

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
August 4, 2022

The Regular Meeting of the Planning Board of the Borough of Atlantic Highlands was held on August 4, 2022 at Borough Hall, 100 First Avenue Atlantic Highlands.

WORKSHOP MEETING: 7:12 pm

Roll Call:

Members Present – Dr. Zuzulock, Mr. Dougherty, Mr. McGoldrick, Mr. Hawley, Mr. Neff, Mr. Josko, Mr. Krupinski, Mr. Crowther, Mr. Kurdes, Mr. Berth

Members Absent – Mr. Pepe, Mr. Caccamo, Ms. Majewski

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

Public Comment – None

Pending Litigation – None

Other Business – Cannabis Sub-Committee Discussion – Dr. Zuzulock summarized the sub-committee’s discussions and a brief discussion was held. Planning Board members agreed on the following:

Retail on First Avenue – Concern was raised as to whether Cannabis uses are more traffic intensive than other permitted uses in the zones abutting First Avenue. It was suggested that a review of the Institute of Traffic Engineers (ITE) Trip Generation Manual may be in order as that resource provides statistics for traffic generation and parking needs for a vast array of businesses. This resource will provide data to compare Cannabis uses with other business uses permitted in these zones. It can then be determined whether greater traffic and parking demands should be anticipated and planned for.

Traffic Management Plan – Based on the information received in #1 above and actual experience the Governing Body may want to consider creating a traffic management plan to address specific issues identified.

Neighborhood Impact Plan – The Governing Body may want to consider creating a future plan to address any specific impacts of these business on the neighborhoods that they will be locating in.

The Limitation on the Number of Cannabis Uses Permitted – The Planning Board supports the limitation as set forth in the proposed Ordinance.

Hours of Operation - The Planning Board supports the limitation on hours of operation as set forth in the proposed Ordinance.

School Zone Buffer – The Planning Board is sensitive to the potential of Cannabis establishments to impact upon the Elementary School and the need to mitigate them. The discussion addressed the current “Linear” concept in Section 150-47. C.2. which prohibits Cannabis establishments

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
August 4, 2022

along that portion of First Avenue between Highland Avenue and Garfield Avenue (“Buffer Zone”).

The Planning Board preferred a Buffer concept of prohibiting Cannabis establishments for a specific distance from the entire perimeter of the Elementary School property. The subcommittee reported that they had reviewed ordinances of other municipalities in the State that adopted that concept. The distances varied dramatically ranging from 200 ft. (Jersey City) to 500 ft. (Montclair) to 1,000 ft. (Eatontown). It was suggested that, if the Governing Body finds this approach to be preferable it would be helpful to have the 200 ft., 500 ft. and 1,000 ft. “boundaries” superimposed on the current zoning so that one can see the extent to which these varying distances may impact the adjacent zones.

Blackout Window Restriction – The Planning Board was not in favor of Section 211-12.D requiring windows to be tinted, painted or otherwise obscured. The Planning Board was of the opinion that these restrictions would be aesthetically inappropriate and adversely impact upon the security of these establishments.

Bulk Requirements – Section 150-47F. provides that all bulk requirements shall be in accordance with the Borough Code. The Board Engineer opined that this language is too limiting and should be expanded to state that there will be compliance with all requirements of chapter 150 of the Borough Code.

Mr. Dougherty advised that Council has public hearing and adoption scheduled for August 11, 2022.

Mr. Steib advised he will prepare a memo for the Council; the Board should have it on Monday and can reply with any comments.

Board members thanked the sub-committee for their research and time.

MR. HAWLEY OFFERED A MOTION TO CLOSE THE WORKSHOP PORTION OF THE MEETING AND ENTER INTO REGULAR SESSION, SECONDED BY MR. NEFF. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

REGULAR MEETING: 7:40 pm

Roll Call:

Members Present – Dr. Zuzulock, Mr. Dougherty, Mr. McGoldrick, Mr. Hawley, Mr. Neff, Mr. Josko, Mr. Krupinski, Mr. Crowther, Mr. Kurdes, Mr. Berth

Members Absent – Mr. Pepe, Mr. Caccamo, Ms. Majewski

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.

Approval of the Attorney Vouchers for June 2022 – MR. HAWLEY OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS, SECONDED BY MR. DOUGHERTY.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, MR. CROWTHER, MR. KURDES

Nays: None

Abstain: None

Absent: MR. PEPE, MR. CACCAMO, MS. MAJEWSKI

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
August 4, 2022**

Approval of Minutes –

July 7, 2022 – MR. NEFF OFFERED A MOTION TO APPROVE THE MINUTES SECONDED BY MR. HAWLEY.

Roll Call:

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

Resolution PB22-07, Block 34, Lot 5, 104 Asbury Avenue (Paskewich), Granting Bulk Variance Approval – MR. DOUGHERTY OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. NEFF.

Roll Call:

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

PB22-03, Block 97, Lot 13, 68 First Avenue (True North Management LLC/Wickersham) – Application for Minor Site Plan & Change of Use – Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. The following exhibits were marked: Zoning Review of Zoning Officer Michelle Clark, dated July 17, 2021, marked as Exhibit A-1. Survey prepared by Thomas P. Santry, P.A., dated October 3, 2017, marked as Exhibit A-2. Application for Variance dated October 21, 2021, marked as Exhibit A-3. Minor Site Plan prepared by Eastern Civil Engineering, dated January 26, 2022 revised April 1, 2022, marked as Exhibit A-4. Review #1 of CME Associates, dated February 25, 2022, marked as Exhibit A-5. Operations Plan of True North Management, LLC, dated July 15, 2021, marked as Exhibit A-6. Review #2 of CME Associates, dated June 8, 2022, marked as Exhibit A-7. Series of 12 Photographs of exterior and interior of existing building, marked as Exhibit A-8.

Henry Wolff, Esq. appeared on behalf of the applicant. He explained the applicant is seeking minor site plan approval for medical office space, noting that the applicant is entitled to use the municipal parking lot towards their parking requirements.

Frederick John Rast, III was sworn in as the former owner of the property. Mr. Rast testified that he purchased the property in 2004 and lived here his whole life. The building was built when he was 13 years old. The former owner had a medical use with exam rooms and rented space to a physical therapist, which came before the Board. Julie Page, the local chiropractor also had office space there at one time. There were several physical therapists in the building when he sold it to Mr. Wickersham and no parking was required at that time because they were within 600 feet of the municipal lot. During 2020, Mr. Wickersham opened a COVID testing center and provided testing and equipment to the Borough. Mr. Rast testified that medical services have been a consistent use in that building over time.

Brendan Sole, Property Manager for True North Management LLC, was sworn in and explain his management duties for the Board. An informal floor plan of 68 First Avenue was marked as

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
August 4, 2022

Exhibit A-10. Mr. Sole explained the current tenants include a salon, a travel agency, a realtor office, True north Property Management offices, the Atlantic Highlands Chamber of Commerce, Smithwick Holdings, and the COVID testing center. Hundreds of tests were given each day during the height of COVID. The testing center remains open, however the demand is not as high. The applicant is proposing a boutique medical office will be by appointment only. They expect most of the patients to be telehealth virtual visits and physicals. There will be two exam rooms and two administrative areas, for a total of 760 square feet.

Mr. Kurdes questioned trash removal. Mr. Sole replied it is picked up twice weekly by a disposal company.

Ms. Zuzulock asked about the number of employees. Mr. Soles advised 6-8 per day.

Mr. Rohmeyer advised the existing parking demand needs to be determined; the plan only shows the proposed medical space.

Mr. McGoldrick opened the hearing to the public for questions of Mr. Sole. No public questions were received.

Andrew Stockton, P.E., P.P. was sworn in and accepted as an expert Engineer and Planner. He advised that the Test Here COVID center is 925 square feet, the remaining area is 5,945 square feet of general office space. There will be a total of 1,725 square feet of medical office space. He added that he was overly conservative with his medical use calculations and the plan shows a parking demand using the conservative numbers. 36 Parking spaces would be required however the Ordinance provides that medical use does not have to be separated out when it is less than one third of the building footprint, which brings the demand down to 27 spaces. Within 300 feet of the front door area of the building, he found a total of 80 parking spaces. No on-site parking could be built as none was provided throughout the history of the building and the building footprint takes up the entire property. Medical offices are permitted in the zone and have previously existed at this site. The ADA requirement would be satisfied via the municipal lot.

Mr. Rohmeyer recommend the plan be updated to show accurate square footage of existing uses along with the parking demand associated with each use. He also requested that the plans show that they meet the 300 foot distance to the municipal parking lot, as defined in the Ordinance, otherwise variance relief would be required. It appears the 300 feet is measured through by walking distance and not a radius.

Board members suggested the applicant request the relief. Mr. Stockton agreed and will show the distance in an aerial on the plan.

Mr. Wolff noted that at the time of purchase, the 600-foot rule applied therefore it is a pre-existing condition however the applicant will request the relief.

Mr. Steib recommended the condition be addressed prior to the Resolution being adopted.

Mr. McGoldrick opened the hearing to members of the public for questions or comments; however, none were received.

Mr. Wolff summarized the application, noting this will be a good service to the town and Mr. Wickersham has already proved to be a good neighbor.

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
August 4, 2022

Board members offered comments indicating the service is an asset to the town. Other Board members indicated concern with intensity of the use increasing and possible “grandfathering” in the future.

MR. HAWLEY OFFERED A MOTION TO APPROVE THE APPLICATION WITH CONDITIONS DISCUSSED AND A VARIANCE FOR PARKING, SECONDED BY MR. JOSKO.

Roll Call:

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

PB22-08, Block 87, Lot 15, 35 E. Garfield Avenue (Kelley) – Application for Bulk Variances

– Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. The Zoning Review of Zoning Officer Michelle Clark, dated August 31, 2021, was marked as Exhibit A-1 in evidence. The Application for development, dated August 31, 2021, was marked as Exhibit A-2 in evidence. The Variance Application of Edward and Rhonda Kelley was marked as Exhibit A-3 in evidence. Survey prepared by Richard E. Stockton, dated August 5, 2019, was marked as Exhibit A-4 in evidence. The Architectural Elevation and Floor Plans prepared by Minkler Architecture & Design dated July 7, 2021, was marked as Exhibit A-5 in evidence. Review #1 of CME Associates, dated April 29, 2022, was marked as Exhibit A-6 in evidence. A series of 4 Photographs 8.5 x 11 inch, was marked as Exhibit A-7 a-d in evidence.

Edward Kelley, 35 East Garfield Avenue, was sworn in as the owner and applicant. He explained he would like to fix his 100-year-old garage and sees no detriment on the neighborhood in doing so. He referred to Exhibit A-7 to show the Board the existing garage, noting that the materials will match the home. The garage will be used to store lawn equipment and they are adding a loft area with stairs for workout equipment. He is only proposing electric to the garage.

Mr. Rohmeyer asked if the applicant is proposing footings and a slab. Mr. Kelley replied, yes. Currently the garage is on a slab with no footings, and he would like to continue to maintain the existing setback. Roof leaders will be installed to maintain existing run-off and the existing 17’ x 22’ concrete slab will be removed and converted to gravel.

Mr. Rohmeyer noted that there is 199 square feet of loft space that increases the Floor Area Ratio, which requires a D-variance. He further questioned tree removal. Mr. Kelley advised no tree removal is proposed.

Mr. McGoldrick opened the hearing to members of the public for questions or comments; however, none were received.

Board members offered comments indicating this is a straightforward application and would be an improvement to the neighborhood.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
August 4, 2022**

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

Roll Call:

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

Nays: None

Abstain: None

Absent: MR. PEPE, MR. CACCAMO, MS. MAJEWSKI

PB22-10, Block 17, Lot 38, 54 Ocean Blvd (Lambert) – Application for Bulk Variances – Mr. Steib advised that due to a potential objector not being available, and past litigation decisions, he recommended this application be carried to September 1, 2022, at 7:00 pm in the main meeting room of Borough Hall, 100 First Avenue, Atlantic Highlands, NJ. No further notice will be required.

Adjournment

Mr. Josko made a motion to adjourn the meeting at 8:56 pm, second by Mr. Hawley. All present members voted in favor by voice vote.

Erin Uriarte
Planning Board Secretary