



**Borough of Atlantic Highlands Planning Board Meeting Minutes
Borough Hall, 100 First Ave., Atlantic Highlands, NJ
June 1, 2023**

WORKSHOP MEETING

Roll Call:

PRESENT: Councilman Dougherty, Mr. Josko, Mr Krupinski, Ms. Majewski, Dr. Zuzulock, Ms. Walter Vice Chair Neff, Chair McGoldrick

ABSENT: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Also Present: Board Attorney Michael Steib, Esq., Board Engineer Douglas Rohmeyer, and Board Secretary Nancy Tran

Chair McGoldrick called the meeting to order at 7:02pm and stated that the meeting is being held in compliance with the Open Public Meetings Act. Chair 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 May 2, 2023. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

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

There were no public comments. Mr. Steib stated that there was no pending litigation.

Other Business: July 6th Meeting – Chair McGoldrick noted that it's the same night as the Fireman's Fair and asked Ms. Tran to email reminder to Board to ensure there is a quorum. Councilmember Dougherty asked if there were any pending applications and Ms. Tran responded yes.

Offsite Meeting – Mr. Steib gave a brief report on PB23-02 and suggested planning for possible need of bigger offsite meeting space. Councilmember Dougherty expressed concern for first hearing on same night as fair. Chair McGoldrick asked if Board should consider a special meeting date. Councilmember Dougherty suggested the theater as an option and noted that they are only available on Mondays and Tuesdays. Mr. Krupinski asked about cost. Mr. Steib expressed concern about timeline and notifying the applicant. Discussion ensued regarding authorizing Borough Planner and Traffic Engineer. Mr. Rohmeyer noted that he'll check the availability of his professionals. Ms. Tran will email Members to see their availability for possible Special Meeting dates.

Chair McGoldrick motioned to approve offsite meeting and Mr. Krupinski seconded.

Ayes: Councilmember Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Workshop Adjournment

Vice Chair Neff made a motion to adjourn and Ms. Majewski seconded. All were in favor.

REGULAR MEETING

Roll Call:

PRESENT: Councilman Dougherty, Mr. Josko, Mr Krupinski, Ms. Majewski, Dr. Zuzulock, Ms. Walter
Vice Chair Neff, Chair McGoldrick

ABSENT: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Also Present: Board Attorney Michael Steib, Esq., Board Engineer Douglas Rohmeyer, and Board Secretary Nancy Tran

Approval of April 6, 2023 Meeting Minutes

Motion to approve: Ms. Majewski

Second: Mr. Josko

Ayes: Councilmember Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Chair McGoldrick

Nays: None

Ineligible: Vice Chair Neff, Ms. Walter

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Approval of May 4, 2023 Meeting Minutes

Motion to approve: Mr. Josko

Second: Mr. Krupinski

Ayes: Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Vice Chair Neff

Nays: None

Ineligible: Councilmember Dougherty, Chair McGoldrick, Ms. Walter

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Approval of Attorney Vouchers for February 2023

Motion to approve: Mr. Krupinski

Second: Vice Chair Neff

Ayes: Councilmember Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Approval of Attorney Vouchers for March 2023

Motion to approve: Mr. Josko

Second: Ms. Majewski

Ayes: Councilmember Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Memorializing Resolution PB22-23: Atlantic Highlands Yacht Club, 6 Simon Lake Dr., Block 7 Lot 5.03 – Granting Minor Site Plan Approval with Conditions

Motion to approve: Mr. Krupinski

Second: Ms. Majewski

Ayes: Iley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock

Nays: None

Ineligible: Councilmember Dougherty, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Abstain: None

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Application for Extension: PB20-14: T-Three LLC, 65 First Ave., Block 117 Lots 3, 4, & 5

No one for the applicant was present. Mr. Stein summarized the extension request and noted the general statute relating to extensions. He noted that the applicant's approval expired in December of 2022 and that new expiration date for a 2-year extension approval would be December of 2024.

Chair McGoldrick shared his thoughts on the applicant's request and how the unfinished project could affect the surrounding businesses. He believed that a 2-year extension is extraordinary in scope.

Councilmember Dougherty, Ms. Majewski, and Dr. Zuzulock asked for the applicant's reason for the delay in requesting an extension. Ms. Majewski asked what would happen if the Board were to deny the request and Mr. Steib replied that the applicant would no longer have immunity from zoning changes and thus would have to comply with current zoning regulations. Dr. Zuzulock expressed her concern for the applicant's lack of time frame, details, and representation and, based on these factors, felt uncomfortable granting an extension. Chair McGoldrick agreed and stated his preference for a firmer date from the applicant.

Mr. Steib suggested that he could advise applicant's counsel of the Board's preference for applicant's presence for the next meeting. He also added that the statute allows for extension requests to come after expiration date. Councilmember Dougherty asked if there was an expiration for making request and Mr. Steib answered 3 years. Mr. Josko suggested that the Board approves extension to December 2023. Chair McGoldrick stated that he was not comfortable with that. Councilmember Dougherty agreed and suggested to close the vote for the request. Chair McGoldrick agreed and expressed his preference to have applicant or applicant's representative present before deciding. Mr. Josko concurred that applicant be asked to represent at the next meeting.

PB22-12: Zlata/Clancy, 87 Memorial Pkwy., Block 61 Lot 4

Mr. Steib stated that the application will be carried to the July 6th meeting. He received a request from both the objector and the applicant. Additionally, there was a publication error so the Board did not have jurisdiction. Applicant will not need to notice by mail but will need new legal ad for the July 6th meeting.

Hearing PB22-24: Rush. 56 Second Ave., Block 96 Lot 1 – Application for Bulk and Use Variance

Mr. Steib noted that the Board has jurisdiction and listed the exhibits. Councilmember Dougherty recused himself and stepped down from the dais.

George Rush, the applicant, and Joseph Solfaro, applicant's architect, were sworn in. Mr. Rush gave an overview of his proposed plan. Mr. Solfaro gave his credentials and described the plan, listing the property's existing non-conformity. He stated that there would be no change to the property along Second Ave. and noted the proposed change along Mount Ave. Mr. Rush stated that the visual impact would be minimal with improvements limited to the Mount Ave. side.

Mr. Rohmeyer shared the applicant's exhibits on the courtroom screens. Chair McGoldrick asked about the different timing for the proposed different phases. Mr. Solfaro explained that all the work was internal and Mr. Rush added that the phases were based on costs and him living with the construction.

Dr. Zuzulock asked about drainage projections and Mr. Solfaro answered that he did not have it but that they would comply with code and that he does not see any impact to neighbors.

Mr. Rohmeyer asked about the proposed area's height, if the property would remain a single-family home, if the applicant will have a grading plan prior to construction, about the basement and the basement's height, about the number of bedrooms, about the number of off-street parking spaces, about the front porch, about the air conditioning units, about the description of the lot, and about the FAR. Mr. Solfaro and Mr. Rush answered all questions.

Chair McGoldrick asked if the property was on the national historical registry and Mr. Rush answered that it was not but that it was eligible.

Mr. Rohmeyer noted that there were no Zoom questions. Ms. Majewski asked where the air conditioning unit was currently located and Chair McGoldrick asked if there were plans to enclose the unit. Mr. Rush answered that there should be no visual impact and that if necessary, he would add more plants. Mr. Josko asked for clarification of the proposed phases. Ms. Majewski agreed that the applicant should provide a grading plan and consideration for plans for intervention for stormwater drainage.

The floor was open for public question.

Sarah Colson, ?, asked about possibly relocating the air conditioning unit. Mr. Rush answered that it would be hidden in an under-utilized area where there were no direct neighbors. Ms. Majewski asked Mr. Rush to describe the existing fence on Mount Ave.

Mr. Rohmeyer asked about the single-story addition, if there would be a roof deck, and the proposed setbacks. Mr. Solfaro and Mr. Rush answered that it would be flat with no roof deck for light and air consideration. Mr. Solfaro would follow up to confirm about the setbacks.

With further witnesses, the floor was open for Public Comments.

Steven Lombard, representing Benson Childs whose property abuts Mr. Rush's, suggested that the Board approves one phase at a time. He stated that Mr. Childs offered to replace the existing fence between their property for a higher one at Mr. Childs' expense. Mr. Lombard described the condition of Mr. Rush's property and asked for landscaping plans. Mr. Rush objected. Mr. Childs was sworn in to verify Objector's exhibits – photo of the tree in question, photo of the rear of the property, and photo of the double fence. Chair McGoldrick asked if Mr. Childs had gone to the Borough with these concerns.

Linda ?, Second Ave., was sworn in and stated that she disagreed with Mr. Childs's characterization of the existing landscape. She expressed her support for the applicant's plans.

Sarah Colson, ?, was sworn in and stated that she likes the proposed plan but has issues with the proposed new location of the air conditioning unit. The location may be under-utilized by the owner but not by the pedestrians that regularly walk by.

Mr. Rohmeyer stated that there were no Zoom comments.

Mr. Childs asked about the phases timeline, repeated his offer to pay for a new fence and expressed concern about the health of a tree. He stated that he had reached out to Mr. Rush but not to the Borough. Mr. Rush shared his response letter to Mr. Childs with the Board. He added that the tree would be trimmed soon, that there was not a history of correspondence as Mr. Childs claimed, addressed Mr. Childs' fence issues, and that he will shift the air conditioning unit to a different location.

Chair McGoldrick stated that the property is a corner lot with two front yards and that he does walk by the property often and, thus, is familiar with the property. Board discussion ensued. Mr. Josko stated that any fence issue should be directed to the Borough and agrees with Mr. Rush's new plans to move the air conditioning unit. Ms. Majewski agreed that the tree and fence issues were not applicable to the Board and wanted consideration for grading change and mitigation. Dr. Zuzulock wanted drainage issues to be addressed. Chair McGoldrick stated the historical significance of the property and appreciated plans to maintain the historical integrity of the home while modernizing it. Mr. Rohmeyer confirmed existing conditions and proposed changes. Mr. Krupinski asked about the phases. Dr. Zuzulock appreciated that there would be no impact to traffic with the construction equipment and materials. Vice Chair Neff stated that there are existing nonconformities and that the proposed changes were minimal.

Motion to approve with conditions: Mr. Krupinski

Second: Dr. Zuzulock

Ayes: Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Nays: None

Recused: Councilmember Dougherty

Absent: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Kurdes, Mr. Berth

Adjournment: Vice Chair Neff motioned and Mr. Josko seconded. All in favor. Meeting adjourned at 8:33pm.