

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
Workshop Meeting
August 5, 2021**

The Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on August 5, 2021 at Borough Hall, 100 First Avenue Atlantic Highlands.

WORKSHOP MEETING: 7:03pm

Roll Call: Members Present – Mr. Dougherty, Mr. Caccamo, Mr. McGoldrick, Mr. Crowther, Mr. Krupinski, Mr. Pepe and Mr. Curry

Members absent- Mr. Crowley, Mr. Colangelo, Mrs. Murray, Mr. Hawley, Mr. Josko, Mr. Neff

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Vice Chairman Pepe called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. Vice Chairman Pepe 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. Pepe called for a moment of silent prayer followed by the Pledge of Allegiance.

Public Comment: Mr. Pepe asked if anyone in the public had a comment on any issues not on the agenda. James Krauss, 77 Bayside Drive, questioned if the Cannabis Ordinance was on the agenda. Mr. Pepe explained it was not. Mr. Kruass stated he was surprised because the Borough has a second reading on August 12th. Mr. Pepe asked Mr. Steib if the board is required to take any action. Mr. Steib explains if an Ordinance was introduced it should have been provided to the Board for consistency review. Mr. Krauss stated it was introduced the second meeting in July. Mr. Pepe stated the ordinance was banning all categories. Mr. Steib said to put it on the agenda for the regular meeting and the board will address it. Mark Fisher, 91 Third Avenue, stated the mayor and Council has reversed their decision on broadcasting the meetings live to the public and questioned if the planning board will be doing the same. Mr. McGoldrick stated at the last meeting Mr. Colangelo expressed interest in broadcasting live once the Mayor and Council made a decision and had the proper equipment. Mr. Pepe agreed and thinks it is a great idea.

Pending Litigation: Mr. Steib stated there is no longer any pending litigation. The only litigation we had was the Moller case and that was concluded by a summary judgement by the judge two weeks ago. The ordinance requires if an applicant gets an approval the applicant must publish that approval within 30 days of the adopted resolution. The applicant did not publish in time and the court found that because the ordinance says you shall, it is mandatory and the judge nullified their approval.

Other Business: There was none.

Mr. McGoldrick made a motion to adjourn the workshop meeting second by Mr. Dougherty at 7:07. All agreed by voice.

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

Approval of Minutes for July 1, 2021 Meeting

MR. DOUGHERTY MADE A MOTION TO APPROVE THE MINUTES FROM JULY 1, 2021 SECOND BY MR. MCGOLDRICK

Ayes: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER, MR. KRUPINSKI, MR. CURRY

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY, MR. HAWLEY, MR. JOSKO, MR. NEFF

Approval of the Attorney Voucher for June 2021 in the amount of \$5411.00

MR. MCGOLDRICK MADE A MOTION TO APPROVE THE ATTORNEY VOUCHER SECOND BY MR. PEPE

Ayes: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER, MR. KRUPINSKI, MR. CURRY

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY, MR. HAWLEY, MR. JOSKO, MR. NEFF

PB21-07, Block 97, Lot 4, 98 First Avenue (Sorensen) - Application for Use Variance and Site Plan Approval. Mr. Steib announced there was an issue with the notice and the application will not be heard. The application will have to be re-noticed and rescheduled.

PB20-11, Block 28, Lot 26, 124 East Washington Avenue (Finkelstein)- Extension of Time Request

Mr. Steib explained the approval was granted in September 2020. The applicant had 190 days within which to comply with all the resolution conditions and then to record the subdivision deeds. The applicant was not able to get that done in time and the applicant is requesting another 6 months of time to record the subdivision deeds. Mr. Steib advised the board that there have been no zoning changes in connection with this property that would alter the board's decision from Sept. Mordechai Finkelstein, 114 Lakewood, NJ was sworn in by Mr. Steib. Mr. Finkelstein explained the need for extra time. Mr. Pepe asked if any members of the public had any questions. There were none. Mr. Pepe asked if any board members had any questions. There were none.

MR. DOUGHERTY MADE A MOTION TO APPROVE THE EXTENSION OF TIME SECOND BY MR. MCGOLDRICK

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Ayes: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER,
MR. KRUPINSKI, MR. CURRY

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY, MR. HAWLEY, MR. JOSKO, MR.
NEFF

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

MR. MCGOLDRICK MADE A MOTION TO MEMORIALIZE PB21-03 SECOND BY MR.
KRUPINSKI

Ayes: MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. KRUPINSKI

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY, MR. HAWLEY, MR. JOSKO, MR.
NEFF

Ordinance 18-2021. Mr. Steib explained the ordinance is to provide no cannabis business of any kind. There are five different types of businesses that are identified in the statute. This ordinance would not permit any of them. If the ordinance is not adopted now, then in certain districts those businesses are allowed for five years. In five years you can revisit, or if the town would like to allow one or more businesses within the five years they can do that. If the board feels the ordinance is consistent with the master plan Mr. Steib will prepare a consistency report to send to the mayor and council. Mr. Rohmeyer stated the ordinance prohibits all six classes associated with cannabis and it prohibits them under our code section 150-31B, it lists all six of those classes as prohibited use. Mr. McGoldrick confirms that would prohibit anyone from coming in with a conditional use variance request. Mr. Steib confirms it would be a prohibited use. Mr. Pepe explained the council now has to ability and freedom to decide which category they would like in the future. Mr. Pepe moved to Public Comment. James Krauss, 77 Bayside Drive, clarifies this is just a pause to give the council time for regulations to come out and also stated 500 plus municipalities also made the decision to pause this to give the council and residents time to discuss this. Mr. Krauss feels this is a wise choice. Mark Fisher, 91 Third Avenue, stated the mayor and council's intension is to have town meetings about this once the regulations are issued. Mr. Fisher believes this pause is the right thing to do. Mr. Pepe moves to board discussion. Mr. Pepe believes this makes sense and is logical. Mr. McGoldrick believes the elected officials codify something when it's time to. Mr. Curry believes this is the best approach that allows time and flexibility to determine what is best for Atlantic Highlands.

MR. DOUGHERTY MADE A MOTION TO DEEM THE ORDINANCE CONSISTANT SECOND BY
MR. CURRY

Ayes: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER,
MR. KRUPINSKI, MR. CURRY

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Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY, MR. HAWLEY, MR. JOSKO, MR. NEFF

PB21-10, Block 72, Lot 2, 60 8th Avenue (Burns) - 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, zoning review from Michelle Clark, dated 4/27/21. Exhibit A2, application for variance by Robert Burns and Lenore Manicioto Dated 5/24/21. Exhibit A3, is the Borough tax map, dated 1/1966. Exhibit A4 is a survey prepared by Thomas A. Finnegan, dated 5/3/21. Exhibit A5, is review #1 of CME Associates dated 7/9/21. Mr. Steib swears in Lenore Manicioto, 60 8th Avenue. Mrs. Manicioto explains she is trying to have a generator installed. Mrs. Manicioto only has 10 ½ feet and Generac recommends the generator to be installed at least 5ft off of the house. Mrs. Manicioto explains she has a small side yard and her neighbor is about 200ft away. Mrs. Manicioto feels this is the best place for the generator and it is by her other utilities. Mr. Rohmeyer confirms the nearest house is several feet away and Mrs. Manicioto confirms it is. Mr. Rohmeyer questioned how the generator will be delivered and Mrs. Manicioto explained it will be delivered off of 8th Avenue down the stone stairs. Mr. Rohmeyer confirms that the gas service is in that area and Mrs. Manicioto confirms it is. Mr. Rohmeyer questions the offset from the property line and Mrs. Manicioto confirms the generator will be 3inches from the property line. Mr. Pepe moves to Board Questions. There were none. Mr. Pepe moves to Public Questions. There were none. Mr. Pepe moves to Board Discussion. There was none.

MR. CACCAMO MADE A MOTION TO APPROVE PB21-10 SECOND BY MR. MCGOLDRICK
Ayes: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER,
MR. KRUPINSKI, MR. CURRY

Nays: NONE

Abstain: NONE

PB21-08, Block 101, Lot 12, 93 Third Avenue (Collins)- Application for Use Variance and 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 4/5/21. Exhibit A2, is a variance application by Michael and Mary Collins dated 4/21/21. Exhibit A3, is a survey prepared by Michael S. Lynch dated 3/16/21. Exhibit A4, are architectural elevation and floor plans prepared by Robert Algarin, dated 4/12/21. Exhibit A5, review #1 from CME Associates dated 6/4/21. Mr. Henry Wolff the Attorney for the applicant explains the application. Mr. Steib swears in Mary Elizabeth Collins, 93 Third Avenue. Mrs. Collins explains she is the owner of the property and purchased the home in March 2021. Mr. Wolff referenced photos and Mr. Steib labels them as Exhibit A6. Mrs. Collins explains the existing home and proposed addition. Mr. Rohmeyer questioned the proposed bedrooms. Mrs. Collins stated it is 4 bedroom, two on the first floor and two on the second floor. Mr.

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Rohmeyer questioned the difference between bedroom two and the study. Mrs. Collins explains the study will be her home office. Mr. Rohmeyer stated the study reads as a bedroom. Mr. Rohmeyer questioned the changes to the roof line and Mrs. Collins explained. Mr. Rohmeyer questioned the carport in the rear and its use. Mrs. Collins stated it is not currently used for parking, but you could fit a vehicle. Mr. Rohmeyer questioned how many vehicles could fit on the property and Mrs. Collins explained they could fit 4 cars. Mr. Pepe moves to board questions. There were none. Mr. Pepe moves to public comments. Mark Fisher, 91 Third Avenue, stated he is the neighbor and the house has great bones, but is in need of a renovation. Mr. Fisher complimented the plans and stated they are actually shrinking the floor plan. Mr. Fisher is in great support of the project. Mr. Fisher also addressed the parking issues and assured the board there will be no issues with parking. Mr. Steib swears in Richard Algarin, 224 E Broad Street, Westfield NJ. Mr. Algarin gives his credential as a licensed Architect and the board approves. Mr. Algarin explained the current residence and proposed addition. Mr. Algarin explained there is an unfinished attic and they are proposing to convert that into living space. The proposed addition will include four bedrooms, a study, and three bathrooms. Mr. Algarin explained there will be a loft on the second floor, but will not be used as a bedroom. The attic is included in the FAR calculation. Mr. Algarin explained it is an old house in need of renovations. Mr. Rohmeyer questioned where the AC pads will be. Mr. Algarin explained they will be in a conforming location and referenced sheet A1 on the plans. Mr. Rohmeyer questioned if the AC would be 5ft from the property and Mr. Algarin explained. Mr. Rohmeyer questioned if the loft will be used as a bedroom. Mr. Algarin confirms it is not a legal bedroom. Mr. Rohmeyer questioned why the study isn't considered a bedroom. Mr. Algarin stated it could be used as a bedroom, but this applicant testified under oath she is not using it as a bedroom. Mr. Rohmeyer clarified he just wants the applicant to get what is needed from the board. Mr. Pepe stated the applicant could make another parking stall on the property. Mr. Pepe asked Mr. Wolff to clarify what the application should be. Mr. Wolff confirmed five bedrooms with three spots. Mr. Pepe moved to board questions. There were none. Mr. Pepe moved to public questions. Sarah Colasurdo, 20 E Highland Avenue, questioned if changing the application would require another spot. Mr. Steib explained the applicant was talking about parking in the grass. If paved, another variance is needed. Mr. Rohmeyer explained the space is available and accessible and he just doesn't want the applicant to seek approval for a four bedroom house and use it as a five bedroom and have an issue down the road when there is ample space for parking. Mr. Pepe moves to Board Discussion. Mr. Dougherty believes it is a nice project. The house needs it and family needs it. It would be a great addition to the neighborhood. Mr. Krupinski agreed.

MR. KRUPINSKI MADE A MOTION TO APPROVE PB21-08 SECOND BY MR. DOUGHERTY
Ayes: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER,
MR. KRUPINSKI, MR. CURRY

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY, MR. HAWLEY, MR. JOSKO, MR. NEFF

MR. McGoldrick made a motion to adjourn the regular meeting at 7:56pm all agreed by voice.