

**PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
January 26, 2022**

The Special Meeting of the Planning Board of the Borough of Atlantic Highlands was held on January 26, 2022 via Zoom.

**SPECIAL MEETING: 7:00pm**

**Roll Call:**

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

**Members Absent** – None

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Vice Chairman Pepe 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. Pepe called for a moment of silent prayer followed by the Pledge of Allegiance.

Mr. Pepe advised that the decision has been made to hold the February 3, 2022, meeting virtually due to increase in COVID cases. He indicated the desire would be to have the Board decide together, however in this case a decision had to be made for noticing purposes. They will discuss this further at the next meeting.

**Public Comment** – Rich Colangelo thanked the Board for their service during his time as Chairman. Mr. Pepe thanked Mr. Colangelo for his time on the Board and congratulated him on his new position as Code Enforcement Officer of the Borough. Board members agreed Mr. Colangelo will be missed.

**Pending Litigation** – None

**Other Business - Annual Report** – Mr. Steib advised the Annual Report has been distributed for Board member review. Some minor typographical errors have been called out and will be corrected prior to adoption at next month’s meeting.

**Board Member Changes** – Mr. Pepe advised that with Mr. Colangelo’s resignation, there is a need to appoint a new Chairman and Vice-Chairman, however there are pending Mayoral appointments that will take place at the next Council meeting. He suggested waiting for a full Board to be present before voting on those positions. Board members agreed.

**Hearing Process Change** – Mr. Pepe advised rather than open each witness up to the public individually, he would like to hear all witnesses and then have questions at the conclusion of all direct testimony. He will try it for this meeting and see how it works. Mr. Krupinski indicated that he feels the process is more organized having questions after each witness. Mr. Hawley suggested to give it a try and see if it affects the Secretary’s recording at all.

MR. NEFF OFFERED A MOTION TO ADJOURN THE WORKSHOP PORTION OF THE MEETING, SECONDED BY MR. MCGOLDRICK. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

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**REGULAR MEETING: 7:13 pm**

**Roll Call:**

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

**Members Absent** – None

**Approval of the Attorney Vouchers for December 2021 - \$2,296.00 for General Board Matters; \$1,848.00 for Applicant Escrow - Totaling \$4,144.00 - MR. MCGOLDRICK OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS, SECONDED BY MR. DOUGHERTY.**

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MR. JOSKO, MR. CROWTHER, MR. KRUPINSKI, MR. KURDES, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: NONE

**PB21-18, Block 84, Lot 11, 73 Memorial Parkway (Rodriguez) – Application for Bulk Variance** – Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. Mr. Steib further announced Exhibits A-1 through A-10 that had been previously marked.

Anthony Rodriguez was sworn in as the property owner. Mr. Rodriguez advised he has owned and operated this property as a Tattoo Shop for approximately 14 years. The building is located on a dark strip of the highway and the existing, compliant freestanding sign, shown in the exhibits, isn't always visible until you are too close to turn into the property safely. Even during the day, he has customers who miss the site and must turn around. The sign being proposed has a historic element, as it hung outside the shop he worked at in Asbury Park for many years; he would prefer to bring that historic art element to his building rather than ordering a new pre-fabricated sign. The proposed sign will make it easier for motorists to identify the site from a safer distance in order to provide a safer turning movement into the site.

Mr. Neff asked about the hours of operation. Mr. Rodriguez advised the shop hours are until 10 pm and lights are on a timer to go off at 10:30 pm.

Mr. Rohmeyer asked for clarification on the sign dimensions. Mr. Rodriguez advised the sign will be 12 feet tall by 2 feet wide and will be hung about 4 inches off the building. The sign will not protrude any further than the existing roof overhang. Mr. Rodriguez intends to comply with the lighting standards of the Borough. Underground electric will be ran from the existing sign to the corner of the building to illuminate the proposed sign.

Ms. Majewski questioned the height of the sign and indicated concern with people hitting their heads. Mr. Rodriguez replied that it will be eight feet off the ground and there are no usable entrances on that portion of the building therefore he does not see a conflict.

Mr. Hawley asked if the proposed sign will contain LED lights. Mr. Rodriguez replied yes, they will be newly installed LED lights prior to installation on the building.

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Mr. Pepe opened the hearing to members of the public who have questions or comments.

Paulette Moller, 81 Memorial Parkway, was sworn in and indicated she lives across Central and a few houses away from the subject property. Ms. Moller offered comments indicating she objects to the erection of a sign. She indicated concerns with zoning regulations, weather and devaluation of property. She will not be able to see the sign but she is concerned with traffic.

Curtis Duzello, Memorial Parkway, was sworn in and indicated he lives across the highway from the subject property. He has lived there since 1978. He offered comments indicating concern with being able to see the existing signage from his home. There is a sign in the window that is lit 24 hours a day and he is concerned with being able to see the proposed sign from his upstairs windows. He would prefer to see a sign in the parking lot and asked that the existing window sign be placed on a timer.

Mr. Rodriquez agreed to place the window sign on a timer and added the psychic next door has a sign that is lit 24 hours a day. He further noted that Mr. Duzello had 50-foot evergreen trees surrounding his property so he believes any impact would be mitigated by the trees. Mr. Duzello advised they are trees, not a wall.

Sarah Colosurdo asked for clarification on the term foot candle that is used to measure light. Mr. Rohmeyer was sworn in as the Board's Engineer and explained that the application would have to comply with the zero-foot-candle regulation at the property line.

Ashley Cruz advised she is not interested in this application but would like to see a picture of the proposed sign. Mr. Rohmeyer shared his screen to present the exhibit.

Mr. Caccamo suggested plan designs to alleviate neighbor concerns.

Mr. Krupinski stated that there are other illuminated signs in the area, he feels the concern could be with the height.

Mr. Kurdes noted that there is less light emitted from an LED sign than spotlights.

Mr. Rodriquez reiterated his desire to add this unique piece of local art history to his building.

Mr. Neff indicated he felt the sign was too large and he would rather see changes to the existing sign.

Mr. Krupinski agreed the sign is too big.

Mr. Pepe indicated he understands the historic element .

Mr. Dougherty agreed with the Board member concerns.

Mr. Hawley advised that LED lighting is softer light and better than fluorescent lighting. Also, there is less light emitted from an internally lit sign.

Ms. Majewski stated that she feels there are several signs of this nature throughout town.

Mr. McGoldrick stated that the sign is tight to the building, he doesn't see it obstructing any views.

Mr. Kurdes agreed and stated that he sees no detriment.

Mr. Neff added that there should be more consistency along that stretch of the highway.

**MR. HAWLEY OFFERED A MOTION TO APPROVE THE APPLICATION WITH THE CONDITIONS DISCUSSED, SECONDED BY MR. MCGOLDRICK.**

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Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. McGOLDRICK, MR. PEPE,  
MR. JOSKO, MR. CROWTHER  
Nays: MR. CACCAMO, MR. NEFF, MR. KRUPINSKI  
Abstain: None  
Absent: None

**PB21-15, Block 117, Lot 8.01, 35 First Avenue (Little Chicken Kids LLC) – Application for Site Plan Waiver and Bulk Variance** – Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. Mr. Steib further announced Exhibits A-1 through A-5 that had been previously marked.

Henry Wolff, Esq. appeared on behalf of the applicant Little Chicken, LLC. Mr. Wolff noted that Little Chicken LLC operates an existing Children’s Boutique on First Avenue and they are proposing an activity room in the back of the space to be used as an accessory use, as per the Atlantic Highlands Ordinance. He is asking the Board to consider this an accessory to the principal use. If it is not considered an accessory use, a D-Variance would be permitted and he does not have a Planner present to testify.

Mr. Steib advised he was not aware of this issue. The application was made for Minor Site Plan Approval with a Change of Use. It appears the applicant is now challenging the “Change of Use” determination.

Mr. Pepe suggested they pause this hearing to allow Mr. Wolff to consult his client.

**PB21-14, Block 106, Lots 3, 4 & 5, 999 Highway 36 (Starbucks) – Application for Site Plan Approval** – Mr. Steib advised this application is being carried to a virtual meeting to be held on February 3, 2022, via ZOOM at 7:00 PM. The Zoom Meeting Log in information will be posted on the Borough website 48 hours in advance of the hearing.

**PB21-13, Block 9, Lot 4, 307 Ocean Boulevard (Deakin) – Application for Bulk/Use Variances** – Mr. Dougherty advised he will be recusing himself from this application.

Mr. Steib advised the notices are in order and the Board has jurisdiction to hear this matter. Mr. Steib further announced Exhibits A-1 through A-8 that had been previously marked.

Kevin Asadi, Esq. appeared on behalf of the applicant. He advised the applicant is seeking relief to construct an addition to the home, which will contain a sunroom and a covered porch. The 2-family use pre-dates the zoning and he would like to start with the Pre-Existing Non-Conforming Use determination before proceeding with the Bulk Variance application.

Barbara Ehlen, P.P., Beacon Planning, was sworn in and accepted as an expert Planner. Ms. Ehlen described the subject property. She had searched the County records to determine when Zoning was established and the earliest document she found was a 1964 Atlantic highlands Master Plan, which was marked as Exhibit A-9. She noted that within that document there were proposed Ordinances that designated this property as R-1, where one to four-family homes were permitted. The 1964 proposed zoning map was marked as Exhibit A-10 and recommends 2-family homes be permitted. The 1964 Zoning Map Legend was marked as Exhibit A-11 which shows 2- and 3-family dwellings. The 1967 Master Plan calls the property out as R-2 also, but the first actual Ordinance was adopted in 1975 and has it listed as a single family zone. There are proposed Ordinance in 1964 that show it as two-family but there is no documentation to show if that

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proposed Ordinance had ever been adopted. With the 1964 referencing two-family homes, she believes it was a more common use at the time.

Mr. Steib asked where Mr. Ehlen searched for the history of the Atlantic Highlands Zoning Ordinance. Ms. Ehlen replied that her client has spoke to the Borough Clerk, who advised they could not find anything. There is no cohesive Ordinance at the County level prior to 1975. She added that many shore towns lose information due to natural disasters.

Blake Deakin was sworn in as the property owner of 307 Ocean Boulevard. His family has owned this property for decades; his first memory is visiting his grandparents there in 1987. His mother subsequently owned the home, where she resided and also rented out the apartment. There were times where both units were rented, but it has been in his family's ownership the entire time. He has resided in the home since 2008 and purchased it himself in 2019. A 1970 Septic Tank Permit was marked as Exhibit A-14 and shows 2-family dwelling. An application for septic system, dated August 1, 1986 was marked as Exhibit A-15 and shows a 2-family use. A landlord registration statement dated June 5, 1997 was marked as Exhibit A-16 and indicates there are 2 units. The current Tax Assessor property card was marked as Exhibit A-17 and indicates an apartment conversion.

Mr. Deakin advised that he had contacted the Zoning Officer and was advised that they do not know the location of the old Ordinance. He met with Michelle Clark, who referred to an index card database of properties and she showed him the card for his property indicated two units, however no formal OPRA request was made.

Mr. Steib clarified the Exhibits that were presented are all Borough documents. Mr. Deakin confirmed that is correct.

Heinz Manger, 303 Ocean Boulevard, was sworn in as the next-door neighbor. Mr. Manger advised he has lived in the home since 1955 and purchased the property three years ago. He summarized the history of the subject property and advised that it has been a two-family home as far back as 1958.

Mr. Pepe opened the hearing for members of the public who wish to speak.

Robin Ginsburg, 321 Ocean Boulevard, was sworn in and offered comments to indicate she is in favor of the application.

Mr. Asadi summarized the testimony presented, noting that there is no proof of zoning prior to 1975 however neighbor testimony has confirmed the use has existed prior to then.

Mr. Hawley stated that it is a unique property and at one time there were many others like this that have since been converted to single family.

Mr. Pepe indicated concern with knowing what the Ordinance would have been however based on the testimony, he is confident it has continuously used as a 2 family home.

**MR. HAWLEY OFFERED A MOTION TO ISSUE A PRE-EXISTING NON-CONFORMING USE CERTIFICATION, SECONDED BY MR. KRUPINSKI.**

Roll Call:

Ayes: MR. HAWLEY, MR. CACCAMO, MR. McGOLDRICK, MR. NEFF, MR. PEPE, MR. JOSKO, MR. CROWTHER, MR. KRUPINSKI

Nays: None

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Abstain:       None  
Absent:        None

At this time, Mr. Pepe checked with Mr. Wolff regarding the pending hearing for Little Chickens, LLC. Mr. Wolff advised he would like to proceed with the application as it was noticed, seeking Minor Site Plan Approval with a Change of Use.

The Board took a brief recess at 9:05 pm and reconvened at 9:10 pm.

**PB21-13, continued** – Larry Cirangle was sworn in and accepted as an expert Architect. Mr. Cirangle advised he designed the proposed addition. Referring to the Architecture Plans, the elevation of the building was discussed, noting that the materials used will match the existing home. The addition proposed will enhance the entry to the home. The property is located in the steep slope area, however this specific property is rather flat. The sunroom will not be climate controlled.

Mr. Rohmeyer asked for clarification on grading and draining. Mr. Cirangle advised that the runoff will drain away from lot 3.

Ms. Ehlen referred to an aerial exhibit that was marked as Exhibit A-18. She noted dual frontages on Ocean and Highland. This property does have access to both roadways, which drives the need for a lot coverage variance. A photo of the home was marked as Exhibit A-19. Ms. Ehlen noted that the existing home is square in shape with a small awning at the entrance. The sunroom will provide a space to enjoy the outdoors while still maintaining a degree of privacy and reducing noise from the passing traffic. Variances are required for lot coverage and floor area ratio. This lot was previously in the R-2 zone and meets those standards. The R-3 zone was created to address steep slope areas, however this specific property is rather flat. The Floor Area Ratio variance is consistent with the existing neighborhood patterns. The applicant is preserving residential area and reinvesting into an existing home. She feels this application advances several purposes of the Municipal Land Use Law. The expansion of the 2-family home does require a D-variance however this lot can easily accommodate the proposed addition and will cause no detriment to the surrounding area. The subject property is an undersized lot, which creates a hardship in designing the addition.

Mr. Josko asked for clarification on the location of the septic field. Mr. Deakin referred to the exhibit to show the location.

Mr. Rohmeyer asked for clarification on the number of bedrooms and the use of the detached garage. Mr. Deakin advised there first floor has three bedrooms and the upstairs apartment has two bedrooms and a den. The garage is mainly used for yard and sports equipment; there is no habitable space. Mr. Rohmeyer questioned tree removal. Mr. Deakin replied there is none proposed at this time.

Mr. Pepe opened the hearing to members of the public who wish to speak.

James Krauss, 77 Bayside Drive, was sworn in and advised he is both a member of the Environmental Commission and a resident within 200 feet of this application. He confirm the lack of steep slopes on the property and offered comments indicating he is in favor of the application.

Mike Pado, 321 Ocean Boulevard, was sworn in and advised he lives three doors away from the subject property. Mr. Pado offered comments indicating his is in favor of the application.

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Seeing no further members of the public who wish to speak, Mr. Pepe closed the public hearing.

Mr. Asadi summarized the application for variances related to a home addition.

Mr. Neff stated the he agrees the steep slope is not an issue for this property; he sees the proposal as an improvement to the area.

Mr. McGoldrick agreed and added that this is a unique property. He sees no disturbance to the neighbors.

Ms. Majewski and Mr. Pepe indicated they are in agreeance.

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

Roll Call:

Ayes: MR. HAWLEY, MR. CACCAMO, MR. McGOLDRICK, MR. NEFF, MR. PEPE,  
MR. JOSKO, MR. CROWTHER

Nays: None

Abstain: None

Absent: None

Mr. Dougherty joined the Board for the following application.

**PB21-15, Block 117, Lot 8.01, 35 First Avenue (Little Chicken Kids LLC) – Application for Site Plan Waiver and Bulk Variance** – Henry Wolff, Esq. appeared on behalf of the applicant. They are here this evening seeking minor site plan approval for use of space in an unoccupied area of an existing retail space.

Megan O'Donnell was sworn in as the applicant and principal of Little Chicken LLC, which is a children's retail store that sells toys, art, décor and apparel. She would like to use the extra space as a creative space for children to do crafts while parents shop. The property was leased in May 2021 and they opened in November 2021. So far, they have been very successful in that there is a high demand for children's uses in town. The retail component of the store is towards the front with a designated area to the rear for children to wait for their parents or put together the personalized apparel they purchased. She would like to have story time with local authors, arts and crafts, personalization and embellishments associated with the apparel. Parents must remain present while the child uses the space. They are also planning to offer complementary infant and child CPR classes. The building currently has two entrances, one in the rear and one in the front. The rear entrance is ADA compliant with ADA parking to the rear of the building. A photo of the activity space was marked as Exhibit A-6. Ms. O'Donnell indicated they are providing adequate space for social distancing. A photo of the activity space from a different angle was marked as Exhibit A-7. Ms. O'Donnell noted that the public will park either in the Municipal lot to the rear or in the on-street parking along First Avenue. She has lived in town for two years and saw a need for something for the kids in the community.

Mr. Pepe opened the hearing to members of the public who wish to speak, however none appeared.

Mr. Krupinski asked if there would be any virtual tutorials offered. Ms. O'Donnell said she is open to any suggestions.

Mr. Hawley stated this is an additional use in the back of a retail space and suggested the designation of "assembly use."

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Mr. Pepe asked for clarification on the relief being sought. Mr. Wolff advised the applicant is seeking site plan approval for a second use.

Mr. Hawley indicated concerns with public assembly and exceeding capacity with certain events.

Mr. Krupinski asked if it would be similar to the children's section at Barnes & Noble, where they have story time and places to play while the parents are shopping. Ms. O'Donnell replied that it is similar to Barnes and Noble and also the children's area of JUS, just up the road.

Mr. Pepe advised he wants to be sure the approval addresses the applicant's needs. Ms. O'Donnell clarified that she is requesting a children's enrichment and assembly area as an extension of the retail space, allowing shoppers to create with the items they've purchased. She would also like to offer story time, birthday parties and extended retail experiences around the holidays.

Mr. Neff asked for clarification on the seating arrangement for the different events. Ms. O'Donnell advised there are 4 tables with 4-5 chairs at each table. Chairs will not be lined up for large groups. The floor plan is pen with a glass wall and glass door for the activity area. Mr. Rohmeyer advised the total occupancy is determined by the building department during the permitting process.

Board members offered comments indicating they are in favor of the application.

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

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. McGOLDRICK, MR. NEFF, MR. PEPE, MR. JOSKO, MR. CROWTHER, MR. KRUPINSKI

Nays: None

Abstain: None

Absent: None

**Adjournment**

Mr. McGoldrick made a motion to adjourn the meeting at 10:22 pm, second by Mr. Neff. All present members voted in favor by voice vote.

Erin Uriarte  
Planning Board Secretary