

Borough of Atlantic Highlands Planning Board Meeting Minutes
Borough Hall, 100 First Ave., Atlantic Highlands, NJ
April 6, 2023

Chair McGoldrick called the meeting to order at 7:00pm and stated that the meeting is being held in compliance with the Open Public Meetings Act. Chair McGoldrick 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 April 6, 2023. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

WORKSHOP MEETING

Roll Call:

PRESENT: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr Krupinski, Ms. Majewski, Chair McGoldrick, Dr. Zuzulock, Mr. Kurdes, Ms. Walter

ABSENT: Vice Chair Neff, Mr. Berth

Also Present: Board Attorney Michael Steib, Esq., Board Engineer Douglas Rohmeyer, Board Secretary Nancy Tran, and Jessica McLane to operate the Zoom technology for those seeking to attend remotely.

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

There were no public comments.

Mr. Steib stated that there was no pending litigation.

Other Business: Mr. Steib summarized his review of other municipalities' Land Use application fees and escrow schedule. Councilman Dougherty wanted to hear other members' opinions. Mr. Kurdes, Ms. Majewski, Ms. Walter, and Chair McGoldrick shared their views. Mr. Rohmeyer explained the escrow process. Councilman Dougherty stated that he would share the findings and suggestions with Borough Administrator Ferragina for Council consideration.

Adjournment

Chair McGoldrick made a motion to adjourn. All were in favor. Workshop adjourned at 7:18pm.

REGULAR MEETING

Roll Call:

PRESENT: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr Krupinski, Ms. Majewski, Chair McGoldrick, Dr. Zuzulock, Mr. Kurdes, Ms. Walter

ABSENT: Vice Chair Neff, Mr. Berth

Appointment of Nancy Tran as Board Secretary:

Motion: Mr. Boms

Second: Councilman Dougherty

Ayes: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Chair McGoldrick

Nays: None

Abstain: None

Absent: Vice Chair Neff, Mr. Berth

Approval of March 2, 2023 Minutes:

Motion: Mr. Hawley

Second: Mr. Josko

Ayes: Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Dr. Zuzulock, Ms. Walter, Chair McGoldrick

Nays: None

Abstain: Mr. Boms, Mr. Krupinski, Ms. Majewski, Mr. Kurdes,

Absent: Vice Chair Neff, Mr. Berth

Approval of Attorney Vouchers for February 2023

Motion: Councilman Dougherty

Second: Ms. Majewski

Ayes: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Chair McGoldrick

Nays: None

Abstain: None

Absent: Vice Chair Neff, Mr. Berth

Approval for Memorializing Resolution PB22-21: Cannemela, 1 Scenic Ct., Block 57 Lot 6 – Granting application withdrawal without prejudice

Motion: Mr. Hawley

Second: Mr. Josko

Ayes: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Chair McGoldrick

Nays: None

Abstain: None

Absent: Vice Chair Neff, Mr. Berth

Hearing PB22-14: Inzalaco, 38 Asbury Ave., Block 87, Lot 1 – Bulk Variance

Mr. Steib gave a review of the application carried from the March 2nd before Mr. Inzalaco was sworn in to state the purpose of his application. Mr. Steib noted the variances sought. Chair McGoldrick asked about the intended use for the garage and Mr. Inzalaco answered. Mr. Steib noted the number of bedrooms and the number of vehicles required.

Mr. Rohmeyer verified the description of the front porch, basement information, accessory structures, and the number of parking spaces on the property with Mr. Inzalaco.

There were no questions or comments from the public.

Motion to approve: Mr. Krupinski

Second: Dr. Zuzuloc

Ayes: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Chair McGoldrick

Nays: None

Abstain: None

Absent: Vice Chair Neff, Mr. Berth

Hearing PB22-20: Zoe & Emilio's Kitchen, 77 Center Ave., Block 127 Lot 7 – Minor Site Plan with "D" Variance

Mr. Boms and Councilman Dougherty recused themselves and stepped down from the dais. Ms. Walter was conflicted out.

Mr. Steib gave an overview of the application and noted a letter of support that was received via email.

Kevin Kennedy, attorney for the applicant, reviewed the application and noted that research efforts were made to get historical conditions and use of the property. He then called Emilio Vicens Marquez, the applicant, to testify. Mr. Vicens was sworn in and gave his restaurant experience background and his history with the property. Mr. Vicens answered questions Mr. Kennedy asked to illustrate the application.

After Mr. Vicens finished testifying, Mr. Rohmeyer asked if there were photos of existing set-up for the garbage and recycling area and if the area was screened. Both Mr. Kennedy and Mr. Vicens testified that they would comply with the screen if application was approved. Chair McGoldrick asked for further clarification of the garbage and recycling area.

Mr. Rohmeyer noted the parking requirements, the current parking situation, and the proposed parking conditions.

Chair McGoldrick opened the floor for public questions.

Erin Vadell, attorney representing a neighbor, asked for clarification of proposed parking and proposed operating hours. Mr. Vicens testified that he would change his initially proposed operation hours to coincide with the parking arrangement with St. Agnes Church.

Scott Mullin, Center Ave., was sworn in and described the current nearby parking situation and noted that the church holds 5pm mass on Saturdays.

Ms. Vadell stated that the business has outgrown the space and that the agreement with the church is at will. She believed that the application does not warrant a "D" variance approval in addition to the application lacking a lighting plan and possible parking contract extension.

Andy Clurfeld, Third Ave., voiced support of Emilio's efforts and application as it's a family restaurant, a mom-and-pop operation, that does not attract a rowdy clientele. Mr. Clurfeld believes that Mr. Vicens is a good neighbor.

Debra Murray, Prospect Circle, asked if there would be any alcohol usage and Mr. Vicens answered that there is none.

Laura Mason, directly next to the property, testified and supported Mr. Vicens' character. She suggested that the application can modify their operation schedule to try it out.

Mark Fisher, Third Ave., supported Mr. Vicens' efforts. He believed that there is no existing rule that Mr. Vicens couldn't do what he proposes already. Mr. Fisher has no complaints regarding deliveries and noted that the parking problems are pre-existing.

Via Zoom, Megan Reilly and Matt Carroll, stated that they live two blocks away and support the application.

With no additional comments from the public, the Board discussed the application. Mr. Krupinski suggested that Mr. Vicens could stop servicing based on daylight to eliminate lighting concerns. Ms. Majewski supported screening the trash and recycling area. Mr. Kurdes noted that the applicant is accountable for all the terms he has agreed with tonight. Mr. Caccamo voiced his concern for pedestrian safety with the outside nighttime dining and increased traffic on Center Ave. He stated that First Ave. is designed for business, not Center Ave. He believes that granting approval would not be fair to residents in the area. Chair McGoldrick wanted clarification for the inside dining and outside dining situation and the conversation noise level. Mr. Krupinski and Mr. Josko suggested limiting outdoor dining operations. Dr. Zuzulock suggested limiting operations based on certain days. Mr. Caccamo voiced concerns for the neighboring property owners. Dr. Zuzulock asked for clarification of allowance of extended use and Mr. Steib answered and Mr. Kennedy noted their efforts in research for historical use. Mr. Krupinski suggested the applicant consider limiting to just indoor dining, while Ms. Majewski did not believe it is fair to impose such a limit. Mr. Caccamo restated his concerns about pedestrian safety. Ms. Majewski stated that the distance to the Church parking lot and the Municipal parking lot are about the same.

Chair McGoldrick asked Mr. Kennedy if his client wants to reconsider any points the Board discussed so far. Mr. Kennedy asked for a break so he could discuss with his clients.

Board recessed at 9:04pm and returned at 9:13pm. Chair. McGoldrick noted that there is a soft cut off time of 10:30pm.

Mr. Kennedy stated his client's commitment to resolve and accommodate neighbors' concerns and maintains an open-door policy. He does not agree with with Mr. Caccamo's safety

concerns. Mr. Kennedy stated that his client will withdraw the dinner outdoor dining portion of the application and reserving the right for future presentation.

Mr. Steib asked for the Board's thoughts. Mr. Hawley wanted clarification of the outdoor dining situation.

Motion to approve as amended: Mr. Krupinski

Second: Ms. Majewski

Ayes: Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes

Nays: Mr. Caccamo, Chair McGoldrick

Recused: Mr. Boms, Councilman Dougherty, Ms. Walter

Absent: Vice Chair Neff, Mr. Berth

Hearing PB22-25: Atlantic House, 67 First Ave., Block 115 Lot 7 – Minor Site Plan

Mr. Steib reviewed the applicant's noticing and exhibits.

Richard Stone, applicant's attorney, gave an overview of the proposal. Daniel Condatore, architect for the applicant, was sworn in and his credentials were accepted. Mr. Condatore stated that he was the original architect for the project and explained the new change to enclose the currently open outdoor area on the second floor. He noted the error in labeling on the plan.

Dr. Zuzulock asked if the exterior would remain the same and drainage with the new roof. Ms. Majewski asked if the capacity would change. Mr. Condatore answered both.

There were no questions, comments from the public. Mr. Josko, Mr. Krupinski, Mr. Dougherty, and Chair McGoldrick discussed the application's merits.

Motion to approve: Mr. Krupinski

Second: Mr. Hawley

Ayes: Mr. Boms, Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Chair McGoldrick

Nays: None

Recused: None

Absent: Vice Chair Neff, Mr. Berth

Hearing PB22-23: Highlands Yacht Club, 6 Simon Lake Dr., Block 7, Lot 5.03 – Minor Site Plan

Mr. Caccamo, Mr. Kurdes, and Ms. Walter recused themselves and stepped down from the dais. Mr. Steib reviewed the applicant's noticing and exhibits.

Brian Nelson, attorney for the applicant, gave an overview of the application. Christopher Stone was sworn in as the architect for the application. The Board accepted his credentials. Mr. Stone described the existing building plans, the proposed deck structure with its drainage plan,

railings, egress, and storage for chairs and tables. He described the site plan and addressed noise pollution, hours of operation, and lighting plan points from the Board Engineer's review. He described the rendering of the proposed deck in relation to the existing building.

Mr. Hawley asked for structural support clarification. Dr. Zuzulock asked about the waiver referenced in the Board Engineer's review. Both Mr. Rohmeyer and Mr. Stone answered.

Councilman Dougherty asked if the proposed structure would be up year-round and about the construction plans. Mr. Stone responded.

Mr. Hawley asked about the planned footing's impact on the existing structure and if any soil sample would be taken. Ms. Majewski asked if there was an acoustic barrier. Mr. Krupinski asked if there was a building height change. Chair McGoldrick asked about the hours of operations, maintenance plans for the existing roof, lighting plans, and storage of tables and chairs in case of severe storms. Councilman Dougherty asked if event use of deck was for members and their guests only. Mr. Stone answered the questions.

Mr. Rohmeyer reviewed the various points from his report and then Chair McGoldrick opened the floor for public questions.

Mr. ??, ??, asked about the existing footprint of the building and voiced concerns about the noise carrying. Ms. Majewski noted that the questions were already covered.

Chair McGoldrick tried to determine the applicant's, public's, and Board's feelings on staying longer to finish the application or to carry to next meeting.

Ms. ?, Ocean Blvd, questioned the proposed sound barrier and stated his concerns about objects flying off the roof in severe weather.

Mr. Caccamo, as a member of the public, asked that the application carries to next meeting due to the time. Chair McGoldrick decided that it would be best to carry hearing the application and Mr. Steib announced that the application would be carried to the May 4th meeting without further noticing.

Adjournment: Councilman Dougherty motioned and Mr. Boms seconded. All in favor.