

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
January 5, 2023**

The Meeting of the Planning Board of the Borough of Atlantic Highlands was held on January 5, 2023 at Borough Hall, 100 First Avenue Atlantic Highlands.

REORGANIZATION MEETING: 7:00pm

Roll Call:

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

Members Absent – None

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

Lori Hohenleitner was present to operate the Zoom technology for those seeking to attend remotely.

Chairman McGoldrick called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. Chairman McGoldrick stated that 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 5, 2023. He read the “Open Public Meetings Act” compliance statement and stated that formal action would be taken.

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

Mr. Steib swore in all new members of the board.

Appointment of Chairman

MR. HAWLEY OFFERED A MOTION TO APPOINT JOHN MCGOLDRICK AS CHAIRMAN, SECONDED BY MR. NEFF.

Roll Call:

Ayes: MR. BOMS, MR. HAWLEY, MR. CACCAMO, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK, MR. KURDES
MR. JOSKO, MR. CROWTHER, MR. KRUPINSKI, MR. KURDES,

Nays: NONE

Abstain: MR. DOUGHERTY, MR. MCGOLDRICK

Absent: NONE

Appointment of Vice-Chairman

MR. HAWLEY OFFERED A MOTION TO APPOINT JAMES NEFF AS VICE-CHAIRMAN OF THE BOARD, SECONDED BY MR. CACCAMO.

Roll Call:

Ayes: MR. BOMS, MR. HAWLEY, MR. MCGOLDRICK, MR. CACCAMO, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK, MR. KURDES

Nays: NONE

Abstain: MR. DOUGHERTY, MR. NEFF

Absent: NONE

Appointment of Completeness Review Sub-Committee and Alternate Sub-Committee Mr. Dougherty, Mr. Hawley and Mr. Krupinski volunteered to be a part of the Completeness Review

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Sub-Committee. Dr. Zuzulock, Ms. Majewski and Mr. Boms volunteered to be a part of the Alternative Completeness Review Sub-Committee.

Appointment of Board Attorney – MR. HAWLEY OFFERED A MOTION TO APPOINT MICHAEL STEIB, ESQ. AS BOARD ATTORNEY, SECONDED BY MR. MCGOLDRICK.

Roll Call:

Ayes: MR. BOMS, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. CACCAMO,
MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK

Nays: NONE

Abstain: MR. DOUGHERTY

Absent: NONE

Appointment of Board Engineer – MR. KRUPINSKI OFFERED A MOTION TO APPOINT DOUG ROHMEYER, P.E. OF CME ASSOCIATES, SECONDED BY MR. BOMS .

Roll Call:

Ayes: MR. BOMS, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. CACCAMO,
MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK

Nays: NONE

Abstain: MR. DOUGHERTY

Absent: NONE

Appointment of Board Secretary – MR. NEFF OFFERED A MOTION TO APPOINT CORINNE BUSICHIO AS BOARD SECRETARY, SECONDED BY MR. JOSKO.

Roll Call:

Ayes: MR. BOMS, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. CACCAMO,
MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK

Nays: NONE

Abstain: MR. DOUGHERTY

Appointment of Designated Planner on an as needed basis – MR. NEFF OFFERED A MOTION TO APPOINT ANDREW THOMAS AS BOROUGH PLANNER ON AN AS NEEDED BASIS, SECONDED BY MR. HAWLEY.

Roll Call:

Ayes: MR. BOMS, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. CACCAMO,
MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK

Nays: NONE

Abstain: MR. DOUGHERTY

Absent: NONE

Appointment of the Two River Times and Asbury Park Press for Legal Publications – MR. NEFF OFFERED A MOTION TO APPOINT THE TWO RIVER TIMES AND ASBURY PARK PRESS AS THE OFFICIAL NEWSPAPERS OF THE BOARD, SECONDED BY MS. MAJEWSKI

Roll Call:

Ayes: MR. BOMS, MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR.
CACCAMO, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: NONE

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Approval of 2023 Meeting Dates; 2024 Reorganization Date –

MR. BOMS OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. NEFF

Roll Call:

Ayes: MR. BOMS, MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. CACCAMO, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: NONE

MR. NEFF OFFERED A MOTION TO ADJOURN THE RE-ORGANIZATION PORTION OF THE MEETING, SECONDED BY MR. JOSKO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

WORKSHOP MEETING: 7:10 PM

ROLL CALL:

MEMBERS PRESENT—Mr. Boms, Mr. Dougherty, Mr. Hawley, Mr. Neff, Mr. McGoldrick, Mr. Caccamo, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Mr. Berth, Ms. Walter

MEMBERS ABSENT—None

- Mike Steib reported there is no pending litigation.
- Forum was opened for public comment for any items not the agenda. Mark Fisher of 91 Third Ave. had a follow – up question regarding the parking plan for 68 1st Ave. He was informed that the matter hasn't reached resolution compliance as of yet
- Mr. Fisher expressed his feelings towards the board going 100% paper-less

Mr. Boms made a motion to adjourn the workshop portion of the meeting, seconded by Mr. Josko. All were in favor by unanimous voice vote.

REGULAR MEETING:

Roll Call:

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

Members Absent – None

Approval of Minutes for December 1, 2022 Meeting

MR. NEFF OFFERED A MOTION TO APPROVE THE MINUTES OF DECEMBER 1, 2022, SECOND BY MR DOUGHERTY.

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK, MR. KURDES, MR. BERTH

Nays: NONE

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Abstain: NONE
Absent: NONE

Approval of Attorney Vouchers for December 2022

MS. MAJEWSKI OFFERED A MOTION TO APPROVE THE ATTORNEY VOUCHERS FOR DECEMBER 2022, SECONDED BY MR. JOSKO.

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR. MCGOLDRICK, MR. CACCAMO
MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK.

Nays: NONE

Abstain: MR. BOMS

Absent: NONE

**Resolution: 22-16 – Block 125, Lot 10, 63 W. Highland Ave. (Tatum)
-Granting Bulk Variance Approval**

MR. JOSKO OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. NEFF

Roll Call:

Ayes: MR. DOUGHERY, MR. NEFF, MR. MCGOLDRICK, MR. JOSKO, MR. KRUPINSKI, DR. ZUZULOCK,

Nays: NONE

Abstain: NONE

Absent: NONE

Mr. Tatum expressed he didn't know the procedures and inquired if he was able to speak. Board attorney, Mike Steib conveyed it was not a public portion; this is within the board itself to determine whether the resolution that was presented to them, accurately reflected their votes. Once he learned who they were he proceeded to tell them they just got approved. Mr. & Mrs. Tatum thanked the board and asked when they would receive the resolution and were told the following day.

Resolution: 22-17 – Block 32, Lot 4, 88 E. Garfield Ave. (Gorsenger) -Granting Bulk Variance Approval

MR. NEFF OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. KRUPINSKI

Roll Call:

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

Nays: NONE

Abstain: NONE

Absent: NONE

PB 22-14, Block 87, Lot 2, 38 Asbury Ave. (Inzalaco) – Application for Bulk Variance

Mr. Steib announced this application has been carried to February 2, 2023, in Council Chambers at 100 First Avenue, Atlantic Highlands.

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Mr. Steib explained why this application was being carried, citing insufficient noticing. Applicant did notice in the newspaper but did not notice to all property owners/utilities within 200 ft. Announced applicant will have to re-notice for February meeting.

PB 22-19, Block 72, Lot 5, 78 Eighth Ave. (Kirsh) – Application for Bulk Variance

Mr. Steib announced this application has been carried to February 2, 2023, in Council Chambers at 100 First Avenue, Atlantic Highlands.

Mr. Steib explained why this application was being carried, citing insufficient noticing. Applicant did notice in the newspaper and 200 ft. list of residents/utilities, however, notice did not include what reliefs/variances the applicant was seeking. No explanation of the nature of what they were asking the board to approve. Announced applicant will have to re-notice for February meeting.

PB 22-22, Block 97, Lot 5, 96 First Ave. (1st Cup, LLC) – Application for Minor Site Plan & Change of Use

Mike Steib opened by announcing that all service was in order and board has jurisdiction to hear this application.

Exhibits board received in connection with this application were listed:

- A.1) Zoning review from zoning officer Michelle Clark, dated Sept. 14, 2022
- A.2) Application for variance of 1st Cup, LLC. dated Sept. 7, 2022
- A.3) Narrative of proposal accompanied by six photographs
- A.4) Survey prepared by P. Land Survey Inc. dated March 23, 2018
- A.5) Architectural elevation and floor plans prepared by Katherine Franco, dated Oct. 4, 2022
- A.6) Review from engineers, CME associates, dated Dec. 9th 2022

Henry Wolf, Esq. was present to represent Robert Hespe the applicant/owner and operator of 1st Cup, LLC. Application seeking approval to use 20x20 room within the coffee shop building.

Board member Brian Dougherty asked Mr. Steib if he and Mr. Boms should step down for this application. Mr. Steib felt it wasn't necessary because application did not involve a D variance.

Mr. Hespe, 142 E. Washington Ave. was sworn in to commence his testimony. Board was made aware that Mr. Hespe had been using this space for approximately 2 years not aware a variance was required until he was advised by Rich Colangelo, code enforcement officer.

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Examples of room use were given including: poetry readings, open mic nights, girl scout fundraisers.

Mr. Hespe expressed that he liked to think of 1st cup as a 'community place' and he is coming up on his 7th anniversary of owing and operating the establishment this April.

Mr. Wolff verifies with Mr. Hespe that no construction will be involved with this use and Mr. Hespe confirmed there would not be any construction.

Regarding hours of operation, Mr. Hespe said he would not have activities past 9 pm and emphasized that this room use would not be simultaneous with coffee shop operation.

While there is no off-street parking available; on street parking and municipal lot were given as available options.

Board inquired about capacity and it was said that approx. number was around a dozen. Access would be solely through door on 1st Ave. There is a push bar emergency only exit door but that is not accessible for public traffic.

Board engineer, Doug Rohmeyer, questioned whether the use was ancillary to primary use. Applicant said it was solely ancillary and nobody else would use the room.

Discussion also included:

- No signage was being proposed
- Basement is storage only
- Upstairs is a 1 dwelling residential use
- Confirmation that applicant leases the space and owner did give consent to filing the application---*Affidavit of Ownership was submitted as exhibit A.7*
- No previous resolutions or applications are related to this property

Mr. Rohmeyer expressed using it as a meeting space is 'less intense' than using it as a restaurant space.

Board inquired what estimated frequency would be of using the space; Mr. Hespe felt every week or a couple times per month depending on demand.

Other board inquiries included:

- Clarification that the space won't be used during the day's normal business hours for overflow purposes. Mr. Hespe expressed that the space would be used for meetings and events only.
- How many functions have taken place in the last 6 months to year; Mr. Hespe estimated about 1 per month.
- Has space been advertised; Mr. Hespe responded no, but he possibly will in the future.

The forum was then opened to the public. Resident, James Pazarro, 23 E. Mount Ave. voiced concerns regarding parking. He informed the board that people have been parking on 2nd Ave.

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where they are not supposed to be; followed up with saying if the applicant has been using this room for the past two years maybe that has been contributing to parking problem. Applicant felt he didn't think that was the case.

Board member Ms. Majewski expressed she was pleased room wasn't going to be used during the day and agreed with Mr. Rohmeyer that this will keep intensity down. Mr. Hawley indicated it is a practical use for the space. Board looked for clarification on capacity. Mr. Hawley explained that it is dependent on what they put in the room. He didn't feel it would be more than 11- or 12-person capacity. Furniture could affect that number. Board member Dr. Zuzulock directed an inquiry for Doug as to what initial purpose was for this space when it was constructed. It was determined that initial purpose is not known.

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

Roll Call:

Ayes: MR. BOMS, MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR.MCGOLDRICK, MR.CACCAMO, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI

Nays: NONE

Abstain: NONE

Absent: NONE

2022 Annual Report:

Mr. Steib spoke on the matter of the 2022 Annual Report. General consensus of the board was that it was straightforward. Mr. Steib explained that it was previously provided for the board's review.

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

Roll Call:

Ayes: MR. DOUGHERTY, MR. HAWLEY, MR. NEFF, MR.MCGOLDRICK, MR.CACCAMO, MR. JOSKO, MR. KRUPINSKI, MS. MAJEWSKI, DR. ZUZULOCK

Nays: NONE

Abstain: MR. BOMS

Absent: NONE

ADJOURNMENT:

MR. BOMS MADE A MOTION TO ADJOURN AT 7:55 P.M SECONDED BY MR. NEFF
Board voiced in favor by voice vote.

