

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
Workshop Meeting
June 3, 2021**

The Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on June 3rd, 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. Hawley (via zoom), Mr. Caccamo (via Zoom), Mr. McGoldrick (via Zoom), Mr. Neff (via zoom), Mrs. Murray (via zoom), Mr. Colangelo, Mr. Crowther (via Zoom), Mr. Krupinski (via zoom), and Mr. Curry (via zoom)

Members absent- Mr. Pepe (excused), Mr. Josko (excused)

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 the only pending litigation is the Moller litigation and that has a case management scheduled for June 9, 2021.

Other Business: Mr. Neff questioned Mr. Crowley if the council has made a decision on how to handle the recreational cannabis legislation. Will it be approved in town or not, and if it is approved; will it go by our zones and what is allowed in various zones, or will there be special zoning required? Councilman Crowley responded that there was a workshop meeting last week presenting both sides of the argument. Although Mr. Crowley was not able to attend that meeting, he stated the council has not taken a stand one way or another and he imagines before August the council will meet and have another public discussion about it. The results will be relayed to this Board after a decision has been made.

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. Crowther (via Zoom), Mr. Krupinski (via zoom), and Mr. Curry (via zoom)

Members absent- Mr. Pepe (excused), Mr. Josko (excused)

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Approval of Minutes for May 18, 2021 Meeting

MR. CROWLEY MADE A MOTION TO APPROVE THE MINUTES FROM MAY 18, 2021 SECOND BY MR. NEFF

Ayes: MR. CROWLEY, MR. HAWLEY, MR. CACCAMO, MR. NEFF, MRS. MURRAY, MR. COLANGELO, MR. KRUPINSKI

Nays: NONE

Abstain: MR. DOUGHERTY, MR. MCGOLDRICK, MR. CROWTHER

Absent: MR. PEPE, MR. JOSKO

PB20-21, Block 9, Lot 1, 321 Ocean Blvd (Ginsburg)-Memorialize Application for Bulk Variance

MR. HAWLEY MADE A MOTION TO APPROVE PB20-21, SECOND BY MRS. MURRAY

Ayes: MR. HAWLEY, MR. CACCAMO, MR. NEFF, MRS. MURRAY, MR. COLANGELO, MR. KRUPINSKI, MR. CURRY

Nays: NONE

Abstain: NONE

Absent: MR. PEPE, MR. JOSKO

PB20-26, Block 48, Lot 11, 15 Simpson Avenue (Torres) - Memorialize Application Dismissing Without Prejudice

MRS. MURRAY MADE A MOTION TO DISMISS WITHOUT PREJUDICE PB20-26, SECOND BY MR. DOUGHERTY

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

Nays: NONE

Abstain: NONE

Absent: MR. PEPE, MR. JOSKO

PB20-16, Block 87, Lot 5, 30 Asbury Avenue (Manigrasso) - 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, Application for development permit by Michael Manigrasso, dated 5/5/2020. Exhibit A2, is a zoning denial from Michelle Clark, dated 5/12/20. Exhibit A3, Application for Variance, dated 7/2/20. Exhibit A4, is a survey prepared by Richard A Stockton, dated 8/5/19. Exhibit A5, are architectural elevation and floor plans, prepared by Michelle DeSalvo, dated 6/1/20 revised through 1/12/21. Exhibit A6, is a completeness review letter #1 from CME and Assoc. dated 9/10/20. Exhibit A7, is a variance plan prepared by Richard A. Stockton, dated 10/6/20 revised through 4/5/21. Exhibit A8, A-D are a series of four photographs of the existing residence. Exhibit A9, review #2 from CME Associates dated 4/18/21. Mr. Steib swears in Michael Manigrasso, 30 Asbury Avenue. Ms. Manigrasso explains the application is for an addition off the rear of the existing home. There will be no changes to the front or side of the home. The home was built in 1910 and Ms. Manigrasso states she is looking to modernize the existing home and convert the covered porch into a larger living space. Mr. Rohmeyer questions the existing bedrooms and proposed. Ms. Manigrasso states there are three bedrooms and three bedrooms are proposed. Mr. Rohmeyer questions if the driveway is

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functional and can house two cars, and Ms. Manigrasso confirms it can. Mr. Rohmeyer questions if the garage will be removed and Ms. Manigrasso explains there was an error on the plans. The garage proposed to be removed was her neighbors behind her home, not her garage. Mr. Rohmeyer confirms the garage is not habitual space, Ms. Manigrasso confirms it is not. Mr. Rohmeyer questions where the storm water will shed, and Ms. Manigrasso explains it will shed down the current gutters and no run off will be directed toward the neighbors. Mr. Rohmeyer questions if any service walk will be added to the driveway, and Ms. Manigrasso explains. 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. Ms. Manigrasso states she is looking forward to moving home and hopes the Board will grant approval. Mr. Colangelo moves to Board Discussion. Mr. Crowley questions Mr. Rohmeyer if the application is still good for egress and ingress for emergency crews in the event there was a problem. Mr. Rohmeyer believes there would be no issues. Mr. Colangelo feels it doesn't affect the way the street looks and the application looks reasonable. Mr. Dougherty agrees and feels it will greatly improve the neighborhood.

MR. DOUGHERTY MOVED TO APPROVE PB20-16, SECOND BY MRS. MURRAY

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

Nays: NONE

Abstain: NONE

Absent: MR. PEPE, MR. JOSKO

PB18-06, Block 142, Lot 5, 17 Avenue D (Denholtz) – Continuation hearing of application to consider revised major subdivision plan as proposed for settlement of litigation pursuant to the principles and procedures set forth in the case of Whispering Woods v. Middletown Township, 220 N.J. Super. 161 (Law Div. 1987). The applicant proposes a seventeen (17) lot major subdivision with sixteen (16) single-family residential lots and one (1) Open Space lot. Variances required for lot frontage and building height.

Mr. Steib explains that all parties have come to a settlement agreement with some revisions to the plan. The application is before this board to see if the board agrees that the settlement agreement should be approved. Mr. Steib explains what a Whispering Woods hearing is. 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 new exhibits as WW1, preliminary and final major subdivision plan, prepared by Kennedy Consulting Engineers dated, 3/26/18 revised 5/13/21. WW2, Stormwater Management and Engineering report, prepared by Kennedy Consulting Engineers, dated 6/25/19 revised 1/21/21. Exhibit WW3, color rendered 16 residential lots sub division rendering, prepared by Kennedy Consulting Engineer dated, 6/3/21. Exhibit WW4, is technical review #5 from CME Associates, dated 6/2/21. The board has also received a revised settlement agreement. Mr. Steib confirms with each party that the settlement agreement is in fact the settlement agreement that the parties have agreed to and the signatures are genuine. All parties agreed.

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Mr. Steib marks the settlement agreement as WW5. Mr. Giunco, the attorney for the applicant explains the history of the application and the variances requested. Mr. Giunco explains the application is in front of the board tonight to review the settlement agreement and states there were several conditions and modifications. One being each individual lot was reduced in size and the open space lot was made larger. There were additional modifications in the settlement agreement in which Mr. Giunco summarized as:

1. Removal on the onsite sanitary pump station.
2. Relocation of the existing waterfront bulkhead.
3. Provision of public and pedestrian access to the waterfront bulkhead.
4. Provision of deed restricted buffer areas on the single family lots.
5. Other modification to the internal roadways, drainage facility, utility infrastructure, sidewalk, signage, fencing, lighting, landscaping and other improvements all to reflect the reduced size of the lots.

There are further conditions that during the settlement discussion were brought in with regard to the open space. The open space will be dedicated to the Borough and the Borough has accepted the lot as open space. The open space is subject to some restrictive covenants which are; day time gatherings permitted until one half hour after sun down, no amplified music unless permitted by the Borough, no storage of boats, watercraft or equipment, the Borough of Atlantic Highlands accepts the maintenance obligation, and no parking of motor vehicles within the site. Mr. Giunco states the applicant is seeking two variances. One for the frontage requirement and the second for Building Height. Mr. Giunco explains the reasoning for the requested variances. Mr. Giunco announced he has two expert witnesses. Mr. Steib swears in James Kennedy, 211 Maple Avenue Red Bank. Mr. Kennedy gives his credentials as a licensed Engineer and the board approves. Mr. Kennedy states he is familiar with the site and also the settlement agreement. Mr. Kennedy references a color rendering and gives a full explanation of the proposed plan. Mr. Rohmeyer goes over all his concerns from his technical review letter. Mr. Colangelo moves to Board Questions. Mrs. Murray questioned if the manhole is within the setback. Mr. Kennedy explains. Mr. Crowley questions if the homes will be equipped with backup generators. Mr. Kennedy states that at this time the homes have not been designed and right now he does not know. Mr. Crowley questions the location of the fencing. Mr. Kennedy explains. Mr. Crowley questions the building height and where the filling would be. Mr. Kennedy explains. Mr. Crowley questions if there is a plan to put an ADA ramp at the end of Avenue D. Mr. Kennedy states the applicant will not be installing an ADA ramp, that would be the decision of the Borough and also states the code of New Jersey requires one ADA ramp; in which the applicant is providing on the other side. Mr. Crowley is very concerned if someone is having a medical emergency and the response accessibility is compromised. Mr. Crowley also questioned if the Borough takes responsibility for the sewage line, and where the locations to run the line would be. Mr. Kennedy explains the different options. Mr. Dougherty questions if the concrete walkway is street level by Avenue D and what is the topography of that intersection there. Mr. Kennedy explains.

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Mr. Colangelo moves to Public Questions. James Krauss, 77 Bayside Drive questioned the difference between the concrete walk and Avenue D and if there is any plan for a fence or any structure along the actual boundary line. Mr. Kennedy explains. Val Barradale, 3 Harbor View Drive, questioned if the grade level will be higher than Harbor View Drive in which Mr. Kennedy stated it will not. Larry Goldberg, 85 South Avenue, asked for clarification on the curfew rule for the open space. Mr. Kennedy explained the curfew is one half hour after sundown. Ashley Crus, 124 Wesley Avenue, questioned the storm water runoff. Mr. Kennedy explained. Mark Fisher, 91 Third Avenue questioned the width of the roadway, the material of the walkway, and if there will be sidewalks in front of the plots. Mr. Fisher also questioned if access to the east was ever considered and also questions the deed restriction and what is permitted in that area. Mr. Kennedy explained.

The Board takes a break at 8:44.
Meeting Resumes at 8:54

Sarah Calaserdo, 20 E Highland Avenue, questioned what options were explored for access at Avenue D. Mr. Kennedy explained the different options explored were a barrier free walkway along Avenue D. Mr. Neff questioned if the stairway going down by lot 4.8 is accessible to the open space area. Mr. Kennedy stated it is accessible. Bob Scherfen, 55 Avenue D questioned the public walkway access and the bulkhead material being used. Mr. Kennedys stated the material has not been determined yet. Morgan Spicer, 6 Victorian Woods Drive questioned if every house is proposed to look the same. Mr. Kennedy stated they will be similar, but not exact. Dan Sutton, 120 Center Avenue questioned why the water side looks developed and the other side does not. Mr. Kennedy explained that area is up to the Borough to design. Mike Scherfen, 55 Avenue D, questioned how long the project will take. Mr. Kennedy stated it depends on the rate of sale, however; each home will take about 7-12 months. Zack Brown, Victorian Woods Drive questioned why the staircase isn't ADA compliant. Mr. Kennedy stated it does not have to be, and that there is an ADA compliant access on the other side. Elizabeth Wheeler, 113 Bay Avenue questioned during negotiation was open space ever proposed along Avenue D. Mr. Kennedy explains open space was proposed at Avenue D in the original plan. Seeing no more questions, Mr. Colangelo closes the question period. Mr. Giunco calls his next expert witness, Andrew Janiw. Mr. Steib swears in Andrew Janiw, 315 Highway 34 Colts Neck. Mr. Janiw gives his credentials as a licensed planner and the board approves. Mr. Janiw gives an overview of the proposed requested variances. Mr. Janiw feels the benefits outweigh the negative and the application meets the criteria for approval. Mr. Colangelo moves to Board Questions. There were none. Mr. Colangelo moves to Public Questions. There were none. Mr. Colangelo moves to Public Comments. Mark Fisher, was sworn in by Mr. Steib. Mr. Fisher would like to confirm all new members have listen to the tapes and have signed affidavits. Mr. Steib confirms Mr. Crowley, Mr. Dougherty, Mr. Curry and Mr. Krupinski have signed certifications. Mr. Fisher comments on the sewage system and questions if there will be a performance bond for the project. Mr. Steib confirms that is a condition of approval and will be in the resolution. Mr. Fisher feels an access at Avenue D is very important and feels very strongly that asking our volunteers to take a gurney that far, in a medical emergency is unreasonable. Mr. Fisher feels that if the access at Avenue D isn't installed the

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application should not be approved. Mr. Fisher suggested a grant or having the applicant pay for the access to be installed at Avenue D. Mike Harmon – 33 Bonnie Brae Path, Atlantic Highlands was sworn in by Mr. Steib. Mr. Harmon believes the modified plan is excellent. Mr. Harmon considers the gift of the 2.6 open space and waterfront acres, plus waterfront access to the people of Atlantic Highlands as admirable and good for all concerned including the park, the sailing club and Hobie Club plus all those existing and new residents who will use that open space and beach in the future. The variances are reasonable requests considering the benefits accruing to the town, park and Hobie Cat Club. In the view of many, the most important concern has been whether the Hobie Club's future and sailing programs will be jeopardized by the potential housing next door. It seemed inevitable that the new neighbors might complain about fires, bands, hours of use, parking issues and noise from the Hobie Club fleet. On that issue, for years some have suggested cluster housing, conditional use ideas, rezoning, relaxed setbacks and an open space planted buffer. Mr. Harmon served on the Planning Board for 10 years and this site is unusual, but the boatyard was compatible with the Hobie Club. Just like moving next to the harbor or bike trail, it is important that new residents are aware of existing park and club use. Mr. Harmon gives the McConnell's and Denholtz Properties a lot of credit for tenacity and sticking with Atlantic Highlands for the last four years. The McConnell property has been a "political football" for many years. There have been many developers that came and left over the last 30 years due to the potential pollution from the former tank farm, town discussions to preserve the entire site or the area west of the existing wall by willing seller and/or eminent domain. Then major litigation over COAH issues. Finally, a 13 year interruption, when a restraint of land order issued by COAH in 2006 that made the town purchase and preservation of any portion of the property illegal and this restraint was in place until 2019. The 2006 Restraint of land (5-1716) recognized that the "...Borough has taken affirmative steps to preserve open space for many years and has specifically targeted the McConnell tract since at least 2000. However, COAH granted the developer "...motion for emergent relief and restrains the Borough from purchasing, condemning or taking any other irreversible action with regard to the condemnation of the McConnell tract..." So in 2006, COAH effectively stopped any effort to preserve any portion of the McConnell property and believe it or not this restraint was left in place for 13 years. Mr. Harmon imagines that Denholtz Properties have incurred hundreds of thousands of dollars for planning, engineering, legal fees, interest costs. He thought the developer request in 2018 for a "residential overlay" was very reasonable and show a willingness to compromise. And there have thousands of hours - over many years - put in by people attending local and county meetings concerned about our kid's sailing program, the Hobie Cat Club and the town's waterfront way of life. Mr. Harmon applauded the willingness of the town, Neighbors for Waterfront Preservation and Developer to enter into a Whispering Woods agreement. Shared goals, flexibility and compromise can go a long way. Atlantic Highlands is worth the effort. The final plan provides a sufficient buffer and reasonable deed restrictions to the deeded open space that will become part of the town park that should help greatly reduce the conflicts that might come from housing next to an active park and sailing program. The Hobie Cat Club who pays the town \$43,000 per year rent and our children's Sailing Programs will have to adapt a bit but overall the plan is excellent for the entire town and our children. James Krauss, 77 Bayside Drive, was sworn in by Mr. Steib. Mr. Krauss thanks all three parties for coming to this agreement, especially Mr. Denholtz. Mr. Krauss wishes the entire project could have been dedicated to open space, but feels they were granted the best part all along the water. Mr. Krauss stated he asked a lot of questions about the northern border. Mr. Krauss has a lot of experience in this and feels the rules should be clear to the public and residents. Mr. Krauss feels the split

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fence is a good option. Mr. Krauss also commented on the access at Avenue D and completely agrees with Mr. Fisher. Mr. Krauss feels there will be parking issues if there is no access there. In terms of expense, compared to the money being spent on the project, to think this would create a big expense is ludicrous. Richard Busek, 113 Bay Avenue was sworn in by Mr. Steib. Mr. Busek applauded the efforts of all parties and his only concerns are the increased traffic and construction going on for a long period of time. Joshua Leinsdorf, 60 Bayside Drive, was sworn in by Mr. Steib. Two years ago, Mr. Leinsdorf stated he was running for mayor and went door to door and everyone was in favor of the project. Mr. Leinsdorf questioned if this plan was really much better and feels it would raise the cost of housing significantly, but likes the plan and feels it's great. Mr. Leinsdorf has been walking the area frequently with his wife and has never seen another person walking in this area. Mr. Leinsdorf feels it's an excellent plan and should be approved. Blake Deakin, 307 Ocean Blvd, was sworn in by Mr. Steib. Mr. Deakin feels it's a great plan and should be approved based on the condition of the access at Avenue D. Mr. Giunco gives his summation. Mr. Giunco states his client made significant concessions. The prior application was submitted with no variances and now is only requiring variances for the open space area. Mr. Giunco feels all the issues brought here tonight were carefully analyzed during the settlement process. Mr. Giunco feels this project will benefit many people, including the Borough. Mr. Giunco is hopeful and encourages the board to approve the application. Mr. Colangelo moves to board discussion. Mr. Crowley believes there needs to be an ADA ramp at Avenue D. Mr. Crowley is very worried about someone having a medical emergency and crews not being able to get to them. Mr. Crowley would like added in the memorialization the ADA access be installed and continue the walkway straight down and end at the parking lot of the soccer field. Mr. Crowley thanks Mr. Denholtz and Mr. Giunco for their efforts. Mr. Colangelo states he is concerned that people would park at the end of Avenue D and residents living at Bay Avenue and Harborview Drive would be effected by it. Mr. Colangelo feels if the Borough would like to install the access at Avenue D, it should be their decision. Mr. Crowley believes there is a fence at Avenue D because of the steepness of the bulkhead and rocks. Mr. Colangelo clarified what he was referring to, not the area Mr. Crowley is referencing. Mr. Colangelo further explains the Borough did not propose an access at Avenue D and being that they are responsible for maintaining it, the board should allow them to decide if they would like to add it or not. Mr. Hawley pointed out adding that access would be right across the street of the neighbor's driveway and garage and would cut access for that homeowner. Mr. Hawley also pointed out emergency personnel have the equipment to address an emergency and they do that at Lenape Woods and the Henry Hudson trail and the Municipal Harbor. Mr. Colangelo states they have a Polaris. Mr. McGoldrick asks Mr. Crowley why the Borough would want to have anything to do with the bulkhead and promenade with such limited ADA access. Mr. Crowley thinks everyone on the council has been very clear about wanting to maintain this open space on the water. Mr. McGoldrick states that is his point, the area of the bulkhead seems to be a huge benefit for the potential homeowner of this development and can't see why the Borough would want to maintain a bulkhead that would be difficult for someone with mobility, but even a resident with a baby carriage would be effected. If a storm damage the bulkhead that would be extremely expensive. Mr. Dougherty lives in that neighborhood and is very familiar and feels if he had to walk through a development to get to that area he would be less likely to use it. Mr. McGoldrick refers to Mr. Hawley's comment of the neighbor's driveway and garage and suggested the Borough not take responsibility for the bulkhead. Mr. Colangelo points out we are dealing with a settlement that has already been reached and going back to change that portion would be an issue and asks Mr. Steib what would happen. Mr. Steib states changing the settlement agreement would put the board back in superior court. Mr. Colangelo agrees with Mr. McGoldrick, however, taking that portion out would null the settlement. Mr. Colangelo further explains the settlement. Mr. McGoldrick questions the Borough's involvement in the settlement. Mr. Crowley

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explains the council reviewed it and felt it was a good deal. Further discussion continues. Mr. Colangelo questions the building height. Mr. Kennedy explains. Mr. Steib will incorporate the height in the memorialization.

MR. HAWLEY MOVED TO APPROVE PB18-06, SECOND BY MRS. MURRAY

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

Nays: MR. CROWLEY

Abstain: NONE

Absent: MR. PEPE, MR. JOSKO

Mr. Colangelo thanked all previous planning board members and new members for their time and dedication on this application.

MR. CROWLEY MADE A MOTION TO ADJOURN THE MEETING, SECOND BY MR. NEFF. ALL AGREED BY VOICE. Meeting adjourned at 10:27PM.