**PLANNING BOARD**

**BOROUGH OF ATLANTIC HIGHLANDS
February 4, 2021**

The Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on February 4, 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: 7:00pm**

**Roll Call** **Members Present** – Mr. Dougherty (via zoom), Mr. Crowley (via zoom), Mr. Hawley (via zoom), Mr. Caccamo (via zoom) , Mr. McGoldrick (via zoom), Mr. Neff (via zoom) Mrs. Murray (via zoom), Mr. Colangelo, Mr. Josko ( via zoom), Mr. Pepe (via zoom), Mr. Krupinski(via zoom), Mr. Curry (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. John Jacob, 61 W Highland Avenue, commented on the application for Fireman’s Field House. Mr. Colangelo points out any comments on a future application will have to be made via e-mail to the planning board secretary or at the meeting the application will be heard at. The planning board cannot take any comments into consideration on an application that is not on the agenda. Mr. Jacobs questions the ownership of the building, in which Mr. Colangelo explains that is not something the planning board members are obligated to know. Being that it is not an application on the agenda, the planning board members have not been given any information to research or review.

**Pending Litigation** – The only pending litigation is regarding the Denholtz track and there is no new development.

**Other Business**:

**Ordinance 02-2021 Storm Water Management.** Mr. Steib informs the board that there are new state regulations that require all municipalities to revise their storm water management plans to comply with new regulations. All towns are directed to comply with adopting new ordinances by March 2021. The new Ordinance has been proposed to the Board. Mr. Steib continues to go over the new Ordinance and suggest Mr. Rohmeyer answer any further questions. Mr. Rohmeyer agrees with Mr. Steib, the draft Ordinance has been presented to the Monmouth County Planning Dept for a consistency determination and has given the Borough a green light to introduce it.

Mr. Colangelo moves to Board Questions/ Comments. Mr. Crowley questions if there is anything important to pass along to the residents. Mr. Rohmeyer explains it will not affect residential single family

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homes, more on the commercial level and larger sites. Mr. McGoldrick addresses the last sentence that Mr. Steib referenced “may” and agrees that it should read “shall”. Mr. Colangelo points out that that was Mr. Steib’s suggestion to change “may” to “shall”. Mr. McGoldrick agrees. Mrs. Murray questions if this will take effect in March. Mr. Rohmeyer confirms it will. Mrs. Murray questions if anyone is grandfathered in. Mr. Rohmeyer confirms new regulations would apply to new applications. Mr. Steib explains further the laws on application time and when new regulations would apply. Mr. Neff questions if the Ordinance is a model from the DEP or State, Mr. Steib confirms that is correct. Mr. Neff then states that most municipalities would then be following this and Mr. Steib agrees, that is probably the case. Mr. Steib states this mirrors the state regulations.

MRS. MURRAY MOVED TO SEND THE ORDIANCE BACK TO THE COUNCIL SECOND BY MR. MR. DOUGHERTY

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

Nays: NONE

Abstain: NONE

Absent: NONE

**Ordinance 04-2021 Borough Code/150-19 Escrow Deposit and Application Fees**

Mr. Colangelo explains the Ordinance and asks Mr. Steib to explain his memorandums. Mr. Steib addresses all the concerns he has with the Ordinance as well as the potential issues. Mr. Steib would like the board to have the flexibility they need. Mr. Steib believes that if the board feels they need to call in an expert, they should have that option. Mr. Steib believes the language is limiting what the board engineer is recommending. Mr. Steib feels this is really handcuffing what the board members are able to do. Mr. Colangelo references back to the December meeting, where the board felt the Ordinance didn’t have enough detail. Mr. Colangelo feels the more detail that was added is now creating more of a liability to the board members or as Mr. Steib said “handcuffing the board”. Mr. Pepe questions how this would mechanically work. When an application comes in, who is making these decisions to get another professional involved? Mr. Steib clarifies. Mr. Colangelo references a past board member, how they would request additional information and the applicant would comply. Mr. Pepe questions who makes the determination another professional is needed and whom it would be. Mr. Hawley replies, the board would. Mr. Hawley states that this is all in the Borough Ordinance and changing this would tie the board members hands. Mr. Pepe read a statement he would like in place, in which Mr. Colangelo replied that the Board already has that availability. Mr. Pepe questions what are the applicants concerned about, in which Mr. Steib explains the statement saying “significant change” that it leaves an open argument as to what is significant. If the planning board members feel an outside professional is necessary this gives the applicant a way to challenge that. Mr. Hawley questions where this is all being generated from, who is driving this bus? Mr. Colangelo doesn’t feel it is important where it came from. Mrs. Murray feels it is important and questions what committee wrote this Ordinance and who is on this committee. Mrs. Murray states they are requiring the board members to do something they haven’t done themselves. Mrs. Murray questions if such committee has reached out to Mr. Steib, in which Mr. Steib replies they have not, but they are not required to. Mrs. Murray would like to know who is on this committee, who wrote this ordinance and questions if Mr.

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Crowley can explain. Mr. Crowley replies there are about 5 different land use attorneys who have looked at this. Mrs. Murray questions if they were hired and payed by the council, in which Mr. Crowley responds it’s neither here nor there. Mrs. Murray states it is here nor there, and questions why said professionals never reached out to Mr. Steib, who is the board attorney. Mrs. Murray would like the names of the attorneys who helped write the Ordinance. Mr. Crowley states he isn’t prepared to give the professionals names. Mrs. Murray states this is insulting and embarrassing and that it isn’t even written politically correct. Mr. Colangelo feels this Ordinance isn’t helpful to the board, and causes risk to the board. Mr. Colangelo asks if any board members support this Ordinance. Mr. Pepe questions the concern that this Ordinance is trying to address. Mr. Crowley explains. Mr. Colangelo points out Mr. Steib has concerns, and that he’s not requesting a change in language. Mr. Crowley further explains the reason the Mayor and Council wrote the new Ordinance. Mr. Colangelo explains the process of Ordinance approval and consistency review. Mrs. Murray suggests Mr. Steib meet with this committee and go over any concerns they have. Mr. Steib replies he would be happy to. Mr. Crowley has no problem reaching out to Mr. Steib. Mrs. Murray would like a revised Ordinance the planning board members can use, that isn’t going to tie their hands. Mr. Crowley will take all comments into consideration and will speak to Mr. Steib.

MR. HAWLEY MOVED TO REJECT ORDINANCE 04-2021 SECOND BY MR. MR. MCGOLDRICK

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

Nays: MR. CROWLEY

Abstain: NONE

Absent: NONE

Mr. Neff questions the article from the planner. Mr. Colangelo explains the council will take care of it and send it to the Planning Board for review. Mr. Neff questions if the annual report will be on the next agenda, in which Mr. Colangelo replies they are planning to have it on the next agenda. Mr. Neff asks if the Planning Board Secretary can send out papers using two sides to save some trees and expense of paper. Mrs. Clark said it is possible, as well as going back to flash drives with all the material on those. Mr. Colangelo announces if any member would like their packet delivered via flash drive to let Mrs. Snyder know.

Mr. Colangelo mentions over the past 14 months the board has had to have special meetings to accommodate all the applications and on behalf of the Administrator and Board Secretary, Mr. Colangelo would like to thank the members for their time and dedication. Mr. Colangelo goes on to explain we are not trying to overwhelm the volunteer members and appreciates their time.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:57 PM.

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

 **Members absent**- Mr. Crowther

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**Approval of Minutes for January 7, 2021 Meeting**

MR. NEFF MOVED TO APPROVE THE JANUARY 7, 2021 MINUTES SECOND BY MR. MCGOLDRICK

Ayes: MR. DOUGHERTY, MR. CROWLEY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. COLANEGLO, MR. JOSKO

Nays: NONE

Abstain: MRS. MURRAY

Absent: MR. CROWTHER

**Approval of the December 2021 Attorney Voucher in the amount of $3645.00**

MR. MCGOLDRICK MOVED TO APPROVE THE ATTORNEY VOUCHER IN THE AMOUNT OF $3645.00 SECOND BY MR. HAWLEY

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

Mr. Crowther joins the meeting at 8:00pm.

**PB20-19, Block 9, Lot 5.03, 254 E Highland Avenue (Jasontek/Zilincar) - Application for Bulk Variances.** Mr. Steib announces the application will be carried to the 3/4/21 with proper noticing.

**PB20-18 Block 61, Lot 4, 87 Memorial Parkway (Zlata/Clancy) - Application for variance.** Mr. Steib announces the application will be carried to 3/4/21 with no re-notice required.

**PB20-03 Block 37, Lots 16 & 17, 144-146 Wesley Avenue (Evergreen Builders/Hoffman)-Application for Minor Subdivision, Lot Line Adjustment.** Mr. Steib announces the application has been carried for several months and the applicant was given another opportunity to be carried last month with the proper noticing. The applicant failed to notice and Mr. Steib gives the board the option to carry the application to next month’s meeting or dismiss the application without prejudice.

MR. HAWLEY MOVES TO DISMISS THE APPLICATION WITHOUT PREJUDICE SECOND BY MR. DOUGHERTY

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

Nays: NONE

Abstain: MR. CROWLEY, MR. COLANGELO, MR. CROWTHER

Absent: NONE

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**PB20-13 Block 97, Lots 28, 31 Second Avenue (Niles) – Memorialize Resolution Granting Approval for Bulk Variance**

MR. NEFF MOVED TO APPROVE PB20-13 SECOND BY MR. MCGOLDRICK

Ayes: MR. DOUGHERTY, MR. CROWLEY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. COLANGELO, MR. CROWTHER, MR. JOSKO

Nays: NONE

Abstain: NONE

Absent: NONE

8:05 The Board Members take a break.

8:15 Meeting resumes.

**Mother Teresa Redevelopment Plan Map and Statement, Block 139, Lot 5, 55 South Avenue**

Mr. Steib explains in 2019 the council sent to the planning board to do a preliminary investigation to see if Mother Teresa School is a non-condemnation redevelopment area. The board then engaged Thomas Planning Associates LLC to preform that investigation, which has now been performed and it is now time to send that to the council for further review. The board has to adopt a study area map and statement and form a resolution to present to the governing body.

MR. CROWLEY MOVED TO APPROVE THE MOTHER TERESA REDEVELOPMENT PLAN MAP SECOND BY MRS. MURRAY

Ayes: MR. DOUGHERTY, MR. CROWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANGELO, MR. CROWTHER

Nays: NONE

Abstain: MR. HAWLEY

Absent: NONE

**PB20-22 Block 89, Lot 1.021, 37 East Washington Avenue- Washington Associates-Application for Site Plan Approval**

Mr. Steib announced that he reviewed service, service is in order and the Board does have jurisdiction to hear this matter. Mr. Steib notes, one address on the certified list had a post office box and a property address. The applicant did notice to the property address and has the green certified receipt. Mr. Steib listed the exhibits which the Board has received to date. Exhibit A-1, zoning review, prepared by Michelle Clark, dated 11/2/2020. Exhibit A2, application for variance, dated 12/23/2020. Exhibit A3, are architectural interior renovation plans, prepared by Settembrino Architects, dated 10/16/21, revised 12/18/20. Exhibit A4, is a minor site plan prepared by Jaclyn Flore, professional engineer/professional planner, dated 12/18/20. Exhibit A5, is a professional report prepared by Avakian Engineers, dated 1/21/21. Exhibit A6, is a drainage statement, prepared by Ingenuity Info Structure, dated 12/18/20. Exhibit A7, is a custom soil resource report from The US Department of Agriculture Natural Resources Conservation Service, dated 11/19/20. Mr. Steib is aware of some new exhibits provided late this afternoon that the applicant will be sharing and they will be labeled accordingly. Mr. Colangelo announces there is a conflict Engineer, Peter Avakian. CME Associates has a conflict with the

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application. Mr. Steib announces this is a “D” Variance and the class I and II members are not eligible to vote. Mr. Asadi explains the change of use would be from a doctor’s office to an architect’s office. Mr. Asadi gives a detailed report of the proposed plan of the building. Mr. Asadi calls in Mr. Kevin

Settembrino as a witness. Mr. Steib swears in Kevin Settembrino, 25 Bridge Avenue Suite 201 Red Bank, NJ. Mr. Settembrino explains his education and experience. Mr. Settembrino explains the current building on the property and references the Architectural Floor Plans. Mr. Steib labels that as Exhibit A8. Mr. Avakian explains the proposed plans are the exact same dimensions. Mr. Colangelo clarifies the building will remain 3 units and just reconfiguring the units. Mr. Settembrino confirms that is correct. Mr. Josko questions parking. Mr. Settembrino asks Mr. Avakian to display the parking plan. Mr. Steib names this Exhibit A9, a colorized version of the Architectural Plan/ Construction Plan. Mr. Settembrino explained the proposed parking plan. It has a total of 8 spaces, three more than what exists now. Mr. Settembrino references photos looking north of East Washington Avenue, which Mr. Steib labels Exhibit A10.

Mr. Settembrino goes over the detached garage, Exhibit A11. Mr. Settembrino wanted to keep with the current building design, so it doesn’t look out of place. Mr. Colangelo asks Mr. Avakian if any clarification is needed before going to Board Questions. Mr. Avakian explains the plans reviewed for the garage did not have dimensions but do comply. Mr. Avakian looked at two separate aerial views and confirmed available street parking during the day time. Mrs. Murray questions the apron of the driveway. Mr. Avakian explains. Mrs. Murray questions AC units, in which Mr. Avakian confirms location and that they will be kept out of view. Mr. Colangelo points out the setbacks and confirms the AC units would be within the setback. Mr. Settembrino confirms they would. Mr. Neff questions if the parking spaces would be assigned for tenants and guests, in which Mr. Settembrino states two spaces would be reserved for tenants and guests. Mr. Asadi continues to explain how trash would be handled, hours of operation and handicap parking. Mr. Colangelo moves to Board Questions. Mr. Colangelo questions signage. Mr. Settembrino confirms there will be a sign under the porch area with no flashing lights. Mr. Colangelo moves to Public questions. There were none. Mr. Asadi called in Jacqueline Flore, a professional engineer. Mr. Steib swear in Jaclyn Flore, 2 Bridge Avenue Suite 233 Red Bank, NJ. Mrs. Flore listed her credentials and the board approved. Mrs. Flore gives testimony on the site plan she provided and addresses concerns on the Avakian review letter. Mr. Avakian summarizes variances and design waivers requested. Mr. Steib swears in Mr. Peter Avakian, the municipal engineer. Mr. Colangelo asks for any Board Questions. Mr. Curry questions the height of the hedges on the sides of the driveway. Mr. Curry is concerned with children walking on the sidewalk. Mrs. Flore gives the height of the proposed hedges and will show sight triangle to alleviate any concerns with safety.

Mr. Colangelo moves to Public Questions. Lori Brecki, 36 East Lincoln Avenue, states she does get water runoff from that property and requests that to be taken into consideration. Mrs. Flore states they will take care of this with dry well and mulch. Mr. Avakian calls in Justin Auciello, a professional planner, 125 Half Mile Road Red Bank, NJ 07701. Mr. Auciello list his credentials and the board approved. Mr. Auciello provides his testimony.

Mr. Colangelo moves to Board Questions. There were none.

Mr. Colangelo moves to Public Questions. There were none.

Mr. Colangelo moves to Public Comments. There were none.

Mr. Asadi gives his summation.

Mr. Colangelo moves to Board Discussion. Mrs. Murray questions the dry well in the back and asked if there are any other options. Mrs. Flore addresses the other options.

MR. PEPE MOVED TO APPROVE PB20-22 SECOND BY MR. NEFF

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Ayes: MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MRS. MURRAY, MR. COLANGELO, MR. CROWTHER, MR. JOSKO

Nays: NONE

Abstain: NONE

Absent: NONE

The Board takes a break at 9:53

Meeting continues at 9:58

**PB20-20 Block 81, Lot 10, 42 Asbury Avenue-(Lordo)-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 listed the exhibits which the Board has received to date. Exhibit A-1, zoning denial from your zoning officer Michelle Clark, dated 11/5/20. Exhibit A2, is a variance application of

Bonnie and Gerard Lordo, dated 10/8/20. Exhibit A3, a plan survey prepared by Senica Survey and Company, dated 12/9/16. Exhibit A4, review #1 from your Engineer CME Associates, dated 12/18/20. Mr. Steib swears in Bonnie Lordo, 42 Asbury Avenue Atlantic Highlands, NJ. Mrs. Lordo explains they are hoping to install a generator on the side of their home. The location of the existing AC unit is on that side as well. Mr. Steib explains the only place to install the generator to conform would be on the opposite side of the property and questions if Mrs. Lordo is proposing to install the generator on the side with the AC unit for optimal functioning of the generator. Mrs. Lordo confirms that is correct. Mr. Rohmeyer questions if the proposed generator is a gas fuel system. Mrs. Lordo confirms it is. Mr. Rohmeyer questions where the gas will come from, in which Mrs. Lordo states it will come from the home. Mr. Rohmeyer questions if the generator is close to the electrical panel, in which Mrs. Lordo confirms it is. Mr. Rohmeyer questions the dimensions of the generator, in which Mrs. Lordo explains. Mr. Colangelo moves to Board Questions. Mrs. Murray questions if the arrow in the plan is a new AC unit being proposed. Mrs. Lordo clarifies the arrow on the plan is pointing to the current AC unit. No new unit is being proposed. Mr. Crowley questions why the applicant would like to move the generator from the driveway, in which Mrs. Lordo states the generator is in the driveway waiting to be installed.

Mr. Colangelo moves to Public Questions. There were none.

Mr. Colangelo moves to Public Comments. There were none.

Mr. Colangelo moves to Board Discussion. Mr. Crowley questions if there would be any fire concern with the space of the generator, in which Mr. Hawley explains that would all go through the construction permit process.

MRS. MURRAY MOVED TO APPROVE PB20-20 SECOND BY MR. MCGOLDRICK

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

Nays: NONE

Abstain: NONE

Absent: NONE

The regular meeting adjourned at 10:08pm.