

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
September 1, 2022**

The Regular Meeting of the Planning Board of the Borough of Atlantic Highlands was held on September 1, 2022 at Borough Hall, 100 First Avenue Atlantic Highlands.

WORKSHOP MEETING: 7:00 pm

Roll Call:

Members Present – Dr. Zuzulock (arrived at 7:03 pm), Mr. Pepe, Mr. Dougherty, Mr. McGoldrick, Mr. Hawley, Mr. Neff, Mr. Josko, Mr. Krupinski, Ms. Majewski

Members Absent – Mr. Caccamo, Mr. Crowther, Mr. Kurdes, Mr. Berth

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer. Councilwoman Lori Hohenleitner was present to operate the Zoom portion of the meeting.

Mr. Pepe called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. 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 7, 2022. The “Open Public Meetings Act” compliance statement was read.

The Chair called for a moment of silent prayer followed by the Pledge of Allegiance.

Public Comment – James Krauss, 77 Bayside Drive, questioned the “Virtual Presentation Discussion” under Other Business. Mr. Pepe explained. Mr. Krauss offered comments indicating he is happy the Board moved to Zoom. He would prefer to see application documents on the website as well moving forward.

Pending Litigation – None

Other Business – Virtual Presentation Discussion – Mr. Pepe explained he would like to have a discussion to establish a standard for when an applicant can present their case online. He would also like to discuss the option for applicants to submit electronically and whether it should be posted online.

Mr. Krupinski advised that requiring the applicant to submit electronically may be a burden.

Mr. Hawley stated that he feels the applicant should be present to make their case. Mr. Neff agreed.

Mr. Pepe explained that he would be in favor of allowing the applicant’s to present via Zoom but thinks that each case should be discussed by the Board as he does not feel comfortable making decisions on behalf of the Board.

Ms. Majewski advised that she would be in favor of presenting through Zoom, but she believes it is better to be here in person. She would like to give the option.

Mr. Pepe asked for a vote on requiring the applicant to be present at the meeting. A yes vote would require the applicant to be present at all meetings.

Roll Call:

Ayes: MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI,

Nays: DR. ZUZULOCK, MR. DOUGHERTY, MR. PEPE

Abstain: None

Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

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A discussion was held related to placing Agenda packets on the website. Mr. Dougherty stated that it is easy for the Board secretary to get the information on the website and display during the meeting.

Mr. Hawley indicated concern with placing additional burden on the Board Secretary.

Mr. Dougherty advised the Council would have to amend the checklist to require the scanned copy, however they could strongly encourage it.

Discussion was held regarding who would upload and manage the digital documents.

Mr. Rohmeyer advised that he can scan the documents and email them to the Board secretary. There will be no extra expense related to this. He does have concern with uploading everything in an organized fashion, at a certain time, he does see there will be problems with last minute documents.

Mr. Pepe suggested that the applicants be strongly encouraged to provide the digital copy of application documents.

Mr. Dougherty suggested that all application documents be added right to the Agenda.

Mr. Pepe asked for a vote to strongly encourage applicants to submit a PDF of application documents.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. PEPE, MR. NEFF, MR. MCGOLDRICK,
MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI

Nays: NONE

Abstain: MR. HAWLEY

Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Mr. Pepe asked if the Board would want to require Board members to be present at the meetings. A yes vote would mean the Board members must be present, in-person to participate and vote.

Roll Call:

Ayes: DR. ZUZULOCK, MR. PEPE, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR.
JOSKO, MR. KRUPINSKI

Nays: MR. DOUGHERTY, MS. MAJEWSKI

Abstain:

Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Mr. Pepe explained that an applicant has requested a pre-submission meeting with Board professionals. After a brief discussion, the Board indicated concern with transparency and the appearance of meeting outside of a public hearing.

Mr. Steib explained that an informal meeting in front of the Board is permitted by the MLUL.

Board members agreed that professionals should not meet with an applicant in advance of an application, however they were in favor of a concept review in front of the full Board at a public meeting.

Mr. Pepe closed the Workshop meeting and advised to enter into Regular Session.

REGULAR MEETING: 7:40 pm

Members Present – Dr. Zuzulock (arrived at 7:03 pm), Mr. Pepe, Mr. Dougherty,
Mr. McGoldrick, Mr. Hawley, Mr. Neff, Mr. Josko, Mr. Krupinski,
Ms. Majewski

Members Absent – Mr. Caccamo, Mr. Crowther, Mr. Kurdes, Mr. Berth

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Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer. Councilwoman Lori Hohenleitner was present to operate the Zoom portion of the meeting.

Mr. Steib announced that application **PB22-06, Block 141, Lot 1, 102 Center Avenue (Domanski) – Application for Bulk Variances**, has been withdrawn by the applicant.

MR. HAWLEY OFFERED A MOTION TO DISMISS THE APPLICATION WITHOUT PREJUDICE, SECONDED BY MR. MCGOLDRICK.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Mr. Steib explained that the Board has received a request to carry for Application **PB22-02, Block 91, Lot 6, 33 E. Mount Avenue (Demaio) – Application for Minor Subdivision with Variances**. The applicant has requested to be carried to November 3, 2022 as their Planner is not available. This is the 6th time that the applicant has requested to be carried. He suggests that the Board give one final adjournment and if the applicant is not ready to proceed, the Board will dismiss the application.

Mr. Pepe allowed members of the public to speak on the application.

Several members of the public appeared in objection to the application and requested that the Board vote to not allow it to be carried.

Mr. Steib explained that he has advised the applicant's attorney of the inconvenience placed on everyone.

Mr. Pepe stated that he has already allowed the applicant to carry but he will let the Board overturn him if they feel inclined to do so.

After a lengthy discussion, Mr. Pepe asked for a vote on carrying the application to October 6, 2022.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Mr. Steib announced the application is being carried to October 6, 2022 at 7:00 pm in the Main Meeting Room at 100 First Avenue, Atlantic Highlands.

Mr. Pepe stated that he does not like making the decisions on behalf of the Board, that is not his role; moving forward he would like the Attorney to appear to make the request to carry so that the Board can discuss it as a whole.

Approval of the Attorney Vouchers – MR. DOUGHERY OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS, SECONDED BY MR. NEFF.

Roll Call:

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Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI
Nays: NONE
Abstain: NONE
Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Approval of Minutes –

August 4, 2022 – MR. NEFF OFFERED A MOTION TO APPROVE THE MINUTES SECONDED BY MR. MCGOLDRICK.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI
Nays: NONE
Abstain: NONE
Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Resolution PB22-03, Block 97, Lot 13, 68 First Avenue (True North Management LLC/Wickersham) – Granting Minor Site Plan & Change of Use – MR. HAWLEY OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. DOUGHERTY.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI
Nays: NONE
Abstain: NONE
Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Resolution PB22-08, Block 87, Lot 15, 35 E. Garfield Avenue (Kelley) – Granting Bulk & Use Variances – MR. NEFF OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. HAWLEY.

Roll Call:

Ayes: MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI
Nays: NONE
Abstain: NONE
Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

PB22

PB22-10, Block 17, Lot 38, 54 Ocean Blvd (Lambert) – Application for Bulk Variances – Mr. Steib advised that notices are in order and the Board has jurisdiction to hear this matter. All pre-marked exhibits were listed as well.

Angela and Eric Lambert were sworn in as the owners. Mr. Lambert explained he is seeking approval for a fence in the front yard. He had been approved for a fence but was confused as to what was considered the rear yard of the home. He assumed the front yard faced the water, not the roadway.

Mrs. Lambert confirmed that they always thought the area along the roadway was the back yard until they received a letter from the Borough. A series of photos was marked as Exhibit A-17, A through E, showing various views of the property.

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Mrs. Lambert explained the photos and asked that she be allowed to keep the fence for privacy from her neighbors.

Mr. Neff asked how far the fence should be set back.

Mr. Rohmeyer was sworn in and advised the fence in the front yard shall not exceed 48 inches in height.

Ms. Zuzulock asked if there are engineering reasons to prohibit the fence in the front yard. Mr. Rohmeyer expressed safety issues for pedestrian and vehicular traffic.

A photo showing the drive aisle view was marked as Exhibit A-9.

Mr. Rohmeyer indicated there is a discrepancy between the two drawings that were submitted and asked if there are plans that show where the fence is located.

A discussion was held related to the permitting process. The development permit application was marked as Exhibit A-10. Mr. Steib advised that it was approved for 6 foot rear yard fence and a 3 foot front yard fence. The survey attached shows the property, with red line along the westerly property line that notes the fence will go on the property line except for going around an encroachment. The survey does not identify what is 3 feet and what is 6 feet.

Mr. Pepe clarified that the applicant is testifying that she believes the front door is the rear door. Mrs. Lambert insisted that she thought the front of the house is the rear.

Mr. McGoldrick asked if this was a replacement fence or a new fence. Mrs. Lambert indicated it is a new fence.

Mr. Pepe opened the hearing to members of the public for questions.

Ara Jamgotian, 50 Ocean Boulevard, asked several questions about using the door that faces the Marina and the water. Mr. and Mrs. Lambert indicated they used the porch and the side entrance. Mr. Jamgotian offered comments related to the placement of the fence and a retaining wall on his property. He has advised the applicant of this as well.

Mr. Steib explained this Board cannot make decisions as to the property line or encroachments; they can only vote on the relief being requested.

Mr. Jamgotian was sworn in and offered several comments indicating he is opposed to granting the variance. The property is very narrow, and this boxes them in; there is no benefit to the community. He offered several comments related to the ongoing property dispute between he and his neighbor.

Harvey Thorn, 26 Grand, was sworn in and stated that he never went on the neighbors' property when installing the fence. He installed the fence on the property line and did not encroach.

Mr. Pepe reminded the public the Board can only focus on the issues related to the variance being requested.

A series of photographs was marked as Exhibit A-11 showing the neighbors property. Mr. Jamgotian explained the vegetation on his property.

Carmen Jamgotian was sworn in and indicated she also objects to the fence. She added that the grading makes the fence seem to be seven feet tall.

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Charles (Last Name Inaudible), 25 Lawrie Road, was sworn in and offered comments indicating he is not in favor of the application.

Jennifer Jamgotian was sworn in and offered comments indicating she is not in favor of the application.

Seeing no further comments from the public, Mr. Pepe closed the public hearing.

Board members offered several comments indicating they are not comfortable with the height of the fence in the front yard.

Board members asked for clarification on yard definitions and ordinance requirements. Mr. Rohmeyer answered accordingly. A discussion was held regarding alternative design options.

MR. HAWLEY OFFERED A MOTION TO APPROVE THE APPLICATION WITH THE FIRST SECTION OF FENCE TO BE TEAKEN DOWN OR HAVE FOUR FEET REMOVED, SECONDED BY MR. DOUGHERTY.

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY,

Nays: DR. ZUZULOCK, MR. PEPE, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO,
MR. KRUPINSKI, MS. MAJEWSKI

Abstain: NONE

Absent: MR. CACCAMO, MR. CROWTHER, MR. KURDES, MR. BERTH

Adjournment

Mr. Neff made a motion to adjourn the meeting at 8:55 pm, second by Mr. Hawley. All present members voted in favor by voice vote.

Erin Uriarte
Planning Board Secretary