

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
February 3, 2022**

The Regular Meeting of the Planning Board of the Borough of Atlantic Highlands was held on February 3, 2022 via Zoom.

WORKSHOP MEETING: 7:00pm

Roll Call:

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

Members Absent – None

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

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.

Public Comment – Jim Krauss thanked the Board for holding the meeting virtually and noted that he would like to see it remain virtual. He indicated concern with the increase in COVID cases and added that the Mayor and Council is making a purchase to do hybrid meetings and hopes the Board will do the same.

Pending Litigation – None

Other Business – Mr. Pepe welcomed Mr. Berth and Dr. Zuzulock as the newest Board members. Mr. Steib swore in the new members.

Mr. Pepe advised that the previous Chairman had resigned to take a position with the Borough so the Board must make a decision on a new Chairman.

MR. HAWLEY OFFERED A MOTION TO APPOINT DOUG PEPE AS CHAIRMAN OF THE BOARD, SECONDED BY MR. MCGOLDRICK.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MR. JOSKO

Nays: NONE

Abstain: NONE

Absent: NONE

MR. HAWLEY OFFERED A MOTION TO APPOINT JOHN MCGOLDRICK AS VICE-CHAIRMAN OF THE BOARD, SECONDED BY MR. DOUGHERTY.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MR. JOSKO

Nays: NONE

Abstain: NONE

Absent: NONE

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Mr. Pepe stated that the Planning Board had to make a decision about tonight's meeting for noticing purposes, so he made the decision to go virtual rather than risk a cancelled meeting. He would like this decision to be that of the Board going forward.

Ms. Majewski advised that she agrees with the comments from the public regarding the increase in COVID cases. Virtual meetings would also allow for more public participation.

Mr. Pepe advised that he doesn't want to force people to put their lives at risk to attend a public meeting.

Mr. McGoldrick indicated a concern with transparency and he feels the more public involvement, the better.

Mr. Pepe suggested deciding on a month to month basis with a discussion held at workshop.

Mr. Krupinski indicated concerns with technical difficulties and stated that he can see pro's and con's. He feels in-person meetings are much more efficient.

Mr. Steib advised that the Annual notice allows for virtual meetings. Notice can be done for informational purposes to keep the meetings virtual until the Board decides it is safe to meet in-person again.

MR. PEPE OFFERED A MOTION TO HOLD THE MARCH 3, 2022 MEETING VIRTUALLY, SECONDED BY MR. CACCAMO.

Roll Call:

Ayes: DR. ZUZULOCK, MR. DOUGHERTY, MR. HAWLEY, MR. CACCAMO, MR. MCGOLDRICK, MR. NEFF, MR. PEPE, MR. JOSKO

Nays: NONE

Abstain: NONE

Absent: NONE

Mr. Dougherty thanked Mr. Pepe and Mr. McGoldrick for their leadership roles.

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

REGULAR MEETING: Immediately Following

Roll Call:

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

Members Absent – None

Approval of Minutes – MR. DOUGHERTY OFFERED A MOTION TO APPROVE THE MINUTES OF JANUARY 6, 2022, SECONDED BY MR. MCGOLDRICK.

Roll Call:

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

Nays: NONE

Abstain: NONE

Absent: NONE

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Annual Report - MR. NEFF OFFERED A MOTION TO APPROVE THE ANNUAL REPORT, SECONDED BY MR. McGOLDRICK.

Roll Call:

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

Nays: NONE

Abstain: NONE

Absent: NONE

PB21-17, Block 82, Lot 5.02, 6 Wesley Avenue (Duffy) – Application for Bulk and “D” Variances - Mr. Steib explained that the Public Notice was deficient, and this application cannot be heard. The new hearing date will be March 3, 2022; public notice will be given.

PB21-19, Block 68, Lot 5, 80 E. Washington Avenue (West End KB) – Application for Minor Subdivision with Variances – Mr. Steib explained that the Public Notice was deficient, and this application cannot be heard. The new hearing date will be March 3, 2022; public notice will be given.

Dr. Zuzulock and Mr. Dougherty recused themselves from the following application.

PB21-14, Block 106, Lots 3, 4 & 5, 999 Highway 36 (Starbucks) – Application for Site Plan Approval with “D” Variance – Mr. Steib explained that the jurisdiction has been previously accepted and this matter has been carried from a previous date, however no testimony has been given. Mr. Steib read a list of Exhibits that have been previously marked. The Review of Zoning Officer Michelle Clark, dated August 23, 2021, marked as Exhibit A-1 in evidence. Application of Starbucks Coffee Company, dated July 22, 2021, marked as Exhibit A-2 in evidence. Preliminary & Final Site Plan prepared by Kimley/Horn & Associates Inc., dated August 20, 2021 consisting of 10 sheets, marked as Exhibit A-3 in evidence. Display Packet prepared by Hilton Displays, dated June 10, 2021, with site plan, elevation renderings & signage, marked as Exhibit A-4 in evidence. Review #1 of CME Associates, dated October 7, 2021, marked as Exhibit A-5 in evidence. Kimley/Horn response to CME Review #1, dated November 22, 2021, marked as Exhibit A-6 in evidence. Monmouth County Planning Board Letter of No Interest, dated September 13, 2021, marked as Exhibit A-7 in evidence. Kimley/Horn Traffic Statement dated December 1, 2021, revised January 25, 2022, marked as Exhibit A-8 in evidence. Review #2 of CME Associates, dated December 22, 2021, marked as Exhibit A-9 in evidence. Freehold Soil Conservation District Certification, dated September 15, 2021, marked as Exhibit A-10 in evidence. Email from Borough Tax Assessor Frotton, dated October 6, 2021, marked as Exhibit A-11 in evidence. Kimley/Horn response to CME report #2, dated January 24, 2022, with sensitivity analysis, marked as Exhibit A-12 in evidence.

Duncan Prime, Esq appeared on behalf of the applicant. He described the property location, noting that the property is located on Highway 36 and is the former Burger King building. They are proposing to convert the building to a Starbucks with a reconfigured drive thru and parking lot. The drive thru is not permitted in the zone; therefore, the applicant is seeking a D variance.

Rich Procanik, P.E. was sworn in as an expert engineer. Mr. Procanik reviewed the proposed use and operations, noting that deliveries and trash pick up are expected once daily. Recycling will be picked up two to four times a week. They expect a total of 25-30 employees, with 6-8 on each

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shift. Referring to the aerial exhibit, he described the surrounding location and existing conditions of the old Burger King building. The former site circulation provided no egress onto route 36 and they are proposing to maintain that.

The applicant is seeking a D-1 use variance for the intensification of a pre-existing non-conforming use. There are several pre-existing non-conformities that will be dissolved upon a lot consolidation. The first drive-thru window will be removed and the second window will remain. The menu and order box will be in a similar to location as the Burger King amenities. Landscaped islands are proposed throughout the parking lot to allow for a longer drive-thru queue than what previously existed. There is an area marked "Do Not Enter" on the plans; that will be removed, and they will allow for two-way traffic in that section of the parking lot. The existing driveway curb cuts will remain, however they are reworking the inner curbing and striping. The applicant intends to comply with all comments in the CME review letter. A signage package will be provided. A truck turning plan shows that a garbage truck and all delivery trucks can safely navigate the stie. A revised refused pick-up circulation plan will be submitted as well.

Mr. Procanik reviewed the proposed elevations and signage, noting that they are requesting two signs on one wall, where only one sign is permitted. A variance is also required for the size of the façade sign. The pylon sign is proposed in the same location as the former Burger King sign and will be 25 feet in height where only 10 feet is permitted. He added that Monmouth County Planning Board has issued an exemption letter. The NJDOT has issued a letter of no interest. They are exempt from CAFRA. They are proposing a total of 68 seats, both indoor and outdoor, and 42 parking spaces. They are not proposing any dedicated employee parking. Trees will be located in the landscaped islands with supplemental shrubbery along Garfield Avenue. A discussion was held regarding the specific tree species to be used. The islands will also have grassed ground cover.

Russell Schlafer, Traffic Engineer from CME Associates was introduced to the Board by Mr. Rohmeyer.

Adam Gibson was sworn and accepted as the applicant's Traffic Engineer. He reviewed the outside agency approvals and exemptions associated with the project. The property had previously been used as a fast-food drive thru and they are now proposing a coffee shop with a drive thru. They expect 60-65% of traffic to be passerby traffic with the remainder being destination traffic. The ingress and egress are proposed to remain as is. He described the traffic data collection methods, noting that they evaluated additional intersection at the request of the Board engineer. They found acceptable levels or services at the highest peak of the day. The off-peak hours have room for a 90% increase. The drive-thru has been modified to allow for 13 cars in the queue; he is 90% confident they will not exceed that. 60% of orders come in from the drive-thru while 40% park and enter the store. There is a time limit on the spaces closest to the entrance.

Mr. Schlafer asked if they would lose any parking in widening the section of the parking lot that is going to be two-way traffic. Mr. Gibson advised no; they will be reducing the size of the islands. A discussion was held regarding parking calculations.

Mr. Rohmeyer expressed concern with a backed-up queue affecting the ability of ADA parking and short-term parking being able to back out. He suggested additional striping to keep the cars stacked along the inner curb to the right. Mr. Gibson agreed.

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A discussion was held regarding the sensitivity analysis of the peak hour traffic calculations and dates. Mr. Gibson explained how they used conservative calculation to account for the summer traffic. He noted that even if the traffic doubled, the site would still be able operate efficiently.

Russel Schlafer was sworn in as the Board's Traffic Expert.

Kathryn Gregory, PP, was sworn in and accepted as an expert Planner. Ms. Gregory advised that she had reviewed this application and all associated documents. She noted the restaurant use is permitted in the CBD zone, however the drive thru is not a permitted use. The site was previously used as a drive-thru fast-food restaurant for many years. The applicant is further seeking a variance related to parking. The Atlantic highlands Zoning Map was marked as Exhibit A-13. A screenshot of the Google Street View was marked as Exhibit A-14. Ms. Gregory noted the existing Burger King freestanding sign is approximately 20-25 feet. They are proposing a sign at 20 feet where 10 feet is permitted. The size of the sign is compliant, at 30 square feet. The existing sign is much bulkier and contains more volume than what is proposed. The height of the sign is driven by the need to be visible for drivers. A variance is also required for the number of wall signs; three are proposed. The northerly side of the building has 2 stacked signs, noting the drive-thru use. The signs proposed provide for a better design alternative and provide for safer conditions. A variance is also required for parking; 61 spaces are required and only 42 are proposed. Ms. Gregory noted a majority of the customers will use the drive-thru lane and will not be parking. She feels this design advances several purposes of the Municipal Land Use Law. The public is accustomed to a drive-thru at this location and she feels the proposal meets the intents of the Master Plan of the Borough. The plan will improve the visual character of Route 36 as the existing site is a vacant building.

Ms. Majewski questioned pedestrian access and bicycle access. Mr. Procanik explained that the sidewalk will remain around the site, however no direct connection to the building will be provided. They can look into adding a crosswalk.

Mr. Hawley indicated concern with lot coverage. Mr. Procanik explained that is a pre-existing non-conformity.

Mr. Pepe asked for clarification on the need for a D Variance. Ms. Gregory advised they they technically need a D-2 Variance, however CME had called out a D-1. They are expanding a pre-existing non-conforming use. The site has been used as drive-thru for years so it can clearly handle that type of use with no impact on the surrounding area.

A discussion was held regarding the parking calculations. Ms. Gregory noted that the parking regulations expect a full use of the building, in this case 60% of the customers will be using the drive-thru. Mr. Gibson offered testimony to verify that the peak hour could see about 25 spaces being used, with 6-8 employees on shift, so there is still ample parking to meet their needs.

Mr. Krupinski expressed concern with the queue backing up to block the entrance. Mr. Gibson advised that Starbucks has protocols to move waiting cars out of the queue to avoid extended stacking. It would be self-policing, as customers would see a full drive-thru, they would then know to park and enter the building. The applicant will consider pavement markings, at the approval of the Board Engineer.

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Mr. Josko asked if they can add signage that lights up when the drive-thru is full. Mr. Prime explained that the turnover of customers is so fast that by the time they flip a switch, conditions could change.

Mr. Hawley asked if the property would be owned by Starbucks or a franchise owner, and if they intend to consolidate as per the Tax Assessor's recommendation. Mr. Prime advised they will be consolidated; however, the landowner will remain the same and Starbucks will be leasing.

Mr. Pepe opened the hearing to members of the public.

Morgan Spicer asked questions related to the business ownership and employment concerns. Mr. Prime advised it is a company owned store and that they would not be able to discriminate against hiring employees based on their location. It is unknown if they plan to unionize. Ms. Spicer was sworn in and advised she would not have purchased a home in Atlantic highlands if Starbucks was already there. She has concern with the corporation affecting the existing shops and hopes that the Borough would support Unionization if the employees desired to do so.

Jon Crowley, 2 Keystone Drive, was sworn in and indicated concerns with the traffic study. He further applauded the use of the 2019 traffic counts as he feels they are most reflective of the actual traffic patterns. He further asked the Planning Board if they plan on requesting weekend day counts be included. Mr. Prime advised they are relying on thorough traffic testimony and super conservative data that was used during the calculations. Mr. Gibson added that data was collected on a Saturday and it was included in the most recent report. Mr. Rohmeyer advised that the original submission had met the requirements, however additional data was requested. Two subsequent submission were made to include the manual counts on a weekday and on a Saturday.

Mr. Rohmeyer was sworn in.

Blake Deakin, 307 Ocean Boulevard, indicated concerns with the lack of charging stations and encouraged the Board to incorporate those spaces. Mr. Prime advised the EV laws apply to sites with 50 or more parking spaces; they are not proposing any EV stations at this time.

Sarah Colasurdo was sworn in and asked that "no idling" language be added to the short-term parking signs. She further indicated she agrees with a need for greater pedestrian access. She feels the 20-foot-tall sign is too tall and does not meet the character of the neighborhood. She added that Cranford Starbucks does not have a large sign.

Christine McKenna-Tirella, 24 East Avenue, was sworn in and suggested signage be added to direct customers to use local businesses. She also agrees there is a need for pedestrian access as it is hazardous to walk through a parking lot without crosswalks.

Mark Fisher, 91 Third Avenue, was sworn in and referred to recent applications requesting similar sign relief, noting that they ended up with one ten-foot sign. He would like to see compliance with the Ordinance. He further offered comments indicating the façade signs are excessive as people will know where Starbucks is located, a wall sign will not slow people down.

Ashely Cruz, 124 Wesley Avenue, was sworn in and offered comments indicating she was happy with the green space and parking changes proposed. She asked if any consideration was given to capturing run-off. Mr. Procanik stated that the plan meets the stormwater regulations; they are not proposing basins or rain gardens. The run-off will be reduced by adding green space within the parking area.

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Ms. Cruz indicated concerns with pedestrian access, noting that it feels detached from the CBD Zone. She requested further pedestrian access and that the plant species be looked at to provide a wildlife corridor on Route 36. She further indicated concerns with overflow onto the highway.

Zack Brown, 6 Victorian Woods Drive, was sworn in and questioned bicycle access. Mr. Procanik advised that bicycles are permitted on the roadway and in the cartway. Mr. Brown indicated concern with bicycle conflict with vehicular traffic. He also indicated concern with drive-thru overflow and the height of the freestanding sign; he would prefer compliance with the Ordinance. He further asked if there is any financial benefit to the Borough to allow a Starbucks. Mr. Prime advised the Planning Board cannot consider that type of information. Mr. Brown continued that the passerby traffic will be detrimental to the local small businesses. He feels the Starbucks response to attempt to unionize is despicable.

James Krauss asked questions related to the proposed signage, which were clarified by the Planning expert.

Mr. Rohmeyer reviewed the signage variances that are required. A discussion was held regarding façade signs and frontages.

Jim Krauss was sworn in and indicated the signage proposed is excessive.

No further members of the public indicated a desire to speak.

Mr. Neff echoed the public concern with the excessive signage. He is concerned they are very far from compliant.

Mr. Pepe asked if the applicant is still willing to move forward without the signage variance.

Mr. Prime indicated his client is willing to discuss a sign reduction. They can reduce the height for the freestanding sign and they will add “no idling” to the short term parking signs. They will further add two EV Charging stations.

The board took a brief recess at 10:54 pm and reconvened at 10:59 pm.

Roll Call upon reconvening:

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

Members Absent – Dr. Zuzulock, Mr. Dougherty

Mr. Prime advised they will remove the Drive-Thru sign at the front of the building and they will lower the monument sign pole to 15 feet. Mr. Neff and Mr. McGoldrick indicated they would be okay with that.

Mr. Pepe questioned pedestrian access. Mr. Prime advised they will install a crosswalk in the front of the building.

Ms. Majewski asked if the applicant would consider curb cuts to allow for water flow to make the site greener. Mr. Prime advised they have already reduced lot coverage. Mr. Procanik advised the curb cuts cause erosion and could damage the plantings.

Mr. Prime summarized the application, noting that it is an existing drive-thru located on the Highway. A typical Starbucks looks for an 11 car queue with 25 parking spaces, therefore this proposal exceed the needs of the applicant.

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Ms. Majewski advised she appreciates the efforts of the applicant to compromise. Development of a vacant site is great but there is room for improvement. She feels having non-eroding grass could help. She feels the Ordinance is there for a reason and the signs should be consistent.

Mr. Krupinski stated that there is sufficient room for stacking vehicles, he likes the drive-thru sign on the building and appreciates the concession for the freestanding sign.

Mr. McGoldrick stated that the concessions and upgrades are great, he does have concerns with the site triangle.

Mr. Pepe indicated he is thankful for the concessions and thinks this will be a great improvement to the site.

Mr. Neff agreed and stated that he hopes this creates jobs for locals; he appreciates the concessions as well.

Mr. Kurdes stated the plan is laid out well although he is also concerned with the signs. A long-time resident barely made it through a recent hearing for one sign, so he would like to see consistency.

Mr. Berth feels this is a perfect fit and he likes the compromise.

Mr. Steib summarized the conditions discussed and agreed to.

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

Roll Call:

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

Nays: NONE

Abstain: NONE

Absent: NONE

Adjournment

Mr. Neff made a motion to adjourn the meeting at 11:25 pm, second by Mr. McGoldrick. All present members voted in favor by voice vote.

Erin Uriarte
Planning Board Secretary