

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
May 5, 2022**

The Regular Meeting of the Planning Board of the Borough of Atlantic Highlands was held on April 7, 2022 at Borough Hall, 100 First Avenue Atlantic Highlands.

WORKSHOP MEETING: 7:00pm

Roll Call:

Members Present – Dr. Zuzulock, Mr. Dougherty, Mr. Pepe, Mr. Hawley, Mr. Neff, Mr. Caccamo, Mr. Krupinski, Mr. Crowther, Mr. Kurdes, Mr. Berth, Ms. Majewski

Members Absent – Mr. McGoldrick, Mr. Josko

Michael Steib was present as Board Attorney. Drew Pavlick, PE, was present on behalf of Douglas Rohmeyer, Board Engineer.

Chairman 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.

Mr. Pepe called for a moment of silent prayer followed by the Pledge of Allegiance.

Public Comment – Mark Fisher, 91 Third Avenue, offered comments indicating he is in favor of hybrid meetings and presentations done on the new TV screens.

Pending Litigation – None

Other Business – Board members held a discussion related to the possibility of hybrid meetings in the future. Mr. Steib indicated the livestream can be for informational purposes, any testimony must be given in person. Board members expressed concern with privacy of applicants, noting that participants should have a vested interest in the project. Discussion will continue at the next meeting.

MR. PEPE OFFERED A MOTION TO ADJOURN THE WORKSHOP PORTION OF THE MEETING, SECONDED BY MR. HAWLEY. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

REGULAR MEETING: 7:15 pm

Roll Call:

Members Present – Dr. Zuzulock, Mr. Dougherty, Mr. Pepe, Mr. Hawley, Mr. Neff, Mr. Caccamo, Mr. Krupinski, Mr. Crowther, Mr. Kurdes, Mr. Berth, Ms. Majewski

Members Absent – Mr. McGoldrick, Mr. Josko

Approval of Minutes – April 7, 2022 – MR. NEFF OFFERED A MOTION TO APPROVE THE MINUTES OF APRIL 7, 2022 WITH TYPOGRAPHICAL CORRECTIONS, SECONDED BY DR. ZUZULOCK.

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
May 5, 2022

Roll Call:

Ayes: DR. ZUZULOCK, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER, MR. BERTH

Nays: None

Ineligible: MR. KURDES

Absent: MR. McGOLDRICK, MR. JOSKO

Approval of the Attorney Vouchers for March 2022 - MR. NEFF OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS, SECONDED BY DR. ZUZULOCK.

Roll Call:

Ayes: DR. ZUZULOCK, MR. HAWLEY, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER, MR. KURDES

Nays: None

Abstain: MR. PEPE

Absent: MR. McGOLDRICK, MR. JOSKO

Resolution PB21-17, Block 82, Lot 5.02, 6 Wesley Avenue (Duffy) – Granting Bulk & “D” Variances – MR. NEFF OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. HAWLEY.

Roll Call:

Ayes: MR. HAWLEY, MR. PEPE, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER, MR. BERTH

Nays: None

Ineligible: DR. ZUZULOCK, MR. DOUGHERTY, MR. KURDES MS. MAJEWSKI

Absent: MR. McGOLDRICK, MR. JOSKO

Resolution PB21-21, Block 127, Lot, 17, 49 Center Avenue (Passman) – Granting Bulk Variance Approval – MR. HAWLEY OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. NEFF.

Roll Call:

Ayes: DR. ZUZULOCK, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER

Nays: None

Ineligible: MR. DOUGHERTY, MR. KURDES, MR. BERTH, MS. MAJEWSKI

Absent: MR. McGOLDRICK, MR. JOSKO

Resolution PB22-01, Block 70, Lot 2, 88 E. Mount Avenue (Katchen) – Granting Bulk Variances – MR. HAWLEY OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. NEFF.

Roll Call:

Ayes: DR. ZUZULOCK, MR. HAWLEY, MR. PEPE, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER

Nays: None

Ineligible: MR. DOUGHERTY, MR. KURDES, MR. BERTH, MS. MAJEWSKI

Absent: MR. McGOLDRICK, MR. JOSKO

PB22-02, Block 91, Lot 6, 33 E. Mount Avenue (Demaio) Application for Minor Subdivision with Variances – Mr. Steib advised this application will not be heard and is being carried to June 2, 2022 at 7:00 pm in Council Chambers at 100 First Avenue, Atlantic Highlands, NJ.

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
May 5, 2022

Chairman Pepe advised he will be taking the applications out of order because he is recused from the Soriano application. Dr. Zuzulock and Mr. Dougherty stepped down from the dais for the following application:

PB22-05, Block 52, Lot 27, 125 E. Washington Avenue (Leshner) Application for Bulk Variance Approval – Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. The following exhibits were previously marked: The Zoning Denial letter, dated February 22, 2022 was marked Exhibit A-1, the application for variance and project narrative were marked as Exhibit A-2, the Sketch Plat of Proposed Addition shown on Location Land Survey on Lot 27 in Block 52 on the Official Tax Map of the Borough of Atlantic Highlands, Monmouth County, New Jersey, to the Boundary Line Agreement Line, Tax Map Page 14, consisting of one (1) sheet, prepared by Thomas Craig Finnegan Land Surveying, LLC, dated February 3, 2022, unrevised was marked as Exhibit A-3, a set of Architectural plans and elevations, Leshner Residence, 125 E. Washington Ave., Atlantic Highlands, NJ, consisting of three (3) sheets, prepared by Luft Architects, dated January 30, 2022, unrevised was marked as Exhibit A-4, the report from CME Associates, dated March 4, 2022 was marked as Exhibit A-5, a series of photographs was marked as Exhibit A-6, a Square Footage Analysis was marked as Exhibit A-7, and the updated report from CME Associates, dated May 2, 2022 was marked as Exhibit A-8.

Charles W. Leshner, Jr., was sworn in as the property owner and applicant. His family has owned this property since 1982 and it was previously used as a contractor garage. He would like to build a small residence on the lot. There are pre-existing variances due to the undersized size of the lot. A 10 foot setback is proposed on one side and one inch on the other side. There is no desire to remove the garage. The usable floor area ratio is proposed at 5.7% where 0.4% is permitted. One and a half parking spaces are required and will be provided through the garage. The floor plan was discussed, noting that the basement will be above seven feet. The garage space will be reduced by the stairs to the new living space. The applicant proposes storage to remain in the garage.

Mr. Pavlick clarified the request FAR is .49%. Mr. Leshner confirmed the attic will be unfinished. A discussion was held regarding the FAR request. Mr. Leshner requested a variance for .49% FAR in order to provide for any future expansion he may want to do. All other variances are pre-existing. The series of photos was discussed as well. Stormwater run-off will continue to drain downhill as it currently does; there have been no complaints in that area. The retaining walls under the deck will cut away about 2-3 feet of dirt to allow for a walk-in basement. No landscaping changes are proposed. The home will be a 2 bedroom, 2 bathroom home. The garage bays will be used to park two vehicles and there is on-street parking on both sides of the street.

Chairman Pepe opened the hearing to members of the public who wish to speak, however none appeared.

MR. NEFF OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. HAWLEY.

Roll Call:

Ayes: MR. HAWLEY, MR. PEPE, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER, MR. KURDES, MR. BERTH, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: MR. MCGOLDRICK, MR. JOSKO

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
May 5, 2022

Dr. Zuzulock and Mr. Dougherty took their seats on the dais. Chairman Pepe advised he is recused and will be leaving the meeting. Mr. Neff served as Chair for the following hearing:

PB22-04, Block 1, Lot 11.01 & 11.02, 82 Bayside Drive (Soriano) Application for Bulk Variance Approval – Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. The following exhibits have been previously marked: The Zoning Officers denial, prepared by Michelle Clark, dated December 6, 2021 was marked as Exhibit A-1, the Steep Slope Approval prepared by CME Associates, dated October 19, 2021 was marked as Exhibit A-2, the variance application and checklist were marked as Exhibit A-3, the Survey of Property, 82 Bayside Drive, Lots 11.01 & 11.02, Block 1, Borough of Atlantic Highlands, Monmouth County, New Jersey, consisting of one (1) sheet, prepared by Charles Surmonte, P.E. & P.L.S., dated March 29, 2021, was marked as Exhibit A-4, the Steep Slope Plan, 82 Bayside Drive, Block 1, Lot 11.01 & 11.02, Borough of Atlantic Highlands, New Jersey 07716, consisting of one (1) sheet, prepared by Engenuity Infrastructure, dated April 15, 2021, last revised September 23, 2021 was marked as Exhibit A-5, the In-Ground Pool Plan, Soriano Residence, #82 Bayside Drive, Block 1, Lots 11.01 & 11.02, Borough of Atlantic Highlands, Monmouth Co., New Jersey, consisting of one (1) sheet, prepared by MC Engineering, dated November 12, 2021 was marked as Exhibit A-6, the review letter #1 of CME Associates was marked as Exhibit A-7, the review of CME Associates, dated April 29, 2022 was marked as Exhibit A-8, a geotechnical report was marked as Exhibit A-9.

Kevin Kennedy, Esq. appeared on behalf of the applicant. He advised the applicant is seeking a pool in what is considered the front yard on a steep slope property.

Lawrence Keller was sworn in and accepted as an expert Engineer. He described the property location and stated that his goal is to maintain the integrity of the steep slope. A hand auger test was done in the area of the wooden walkway that leads to the pool area. The conditions are to be improved as to a safety factor due to the fact that water is lighter than soil, therefore the pool will have no adverse effect on the slope stability. He added that although they are in a steep slope area, the majority of this parcel is rather flat.

Board members asked questions related to the data used during the calculations and clarification on the retaining wall.

Mr. Neff opened the hearing to members of the public for questions on the testimony given.

James Krauss, 77 Bayside Drive, asked for clarification on gabion walls and retaining wall, which was answered by the engineer.

Sarah Colasurdo, 20 East Highland Avenue, asked questions related to the pool being drained.

Jackie Flor was sworn in and accepted as an expert engineer. An aerial photograph was marked as Exhibit A-10. A series of photos taken at the property were marked as Exhibit A-11. Ms. Flor noted the request is to have a pool in what is technically considered a front yard is due to the avoidance of the retaining wall. The proposed location is also driven by the 20-foot setback requirement from the septic field. The design of the pool does not change any existing drainage patterns.

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
May 5, 2022

Mr. Pavlick indicated concern with revegetation of the slope area. The applicant will take a look at that.

Ms. Majewski questioned truck access for the septic tank. Ms. Flor advised the applicant recently replaced the septic tank and trees had been cleared at that time for access.

Dr. Zuzulock indicated concern with the geotechnical calculations. The applicant agreed to submit them as a condition of approval.

Mr. Neff opened the hearing to members of the public for questions on the testimony given.

Jim Krauss asked for clarification on the exhibits presented.

John Soriano, 82 Bayside Drive, was sworn in as the property owner. He advised the pool will be covered in winter. The septic was replaced in July 2021.

Mr. Pavlick referred to the existing non-conforming lower level and asked that a Floor Area Ratio calculation be submitted as a condition of approval. The applicant agreed.

Mary Liz Soriano, 82 Bayside Drive, was sworn in as the property owner. She advised the pergola is about 10 feet in height. The highest point of the home is about 32 feet. Landscaping will be installed to screen the pool from the roadway.

Mr. Pavlick asked that an as-built be submitted. The applicant agreed.

Mr. Neff opened the hearing to members of the public for comments.

James Krauss, 77 Bayside Drive, offered comments indicating he is in favor of the application.

Mr. Steib noted that any favorable action would include the following conditions: landscaping screening, stormwater calculations to be submitted, parking will be in the driveway only and an as-built plan will be submitted.

Board members offered comments indicating the presentation was thorough and they agree it is a good plan.

MR. HAWLEY OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. KRUPINSKI.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. CACCAMO, MR. KRUPINSKI, MR. CROWTHER, MR. KURDES, MR. BERTH

Nays: NONE

Abstain: NONE

Absent: MR. MCGOLDRICK, MR. JOSKO

Adjournment

Mr. Dougherty made a motion to adjourn the meeting at 9:09 pm, second by Mr. Neff. All present members voted in favor by voice vote.

Erin Uriarte
Planning Board Secretary