Mr. James Krauss, 77 Bayside Drive asked if the new structure would weigh more and how much. Mr. Ludwig said that there will be a de minimis load change, that it would be roughly the same. Ray Girges, 100 9th Avenue Belmar, Engineer, was sworn by Mr. Steib. Mr. Girges listed his certifications, educational experience and was accepted by the Board. Mr. Girges said that he is familiar with the application. He said that he examined the foundation interior and exterior and has no structural concerns. He said he saw no cracks or movement. Mr. Girges said that they are not changing the footprint load and that the existing retaining wall has passed the test of time without structural concerns. He said that the

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design capacity offers more safety. Mr. Rohmeyer asked about the support for the stair tower. Mr. Girges said there are columns and footing proposed. Chairman Colangelo asked for Board questions. Mr. Pepe asked what type of retaining wall was there. Mr. Girges said that it is concrete with steel tie backs. Mr. Pepe asked if it was geo technically stable. Mr. Girges said it was. Chairman Colangelo asked if the septic system had been inspected. Mr. Girges said that it had not. There were no Public questions for Mr. Girges. Mr. Richard Stockton, 942 Route 36 Leonardo, was sworn by Mr. Steib. Mr. Stockton is a licensed Surveyor and Planner and listed his credentials for the board. Mr. Stockton was accepted by the board. Mr. Stockton said that he is familiar with the site and application. He said that they are seeking variances for lot area, front yard set-back, lot coverage and lot shape diameter, all of which are existing and will continue. Mr. Stockton said that this lot did comply with the old R-2 zoning, but the zoning changes has caused it to become pre-existing, non-conforming. Mr. Stockton said that there is no property to add to the lot. He said that they will maintain the same lot coverage and that the walkway to the rear stairs will be eliminated. He said that there is adequate air and open space and there will be a better visual effect on the neighborhood if this is approved. He said there is no substantial detriment to intent and purpose. There were no questions for Mr. Stockton. Chairman Colangelo asked for public comment. Mr. James Krauss, 77 Bayside Drive was sworn by Mr. Steib. He said that he feels that this application shows care and consideration for the hill and he should be approved. Mr. Kennedy gave a closing statement and thanked the board for their time. Chairman Colangelo asked for board discussion. Mr. Pepe said that he agrees with Mr. Krauss that this is an appropriate application and that he too was in favor. Mr. Dougherty agreed.

MRS. MURRAY MOVED TO APPLICATION PB20-04 AS PRESENTED TONIGHT, SECONDED BY MR. HAWLEY.

Ayes: Mr. Dougherty, Mr. Boms, Mr. Hawley, Mr. McGoldrick, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Sonnek-Schmelz

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Neff, Dr. Kloby

Chairman Colangelo announced that there would be a special meeting on July 2nd to try to relieve some of the backlog of pending applications.

Adjournment

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

MR. BOMS MOVED TO ADJOURN THE REGULAR MEETING AT 7:05PM, SECONDED BY MR. MURRAY AND APPROVED BY VOICE VOTE.

Michelle Clark
Planning Board Secretary