

**PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
Workshop Meeting  
May 6, 2021**

The Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on May 6, 2021 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: 7:03pm**

**Roll Call**

**Members Present** – Mr. Dougherty (via zoom), Mr. Crowley (via zoom), Mr. Caccamo (via zoom), Mr. McGoldrick (via zoom), Mr. Pepe (via zoom), Mrs. Murray (via zoom), Mr. Colangelo, Mr. Hawley (via zoom), Mr. Josko (via zoom), Mr. Krupinski (via zoom), and Mr. Curry (via zoom), Mr. Neff (via zoom)

**Members absent-** Mr. Crowther

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present via Zoom Conference Meeting 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. 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 of Atlantic Highlands, on January 07, 2021. He read the “Open Public Meetings Act” compliance statement and stated that formal action would be taken.

Mr. Colangelo made it known that he, attorney Michael Steib, Planning Board Secretary Kelly Snyder were present in Borough Hall along with Councilwomen Lori Hohenleitner to run the zoom meeting.

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. There were none.

**Pending Litigation** – Mr. Steib announced there are two matters of pending litigation. One is Neighbors for Waterfront Preservation vs. Denholtz settlement agreement. There has been a settlement agreement reached. That settlement agreement is before this board this evening to agree to the agreement to the extent that the board will agree to hear the revised plan the parties have agreed to in their settlement. The board is agreeing to list it for June and to conduct a hearing on the settlement and then make a determination. Deciding to go forward simply is agreeing to hear the settlement application not to approve it. This evening the board has to authorize Mr. Colangelo, as the chair person, to sign the agreement, agreeing to hear the settlement.

**MR. HAWLEY MADE A MOTION TO HEAR THE SETTLEMENT SECOND BY MR. MCGOLDRICK.**

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. PEPE, MRS. MURRAY,  
MR. COLANEGLO, MR. JOSKO, MR. KRUPINSKI,  
Nays: MR. MCGOLDRICK  
Abstain: MR. CROWLEY  
Absent: MR. CROWTHER

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The other pending litigation involves the Zlata/Clancy application and that was received to Mr. Steib in the later hour of the day and he has not had a chance to review it, but it looks like a generic complaint. Mr. Steib will review it and report to the board at a later date in executive session.

Mr. Crowley joined from technical issues at 7:09pm.

**Other Business: Ordinance 06-2021 Borough Code/150- 6 & 150-19**

Mr. Steib states this is a proposed Ordinance revision. The board had a similar proposed Ordinance several months ago, there were some concerns about it. It went back to the governing body and the board has been requested to comment on it before it goes for introduction. At that point it would come back to the board for consistency review. Mr. Steib also states he sent a memorandum stating he finds this version much more improved than the last review. Mr. Colangelo questions if the council is asking for comments. Mr. Steib clarifies the council is asking for suggestions or modification before the governing body introduces the ordinance. Mr. Colangelo states he does not like the fact of burdening applicants in addition to what they are already required to pay, and he does not like the intent of this Ordinance. Mr. Pepe thinks the Ordinance is now crystal clear, and does not think residents should have to pay for two experts. If it's important enough for the town, then the town should pay for it. Mr. Pepe does not feel an applicant should have pay for multiple professionals. Mr. Colangelo points out we don't always know what professionals the applicant will be using ahead of time and could delay applicants from being heard. Mr. Krupinski questions if there would have to be a planner at the meetings that the applicant would have to pay for and Mr. Steib clarifies that is what the Ordinance says. Mr. Dougherty questions what roll Mr. Rohmeyer has, in which Mr. Steib explains Mr. Rohmeyer is always at the meetings. Mr. Dougherty is very unclear of the intent and agrees with the concerns that have already been said and thinks it seems excessive. Mr. Hawley agrees and has been against it from the beginning. Mr. Hawley said he has spent several hours reviewing all the information and does not agree with it. Mr. Hawley also points out you cannot legally only require this for Commercial properties. Mrs. Murray states the board has always been able to call in expert witnesses as needed and questions why that can't still be done. Mrs. Murray doesn't believe the applicants should pay for witnesses that aren't even needed. Mr. Krupinski believes that is a great point and this board has always carried an applicant to call in additional witnesses if needed. Mr. Colangelo points out not only would applicants be paying their own professionals, but also paying additional professionals to rebut their own professionals. Mr. McGoldrick states that is his biggest concern with this Ordinance and cannot make sense of the reasoning behind this. Mrs. Murray suggests maybe Mr. Crowley can better explain the reasoning behind the intent of the Ordinance. Mr. Crowley explains the genesis is really from the 7-11 project. At the time, the residents felt the traffic plan submitted by the developer was flawed and was going to create a lot of headaches for us. Many residents at that meeting asked if they could do another survey and were told the board can't order a study to be done on an applicant's testimony. Mr. McGoldrick states the traffic portion was out of the planning board's domain. Mr. Colangelo further explains. Mr. Crowley explains the traffic study in the Ordinance now requires four different reporting times throughout the day. Mr. Colangelo states Mr. Crowley is referring to something that is not even being presented. Mr. Colangelo asks Mr. Crowley to point out where in the Ordinance that is stated, in which Mr. Crowley states that has already been approved by the council. Discussion between Mr. Colangelo and Mr. Crowley continues. Mrs. Murray asks a legal question on formality and Mr. Steib explains. Mr. Pepe is concerned with brining in double experts for applicants requesting minor additions. Mr. Caccamo is concerned with the burden this will cause applicants especially in the steep slope area. Mr. Caccamo explains the average cost of just a survey in the steep slope area is \$1,700.00 and explains calling in additional experts would at a minimum double that.

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Mr. Colangelo feels the base of the Ordinance is from a decision on projects that people were unhappy with and forcing applicants to now pay for additional experts, in hopes those additional experts, will disagree with the applicant's expert witnesses; because they didn't like the decision the board made. Mr. Pepe gave an example of how this would be a financial burden for an applicant who is only requesting relief to build a shed. Mr. Crowley gives an example of how the Ordinance would benefit the board. Mr. Pepe asked Mr. Crowley to explain the criteria of which calling in multiple experts would be necessary. Mr. Crowley asks Mr. Steib to explain. Mr. Pepe asks Mr. Crowley to explain, being that he wrote the Ordinance. Mr. Crowley refers to Mr. Steib to explain. Mr. Colangelo requests Mr. Crowley to explain so the board knows the proposer of the Ordinance has an understanding of it. Mr. Crowley feels they are throwing up a lot of roadblocks that do not exist and would like Mr. Steib to explain. Further discussion between Mr. Colangelo and Mr. Crowley continues. Mr. Colangelo asks if anyone other than Mr. Crowley supports the Ordinance and if not, asks for a motion to object. Mr. Steib clarifies the cost for hiring additional experts would be at the expense of the applicant and gives a detail summary of that requirement in the Ordinance. Discussion continues between the board members regarding the 7-11 traffic study. Mr. Crowley suggests changing the Ordinance for only commercial properties. Mr. Hawley explains that may not be legal. Mr. Crowley asks Mr. Steib to explain. Mr. Steib would need the exact language in front of him to see if it would be legal. Mr. Pepe asks if the only issue is traffic, then why a traffic study can't only be requested. Mr. McGoldrick suggests the council clarify what exactly they would like required, rather than a blanket requirement for every application. Mr. McGoldrick suggested the council state exactly what they would like addressed. Mr. Crowley references another planning board application in which he felt a traffic study should have been required. Discussion continues between Mr. Crowley and Mr. McGoldrick. Mr. Pepe says he feels very strongly about this and feels this is the first piece of paper that has ever been before him on the planning board that is politicking the planning board. Mr. Pepe feels the planning board has never been political and feels his view of the Ordinance is because of the decision on the 7-11 wasn't favored and now the council wants additional experts hired at the tax payer's expense. Mr. Colangelo states Mr. Crowley isn't the only sponsor on this Ordinance. Mr. Crowley thanks Mr. Colangelo and points that out and Councilmen Boracchia also sponsored the Ordinance with him and thanks Mr. McGoldrick for his words as well. Mr. Hawley states there are two options, one to table this Ordinance or two, reject it. Mr. Neff doesn't feel this Ordinance needs anymore discussion after discussing it for months now.

**MR. PEPE MOVES TO REECT ORDINANCE 06-2021 SECOND BY MR. NEFF**

Ayes:               **MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. NEFF, MRS. MURRAY, MR. COLANEGLO,**

Nays: **MR. CORLWEY**

Abstain: **NONE**

Absent: **MR. CROWTHER**

Workshop meeting adjourned at 8:05

**Roll Call       Members Present** – Mr. Dougherty (via zoom), Mr. Crowley (via zoom), Mr. Caccamo (via zoom), Mr. McGoldrick (via zoom), Mr. Pepe (via zoom), Mrs. Murray (via zoom), Mr. Colangelo,

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Mr. Hawley (via zoom), Mr. Josko (via zoom), Mr. Krupinski (via zoom), and Mr. Curry (via zoom), Mr. Neff (via zoom)

**Members absent-** Mr. Crowther

Mr. Crowley announced there was an error in the address of Agenda item #6. The address should be 69 East Lincoln Avenue.

Mr. McGoldrick has connection issues and rejoined the meeting at 8:07

**Approval of Minutes for April 1, 2021 Meeting**

MR. DOUGHERTY MOVED TO APPROVE THE APRIL 1, 2021 MINUTES SECOND BY MRS. MURRAY

Ayes: MR. DOUGHERTY, MR. CROWLEY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MRS. MURRAY, MR. COLANEGLO, MR. JOSKO

Nays: NONE

Abstain: MR. NEFF

Absent: MR. CROWTHER

**Approval of the MARCH 2021 Attorney Voucher in the amount of \$3010.00**

MR. MCGOLDRICK MOVED TO APPROVE THE ATTORNEY VOUCHER IN THE AMOUNT OF \$3010.00 SECOND BY MR. NEFF

Ayes: MR. DOUGHERTY, MR. CROWLEY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANEGLO

Nays: NONE

Abstain: NONE

Absent: MR. CROWTHER

**PB20-27, Block 50, Lot 12, 31 Navesink Avenue (Hildebrandt)- Memorialize Application Granting Approval for Bulk Variance**

MRS. MURRAY MOVED TO APPROVE PB20-27 SECOND BY MR. MCGOLDRICK

Ayes: MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MRS. MURRAY, MR. COLANEGLO, MR. JOSKO, MR. KRUPINSKI

Nays: NONE

Abstain: NONE

Absent: MR. CROWTHER

**PB21-01, Block 66, Lot 9, 69 East Lincoln Avenue (Howe)- Application for Bulk Variance**

Mr. Steib announced that he reviewed service, service is in order and the Board does have jurisdiction to hear this matter. Mr. Steib lists the exhibits as Exhibit A1, which is a zoning review from your zoning officer, Michelle Clark, dated 2/10/21. Exhibit A2, variance application by Robert Howe Jr. dated, 2/21/21. Exhibit A3, survey with topography, prepared by Valley Surveying Inc. dated 9/15/16. Exhibit A4, site plan

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with architectural elevation and floor plans, prepared by CDCR Architects LLC, dated 2/16/21. Exhibit A5, is a completeness technical review #1 from CME Associates, dated 3/19/21. Mr. Steib swears in Robert Howe Jr, 69 East Lincoln Avenue. Mr. Howe explains his current residence and the proposed addition of a larger living room, small extension on the master bedroom and a front porch. Mr. Howe explains he has lived at the residence for 34 years and feels the addition would complement the neighborhood and be similar in kind to the other homes in the area. Mr. Rohmeyer addresses the concerns he has on the CME technical review letter. Mr. Rohmeyer and Mr. Howe review and address all the concerns on the review letter. Mr. Colangelo moves to Board Questions. Mr. Crowley asked Mr. Rohmeyer if he had any concerns with the addition creating issues with the fire dept. Mr. Rohmeyer did not have any concerns. Mr. Colangelo moved to Publish Questions. There were none. Mr. Colangelo moved to Public Comment. There were none. Mr. Colangelo moved to Board Discussion. Mr. Colangelo stated the plans fit well within the neighborhood and thinks it would be a great addition. Mr. Crowley is in favor of the addition. Mr. Neff feels it would be a nice improvement.

MR. DOUGHERTY MOVED TO APPROVE PB21-01 SECOND BY MRS. MURRAY

Ayes: MR. DOUGERTY, MR. CROWLEY, MR. HAWLEY, MR. CACCAMO, MR.  
MCGOLDRICK, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANEGLO

Nays: NONE

Abstain: NONE

Absent: MR. CROWTHER

At 8:25 the board takes a 10 minute break and resumes at 8:35pm.

**PB21-04, Block 105, Lot 4.01, 21 W Lincoln Avenue (Hennessey)- Application for Site Plan**

**Approval and Use Variance**

Mr. Colangelo announces this application does have a D Variance and the class I and III members would have to step down, but reminds Mr. Crowley and Mr. Dougherty to please stay on for executive session. Mr. Steib announced that he reviewed service, service is in order and the Board does have jurisdiction to hear this matter. Mr. Steib lists the exhibits as Exhibit A1, which is a zoning review from your zoning officer, Michelle Clark, dated 3/5/21. Exhibit A2, application for variance by Karen Hennessey, dated 3/23/21. Exhibit A3, a narrative of operations. Exhibit A4, survey prepared by Charles Bell with hand drawn parking spaces and fenced outside areas. Mr. Kevin Kennedy the attorney for the applicant presents the application on behave of Karen Hennessey and CrossFit LLC. Mr. Kennedy explains there is no new construction proposed and is requesting use variance relief and parking relief. Mr. Kennedy explains CrossFit gym as not a typical gym. It is a class driven organization and it would not need the same parking requirement as a regular gym. Mr. Kennedy explains there is a Pharmacy distribution center on the premises currently, and that is not used for retail services. Mr. Kennedy introduces the applicant Karen Hennessey. Mr. Steib swears in Karen Hennessey, 14 Richard Terrace Red Bank, NJ 07701. Ms. Hennessey gives her background and credentials as a CrossFit business owner and explains her intent for the use. Mr. Kennedy and Ms. Hennessey give a detailed report of hours of operation, how classes are scheduled, and the day to day of running a CrossFit gym. Ms. Hennessey explains classes will be limited to a 16 person maximum, no food is served after class and there are no showers on premises. Members do their class and leave immediately out of respect for their other classmates coming into the next class.

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Ms. Hennessey also explains some outdoor activities will be held, such as running down Hennessey Blvd. Very similar to the way she ran her last gym a few doors away. Ms. Hennessey doesn't anticipate a lot of garbage. She has only used the provided two cans in the past, one for garbage and one for recycling. Ms. Hennessey will not be receiving many packages. Ms. Hennessey states she has 18 parking spaces included in her lease and 10 additional space on the Rx side. At her busiest class, there would be 16 members and two coaches, giving them ample parking. Ms. Hennessey also points out many of her members live in town and some don't drive to class. They walk or ride bicycles and some members drive together. Ms. Hennessey said there have never been any complaints at her old gym and this gym will be run the same with minimal noises of music and bar bells heard from outside the facility. Ms. Hennessey explains how hard it has been being out of business for so long and her love for Atlantic Highlands. She said she is very eager to reopen her business and is very hopeful to continue working in town. Mr. Rohmeyer address his concerns in the CME technical review letter. Mr. Rohmeyer and Ms. Hennessey address the concerns. Mr. Hawley points on the construction going on by Hennessey Blvd and suggests a safer outdoor route. Mr. Krupinski suggested adding a bike rack for members. Mr. Colangelo questions the personal training schedule and hours of operation. Ms. Hennessey gives her hours of operation and explains the personal training session are on the off hours of the regular scheduled classes. Mr. McGoldrick questions if any personal training will be provided during class times, in which Ms. Hennessey clarifies there will not. Mr. Colangelo asked if any of the members of the public had questions. There were none. Mr. Kennedy calls in their next witness Mr. Jay Factor. Mr. Steib swears in Mr. Jay Factor, 29 McCarter Avenue Fair Haven, NJ. Mr. Factor is the owner of Reunion Reality. Mr. Factor was a tenant of the property before purchasing it in May of 2021. Mr. Factor explains his current business, Reunion Rx, that is also on the property. Mr. Factor explains his business hours and delivery schedule, as well as the amount of parking his business occupies. Mr. Factor explains he uses a private refuse company and Ms. Hennessey is welcome to use his refuse, as well as his parking spaces that will not be occupied. Mr. Rohmeyer addresses his concerns in the CME review letter, in which Mr. Factor clarifies. Mr. Rohmeyer states three ADA parking stalls would be required, in which Mr. Factor states he will put those in. Mr. Colangelo moves to any board questions. Mr. Neff questioned the schedule of the delivery vehicles, Mr. Factor explains. Mr. Kennedy calls in his next witness, Ms. Christine Cofone. Mr. Steib swears in Christine Cofone, 125 Half Mile Road Red Bank, NJ 07701. Ms. Cofone gives her credentials as a licensed planner and the board approves. Ms. Cofone presented her testimony and reasoning why she feels the board can grant the requested relief. Ms. Cofone points out CrossFit is not a typical gym more of a personal services, which the Ordinance allows in that zone. Ms. Cofone also points out the applicant can successfully run her business with the current parking spaces available and not cause an issue to the area. Mr. Colangelo asks for any Board Questions for the witness. There were none. Mr. Colangelo calls for any Public Questions. There were none. Mr. Kennedy gives his summation and thanks the board for their time hearing the application. Mr. Colangelo moves to Public Comments. Megan Donovan, 6 First Street Matawan, NJ was sworn in by Mr. Steib. Mrs. Donovan explains she is a member of the gym and so is her husband and they, like many other members drive to class together. Mrs. Donovan also points out all members are used to construction and roadwork projects and will be careful in outdoor settings. John Mongelluzzo, 68 Seventh Avenue Atlantic Highlands, was sworn in by Mr. Steib. Mr. Mongelluzzo

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explained he has been a member with Ms. Hennessey for 20 years. He lives in town and walks to class like many other members. He enjoys the small class setting and personal attention that is provided. Mr. Colangelo moves to Board Discussion. Mr. Pepe feels it is a great application and thinks the board should support this business.

MRS. MURRAY MOVED TO APPROVE PB21-04 SECOND BY MR. MCGOLDRICK

Ayes: MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE,  
MRS. MURRAY, MR. COLANEGLO, MR. JOSKO, MR. KRUPINSKI

Nays: NONE

Abstain: NONE

Absent: MR. CROWTHER

MR. MCGOLDRICK MADE A MOTION TO ENTER EXECUTIVE SESSION SECOND BY MRS. MURRAY AT 10:05pm

Workshop meeting resumes at 10:42pm.

MR. CROWLEY MADE A MOTION TO ADJOURN THE WORKSHOP MEETING SECOND BY MR. DOUGHERTY AT 10:44PM.

Kelly Snyder  
Planning Board Secretary