

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
Workshop Meeting
July 1, 2021**

The Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on July 1, 2021 at Borough Hall, 100 First Avenue Atlantic Highlands.

WORKSHOP MEETING: 7:03pm

Roll Call: Members Present – Mr. Dougherty, Mr. Crowley, Mr. Hawley, Mr. Caccamo, Mr. McGoldrick, Mr. Neff, Mrs. Murray, Mr. Colangelo, Mr. Crowther, Mr. Krupinski, Mr. Josko, Mr. Pepe and Mr. Curry

Members absent- None

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. 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 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. Mark Fisher, 91 Third Avenue, asked if there are any specific mask rule. Mr. Colangelo stated they are following what is posted on the doors at Borough Hall, which is masks are required if not fully vaccinated. Mr. Fisher also asked why the Zoom link is taken off the Borough website. Mr. Colangelo explained the statue doesn’t require it, but options are being explored going forward. Mr. Fisher also stated the council meeting will be livestreamed and asked if the Planning Board will be. Mr. Colangelo explained as of now, it will not but options are being explored. Councilwomen Hohenleitner, 119 A East Highland Avenue, thanked all the planning board members for their hard work and dedication to the planning board. The volunteerism from the members is noticed and very much appreciated.

Pending Litigation: Mr. Steib announced the only pending litigation is the Mollar litigation, there is a summary judgement motion scheduled for July 19, 2021 assuming that summary judgement motion is unsuccessful a pretrial conference has been scheduled for August 30th 2021.

Other Business: Mr. Colangelo states there has been a lot of questions regarding the Cannabis Ordinance. There has been nothing presented by Mayor and Council yet, they have until August 20th to put something in place.

MR. NEFF MOTIONED TO ADJOURN THE WORKSHOP MEETING, SECOND BY COUNCILMEN CROWLEY AT 7:10PM.

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Members absent- None

Approval of Minutes for June 3, 2021 Meeting

MR. DOUGHERTY MADE A MOTION TO APPROVE THE MINUTES FROM JUNE 3, 2021 SECOND BY MR. MCGOLDRICK

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

Nays: NONE

Abstain: NONE

Absent: NONE

Approval of the Attorney Voucher for May 2021 in the amount of \$6475.00

MR. HAWLEY MADE A MOTION TO APPROVE THE ATTORNEY VOUCHER SECOND BY MR. NEFF

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

Nays: NONE

Abstain: NONE

Absent: NONE

PB20-16, Block 87, Lot 5, 30 Asbury Avenue (Manigrasso) - Memorialize Resolution Granting Approval for Bulk Variance

MR. DOUGHERTY MOVED TO MEMORIALIZE PB20-16 SECOND BY MR. MCGOLDRICK

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

Nays: NONE

Abstain: NONE

Absent: NONE

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PB18-06, Block 142, Lot 5, 17 Avenue D (Denholtz) – Memorialize Resolution Granting Approval 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. HAWLEY MOVED TO MEMORIALIZE PB18-06 SECOND BY MRS. MURRAY

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

Nays: NONE

Abstain: NONE

Absent: NONE

PB21-08, Block 101, Lot 12, 93 Third Avenue (Collins) - Application for Use Variance and Bulk Variance. Mr. Steib announced the applicant did not notice to the newspaper within 10 days of the meeting. The applicant is required to re-notice properly to the paper for the August 5th 2021 meeting. The applicant did notice by mail everyone on their 200ft list, so they are not required to re-notice them.

PB21-03, Block 11, Lot 2, 251 Ocean Blvd (Smyth) - Application for Use Variance and Bulk Variance

Mr. Colangelo announced this application has a D Variance and Mr. Dougherty and Mr. Crowley will have to step down. Mr. Steib announced that he reviewed service, service is in order and the Board does have jurisdiction to hear this matter. Mr. Steib announced the class I and III members will have to step down and Mr. Crowther is within 200ft of the property and will have to step down as well. Mr. Steib lists the exhibits as Exhibit A1, zoning review from Michelle Clark, dated 3/15/21. Exhibit A2, application of Jonathan and Rachel Smyth, dated 3/12/21. Exhibit A3, is a limited geotechnical investigation prepared by Whitestone Associates Inc., dated 1/28/21. Exhibit A4, are architectural plans prepared by Parnation Architects, dated 3/9/21 revised through 6/23/21. Exhibit A5, Review #1 from CME Associates dated 4/14/21. Exhibit A6, is a partial topographic and location survey prepared by Rodolfo Pieri, land surveyor dated 11/20/20 revised 6/17/21. Exhibit A7, variance review response from White Stone Associates Inc. dated 4/21/21. Exhibit A8 is a variance review response dated 5/5/21. Exhibit A9 is a series of ten photographs of the existing residence from various vantage points. Exhibit A10, review #2 from CME Associates dated 5/27/21. Exhibit A11, is an existing conditions steep slope analysis prepared by InSite Engineering dated 6/20/21 consisting of two sheets. Exhibit A12, is correspondence from InSite Engineering dated 6/24/21. Exhibit A13, is an e-mail from CME Associates, dated 6/30/21. The applicant, Jonathan Smyth, 251 Ocean Blvd was sworn in by Mr. Steib. Brian Parnagian, 122 Tower Hill Drive Red Bank, NJ was sworn in by Mr. Steib. Mr. Parnagian, a licensed Architect gives his credentials and the board approves. Mr. Parnagian gives a detailed description of the current property and the constraints. Mr. Parnagian explains the current condition of the roof and decks and explained the proposed addition. Mr. Rohmeyer questioned if there are any additional bedrooms proposed and Mr. Parnagian confirms that

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no additional bedrooms are proposed. Mr. Rohmeyer questioned the roof runoff in which Mr. Parnagian explains no change is proposed. Mr. Rohmeyer questioned what type of equipment will be at the site and Mr. Parnagian explains track driven small equipment. Mr. Rohmeyer questioned the material proposed for the deck, in which Mr. Parnagian explains it is a fiber glass deck with pressure treated lumber. Mr. Colangelo moves to Board Questions. Mrs. Murray questioned if any flashing is proposed, in which Mr. Parnagian explained that there will be flashing to catch the water in a small trough. Mr. Colangelo moves to Public Questions. Mark Fisher, 91 Third Avenue asked what a helical pile is and Mr. Parnagian explained. Mr. Pepe questioned if there is any movement on the slope currently. Mr. Parnagian confirms there is not. Mr. Josko questioned if there are any signs of erosion. Mr. Smyth confirms there is not. Mr. Rohmeyer confirms there is no change proposed to the storm water management and confirms with the applicant if any change is proposed, Mr. Smyth would have to obtain a steep slope approval. Mr. Smyth understood. Mr. Curry questioned where the machinery would access the property. Mr. Parnagian explained the access would be from Ocean Blvd. Patrick Ward, 199 Route 35 Wall, NJ was sworn in by Mr. Steib. Mr. Ward, a licensed Engineer and Planner gives his credentials and the board approves. Mr. Ward explains that a D Variance is requested and gives a detailed explanation of the current property and the addition proposed. Mr. Ward explains that there is little to no negative impact. The current lot is unique and dramatically undersized. Mr. Rohmeyer questions if any landscaping or buffering is proposed. Mr. Ward explains at this time no, visually the addition is unobtrusive to the neighbors. Mr. Rohmeyer did not envision accessing the location from Ocean Blvd and requests the applicant to add that to the plan and confirm the limited disturbance calculation is still accurate coming from Ocean Blvd. Mr. Ward hands out photos to visually show where the equipment would access the location and confirms the plans will be updated. Mr. Josko questioned why the access wouldn't be the driveway. Mrs. Murray questioned the location of the septic tank. Mr. Smyth confirms it is on the North side of the home about 25 feet off of Ocean Blvd and goes all the way down Ocean Blvd. Mrs. Murray believes the driveway is the best option to bring equipment in. Mr. Colangelo moves to Board Questions. There were none. Mr. Colangelo moves to Public Questions. There were none. Mr. Smyth thanks the board for the consideration. Mr. Colangelo moves to Public Comment. There was none. Mr. Colangelo moves to Board Discussion. Mr. Pepe is very impressed with the geotechnical report and appreciates the applicant for supplying it. Mr. Josko would like equipment access on the plan. Mrs. Murray agrees. Mr. Caccamo states the current deck is in need of improvement and likes that the new deck will be detached from the home.

MRS. MURRY MADE A MOTION TO APPROVE PB21-03 SECOND BY MR. HAWLEY
Ayes: MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MRS.
MURRAY, MR. COLANGELO, MR. JOSKO, MR. KRUPINSKI
Nays: NONE
Abstain: MR. CROWTHER
Absent: NONE

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The board takes a break at 8:05pm

The meeting resumes at 8:13pm

PB21-05, Block 99, Lot 15, 73 Third Avenue- Application for Use Variance and Site Plan Approval with 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, zoning review from Michelle Clark, dated 1/5/21. Exhibit A2, is an application for variance of 73 Third Avenue LLC, 4/1/21. Exhibit A3, minor site plan prepared by East Point Engineering, dated 10/8/20. Exhibit A4, is a topographic survey prepared by Richard Stockton and Associates, dated 9/10/20. Exhibit A5, is a change of use Architectural Plans, dated 9/30/20. Exhibit A6, a narrative of intent. Exhibit A7, is technical review #1 of CME and Associates, dated 5/27/21. Kevin Kennedy, the attorney for the applicant explains the proposed changes. Mr. Kennedy explains the applicants would like to preserve the exterior of the structure and keep with the current look. The applicants are seeking a use variance approval and Mr. Kennedy believes the benefits outweigh the detriments and the proposed addition is a less intense use. Mr. Kennedy introduces the applicants, Jacklyn Greco and Michael Marzilla. Mr. Steib swears in Jackie Greco, 18 Blossom Road Rumson, NJ. Mr. Steib swears in Michael Marzilla, 117 New York, NY. Mr. Marzilla and Mrs. Greco are the owners of 73 LLC. Mr. Marzilla gives his background and explains he was born in Italy and has an art major. Mr. Marzilla worked on a similar project in Highlands and was excited to find the Church in Atlantic Highlands. Mrs. Greco gave her background as a licensed real estate agent and explains she met Michael and saw his work and was excited to work on this project with him. The applicants gave a detailed description on the property and changes they have made. There were multiple offers on the property and the applicants feel their offer was accepted because the current owners were happy they were going to keep the characteristics on the church and not tear it down. Mr. Colangelo moved to Board Questions. There were none. Mr. Colangelo moved to Public Questions. Carl Pearson, 23 E Highland Avenue asked if anyone ever lived in the Parish house. Mr. Colangelo stated in the 1980s a family did. Mr. Pearson also asked if the municipal lot was ever part of the church property. Mr. Marzilla stated it was not. Mr. Caccamo stated most offers saw the building as a tear down, and questioned if any oil tanks are on the property. Mr. Marzilla stated there are not underground oil tanks. Mr. Caccamo asked if the foundation has been surveyed. The applicants stated they have not. Mr. Caccamo stated the foundation will have to be surveyed and questioned if the applicants knew what was under the vinyl siding. The applicants did not know. Mr. Steib swears in William Herchakowski, 49 Waterman Avenue Rumson, NJ, a license architect. Mr. Herchakowski gives his credentials and the board approves. Mr. Herchakowski gives a detailed description of the property and explains it has three sections all attached. The parish center has one story and parish house has a second story. Mr. Herchakowski explains the applicants are trying to keep with the existing look and propose unit 1, the parish house, as a four bedroom two and a half bath space. Unit 2, the parish center, will be a one story two bedroom 1 ½ baths. Unit 3, the church, will be 1,986 square feet with one bedroom and one bathroom with a mezzanine. There is an existing

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basement which visually seems to be in good shape which the applicant is proposing to make three different storage units for laundry/utility areas. The basement will not be for sleeping or occupying space. There will be no sufficient change to the outside appearance or existing footprint. The fire safety proposed is R13 sprinklers. The FAR applies to the mezzanine. The allowable FAR is .40, the current FAR is .84 and the proposed is .87. Each apartment will have their own entrance and the owner intends to keep the structure and characteristics of the church. Mr. Rohmeyer clarifies the FAR and agrees the mezzanine area would increase the FAR by .3%. Mr. Rohmeyer agrees with the numbers that were provided. Mr. Steib swears in Mr. Rohmeyer. Mr. Rohmeyer questioned the storage of trash and recycling and how it will be brought out. Mr. Herchakowski explains there will be three separate pads and the tenants will be walking them out to the curb. Mr. Rohmeyer questioned if there is any common living space. Mr. Herchakowski confirmed there is not. Mr. Rohmeyer questioned the proposed landscaping and who would be responsible for the lawn maintenance. Mr. Herchakowski confirmed a landscaping company would be maintaining the lawn. Mr. Rohmeyer questioned the site lightening and asked if the applicant has considered eliminating some of the ballard lightening and converting it into wall mounting to illuminate the ingress egress points. Mr. Herchakowski stated they could, but the site engineer was concerned with the walking paths. The lightening can be reduced or increased if the Board feels necessary. Mr. Colangelo moves to Board Questions. Mr. McGoldrick questioned if the bell in the bell tower is working and who will have access to it. Mr. Marzilla states it is working and the rope to ring it is high up, but assured it wouldn't be a disturbance. Mr. Josko questioned if central air is being proposed. Mr. Herchakowski confirms it is and they will also be converting from oil to natural gas. Mr. Josko questioned where the meter pans will be located, in which Mr. Herchakowski states at this time they do not know. Mr. Josko questioned if fire escapes are proposed and Mr. Herchakowski stated because of the sprinkler system the fire escapes are not necessary. Mr. Krupinski questioned if the width of the stairways are accommodating for fire and EMS rescue. Mr. Herchakowski stated they are complying with NJ Fire code. Mr. Caccamo questioned if the foundation has been inspected, in which Mr. Herchakowski believes the foundation looks ok, but will have it inspected by a structural engineer. Mr. Caccamo questioned if the siding and windows will be replaced, in which Mr. Herchakowski states they are not replacing the siding or windows. Mr. Josko questioned where the AC unit condensers would be located. Mr. Herchakowski stated the location hasn't been picked yet, but they will work with the town and screen them properly with landscaping. Mr. Josko questioned if any additional footings are proposed to support the mezzanine, in which Mr. Herchakowski states there will be additional support needed. Mr. Colangelo moves to Public Questions. Sarah Colasurdo, 20 East Highland questioned the previous flooding at the location and Mr. Herchakowski explained the flooding occurred from the draining being clogged and grading not properly pitched. The owner has corrected the issues. Mrs. Colasurdo questioned if it was a storm water issue and Mr. Herchakowski confirms it was. Carl Pearson, 23 East Highland Avenue, questioned if basements are included in FAR. Mr. Colangelo stated they are. Mr. Pearson also questioned if there were any previous areas that were finished that are not finished now. Mr. Herchakowski stated the basement was previously used for a day care and recreational areas. Mark Fisher, 91 Third Avenue questioned the sprinkler system

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and Mr. Herchakowski explained. Vito Colasurdo, 20 East Highland Avenue, stated that he believes the applicant's engineer works for CME. Mr. Steib confirms the applicant's engineer does not work for CME and confirmed the engineer works for East Point Engineering. Mr. Kennedy introduces the Engineer. Mr. Steib swears in Marc Leber, 11 South Main Street Marlboro, NJ. Mr. Leber gives his credentials and the board approves. Mr. Leber gives his testimony and stated six parking spaces are proposed. There will be no changes to the esthetics of the building. Mr. Leber gives a full detailed explanation of the landscaping proposed and why some tree removal is necessary. Mr. Leber references photos exhibit A8 and A9 to show the board the proposed parking plan. Mr. Neff questioned who uses the municipal lot. Mr. Hawley suggested the applicant negotiate with the Borough to use the municipal lot for parking. Mr. Leber adds the lot has a sign stating it is for Borough use only. Mr. Hawley questioned if anyone approached the municipality. Mr. Leber states they have not, but were trying to follow the state recommendation for parking stalls for units. Mrs. Murray suggested speaking to the Borough to use the municipal lot to eliminate all the other issues with the parking plan. Discussion continues with utilizing the municipal lot. Mr. Leber further explains the storm water runoff. Mr. Rohmeyer questioned the apron and curbing on the purposed parking spaces. Mr. Leber explained currently the sidewalk goes along the entire frontage, and they were trying to do a similar concrete apron to keep the street water out. Mr. Rohmeyer stated the max allowed lot coverage is exceeded and the applicant proposed some sort of storm water management system to offset the overage, in which Mr. Leber states that is correct and the applicant will accommodate that. Mr. Pepe questioned what type of trees are proposed to be planted. Mr. Leber explains the different options. Mr. Rohmeyer questioned if the trees being removed will be replaced. Mr. Leber didn't plan on replacing the street trees because of the power lines, but would replace them if it's recommended. Discussion continues about the different options of trees that could be planted. Mr. Colangelo moves to Board Questions. Mr. Caccamo questioned if it's three apartments, does the state get involved with inspections. Mr. Kennedy stated that if it's applicable the applicant will comply. Mr. Pepe questioned if the spaces that are required are removed, how many street spaces would be lost. Mr. Leber explained losing the six spaces would be a net loss. Mr. Josko asked how the parking would be designated to the tenants. Mr. Leber explained that at this time it isn't clear, it would all depend on the family situation of the renter. Mr. Colangelo moves to public questions. Sarah Colasurdo, 20 East Highland Avenue asked if Mr. Leber sketched any alternate configurations for the parking, in which Mr. Leber explained he did not. Mrs. Colasurdo questioned what material will be used for the driveway, in which Mr. Leber explained it would be asphalt. Mrs. Calasurdo questioned if Mr. Leber factored in backing in and out of the spaces so close to an elementary school. Mr. Leber doesn't feel this would be any different than the other residential homes in the area backing out of their driveways. Mrs. Colasurdo asked if the spaces would be stripped, in which Mr. Leber explained they would or the applicant could run brick down the driveway to divide the spaces. Mrs. Colasurdo questioned why the applicant is requesting buffering relief and Mr. Leber explains. Mr. Rohmeyer explained the required buffering would be unreasonable for this project, so the applicant is allowed to request a waiver. Mrs. Colasurdo questioned why the screening requirement relief was requested and Mr. Leber explains there was an alternative proposal for the screening. Katrina Majewski, 124 Wesley Avenue questioned if impervious pavers were considered for the driveway, in which Mr. Leber explains the pavers with the grass center are uncomfortable to walk on and wouldn't

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recommend using them. Mr. Leber would have to consult with the applicant about doing a full paver driveway. Mrs. Majewski also asked if a landscape architect was involved in this project, in which Mr. Leber explains CME Associates has a landscape architect. Mrs. Majewski questioned why the species of street trees were not selected. Mr. Leber explained. Further discussion of the street trees continues. Barbara Rozell, 77 Third Ave. questioned the date the sketch was done, in which Mr. Leber explained it was done in 2020. Mrs. Rozell questioned if a fence could be put in rather than shrubbery. Mr. Colangelo points out the board does have a hard stop time of 10:00pm and Mr. Kennedy will have to address these issues with the applicant. Mr. Rozell also questioned if the applicants knew that school teachers also park on Third Avenue. Mr. Colangelo stated if they weren't before they are now. Mark Fisher, 91 Third Avenue questioned if the applicant knew the handicap sign was not legal. Mr. Colangelo stated they were aware. Mr. Fisher addressed the municipal lot and Mr. Colangelo stated the board will not discuss the municipal lot until the applicant speaks to the Borough. Mr. Colangelo suggested Mr. Kennedy consult with his client and go over all the issues that were brought up during tonight's meeting and adjourn until the next meeting. Mr. Kennedy requested a few minutes to speak to his clients. Mrs. Colaserdo asks the procedure for the next meeting. Mr. Steib explains. Ellen O' Dwyer, 81 East Lincoln, questioned if the applicants will be required to come back before the board with different options of the concerns that were brought up. Mr. Colangelo stated the applicants are not required to give options, they propose a plan for the board's consideration. Mr. Kennedy thanked the board for their time. Mr. Kennedy explains the applicants tried to comply with the parking ordinance and the applicants are very easy to work with and are happy to explore the different options proposed at tonight's meeting. The church is currently not being occupied and if the church was open again for church, preschool, AAA meetings, there may be more of a parking demand. Mr. Kennedy requests to adjourn the meeting until the September meeting with no further notice to give the applicants sufficient time to speak to the Borough. Mr. Kennedy and the applicants will explore every option in good faith and consent to extend the timeframe in which the board has to act. Mr. Steib announced the application will be adjourned to the September 2, 2021 meeting at 7:00pm for the continuation of this hearing without any further notice.

MRS. MURRAY MADE A MOTION TO ADJOURN THE REGULAR MEETING, SECOND BY MR. NEFF AT 10:04PM.