



**Borough of Atlantic Highlands Planning Board Meeting Minutes
Borough Hall, 100 First Ave., Atlantic Highlands, NJ
August 3, 2023**

WORKSHOP MEETING

Roll Call:

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

ABSENT: Dr. Zuzulock, Mr. Berth

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

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 August 1, 2023. He stated that formal action would be taken.

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

Public Comment:

Lou Fligor, ??, asked about the redevelopment in Middletown as the affected area is behind is property. No one on the dais had received anything about it and Mr. Steib stated that he will look into it.

Litigation: Mr. Steib stated that there was no pending litigation.

Other Business: None.

Mr. Steib announced that the PB23-02: Kalian applicant asked to be carried to the September 7th meeting. He added that the Planning Board was working with the applicant for a possible special meeting date and suggested the public checks in for new development.

Workshop Adjournment

Ms. Majewski made a motion to adjourn and Mr. Boms seconded. All were in favor. Workshop adjourned at 7:04pm.

REGULAR MEETING

Roll Call:

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

ABSENT: Dr. Zuzulock, Mr. Berth

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

Approval of July 6, 2023 Meeting Minutes

Motion to approve: Vice Chair Neff

Second: Ms. Majewski

Ayes: Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Mr. Kurdes, Ms. Walter, Vice Chair Neff

Nays: None

Ineligible: Mr. Boms, Mr. Caccamo, Chair McGoldrick

Absent: Dr. Zuzulock, Mr. Berth

Approval of July 18, 2023 Meeting Minutes

Motion to approve: Mr. Krupinski

Second: Vice Chair Neff

Ayes: Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Mr. Kurdes, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Nays: None

Ineligible: Mr. Boms, Councilman Dougherty

Absent: Dr. Zuzulock, Mr. Berth

Approval of Attorney Vouchers for May 2023

Motion to approve: Mr. Josko

Second: Mr. Krupinski

Ayes: Mr. Boms, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Ms. Walter, Vice Chair Neff. Chair McGoldrick

Nays: None

Abstain: None

Absent: Dr. Zuzulock, Mr. Berth

Memorializing Resolution PB20-14: T-Three LLC, 65 First Ave., Block 117 Lots 3, 4, & 5

IN THE MATTER OF

APPLICATION NO. PB 20-14

BLOCK 117 LOTS 1, 2, 3, 4 & 5

RESOLUTION GRANTING

EXTENSION OF APPROVAL

OF T-THREE, LLC

WHEREAS, T-THREE, LLC, hereinafter the "Applicant", has previously proposed, and by resolution adopted by the Planning Board on December 3, 2020 received approval for the development of property located at 65 First Avenue, and 14 Center Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 117, Lot 1, 2, 3, 4 & 5 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has received approval from the Planning Board of the Borough of Atlantic Highlands for preliminary and final major site plan with variances to permit the construction of a four story mixed-use building with 1,420 sq. ft. of retail space on the first floor and a total of 15

two-bedroom residential units on the second (5 units), third (5 units) and fourth (5 units) floors along with (30) on-site parking spaces, concrete sidewalks, signs, lighting, storm drainage and utility connections requiring the following variance and design standard relief:

1. Section 150-29 (A)(2) (Exhibit 5-2) lot coverage in the CBD Zone of 99% where 75% is permitted.

2. Section 150-29 (A)(2) (Exhibit 5-2) building height in the CBD Zone of four stories where three stories are permitted and heights for roof 43.92 ft. where 40 ft. is permitted, parapet 49.33 ft. where 45 ft. is permitted, stair tower 54.5 ft. for where 50 ft. is permitted and elevator tower 59 ft. for where 55 ft. is permitted.

3. Section 150-29 (A)(2) (Exhibit 5-2) maximum building height in the HBD Zone of four stories where three stories are permitted and roof 43.92 ft. for where 40 ft. is permitted, parapet 49.33 ft. where 45 ft. is permitted, elevator tower 54.5 ft. and 59 ft. for where 55 ft. is permitted.

4. Section 150-87.A (1) open space of 12.8% where 30% is required.

5. Section 150-89.B(2) handicap parking stall dimensions of 12 ft. wide x 18 ft. long where 12 ft. wide x 20 ft. long is required.

6. Section 150-89.B(3)(c) parking aisle width of 23.79 ft. where 24 ft. is required to serve 90 degree oriented parking spaces.

7. Section 150-89.D(3) driveway access width of 47 ft. and 32.9 ft. respectively where 30 ft. is permitted.

8. Section 150-89(C)(1) no loading spaces are proposed where one loading space is required.

9. Section 150-85(E)(2)(a) no landscape buffer proposed where 25 ft. buffer is required; and

The subject property also retains the following existing non-conforming elements:

1. Section 150-29 A (2)(Exhibit 5-2) lot area in CBD Zone of 5,772.15 sq. ft. where 10,000 sq. ft. is required (lots 2, 3, 4, & 5)

2. Section 150-29 A (2)(Exhibit 5-2) lot frontage in CBD Zone of 37 ft. where 100 ft. is required.

3. Section 150-29 A (2)(Exhibit 5-2) lot shape diameter for interior lot in CBD Zone of 35.5 ft. where 60 ft. is required; and

WHEREAS, the subject property is located in the Central Business District (CBD) Zone and the historic business district (HBD) Zone and the proposed mixed-use commercial/residential development is a permitted conditional use and meets the conditional use requirements; and

WHEREAS, pursuant to N.J.S.A. 40:55D-52.a. the rights conferred upon the applicant shall not be changed for a period of two years and that the Planning Board may extend such period for extensions of one year, but not to exceed three extensions; and

WHEREAS, pursuant to N.J.S.A. 40:55D-52.c. the applicant may apply for the extension either before or after the expiration date. If after the expiration date the extension shall begin on what would otherwise be the expiration date.; and

WHEREAS, the initial two-year period of repose from changes expired on December 2, 2022 and Kevin E. Kennedy, Esq. the attorney for the applicant has now applied for an extension of the approval; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on July 6, 2023 due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

WHEREAS, Mr. Kennedy presented the request for extension with project manager Patrick Kalian and explained the circumstances delaying the applicant from proceeding with the approvals including delays in processing outside approvals due to the Covid-19 pandemic, delays in obtaining approval from J.C.P.&L to relocate its power lines and to obtain an easement from a neighboring property owner and that the applicant expects to have completed resolution compliance by mid-August and to submit for building permits by late September; and

WHEREAS, the Planning Board having considered the circumstances and is satisfied that the applicant diligently pursued its approvals and is entitled to the grant of its first one-year extension of approval.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 3rd day of August, 2023, that the Application of **T-THREE, LLC** its first one-year extension of approval be and is hereby approved, which will commence on December 3, 2022 and conclude on December 22, 2023 and which approval is expressly conditioned upon compliance with the following terms and conditions:

All conditions of the prior resolution of approval dated December 3, 2020 shall be continuing conditions of this approval.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

**Chairperson, Planning Board
Borough of Atlantic Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on August 3, 2023.

**Secretary, Planning Board
Borough of Atlantic Highlands**

Motion to approve: Mr. Hawley

Second: Vice Chair Neff

Ayes: Mr. Boms, Mr. Caccamo, Councilmember Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff

Nays: None

Ineligible: None

Abstain: Chair McGoldrick

Absent: Dr. Zuzulock, Mr. Berth

Memorializing Resolution PB22-12: Zlata/Clancy, 87 Memorial Pkwy., Block 61 Lot 4

IN THE MATTER OF

APPLICATION NO. PB22-12

BLOCK 61 LOT 4

RESOLUTION DISMISSING

APPLICATION

OF MICHAEL ZLATA & KEVIN CLANCY

WHEREAS, MICHAEL ZLATA & KEVIN CLANCY, hereinafter the "Applicant", has proposed the development of property located at 87 Memorial Parkway, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 61, Lot 4 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for variance approval to convert a one car detached garaged into a two-car detached garage on a 6,250 sq. ft. lot where private garage space may be provided for one motor vehicle for each 5,000 sq. ft. of lot area with an accessory side yard setback of 3.3 feet where 5 feet is required and accessory rear yard setback of 1 foot where 10 feet is required and building height of 16.2 ft. where 16 ft. is permitted. The foregoing is contrary to the provisions of Chapter 150, Article VII, Sections 150-72, 150-29 and Exhibit 5-2 of the Development Regulations of the Borough of Atlantic Highlands; and

WHEREAS, the subject property is located in the R-1 Residential Zone District and single family homes with associated accessory structures are a permitted use in the Zone; and

WHEREAS, the Applicant was schedule to appear before the Planning Board of the Borough of Atlantic Highlands on July 6, 2023, due notice of said meeting was not given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law so that the Planning Board was deprived of the ability to hear the application; and

WHEREAS, the time within which the Planning Board has to act on the application is scheduled to expire prior to the next meeting of the Planning Board and the applicant not having provided an extension of time for the Planning Board to act; and

WHEREAS, the Planning Board having decided that it must act on the application in order to avoid the applicant claiming an automatic approval pursuant to N.J.S.A. 40:55D-73.b.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 3rd day of August 2023, that the Application of **MICHAEL ZLATA & KEVIN CLANCY** be and is hereby dismissed without prejudice and which application may be reinstated if the applicant submits a written extension of time for the Planning Board to act on the application through October 31, 2023.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

Chairperson, Planning Board Borough of Atlantic Highlands

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on August 3, 2023.

**Secretary, Planning Board
Borough of Atlantic Highlands**

Motion to approve: Mr. Hawley

Second: Mr. Boms

Ayes: Mr. Boms, Mr. Caccamo, Councilmember Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff

Nays: None

Ineligible: None

Abstain: Chair McGoldrick

Absent: Dr. Zuzulock, Mr. Berth

PB22-12: Zlata/Clancy, 87 Memorial Pkwy., Block 61 Lot 4

Mr. Steib introduced the application and listed their Exhibits A1 – A8.

Henry Wolff, applicant's attorney, gave a background and history of the application. He stated that the applicant had a settlement agreement with the neighbor and gave an overview of the application.

Michael Zlata, applicant, was sworn in and verified the settlement agreement and its conditions. He explained the purpose of the proposed project. Mr. Zlata described Exhibit A8 a, b, and c. He noted the current state of the garage and the proposed project.

Mr. Rohmeyer asked about the structure's height, use, utility available, setbacks, and its description and the lot. Mr. Hawley asked that a drywell be addressed. Mr. Josko asked about driveway access. Ms. Majewski asked about construction materials. Mr. Zlata answered their questions.

John Tikiana, applicant's planner, was sworn in and described the property and its existing conditions. He explained the proposed project and the needed variances. Mr. Tikiana noted that the small setback is justified by the wide right of way.

Mr. Rohmeyer continued his questioning about whether the fence and evergreens encroached adjacent property and about lighting. Mr. Josko asked about the wire in back and Mr. Zlata stated that it was a telephone wire. Chair McGoldrick asked if there are plans for any tree removal and Mr. Zlata answered no.

Chair McGoldrick opened the floor for public questions and public comment. There were none.

Ms. Majewski stated that she had no issues with the application as they had the correct encroachment and height compliance.

Chair McGoldrick noted that applications with older buildings tend to have lack of storage area. He thanked the applicant for their patience and effort over their ordeal.

Councilmember Dougherty appreciated the applicant's settlement agreement with the neighbor.

Mr. Kurdes asked for clarification of the agreement compliance. Chair McGoldrick and Mr. Steib explained.

Councilmember Dougherty asked for clarification of the agreement if the property is sold. Mr. Steib stated that the agreement is recorded with the deed.

Motion to approve without the agreement: Mr. Krupinski

Second: Ms. Majewski

Ayes: Mr. Boms, Mr. Caccamo, Councilmember Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff, Chair McGoldrick

Nays: None

Ineligible: None

Abstain: None

Absent: Dr. Zuzulock, Mr. Berth

Mr. Steib listed the conditions of the approval.

Adjournment: Chair McGoldrick motioned and Vice Chair Neff seconded. All in favor. Meeting adjourned at 7:48pm.