

**PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
October 6, 2022**

The Regular Meeting of the Planning Board of the Borough of Atlantic Highlands was held on October 6, 2022 at Borough Hall, 100 First Avenue Atlantic Highlands.

**WORKSHOP MEETING: 7:00 pm**

**Roll Call:**

**Members Present** – Mr. Dougherty, Mr. Hawley, Mr. McGoldrick, Mr. Neff, Mr. Krupinski, Ms. Majewski, Mr. Crowther, Mr. Kurdes, Ms. Majewski

**Members Absent** – Dr. Zuzulock, Mr. Pepe, Mr. Caccamo, Mr. Josko, Mr. Berth

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.

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

**Public Comment** – Mark Fisher, 91 Third Avenue, asked questions related to the parking calculations for 68 First Avenue. Mr. Rohmeyer explained the Resolution Compliance process, noting the application has not submitted that information yet.

**Pending Litigation** – None

**Other Business** – Mr. Neff questioned the modified hybrid meeting rules that had been sent out by Mr. Steib. Mr. Steib they were sent out by request of the Board. He welcomes any feedback the Board may have.

Mr. McGoldrick closed the Workshop meeting and advised to enter into Regular Session.

**REGULAR MEETING: 7:40 pm**

**Roll Call:**

**Members Present** – Mr. Dougherty, Mr. Hawley, Mr. McGoldrick, Mr. Neff, Mr. Krupinski, Ms. Majewski, Mr. Crowther, Mr. Kurdes, Ms. Majewski

**Members Absent** – Dr. Zuzulock, Mr. Pepe, Mr. Caccamo, Mr. Josko, Mr. Berth

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 Minutes – September 1, 2022** – MR. NEFF OFFERED A MOTION TO APPROVE THE MINUTES SECONDED BY MR. HAWLEY.

**Roll Call:**

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. KRUPINSKI, MR. CROWTHER, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

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**Approval of the Attorney Vouchers – MR. DOUGHERY OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS, SECONDED BY MR. NEFF.**

Roll Call:

Ayes: MR. DOUGHERY, MR. HAWLEY, MR. McGOLDRICK, MR. NEFF,  
MR. KRUPINSKI, MR. CROWTHER, MR. KURDES, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

**PB20-03, Block 1, Lot 2, 251 Ocean Blvd – Request for Extension of Variance Approval –** Mr. Steib explained the applicant is seeking an extension of the variance approval. Mr. Rohmeyer confirmed there has been no zone changes that would affect the property.

**MR. HAWLEY OFFERED A MOTION TO APPROVE THE ONE-YEAR EXTENSION, SECONDED BY MR. NEFF.**

Roll Call:

Ayes: MR. DOUGHERY, MR. HAWLEY, MR. McGOLDRICK, MR. NEFF,  
MR. KRUPINSKI, MR. CROWTHER, MR. KURDES, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

**Resolution PB22-06, Block 141, Lot 1, 102 Center Avenue (Domanski) – Dismissing Application Without Prejudice – MR. HAWLEY OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. NEFF.**

Roll Call:

Ayes: MR. HAWLEY, MR. McGOLDRICK, MR. NEFF, MR. KRUPINSKI,  
MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

**Resolution PB22-10, Block 17, Lot 38, 54 Ocean Blvd (Lambert) – Denying Application for Bulk Variances – MR. KRUPINSKI OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MS. MAJEWSKI.**

Roll Call:

Ayes: MR. HAWLEY, MR. McGOLDRICK, MR. NEFF, MR. KRUPINSKI,  
MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

**PB22-02, Block 91, Lot 6, 33 E. Mount Avenue (Demaio) – Application for Minor Subdivision with Use & Bulk Variances –** Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. He further noted the previously marked exhibits.

Monica Kowalski, Esq. appeared on behalf of the applicant, John Demaio. She apologized for the many adjournment requests based on their difficulties obtaining a Planner that could attend the hearing. She noted this application is for a minor subdivision. The property owner is Beth Sharak who is a long-term resident of the Borough. She has owned the existing home for about 5 years,

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and it is about 113 years old. The cost of maintaining a historic home has become a burden and she cannot afford to cost to renovate the home to make it more efficient. By subdividing the property, she can use the money she makes to invest in the existing home, rather than demolishing it and building a newer bigger home. A copy of a heating bill was marked as Exhibit A-12. Excerpts of the Master Plan were marked as Exhibit A-13. She noted that the Master Plan refers to the preservation of existing homes.

James Higgins was sworn in and accepted as an expert Planner. A Neighborhood Characteristic Plan was marked as Exhibit A-14. Mr. Higgins explained the exhibit noting many older homes ranging 77-99 years old and also 100+ years old. He noted many smaller lots within the zone than what is being proposed. The Historic Element of the Master Plan encourages a range of actions needed to preserve the historic nature of the area. The subdivision is not approved it is likely the applicant will sell the property, a contractor will demolish the existing home and build a modern home with a 2,500 square foot footprint, which will be out of character with the neighborhood. The applicant is willing to file a deed restriction to restrict the materials on the new home in order to maintain the architectural character of the neighborhood. Referring to the Goals & Objectives of the Master Plan, Mr. Higgins advised this is an opportunity to preserve an existing home instead of tearing down and replacing it. He suggested the Borough consider more specific Ordinance standards to encourage preservation – he has done extensive research on this and offered to share that with the Borough for future review. The applicant is requesting a D-4 variance for Floor Area Ratio. There is a deviation of 4% which equates to 210 square feet spread over two floors. Most lots in the area are smaller than what is proposed so this would not cause a detriment to the zone plan. He feels this proposal is more in character with the neighborhood than the alternative.

Mr. Rohmeyer asked several questions to clarify testimony given. Mr. Higgins confirmed the existing lot is conforming. It is shown as two non-conforming lots on the colorized exhibit to illustrate how the approval would blend in with the neighborhood. Mr. Higgins did not review the Housing Element of the Master Plan. Mr. Rohmeyer noted the limitation on population density and discourages infill lots. Mr. Higgins replied that maintaining the preservation of Historic homes should trump those standards. Mr. Rohmeyer asked for clarification on lot dimension calculations.

Mr. Hawley indicated concerns with parking. Ms. Kowalski advised parking will be on-site. Mr. Hawley noted the loss of on-street parking spaces by building a home and driveway. He further indicated concern with the overall density of the neighborhood.

Mr. Rohmeyer asked for testimony or exhibits related to lot size calculations and stormwater management. Mr. Higgins advised that will be reviewed during the permitting process. The applicant has no Engineer present to testify. The proposed setbacks were discussed. Mr. Higgins noted that the applicant would like to keep the accessory structure, which would have no setback if the subdivision were granted. He further suggested an access easement for maintenance along with a restriction related to the placement of the new dwelling. Board members indicated concern with creating non-conforming lots.

Mr. McGoldrick opened the hearing to members of the public who wish to ask questions based on the testimony given.

Mark Fisher, 91 Third Avenue, asked Mr. Neff for clarification on Master Plan language. Mr. Steib advised this is not for questions of the Board members, it is for questions of the testimony

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given by Mr. Higgins. Ms. Kowalski advised this is not an infill lot and it is not up to her client to define language from the Master Plan.

Kevin Dooley, 37 East Mount, asked if there have been any similar approvals granted by the Board. Mr. Higgins advised he has not done that research. Mr. Dooley further questioned why the owner's financial situation should weigh in. Ms. Kowalski advised that they were not testifying the variance should be granted for financial reasons, she was illustrating that this is an opportunity to preserve a historic home. The Gas Bill was presented to show the significant cost and need for renovation.

Rich Colangelo, 56 Grand Avenue, questioned a deed restriction to limit style of the new home. Ms. Kowalski advised that the new home would have to come back to the Board for variance relief. Mr. Steib added that if the Board approves the application, they will have to be specific as to the restrictions and they are not here to act as architects for the home. A discussion was held regarding possible restrictions. Mr. Higgins suggested that as a condition of approval, the applicant can place a deed restriction on lot 6.02 with the specifics to be prepared by a Historic Architect for review and approval by the Board Professionals.

Andy Clurfield asked for clarification on what could be built if the subdivision is not approved. Ms. Kowalski advised there are not historic design standards in the Borough Ordinance, therefore the applicant can design a modern home to the maximum extent of what is permitted.

Sarah Childs, 59 Third Avenue, questioned the economic standing of the applicant and what that has to do with the application. Ms. Kowalski reiterated the testimony, they were not testifying the variance should be granted for financial reasons, she was illustrating that this is an opportunity to preserve a historic home. The Gas Bill was presented to show the significant cost and need for renovation. Ms. Childs indicated a concern with setting precedent.

Danielle Schenk questioned the cost related to a Historic Designation for the home. Ms. Kowalski advised that does not matter as a deed restriction would limit the design of the home.

Mr. McGoldrick opened the hearing to members of the public who wish to make comments.

Emily Dooley, 37 East Mount Avenue, was sworn in and offered comments indicating she is not in favor of the application being granted.

Kevin Dooley, 37 East Mount Avenue, was sworn in and offered comments indicating he is not in favor of the application being granted.

Dina Rovere, East Mount Avenue, was sworn in and offered comments indicating she is not in favor of the application being granted.

Mark Fisher, 91 Third Avenue, was sworn in and noted this is a similar proposal to one that was recently denied.

Rich Colangelo, 56 Grand Avenue, was sworn in and clarified the previous denial and explained that the Board didn't know what was being built then. This is a similar situation.

Sarah Childs, 59 Third Avenue, was sworn in and commended the Board for the previous denials and not being afraid of the testimony related to what could be built.

Kyle Schenk was sworn in and echoed previous comments. He further indicated concern for the Dooley family having a home built so close to theirs.

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Danielle Schenk was sworn in and offered comments indicating she is not in favor of the application being granted.

Andy Clurfield, Third Avenue, was sworn in and offered comments indicating he is not in favor of the application being granted and is further concerned with the Board setting a precedent.

Jason Chabak, 6 Hooper, was sworn in and offered comments indicating she is not in favor of the application being granted.

Dan Thurman, 41 East Mount Avenue, was sworn in and offered comments indicating he is not in favor of the application being granted.

Isaac Hall, 38 East Mount Avenue, was sworn in and offered comments indicating he is not in favor of the application being granted.

Ms. Kowalski offered closing statements, noting several non-conforming lots in the area. She added that the Master Plan contradicts the Ordinance. The applicant is willing to restrict the historic preservation of the home as well as the architectural design for the new home. The cost of preparing those documents doesn't make sense without an approval. She reiterated the supporting testimony for the application

Mr. Neff addressed the mention of infill development noting that the intent was restrict development on non-conforming lots and he feels this would be an infill lot.

Mr. Krupinski advised he does not agree with creating two non-conforming lots.

Mr. Hawley indicated concern with creating non-conforming lots and feels this is similar to other recently denied applications.

Ms. Majewski advised she isn't entirely opposed, she doesn't feel other application should be considered here however she is not comfortable acting favorably without architectural plans.

Mr. Kurdes advised he personally would prefer to see two newer homes but would need more information related to the design of the home.

Mr. McGoldrick advised the complexities and cost related to the home renovation is not lost however he feels there is not enough information available to grant the approval.

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

Roll Call:

Ayes: MR. HAWLEY, MR. McGOLDRICK, MR. NEFF, MR. KRUPINSKI, MR. CROWTHER, MR. KURDES, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

**PB22-15, Block 94, Lot 20, 53 Fourth Avenue (Brown/Quinn) – Application for Use & Bulk Variances** – Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. He further noted the previously marked exhibits.

Henry Wolff, Esq. appeared on behalf of the homeowners. He noted that the applicant is seeking to enclose the second story deck that currently exists on the home. The property is located in the

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R-2 zone on a small lot. The existing home does not currently meet the setback requirements however the proposal does not exacerbate the current setbacks.

Maxine Giordano was sworn in and accepted as an expert Architect. A photo board with six photos was marked into evidence. Ms. Giordano explained the applicant is adding a 4<sup>th</sup> bedroom and an extra bathroom to the home. She explained the existing roofline, noting the proposal would basically enclosed a covered deck area of the existing home. She reviewed the floor plans with the Board. The basement is less than seven feet tall and does not encompass the entire footprint of the home. The drainage will remain as is. No off-street parking exists and none is proposed.

Board members indicated they have no questions.

Mr. Rohmeyer asked several questions for clarification purposes. The additional bedroom will not change the parking count. The existing footprint will remain as is and the stormwater run-off will flow as it does today. A discrepancy related to the zone the applicant is in. The zoning officer had called out R-1 however it is located in the R-2 zone. The variance relief is still required however the deviation is lessened. In relation to Floor Area Ratio - .40 is permitted, .42 is existing and .47 is proposed. The applicant is requesting .47 FAR to remain conservative. The applicant parks in the street in front of the home and accesses the home through the front door. They do not plan to disturb the pavers or landscaping.

Mr. McGoldrick opened the hearing to members of the public for questions of the testimony presented. None were received.

Parker Brown was sworn in as the property owner and discussed the parking situation on the street.

Mr. McGoldrick opened the hearing to members of the public for questions of the testimony presented. None were received.

John Taikina, was sworn in and accepted as a Professional Planner. Mr. Taikina explained his review as part of the application, noting the application is for a D-4 variance related to Floor Area Ratio. He added that this a modest addition. Some towns allow for the homeowner to maintain existing non-conforming setbacks, however Atlantic Highlands does not. The existing flat roof second floor balcony will be replaced with a gabled roofed structure to keep with the Victorian character of the neighborhood. The Master Plan addresses residential neighborhoods with a goal to maintain and preserve residential neighborhoods and the character of the Victorian Hill District and encourage housing that is compatible with the existing historic structures. The proposed addition will modify the façade of the building to be more compatible with the surrounding Victorian structures. He feels the approval of this request will not be a detriment on the current zone plan.

Mr. Rohmeyer indicated he had no questions. Board members indicated they had no questions.

Mr. McGoldrick opened the hearing to members of the public for questions of the testimony presented. None were received.

Mr. Wolff summarized his application noting the exacerbation is very minimal.

Mr. Neff stated that this is a straightforward application and noted a minor deviation.

Ms. Majewski added that the applicant provided a lot of great supporting information.

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

Roll Call:

Ayes: MR. HAWLEY, MR. McGOLDRICK, MR. NEFF, MR. KRUPINSKI, MR. CROWTHER, MR. KURDES, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: DR. ZUZULOCK, MR. PEPE, MR. CACCAMO, MR. JOSKO, MR. BERTH

**Adjournment**

Mr. Krupinski made a motion to adjourn the meeting at 9:45 pm, second by Mr. Neff. All present members voted in favor by voice vote.

Erin Uriarte  
Planning Board Secretary