

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
Workshop Meeting
September 2, 2021**

The Meeting of the Planning Board of the Borough of Atlantic Highlands, was held on September 2, 2021 at Borough Hall, 100 First Avenue Atlantic Highlands.

WORKSHOP MEETING: 7:00pm

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

Members absent- Mr. Crowley, Mr. Krupinski, Mr. Hawley

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: There was none.

Pending Litigation: There was none.

Other Business: Mr. Dougherty suggested changing the checklist to require applicants in the steep slope zone to provide a geotechnical report. Mr. Pepe and Mr. McGoldrick agreed. Mrs. Murray questioned if the applicant would have to put in the amount of disturbance. Mr. Colangelo asked Mr. Rohmeyer to clarify. Mr. Rohmeyer explained having a requirement for a geotechnical report in the checklist would simplify the application process. Mr. Rohmeyer explained if the report is on the checklist then CME Associates would review the report during completeness review. Mr. Steib explained that applicants are allowed to request a waiver if they feel the report is not necessary. Mr. Colangelo suggested forming a sub-committee to write a letter to the governing body requesting to add this to the checklist. Mrs. Murray, Mr. McGoldrick and Mr. Pepe volunteered to be on the sub-committee. Mr. Steib suggested the sub-committee also meet with Mr. Rohmeyer and his team.

Mr. Dougherty made a motion to adjourn the workshop meeting second by Mr. McGoldrick at 7:09pm. All agreed by voice.

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

Members absent- Mr. Crowley, Mr. Hawley, Mr. Krupinski

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Approval of Minutes for August 5, 2021 Meeting

MR. PEPE MADE A MOTION TO APPROVE THE MINUTES FROM AUGUST 5, 2021 SECOND BY MR. DOUGHERTY

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

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. HAWLEY, MR. KRUPINSKI

PB20-11, Block 128, Lot 26, 124 East Washington Avenue (Finkelstein) - Memorialize Resolution for Extension of Time

MR. DOUGHERTY MADE A MOTION TO MEMORIALIZE PB20-11 SECOND BY MR. MCGOLDRICK

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

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. HAWLEY, MR. KRUPINSKI

PB21-10, Block 72, Lot 2, 60 8th Avenue (Burns) - Memorialize Resolution for Bulk Variance

MR. PEPE MADE A MOTION TO MEMORIALIZE PB21-10 SECOND BY MR. CURRY

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

Nays: NONE

Abstain: NONE

Absent: MR. CROWLEY, MR. HAWLEY, MR. KRUPINSKI

PB21-08, Block 101, Lot 12, 93 Third Avenue (Collins)- Memorialize Resolution for Use Variance and Bulk Variance

MR. PEPE MADE A MOTION TO MEMORIALIZE PB21-08 SECOND BY MR. DOUGHERTY

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

Nays: NONE

Abstain: MR. MCGOLDRICK

Absent: MR. CROWLEY, MR. HAWLEY, MR. KRUPINSKI

PB21-05, Block 99, Lot 15, 73 Third Avenue- Continuation Hearing of Application for Use Variance and Site Plan Approval with Bulk Variance

Mr. Steib announced that the applicant requested an adjournment. The application will be heard at the October 7th meeting with no further notice required.

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PB21-07, Block 97, Lot 4, 98 First Avenue (Sorensen) - Application for Use Variance and Site Plan Approval

Mr. Steib announced the notice was defective. The applicant did not notice to the newspaper in time. The applicant will have to re-notice the newspaper for the October 7th 2021 meeting.

PB21-02, Block 25, Lot 1, 2 Keystone Drive (Rosenthal) - Application for Minor Subdivision

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 3/11/2021. Exhibit A2, application for variance, prepared by Judith Rosenthal and David Niles, dated 2/12/21. Exhibit A3, minor subdivision plan prepared by Two River Engineering, dated 1/21/21 revised 3/10/21 revised again 6/11/21. Exhibit A4, is review #1 of CME Associates, dated 4/21/21. Exhibit A5, is a storm water management report, prepared by Two River Engineering, dated 1/19/21. Exhibit A6, review #2 from CME Associates, dated 7/9/21. Exhibit A7, is a geotechnical report prepared by Carlen Simpson and Associates LLC, dated 7/29/21. Exhibit A8, e-mail from the tax assessor, Renee Frotton. Exhibit A9, e-mail from Chief Vasto stating the police dept. had no issue with the subdivision dated 5/6/16. Exhibit A10, Tax Account Detail. David Trombadore, the attorney for the applicant explains the applicant is seeking a minor subdivision to build a new two story home on the other lot. The current lot already has a home on it. Mr. Trombadore explained that the first variance the applicant is seeking is for the garage located in the front of the home. Mr. Trombadore explained it would be impractical to move the house and the garage. The next variance is for maximum disturbance. Mr. Trombadore feels the proposed landscaping will help with the disturbance and will make the property look much nicer. The third variance is for the paving of the road. All of Keystone Dr. is not paved and Mr. Trombadore feels adding one house will not create a situation needing the road to be paved. Mr. Steib swears in AJ Garito, a licensed engineer, 265 RT. 34 Colts Neck, NJ. Mr. Garito lists his credentials and the board approves. Mr. Garito referenced a color rendering exhibit listed as A11. Mr. Garito also referenced another coloring rendering listed as A12. Mr. Garito explains the application is to subdivide the current lot and build a two story home on the second lot. Mr. Garito explained two existing structures are to be removed, a gazebo and an old bbq grill area. Mr. Garito stated there is no way to reconfigure the garage. Mr. Garito explained four trees are proposed to be removed. Mr. Garito does not feel anything is unusual about the soil disturbance. Mr. Trombadore addressed the CME review letter concerns and Mr. Garito clarifies.

At 7:41 Councilman Crowley joined the meeting.

Mr. Rohmeyer addressed his concern. Mr. Colangelo moved to Board Questions. Mr. Caccamo suggested the applicant move the overhead utility wires underground. Mr. Garito explained if that is possible the applicant would prefer that. Mrs. Murray is concerned with more digging.

At 7:45pm Mr. Crowley excuses himself from the dais. Mr. Crowley wasn't aware this application was being heard at this time.

Mr. Pepe does not feel the geotechnical report states the effect on the slope building the house. Mr. Garito is unsure of the effect on the slope. Mr. Rohmeyer also states the geotechnical report does not address the machinery being used and will need to be clarified. Mr. Colangelo moves to Public Questions. Jackie Jones, 22 Keystone Drive, questioned the degree of disturbance on the Borough right away. Mr. Garito explains two lines for water and sewer are proposed. The intention is to take down as little trees as

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possible. Ms. Jones is concerned there will be nothing soaking up the water. Ms. Jones questioned why there is no key on the architectural plans. Mr. Garito is aware. Ms. Jones references the previous subdivision application and Mr. Colangelo states that was a previous application with a different plan and is not relevant to this application. Ms. Jones questioned what a performance guarantee is and Mr. Rohmeyer explained. Lisa Ebling, 16 Hooper Avenue stated the current home on 2 Keystone Drive is very old. The current water and sewer lines are also very old and Mrs. Ebling is concerned there will be more of a disturbance if they need to be replaced. Mr. Garito explains he is unsure if the water and sewer lines will need to be replaced. Mrs. Ebling questioned the grading. Mrs. Ebling stated the water runoff goes toward the driveway. Mr. Garito explained the water runoff. Mrs. Ebling stated that was not true. Mrs. Ebling stated the Borough Engineer suggested to add chambers and Mr. Garito stated the applicant will agree to any recommendations from the Borough Engineer. Jackie Jones, 22 Keystone Drive, questioned what mitigation tactics will be used to keep the storm water on the property. Mr. Garito explained. Mark Fisher, 91 Third Avenue, questioned the letter from the Fire Company. Mr. Steib explained there was no letter from the fire company. There was an e-mail from the police Chief from many years ago on the previous application. Mr. Colangelo stated this letter was for a different application and is not relevant to this application. Mr. Steib stated the comment by the applicant's attorney is not in evidence and the attorney stated he did not have any evidence to support it. Mr. Fisher questioned the freehold soil report. Mr. Steib explained. Mr. Fisher questioned why a geotechnical engineer isn't present. Mr. Trombadore stated they could not get the professional to appear at the meeting. Mr. Fisher stated the amount of disturbance is significant and questioned why it has to be so much. Mr. Trombadore explained they are hoping to reduce the disturbance.

The Board takes a break at 8:30pm

The meeting resumes at 8:40pm.

Kathy Zuckerman, 58 Reckless Place, licensed Architect is sworn in by Mr. Steib. Mrs. Zuckerman lists her credentials and the board approves. Mrs. Zuckerman explained the application and referenced photos listed as Exhibit A13. Mrs. Zuckerman explained it is a two story home approximately 2700 sq. ft. with a garage. The home is a modern farmhouse style with three bedrooms and two bathrooms. Two bedrooms will be upstairs and one downstairs with cathedral ceilings. Mrs. Zuckerman does not feel the home will affect any other home in the area and it fits well with the neighborhood. Mrs. Zuckerman referenced another photo as exhibit A14. Mr. Steib marks exhibit A14 as 6 sheets. Mrs. Zuckerman explained the cellar will not be finished. Mrs. Murray questioned why there is plumbing proposed in the cellar. Mrs. Zuckerman explained it was proposed for the future if they decided to finish it. Mr. Rohmeyer stated there is a lot of new discussion that doesn't reconcile with the engineering plan that calls for a one story building. Mr. Rohmeyer points out that the plan states a one story and now there is a second story and unfinished cellar with a proposed play room and bathroom. Mr. Rohmeyer asked the applicant for clarification on what the application is for. Mr. Trombadore stated they could correct the engineering plans. Mr. Steib clarifies these plans were not marked previously. Exhibit A14 will be the elevation floor plans containing 6 sheets. Mr. Colangelo moves to board questions. Mr. Josko questioned the gutter/leader calculations. Mrs. Zuckerman explained. Mrs. Murray questioned where the sub pump would be. Mr. Garito stated somewhere in the yard. Mr. Pepe questioned if the staircase will be open to all three levels. Mrs. Zuckerman stated it would. Mr. Colangelo moved to Public Question. There were none.

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Mr. Trombadore introduces the applicant Judith Rosenthal. Mr. Steib swears in Judith Rosenthal, 97 Main Street Millburn, NJ. Mrs. Rosenthal stated she plans on planting at least 10 additional trees. Mrs. Rosenthal went on the county website to choose the type of trees proposed. Mrs. Rosenthal referenced a landscaping plan and Mr. Steib labeled it Exhibit A15. Mrs. Rosenthal gave her background as a conservationist with a true passion for landscaping. Mrs. Rosenthal gave a detailed presentation on the trees proposed. Mr. Colangelo moved to Board Questions. Mr. Crowther questioned what material will be used in the walkway. Mrs. Rosenthal explained gravel or crushed seashells. Mr. Colangelo questioned the intent of the basement. Mrs. Rosenthal stated they cannot afford to finish the basement at this time. Mr. Colangelo explained if in the future they wanted to finish the basement they would have to come back before the board. Mrs. Murray explained it is better to ask for the relief now and not use it rather than come back before the board in the future. Mr. Rohmeyer explained the FAR calculation with the basement would not require additional relief. Mr. Colangelo questioned how many trees will be removed. Mrs. Rosenthal explained the property has not been maintained in a very long time. Mrs. Rosenthal has obtained a permit to remove some trees, but hasn't done it yet because she wasn't sure where the house would be located. Mr. Colangelo moves to Public Questions. Lisa Ebling, 16 Hooper Avenue, questioned the material in the driveway. Mrs. Rosenthal explained either gravel or crushed seashells. It will be pervious and water can flow through. I will not be asphalt. Mrs. Ebling questioned if the grade will change. Mrs. Rosenthal stated it would not and understands Mrs. Eblings concerns.

Mr. Steib swears in Kevin Hughes, 811 River Road Fair Haven, NJ. Mr. Hughes explained he is the builder for the proposed home. Mr. Trombadore questioned if Mr. Hughes is also constructing the sewer and water lines. Mr. Hughes stated he will be overseeing the construction. Mr. Hughes has walked the property and feels no trees will have to be removed in constructing the sewer lines. Mr. Colangelo calls for board questions. Mrs. Murray questioned where the electric would come in. Mr. Hughes stated he does not know where the electric is coming in right now. Mr. Hughes believes a pole is servicing the current home on 2 Keystone. Mrs. Murray questioned if any AC units are proposed. Mr. Hughes states there will be AC units and they will be within the setbacks.

Mr. Colangelo moves to Public Questions. Jackie Jones, 22 Keystone Drive, questioned the degree of excavation putting in the new sewer line. Mr. Hughes stated the construction would take about 1 day and they would dig about 2ft. Ms. Jones questioned removing the trees in the right away. Mr. Hughes stated he has walked the area and feels very confident no trees will need to be removed. Ms. Jones stated there is a telephone pole currently that carries the service to her home and questioned if her service will be affected. Mr. Hughes stated Ms. Jones will have no issues with her service. Mr. Rohmeyer further explained the excavation process. Ms. Jones still has concerns of the impact on her foundation.

Mr. Colangelo moved to Public Comment. Peter Doyle, 1 Keystone Drive, was sworn in by Mr. Steib. Mr. Doyle thanked the board for their volunteerism. Mr. Doyle explained residents on the slope have to get an approval just to remove one tree and here this application has major issues going on the steep slope. Mr. Doyle referenced a report that stated the slope is sliding and approving this application would make a mockery of the steep slope ordinance. Mr. Doyle stated there are so many unknowns. There is already a current house there and the applicant can improve that house. The applicant knew it was one property when they purchased it. Mr. Doyle stated the board has a tough decision and he knows they will be fair.

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Ms. Jackie Jones, 22 Keystone Drive was sworn in by Mr. Steib. Ms. Jones has a strong passion for preserving Keystone Drive and its safety. This application isn't as major as some seen in the past. Ms. Jones is deeply concerned with the safety of the slope. Ms. Jones mentioned that the photos taken were not taken during the rain storms and the conditions are much worse. When it rains the road is flooded. Ms. Jones needs some confidence with the town that the decisions they make aren't going to create a worse problem than what they have now. Ms. Jones stated the applicant said "I don't see how it's my concern how the construction on my property affects you". Ms. Jones started to read the resolution from the past application. Mr. Colangelo points out that application was based on a three lot subdivision and it does not apply to this application. Ms. Jones stated there are slope stability issues and would like to be confident in this board and this Borough that any decisions made will protect the foundation of her home.

Sarah Colasurdo, 20 E Highland, was sworn in by Mr. Steib. Mrs. Colasurdo believes the board found the geotechnical report inconclusive and asked if the board will require the applicant to supply a more detailed report. Mr. Steib stated we will get to that shortly.

Lisa Ebling, 16 Hooper Avenue, was sworn in by Mr. Steib. Mrs. Ebling is concerned if there are any adverse effects on adjacent properties what recourse will the residents have.

Jon Crowley, 2 Keystone Drive, was sworn in by Mr. Steib. Mr. Crowley stated the applicant tried to reach out to the fire dept. to assure the board fire equipment can access the street. Mr. Crowley stated the new fire truck has accessed the street with no issues. Mr. Crowley is very pleased with the project and feels the street not being paved adds to the charm of the neighborhood. Mr. Crowley stated the one home impacted by the water runoff was built below grade. Paving the street would impact the water issue more. Mr. Crowley believes this project will improve the current water issues and is looking forward to the home being built. Mr. Pepe questioned if there is any evidence of movement in his home. Mr. Crowley has not seen any evidence at his home or on the property.

Jackie Jones, 22 Keystone Drive. Ms. Jones stated homes on the top of the hill may not see any movement however the homes on the side on the hill are seeing slope issues. Ms. Jones stated the Borough recently came out and had to remove trees due to movement on the slope. The trees became turned and uprooted. Mr. Pepe questioned if Ms. Jones has seen any cracking on her foundation. Ms. Jones stated she has not had an engineer out to review, but the home wasn't build yesterday. She doesn't have immediate cause for alarm, but is trying to prevent issues from happening.

Suzanne Santry, 2 Keystone Drive, was sworn in by Mr. Steib. Mrs. Santry has been renting this property for many years. There is so much that can be done to improve the property and home. The home has not been maintained for several years. On behalf of Judy and David Rosenthal, Mrs. Santry stated she has never encountered people who are so conservation minded. The neighbors have always been Mr. and Mrs. Rosenthal's concern. The applicants have the highest standards for the project and Mrs. Santry has no doubt the project will improve the area.

Zac Brown, 65 Victorian Woods Drive, was sworn in by Mr. Steib. Mr. Brown understands the plan was to have a dry wall structure installed to alleviate the runoff concerns and Mr. Rohmeyer suggested those not be implemented and is seeking clarity on why that is the case. Mr. Rohmeyer explains.

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Mr. Colangelo moves to Board Discussion. Mr. Colangelo reads the geotechnical report stating that the report is from 2004. Mr. Colangelo feels more comfortable with a current geotechnical report. Mr. Pepe clarified that the finding of that report were based on information from 2004. Mr. Steib confirms. All members agreed they would feel more comfortable voting on the application with a current geotechnical report. Mr. Pepe explains that this is very important to the board to have the reassurance of a geotechnical report. Mrs. Rosenthal explains she spoke with the geotechnical engineers and provided them with the soil report. Mrs. Rosenthal explains the geotechnical engineer didn't feel they needed to go back out to the property. Mr. Colangelo advised the applicant to speak to their attorney. Mr. Pepe suggested if the hearing is postponed to bring the geotechnical engineer to the meeting.

The board takes a 5 minute break at 10:05pm
The meeting resumes at 10:10pm.

Mr. Trombadore requests the meeting to adjourn to the October 7th meeting without further noticing. Mr. Trombadore requests the board to suggest anything else they will require. Mr. Colangelo recommends an entire geotechnical report to be done and to work with Mr. Rohmeyer on it. Mrs. Murray would like to know the impact on what is being built. Mr. Pepe agrees. Mr. Colangelo authorizes CME Associates to review the geotechnical report the applicant provides. All agreed by voice. Mr. Rohmeyer suggested an updated storm water management report be provided as well. Mr. Steib announced the application will be carried to the October 7th 2021 meeting with no further notice.

Mr. Pepe made a motion to adjourn the meeting, second by Mr. Neff at 10:15pm.

Kelly Snyder
Planning Board Secretary