

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

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

WORKSHOP MEETING: 7:00pm

Roll Call:

Members Present – Mr. Dougherty, Mr. Hawley, Mr. Neff, Mr. Josko, Mr. Krupinski, Mr. Crowther, Mr. Kurdes, Mr. Berth, Ms. Majewski

Members Absent – Dr. Zuzulock, Mr. Pepe, Mr. McGoldrick, Mr. Caccamo

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

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

Public Comment – None

Pending Litigation – None

Other Business – Mr. Dougherty reported the Borough is close to installing the equipment to conduct hybrid meetings.

Mr. Krupinski indicated he is favor of in-person meetings as they are more efficient.

Mr. Neff agreed the in-person meetings are more efficient and suggested they revisit the virtual or hybrid meetings once the equipment is available.

MR. KRUPINSKI OFFERED A MOTION TO HOLD THE APRIL 7, 2022 MEETING IN-PERSON, SECONDED BY MR. HAWLEY.

Roll Call:

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

Nays: None

Abstain: None

Absent: DR. ZUZULOCK, MR. MCGOLDRICK, MR. PEPE, MR. CACCAMO

MR. DOUGHERTY 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: 7:15 pm

Roll Call:

Members Present – Mr. Dougherty, Mr. Hawley, Mr. Neff, Mr. Josko, Mr. Krupinski, Mr. Crowther, Mr. Kurdes, Mr. Berth, Ms. Majewski

Members Absent – Dr. Zuzulock, Mr. Pepe, Mr. McGoldrick, Mr. Caccamo

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Approval of Minutes

January 26, 2022 – MR. HAWLEY OFFERED A MOTION TO APPROVE THE MINUTES OF JANUARY 26, 2022, SECONDED BY MS. MAJEWSKI.

Roll Call:

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

Nays: None

Ineligible: MR. BERTH

Absent: DR. ZUZULOCK, MR. McGOLDRICK, MR. PEPE, MR. CACCAMO

February 3, 2022 – MR. JOSKO OFFERED A MOTION TO APPROVE THE MINUTES OF FEBRUARY 3, 2022, SECONDED BY MR. DOUGHERTY.

Roll Call:

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

Nays: None

Ineligible: None

Absent: DR. ZUZULOCK, MR. McGOLDRICK, MR. PEPE, MR. CACCAMO

Approval of the Attorney Vouchers for January 2022 - \$1,638.00 for General Board Matters; \$1,222.00 for Applicant Escrow - Totaling \$2,860.00 - MR. HAWLEY OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS, SECONDED BY MR. BERTH.

Roll Call:

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

Nays: None

Ineligible: None

Absent: DR. ZUZULOCK, MR. McGOLDRICK, MR. PEPE, MR. CACCAMO

Resolution PB21-14, Block 106, Lot 3, 4 & 5, 999 State Highway 35 (Starbucks) – Granting Variance & Site Plan Approval – MR. KRUPINSKI OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. JOSKO.

Roll Call:

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

Nays: None

Ineligible: MR. DOUGHERTY, MR. BERTH, MS. MAJEWSKI

Absent: DR. ZUZULOCK, MR. McGOLDRICK, MR. PEPE, MR. CACCAMO

Resolution PB21-15, Block 117, Lot 8.01, 35 First Avenue (Little Chicken Kids LLC) – Granting Variance & Minor Site Plan Approval – MR. KRUPINSKI OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. DOUGHERTY.

Roll Call:

Ayes: MR. DOUGHERTY, MR. NEFF, MR. JOSKO, MR. KRUPINSKI, MR. CROWTHER,

Nays: None

Ineligible: MR. HAWLEY, MR. KURDES, MR. BERTH, MS. MAJEWSKI

Absent: DR. ZUZULOCK, MR. McGOLDRICK, MR. PEPE, MR. CACCAMO

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Resolution PB21-13, Block 9, Lot 4, 307 Ocean Boulevard (Deakin) – Granting Variance Approval – MR. JOSKO OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. KRUPINSKI.

Roll Call:

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

Resolution PB21-18, Block 84, Lot 11, 73 Memorial Parkway (Rodriguez) – Granting Variance Approval – MR. DOUGHERTY OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. HAWLEY.

Roll Call:

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

PB21-17, Block 82, Lot 5.02, 6 Wesley Avenue (Duffy) – Application for Bulk and “D” Variances – Mr. Steib explained there is a notice deficiency as the subject property is within 200 feet of Highway 36, therefore requiring notice to the Department of Transportation, which was not done. This application is being carried to April 7, 2022 at 7:00 pm, in-person at 100 First Avenue, Atlantic Highlands, NJ. Notice will only be required to the DOT.

Mr. Steib advised there would be an agenda change and they will be calling the applicants out of order.

PB21-20, Block 27, Lot 3, 12 Summit Avenue (Mager) – Application for Bulk Variance Approval – Mr. Steib advised that the notices are in order and the Board has jurisdiction to hear this matter. The Zoning Review of Zoning Officer Michelle Clark, dated December 10, 2021, was marked as Exhibit A-1 in evidence. The Application for Variance of Jody Mager, dated December 6, 2021, was marked as Exhibit A-2 in evidence. The Site Plan with Architectural Elevation & Floor Plan prepared by Jeremiah J. Regan, Architect, dated December 1, 2021, was marked as Exhibit A-3 in evidence. The Steep Slope Review #1 of CME Associates, dated January 20, 2022, was marked as Exhibit A-4 in evidence. Review #3 of CME Associates, dated January 20, 2022, was marked as Exhibit A-5 in evidence.

Judy Mager appeared before the Board as the homeowner and advised she would like her son to do the presentation.

Evan Mager, 10 East Mount Avenue, was sworn in and advised that the proposed home addition will allow for he and his wife to raise their family in Atlantic Highlands. His wife is from town and they had always talked about coming back to raise their kids. They are proposing to expand from a 2-bedroom, 1-bathroom home to a 4-bedroom, 2-bathroom home. The extra space would allow for in-laws or babysitters to visit and stay overnight.

Mr. Rohmeyer advised the building will have a new front porch protruding closer to the front property line, however they are still compliant in terms of front yard setback. The applicant is not proposing any driveway changes. The increase in bedrooms would require two off-street parking spaces. The first floor contains a room labelled “playroom” however there is potential for a fifth

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bedroom, which would require a third parking space. Mr. Mager replied to the driveway can fit three cars.

Mr. Mager confirmed there are no proposed grading changes to the property as part of this project and all downspouts and gutters will be maintained. A second air conditioning condenser unit will be added next to the existing unit. They are also proposing shrubbery and trees along the fence line.

Mr. Neff questioned the potential for any tree removal. Mr. Mager replied that two trees have already been removed, with a permit, because they were dead.

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

Mr. Jokso advised the proposal looks good and will enhance the neighborhood.

Mr. Neff stated there will be less building coverage and it is an improvement to the area.

Mr. Dougherty agreed and added that it is a great application.

MR. JOSKO OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. DOUGHERTY.

Roll Call:

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

Nays: None

Ineligible: None

Absent: DR. ZUZULOCK, MR. MCGOLDRICK, MR. PEPE, MR. CACCAMO

Mr. Crowther recused himself from the following application.

PB21-19, Block 68, Lot 5, 80 E. Washington Avenue (West End KB) – Application for Minor Subdivision with Variances – Mr. Steib advised that the notices are in order and the Board has jurisdiction to hear this matter.

The Zoning Denial of Zoning Officer Michelle Clark, dated October 20, 2021, was marked as Exhibit A-1 in evidence. The Variance & Subdivision Application of West End KB, LLC, dated October 27, 2021, with Exhibit “A” was marked as Exhibit A-2 in evidence. The Minor Subdivision Plan prepared by Charles Surmonte P.E. & P.L.S., dated October 10, 2021, was marked as Exhibit A-3 in evidence. A Survey prepared by Charles Surmonte, P.E. & P.L.S., dated September 5, 2021, was marked as Exhibit A-4 in evidence. The Completeness Review #1 of CME Associates, dated December 15, 2021, was marked as Exhibit A-5 in evidence. A Series of four Photograph’s of homes built by Applicant, was marked as Exhibit A-6 a-d in evidence. A Series of six Photograph’s showing trees on subject property, was marked as Exhibit A-7 a-f in evidence. A Survey of property prepared by Charles Surmonte, dated September 15, 2021 with tree location, type and diameter, was marked as Exhibit A-8 in evidence.

Mr. Steib noted that the Board has received objection letters that will be read aloud during the public comment portion of the hearing.

Robert Witek, Esq. appeared on behalf of the applicant. The applicant is proposing a minor subdivision of an oversized lot.

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Justin Auciello, P.P. was sworn in and accepted as an expert Planner.

Charles Surmonte, P.P. was sworn in and accepted as an expert Engineer.

An Aerial Photograph of subject property was marked as Exhibit A-9 in evidence. An aerial Google Earth Photo of subject property was marked as Exhibit A-10 in evidence. An Exhibit with compliant & non-compliant lots, was marked as Exhibit A-11 in evidence. Mr. Steib advised that PDFs of the exhibits must be sent to the Board Secretary.

Mr. Auciello advised that the subject property is currently oversized. The applicant is seeking minor subdivision approval to create two lots, however several variances are required. They are seeking relief for minimum lot area, minimum lot frontage and width and lot shape diameter. He reviewed the calculations associated with each variance being requested and advised that they can be granted without substantial detriment to the zone plan. Although the applicant is creating two non-conforming lots, Exhibit A-11 shows that 21 of the lots in the area have a similar or lesser lot frontage than what is being proposed. The variances for lot frontage and lot area can be granted given the character of the neighborhood. The alternative plan could be to tear down the existing home and build a massive home on the oversized lot, however that would not be harmonious with the neighborhood. He added that several purposes of the Municipal Land Use Law are being advanced, in that they are providing adequate air, light and open space and they are also promoting appropriate densities. Exhibit A-11 shows that the plan is consistent with the lot sizes in the area. Granting the variances will not impair the intent of the Ordinances and will cause no substantial detriment.

Mr. Auciello advised the lot circle diameter variance can be granted given the narrowness of the lot, intermingled with the lot area and frontage. All testimony given for the lot area and frontage variances would also apply to this relief as well.

Mr. Surmonte described the current conditions, noting that the property slopes about 5-6% from front-to-back. The drainage roof structures will be installed on both homes and drainage calculations will be provided to the Board Engineer. The Ordinance allows for a 3,100 square foot footprint on the existing lot, if the subdivision is approved, the footprint for each lot would not exceed 1,500 square feet so they are not proposing anything greater than what could potentially go there. Each home will have a 2-car garage with two parking spaces in the driveway. Each home will be a four-bedroom home and will required 3-4 parking spaces. Both homes will be built to comply with the Ordinance. Run-off will be directed to the street and will not impact the neighbors.

Matthew Kelly, Principal of West End KB, was sworn in. Mr. Kelly testified that he has developed many properties in Atlantic Highlands and Monmouth County. Referring to exhibit A-6 Mr. Kelly noted that they were recently built on East Lincoln. The proposed homes will be similar in material and style. He added that he tries to look at the character of the neighborhood when designing the homes. No additional variances will be requested for the homes. Mr. Kelly added that he will work with the Shade tree Commission to save as many trees as possible. They will also plant two shade trees for each property along with foundation plantings and rear property line screening.

Ms. Majewski asked for a list of tree species as they currently exist. Mr. Surmonte advised that the tree species may be called out on the plans. Mr. Kelly added that there are cedars in the back of the property and he hopes to keep them. A discussion was held regarding the tree exhibit.

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Mr. Neff indicated concern with utility connection and was advised they could tie in across the street. Mr. Dougherty asked when the existing home was built. Mr. Witek advised the assessor's records indicate 1945. Mr. Kurdes asked if the intent is to tear down the home and build two new homes. Mr. Kelley advised yes.

Mr. Rohmeyer confirmed that all existing lot improvements are to be demolished. Specific Architectural plans have not been finalized or submitted. He further questioned if Kelly Builders will build both homes, rather than selling the lots. Mr. Kelly confirmed same. Mr. Rohmeyer asked if there was any consideration to placing the driveways towards the interior lot line to avoid impacting on-street parking. The applicant will look at that. The applicant will look at driveway placement to maximize on-street parking. Five on-street parking spaces exist and 3 would remain after the subdivision.

Mr. Rohmeyer asked if the proposed lot sizes are consistent with what is immediately adjacent. Mr. Auciello advised it would be harmonious with lots 6 and 9, but it is in character with the overall character of the neighborhood.

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

Mr. Steib read two objector statements that have been received and signed by several residents. Mr. Witek objected to reading statements from members of the public who are not present. Mr. Steib explained the rules of a virtual hearing allow for comments to be read into the record.

Bernard Reilly, Esq., appeared on behalf of Jack and Jeanne Archibald and asked several questions of Mr. Auciello regarding his credentials and involvement with the application. He further questioned the lot sizes and design of the homes. Mr. Kelley confirmed he is the builder, the goal is to maximize income and the homes will be similar to what was built on East Lincoln. Mr. Reilly asked how Mr. Kelly found this property. Mr. Kelly advised he was approached by the homeowner after seeing the homes he had built on East Lincoln. Mr. Reilly asked Mr. Auciello various questions related to the history of zoning. Mr. Auciello reiterated the testimony given and advised it would not overdevelopment for the area. Mr. Reilly referred to several other properties of this size and asked if they could potentially subdivide. Mr. Auciello advised he has not researched the properties but would imagine there is potential. Mr. Josko advised the Board gets the point, there is no need to ask about every lot in a four block radius.

Mr. Reilly asked questions of the applicant's engineer in regard to the home sizes. Mr. Surmonte clarified the footprint, but is not aware of what home will be built yet.

Jack Archibald, 76 East Washington Ave, was sworn in and advised he was on the Council when the Master Plan was adopted in 2006. There has been no change in lot size requirements for many years. He read from sections of the Master Plan, indicating non-conforming lots should be discourage. He indicated concern with this setting precedence for other oversized lots to subdivide. The Board has done a great job at maintaining the goals and objectives and he feels this application goes against the fabric of the small town charm. Board members questioned Mr. Archibald's proximity to the subject property. He lives next door. Mr. Witek asked Mr. Archibald what his lot's frontage is. Mr. Archibald advised his lot was created before the zoning and has a 60 foot frontage.

Mark Fisher, 91 Third Avenue, was sworn in and asked questions about the lot sizes of the similar homes that were built. Mr. Kelly advised they had 75 foot frontage. Mr. Fisher asked for

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clarification on the Planner's testimony and also spoke about a comment made while someone's microphone was left unmuted.

Dawn Greenleaf, 104 East Washington Avenue, was sworn in and indicated there are two properties between hers and the subject property. She offered several comments indicating this block is special and she would like to see the trees be preserved as they are a commodity to the area and they drive real estate values. Newly planted trees cannot mature because of evapotranspiration. She feels this application would not benefit the neighbors in the area.

Sarah Colasurdo was sworn in and asked questions regarding the homes on East Lincoln, which were answered by Mr. Kelly. She asked for further exhibits showing other homes they've built throughout the State, however none were prepared to that nature.

Marko Sima, 71 East Washington Avenue, was sworn in and indicated he is opposed to the project, he is concerned with the trees and doesn't think the builder should be able to come in and make a profit of this subdivision.

Wendy Crowther, Esq., appeared on behalf of the current owners. She asked if the maximum sized home was built on the lot, how many trees would be removed. Mr. Surmonte advised the cedars would still remain. Ms. Crowther asked if the stability of the trees has been studied. Mr. Kelly advised he is not an arborist but the trees were studied and there were few mature trees beside the holly in front. Ms. Crowther asked if the existing home is in tear-down condition. Mr. Kelly replied yes it is dilapidated.

Theresa and Todd Cornelisse, 80 East Washington Ave, were sworn in as the property owners. Mrs. Cornelisse advised she has lived in town for 31 years and does not want to leave, however a family situation has come up and they need to get to North Carolina as quickly as possible. Her brother advised her to approach a builder and she chose Mr. Kelly after seeing the work he did in town. There are no trees planted on Mr. Archibald's property and two trees have been removed from Mrs. Greenleaf's property. Mrs. Cornelisse admits she did not maintain the trees on her property other than trimming along the driveway. She has many neighbors with driveways that still park on the street.

Francis Alssman, 79 East Highland Avenue, was sworn in and indicated he has concern with the Board setting a precedence in granting this subdivision. He is concerned about a detrimental impact on his home. He also offered comments regarding a comment made with a microphone that was unmuted. Mr. Witek apologized for the comment he made earlier, he thought he was muted.

Mr. Steib asked how many more members of the public are waiting. Mr. Rohmeyer advised there are three with the "hand raised" function. Mr. Steib advised we will take those three and cut off the public hearing.

Dennis Pawlis was sworn in and offered comments indicating he objects to the plan as it will change the nature of the town. He asked questions related to water flow and indicated his property run-off to the subject property, he wants to be sure the new owners will not complain. Mr. Steib advised we are here to discuss the subject property not any others. The applicant has testified that they will comply with all Stormwater regulations.

Jeanne Archibald, 76 East Washington Avenue, was sworn in and clarified that the conversation should not be about a possible 5,000 square foot home that could be built. She offered several

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comments indicating objection to the application, including construction noise, loss of birds and the changing character of neighborhood.

Mr. Keenen was called however had audio issues.

Jason Berg, 81 East Highland Avenue, was sworn in and indicated he is opposed to the application; he feels it does not align with the Master Plan and does not comply with R-1 zoning. He has further concern with a precedence being set for oversized lots in the area.

Mr. Keenen continued having audio issues.

“Conference Room” had already spoke.

Mr. Steib indicated the public portion of the hearing is now closed.

Mr. Witek summarized the application, noting that the applicant is willing to minimize any environmental impact. The water run-off is to be designed to Ordinance regulations. He feels this application can be approved as it meets the criteria for flexible C2 variance relief.

Mr. Krupinski indicated concern with creating undersized lots.

Mr. Hawley agreed and indicated concern with setting precedence.

Mr. Dougherty agreed and stated there is a big difference between a pre-existing non-conforming use and creating non-conformities.

Ms. Majewski added that the zoning was established to balance to development and indicated she would prefer to see a more conforming application.

Mr. Neff advised he feels this is going against the Master Plan and he is concerned with making a conforming lot, non-conforming. He would prefer an oversized lot than an undersized lot.

Mr. Kurdes stated that he would prefer two nicer homes over a vacant home in disrepair. This would welcome new families to the area.

MR. KRUPINSKI OFFERED A MOTION DENY THE APPLICATION, SECONDED BY MR. HAWLEY.

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. JOSKO,
MR. KRUPINSKI, MR. BERTH, MS. MAJEWSKI

Nays: MR. KURDES

Ineligible: None

Absent: DR. ZUZULOCK, MR. McGOLDRICK, MR. PEPE, MR. CACCAMO

Adjournment

Mr. Hawley made a motion to adjourn the meeting at 7:16 pm, second by Mr. Neff. All present members voted in favor by voice vote.

Erin Uriarte
Planning Board Secretary