



Borough of Atlantic Highlands Planning Board Meeting Minutes
Borough Hall, 100 First Ave., Atlantic Highlands, NJ
March 7, 2024

WORKSHOP MEETING: 7:00pm

Roll Call:

PRESENT: Ms. DePasca, Councilman Dougherty, Mr. Josko, Ms. Majewski, Vice Chair Krupinski, Chair McGoldrick, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Mr. Bearmore

ABSENT: Mr. Caccamo, Mr. Hawley, Mr. Neff

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, stated that the meeting is being held in compliance with the Open Public Meetings Act, and read the meeting notice. He also stated that formal action would be taken.

The Board took a moment of silence and did pledge of allegiance.

Public Comment: There were no public comment.

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

Other Business:

Ordinance 07-2024 Development Plan Checklist – Councilman Dougherty summarized the Ordinance. Then Mr. Steib explained the Board's role. There were no Board comments.

In consideration of those in attendance that were present for the PB23-12: Rovere and the PB24-01: Wyrd Witch applications, Mr. Steib announced that the Board did not have jurisdiction to hear the applications due to errant noticing. Their application will be considered at the April 4th meeting pending proper noticing.

Mr. Steib also announced that the Board may take a quick break before the Regular Meeting begins as he was waiting for verification of receipt of notice for the PB24-03: Murray application. Ms. Tran confirmed that she received two emails from 2 neighbors on Summit Ave. verifying that they received Ms. Murray's notice. A break was not deemed necessary.

Councilman Dougherty announced that the Public Hearing date for Ordinance 07-2024.

Workshop Adjournment

Vice Chair Krupinski made a motion to adjourn workshop and Ms. Majewski seconded. All were in favor. None opposed. Workshop adjourned at 7:18pm.

REGULAR MEETING: 7:18pm

Roll Call:

PRESENT: Ms.DePasca, Councilman Dougherty, Mr. Josko, Ms. Majewski, Vice Chair Krupinski, Chair McGoldrick, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Mr. Bearmore

ABSENT: Mr. Caccamo, Mr. Hawley, Mr. Neff

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 February 1, 2024 Meeting Minutes

Motion to approve: Ms. Majewski

Second: Mr. Josko

Ayes: Ms.DePasca, Mr. Josko, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Abstain: None

Ineligible: Councilman Dougherty, Mr. Bearmore

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

Approval of Attorney Vouchers for January 2024

Motion to approve: Mr. Josko

Second: Ms. Majewski

Ayes: Ms.DePasca, Mr. Josko, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

Resolution for PB23-07: VSC – 1 Bayshore Pl., B104 Ls 1 & 2

IN THE MATTER OF

APPLICATION NO. PB 23-07

OF VSC, LLC

BLOCK 104 LOTS 1 & 2

RESOLUTION DISMISSING

APPLICATION WITHOUT

PREJUDICE

WHEREAS, VSC, LLC, hereinafter the "Applicant", has proposed the development of property located at 1 Bayshore Plaza, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 104, Lots 1 & 2 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 to modify an existing one-story building at the northeast corner of the site previously used as a bank to be used as a retail smoke shop requiring Variance and Minor Site Plan approval; and

WHEREAS, the application was scheduled for hearing on February 1, 2024; and

WHEREAS, by letter dated January 30, 2024, the Applicant, through Counsel, requested that the application be withdrawn without prejudice; and

WHEREAS, at its meeting conducted on February 1, 2024, the Planning Board considered the request and having not commenced the hearing and having made no determination as to the merits of the application, the Planning Board finds that the request of the Applicant for withdrawal should be granted, and the application should be dismissed without prejudice.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 7th day of March, 2024 that the request for withdrawal and dismissal without prejudice of the **VSC, LLC**, be and is hereby granted and the application is withdrawn and dismissed without prejudice.

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.

Motion to approve: Ms. Majewski

Second: Dr. Zuzulock

Ayes: Ms. DePasca, Councilman Dougherty, Mr. Josko, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

Resolution for PB23-11: Richards – 52 Asbury Ave., B81 L5

**IN THE MATTER OF
APPLICATION NO. PB 23-11
OF CHRISTIAN RICHARDS
BLOCK 81 LOT 5**

**RESOLUTION GRANTING
VARIANCE APPROVAL**

WHEREAS, CHRISTIAN RICHARDS, hereinafter the "Applicant", has proposed the development of property located at 52 Asbury Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 81, Lot 5 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 side porch area into an enclosed laundry room requiring Variance relief pursuant to Section 150-49 (1) which provides that the nonconforming lot may not be used for any purpose unless (a) the proposed use and all existing uses is/are permitted, principle or accessory uses (b) the lot conforms to the minimum lot area requirements of this chapter. In this case, the proposed use is permitted. However, the lot has an area of 6,500 square feet where 7,500 square feet is required. The foregoing is contrary to the provisions of Chapter 150, Article VII, Section 150-49 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 residential homes with associated accessory structures are a permitted use in the zone; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on February 1, 2024, 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, the Applicant's witnesses were sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits submitted by the Applicant and having considered all of the evidence presented in favor of or in opposition to the application, the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the following documents, Exhibits and reports:

1.1 Zoning Review of Zoning Michelle Clark, dated August 18, 2023, marked as Exhibit A-1 in evidence.

1.2 Application of Christian Richards, dated August 22, 2023, marked as Exhibit A-2 in evidence.

1.3 Survey prepared by Charles V. Bell, dated October 15, 2019, marked as Exhibit A-3 in evidence.

1.4 Hand Drawn Architectural Construction Rendering & Floor Plan, marked as Exhibit A-4 in evidence.

1.5 Photographs of Existing Porch & Basement Laundry, marked as Exhibit A-5 in evidence.

1.6 Review #1 of CME Associates, dated October 18, 2023, marked as Exhibit A-6 in evidence.

2. The premises in question are located at 52 Asbury Avenue, in the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, which property is further known and designated as Block 81, Lot 5 on the Tax Map of the Borough of Atlantic Highlands.

3. The subject property is located in the R-1 Residential Zone District and single-family residential homes with associated accessory structures are a permitted use in the Zone.

4. The subject property has approximate dimensions of 50 ft. x 130 ft. x 50 ft. x 130 ft. and is an elongated rectangle in shape with an approximate area of 6,500 square feet (0.15 acres). The property is presently developed with a two-story residential home with a covered front porch, covered side porch, asphalt driveway, shed and concrete walks. The Applicant proposes to enclose the existing porch and convert it into living space including a laundry room.

5. The Applicant presented the testimony of Christian Richards, the property owner, who testified that the current laundry room in the home is located in an unfinished basement which is dark, cramped and "creepy". The Applicant desires to close the existing covered porch on the side of the house and create living space which would include adequate area for a laundry room in the upstairs portion of the home permitting the Applicant to do laundry in the main living space rather than the basement which has inadequate ceiling height and area. In addition, the Applicants would like to have the basement area available for storage as there is very limited storage area in this modest home.

The Applicant provided Exhibit A-5 showing the existing basement conditions and showing the porch area which will be enclosed. The Planning Board agrees with the Applicants assessment that conversion of the side porch into a living area which would accommodate a laundry room, although small, would be a substantial improvement to the living conditions of the home.

6. The Applicant also provided testimony, along with a copy of the survey, indicating that the enclosure of the side covered porch will not result in any change to the dimensions and footprint of the existing home and would result in no changes to the existing survey marked as Exhibit A-3 in evidence. There will be no change to the foundation increase and impervious coverage, impact upon stormwater management or elevation in the height (roof) of the structure. Thus, there will be little or no change in the existing conditions other than to enclose the existing covered porch.

7. During the course of the hearing, the Board Engineer noted that if the Applicant is to have a doorway leading to the exterior of the home, it may require a "code compliant landing" that could encroach further into the side yard setback which is an existing nonconforming element and suggested that any approval include provision for such a "code compliant landing" so that the Applicant would not have to return to the Board if such a landing was necessary. The Board finds this recommendation is appropriate under the circumstances.

8. The Planning Board finds that the Applicant has satisfied the positive criteria for the grant of the requested Variance relief. The Planning Board notes that this is an existing, undersized lot of record and is an elongated rectangle in shape. Moreover, the property is already developed with an existing residential home with existing. Nonconforming elements, for lot area of 6,500 square feet where 7,500 square feet is required, lot frontage and width of 50 feet where 75 feet is required, lot shape diameter of 20 feet where 45 feet is required and existing side yard setback of 6.5 feet where 10 feet is required. the Planning Board finds that all of these conditions cumulatively constitute an extraordinary and exceptional situation uniquely affecting this specific piece of property and the structures lawfully existing thereon exist such that the strict application of the

Development Regulations of the Borough of Atlantic Highlands would result in peculiar and exceptional practical difficulties to and exceptional and undue hardship upon the Applicant as it would prevent the Applicant from converting an existing portion of the structure into appropriate, functional, living space with the exception of a possible “code complaint landing” which will be minimal and at ground level. The result will provide a more functional home.

9. The Planning Board further finds that the Applicant has satisfied the negative criteria for the grant of the requested Variance relief. The Planning Board finds that the grant of the requested Variance relief will not result in any substantial detriment to the public good. As noted previously herein, this is an existing residential home and the enclosure of the existing covered porch will not result in any change to the building footprint, to the foundation of the building, to the height of the building or otherwise. Thus, the Planning Board finds that there will be no substantial impact upon the surrounding properties. The proposed enclosed porch will not be visible from Asbury Avenue as it will be blocked from view by the existing home. It will have no visibility to the property to the west, no impact to the property to the north (rear). Any potential impact would be to the property to the east which will be di minimis as there will be no increase in the building, only the enclosure of the existing porch area and possibly a “code compliant landing” at ground level. The Planning Board finds that such impacts will be insubstantial.

10. The Planning Board further finds that the grant of the requested variance relief will not result in any substantial impairment of the Zone Plan or Zoning Ordinance. As noted previously herein, this is an existing residence within an existing residential neighborhood. The proposed changes will not have any impacts upon the streetscape or the surrounding properties or the Zone Plan or Zone Scheme in this area of the Borough. The Planning Board finds that the Ordinance in question requiring Variance approval for changes to lots which have a nonconforming lot area are to ensure that there will be no additions and improvements to properties which will be overly expansive and have adverse impacts upon their surrounding properties and Zone Scheme. In this case, the proposed enclosure of an existing covered porch will not have those impacts sought to be avoided by the Ordinance.

11. As a result of all of the foregoing the Planning Board finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested Variance relief and that the Variance can and should be granted at this time.

12. The Planning Board further finds that all property owners within 200 ft. of the premises in question were given proper notice of the hearing of this application and were provided with an opportunity to present testimony and evidence in support of, or in opposition to, the appeal.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 7th day of March, 2024 that the Application of **CHRISTIAN RICHARDS**, be and is hereby approved, which approval is expressly conditioned upon compliance with the following terms and conditions:

GENERAL CONDITIONS –

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.
- 2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.
- 3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.
- 4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.
- 5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements.
- 6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
- 7) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.
- 8) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity. This approval is conditioned upon compliance by the Applicant will all Ordinances and Regulations of this Municipality.
- 9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802

within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

10) In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802.

11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application.

12) In the event that this Application involves a subdivision or site plan, such subdivision or site plan shall expire at the conclusion of the period of protection from zoning changes provided for in N.J.S.A. 40:55D-49 or 40:55D-52.a, as applicable, and in no event shall extend beyond the fifth anniversary of the date of adoption of this resolution.

13) In the event that this approval involves the approval of a subdivision, the Applicant shall provide to the Board Engineer and attorney for review and approval, deeds for each of the lots created and shall file such deeds simultaneously with the recording of any subdivision plat.

14) All special conditions shall be included as notes on the plans.

15) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.

16) The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Municipal Ordinances. This approval is subject to the Applicant paying all applicable fees, including any fee due and owing to the Municipality's Affordable Housing Trust Fund.

Affordable units in inclusionary developments shall have at least 50% low income units (of which at least 13% are very low income). The remaining affordable units shall be moderate income units. The bedroom distribution for affordable units shall be a minimum of 20% three-bedroom units and a maximum of 20% one- bedroom units.

17) This Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all permits and approvals required **prior to** the commencement of **any** development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional and/or Municipal Utility Authority approval, in addition to any and all building and construction permits, required by the Municipality. All work

performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

18) As an essential and non-severable condition of this approval, the Applicant shall comply with all Mount Laurel obligations and shall comply with the Municipality's approved Housing Element and Fair Share Plan including but not limited to, any associated implementing Ordinances.

19) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Municipality. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Municipality or by any Municipal official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against the Board, the Municipality or any officials or employees of the Municipality for any damage or injury that result from the construction of the improvements for which this Zoning approval is granted.

SPECIAL CONDITIONS –

1) The approvals granted in connection with this application are to permit the proposed enclosure of the side covered porch on a lot with an area that does not conform to the minimum in lot area requirements of the Zone, along with increased side yard deficiency for a "code compliant landing" if required for an exit doorway.

- 2) The following existing, nonconforming elements will continue:
- a. Building side yard setback of 6.5 feet where 10 feet is required.
 - b. Area of 6,500 square feet where 7,500 square feet is required.
 - c. Lot frontage of 50 feet where 75 feet is required.
 - d. Lot width of 50 feet where 75 feet is required.
 - e. Lot shape diameter of 20 feet where 40 feet id required.

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 should the Applicant not exercise this variance within the required time period pursuant to Chapter 150, Article III, Section 150-9.J. these variances will expire.

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.

Motion to approve: Mr. Josko

Second: Vice Chair Krupinski

Ayes: Ms. DePasca, Mr. Josko, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Abstain: None

Ineligible: Councilman Dougherty, Mr. Bearmore

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

PB22-18: Baker – 170 Ocean Blvd., B17 Ls 8.01 & 8.02 – TO BE CARRIED

Mr. Steib announced that the application is carried to the April 4th meeting without further re-noticing needed.

PB23-13: Sinclair – 52 East Garfield Ave., B80 L3

Mr. Steib reported that the Board had jurisdiction to hear the application and listed the exhibits thus far.

Reni Siclare, owner, and Edward O’Neil, Jr., applicant’s architect, were sworn in. Mr. Siclare explained the reasons for the renovations. Mr. O’Neil described the existing conditions and the proposed plans. He listed the four pre-existing variances for the structure that was built in 1908. Mr. Steib asked for clarification that none of the pre-existing variances would be exacerbated by the proposed project and Mr. O’Neil confirmed. Mr. O’Neil noted the positive and negative criteria for the proposed project.

Mr. Rohmeyer asked for clarification of the impervious coverage calculations. Mr. O’Neil gave his interpretation of impervious coverage, explained his calculations, and added that they were agreeable to installing a drywell if needed for compliance. Mr. Rohmeyer defined the Borough Code’s definition of impervious coverage and noted that the proposed drywell mitigation. Ms. Majewski asked for clarification of the discrepancy of impervious coverage calculations. The Board discussed possible handling of the area in question. Mr. Steib reiterated the conditions agreed upon.

Mr. Rohmeyer continued asking the applicant about the number of bedrooms, the number of off-street parking, and tree removal plans. Mr. Josko asked for clarification of the number of off-street parking spaces as it relates to the number of bedrooms and Mr. Steib answered. Dr. Zuzulock asked about the pre-existing deck, construction plans, and drainage control during construction.

With no comments from the public, the Board shared their thoughts on the application. Mr. Josko thought that it was a good application and suggested that the applicant might want to classify it as a 4 bedroom property to save themselves the hassle in the future. Councilman Dougherty thought that the current stairway sounded like a nightmare and thought that the application was pretty straight forward. Chair McGoldrick thought that it was good that the owners want to stay and are investing to stay. Ms. DePasca suggested ADA compliant options.

Motion to approve with conditions: Mr. Josko

Second: Ms. Majewski

Ayes: Ms. DePasca, Councilman Dougherty, Mr. Josko, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

PB24-04: Keenan – 164 E. Washington Ave., B28 L9

Mr. Steib noted that the Board had jurisdiction and listed the exhibits thus far.

Samantha and John Keenan, owners, were sworn in and Mrs. Keenan explained their reasons for the renovations and noted the pre-existing conditions. Mr. Steib asked if the applicants were proposing to square off the back to follow the existing footprint behind the property. Mr. Rohmeyer, Chair McGoldrick, Dr. Zuzulock, and Mr. Steib discussed dual frontage lot. Mrs. Keenan stated that they're trying to use what they have to improve the property. Mr. Rohmeyer reviewed the calculations in his report, the definition of stories and cellar vs. basement. He asked if the proposed plans included removal of a deck and shed and thus impacting impervious coverage calculations and any roof run-off plans. Mr. Rohmeyer further asked about tree removal and landscaping plans, construction plans and the area of disturbance. Mr. & Mrs. Keenan answered.

There were no public questions. Ms. Majewski asked for clarification of the number of variances sought and Mr. Rohmeyer answered.

There were no public comments. Mr. Josko thought the project was an improvement to the neighborhood and thought it was a good application.

Motion to approve with conditions: Ms. Majewski

Second: Dr. Zuzulock

Ayes: Ms. DePasca, Councilman Dougherty, Mr. Josko, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

PB24-03: Murray – 1 Observatory Pl., B27 L5

Dr. Zuzulock recused herself and stepped down from the dais. Mr. Steib noted that the Board had jurisdiction and listed the exhibits.

Kate and Debra Murray were sworn in and Kate summarized her history with the town and property and described the proposed plans. They shared 7 pictures of the property, Exhibit A7, and described the what they depicted. Debra and Kate described the existing conditions. Mr. Rohmeyer clarified existing variances and proposed variances and both Kate and Debra agreed. Mr. Rohmeyer reviewed points from his report, asking what structure(s) will be removed, number of bedrooms currently and proposed, number of off-street parking, and stormwater management.

He requested a rendering with downspouts as he was concerned about how the run-off would affect their rear neighbors. The Murrays would comply.

Lori Johnson, rear neighbor, was sworn in and voiced her concerns regarding the potential run-off. It's currently not an issue as she has a French drain. She also added that the applicant's structure is closer than depicted. Ms. Murray verified that nothing has changed since their survey. Mr. Rohmeyer did a quick calculation and verified that the measurements were correct. Ms. Johnson disagreed. Chair McGoldrick asked if Ms. Johnson had any calculations to verify the difference in proximity.

Ms. DePasca asked for further clarification of the driveway and any tree removal as related to the proposed project. Vice Chair Krupinski, Ms. DePasca, Ms. Majewski asked about plans for central air, back up generator, if the property had septic or sewer, run-off during and after construction, and construction plans in general.

Chair McGoldrick opened the floor for public comment. Merissa Zuzulock, neighbor, was sworn in and voiced her support of the application.

Ms. DePasca, Councilman Dougherty, Mr. Kurdes, Chair McGoldrick thought that the proposed improvements were positive for the neighborhood and borough, that it would help with the run-off issue, and that it was a creative approach given the existing conditions.

Motion to approve with conditions: Vice Chair Krupinski

Second: Ms. Majewski

Ayes: Ms. DePasca, Councilman Dougherty, Mr. Josko, Ms. Majewski, Mr. Kurdes, Ms. Walter, Mr. Bearmore, Vice Chair Krupinski, Chair McGoldrick

Nays: None

Recused: Dr. Zuzulock

Absent: Mr. Caccamo, Mr. Hawley, Mr. Neff

Adjournment: Vice Chair Krupinski motioned and Ms. Majewski seconded. All in favor. Meeting adjourned at 8:46pm.