



**Borough of Atlantic Highlands Planning Board Meeting Minutes
Borough Hall, 100 First Ave., Atlantic Highlands, NJ
May 4, 2023**

WORKSHOP MEETING

Roll Call:

PRESENT: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr Krupinski (arrived at 7:02pm), Ms. Majewski, Dr. Zuzulock, Vice Chair Neff

ABSENT: Councilman Dougherty (arrived at 7:51pm), Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Also Present: Board Attorney Michael Steib, Esq., Board Engineer Douglas Rohmeyer, Municipal Clerk Michelle Clark, and Jessica McLane to operate the Zoom technology for those seeking to attend remotely.

Chair McGoldrick called the meeting to order at 7:01pm 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: PBA Ball ad from the Planning Board. All in agreement.

Fee Schedule – Mr. Steib sent a memo to the Governing Body to take action.

Workshop Adjournment

Mr. Boms made a motion to adjourn and Mr. Josko seconded. All were in favor.

REGULAR MEETING

Roll Call:

PRESENT: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr Krupinski, Ms. Majewski, Dr. Zuzulock, Vice Chair Neff

ABSENT: Councilman Dougherty, Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Approval of Attorney Vouchers for February 2023

Was not in meeting packet and, thus, will be carried to next month.

Mr. Stein explained that the application PB22-24: Rush, 56 Second Ave., Block 96, Lot 1, provided proof of certified mailings but the newspaper legal ad was not published in time and, thus, will be carried to the June 1st meeting. The applicant will have to re-publish the newspaper legal ad with the new meeting date.

Memorializing Resolution PB22-20: Zoe & Emilio's Kitchen, 77 Center Ave., Block 127 Lot 7 – Granting Variance Approval

Motion to approve: Ms. Majewski

Second: Mr. Krupinski

Ayes: Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski,

Nays: None

Ineligible: Mr. Caccamo, Dr. Zuzulock, Vice Chair Neff

Recused: Mr. Boms, Ms. Walter

Absent: Councilman Dougherty, Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Memorializing Resolution PB22-14: Inzalaco, 38 Asbury Ave., Block 87, Lot 1 – Granting Variance Approval

Motion to approve: Mr. Josko

Second: Mr. Caccamo

Ayes: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock

Nays: None

Ineligible: Vice Chair Neff

Absent: Councilman Dougherty, Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Memorializing Resolution PB22-25: Crocker/Atlantic House, 67 First Ave., Block 115 Lot 7 – Granting Variance and Site Plan Approval

Motion to approve: Mr. Hawley

Second: Mr. Krupinski

Ayes: Mr. Boms, Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock

Nays: None

Ineligible: Vice Chair Neff

Absent: Councilman Dougherty, Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Hearing PB22-23: Highlands Yacht Club, 6 Simon Lake Dr., Block 7, Lot 5.03 – Minor Site Plan

Mr. Caccamo recused himself and stepped down from the dais. Applicant provided 3 additional exhibits. Brian Nelson, attorney for the applicant, reintroduced Christopher Stone, who was still under oath. Mr. Stone explained the new exhibits: A-10, A-11, A-12a-d, and A-13a-d.

Vice Chair Neff asked Mr. Stone to explain sound absorbing. Mr. Stone answered and stated that the designated area for music was best choice.

Mr. Boms asked what the life expectancy for the sound panels were and Mr. Stone stated that the choice hasn't been made yet.

Mr. Hawley expressed concern for stability without geo tech or borings study yet. Mr. Stone noted that that would be the first step as they don't know and can't rely on what's there. Mr. Hawley suggested that this be done before any work with the approval from the Engineer and Mr. Nelson agreed.

Mr. Boms asked about inside and outside support. Mr. Stone explained about the piles inside too.

Mr. Rohmeyer asked for clarification of the sound proofing plan and Mr. Stone showed on the exhibit. Mr. Stone added that use of stacking glass walls will be used to stop things from falling and for blocking the wind. Mr. Rohmeyer asked if the deck will be enclosed and Mr. Stone replied that there were no plans.

Dr. Zuzulock asked Mr. Stone to explain the flooring, drainage, and if there would be any green feature. Mr. Stone answered.

Councilman Dougherty arrived at 7:51pm.

The floor was open for public question.

Ara Jamgochian, Ocean Blvd., asked about some of the new exhibit photos, the flag pole, if bands would play outside, purpose of the deck, deck structure, the lease, and liquor license. Mr. Stone answered his questions. Mr. Jamgochian voiced concern about the noise and noted that he could hear bands that play inside at On the Deck. Mr. Jamgochian asked how drunken patrons would be handled; added that his view will now be obstructed, and if the Harbor Commission was consulted. Mr. Stone answered and noted that the Harbor Commission gave a letter of approval. Mr. Steib noted that it was included in the application packet.

John Geesler, business owner, expressed concern of current level of sound nuisance and asked for clarification of noise ordinance. Mr. Rohmeyer explained how and where sound decibel is measured. Mr. Geesler stated that the Yacht Club should be held at the same standards as the Atlantic House and Mr. Rohmeyer agreed. Mr. Geesler asked if there have been noise complaints at the Atlantic House. Vice Chair Neff answered that Code Enforcement would know. Vice Chair Neff asked what was being done about noise for the 700 tenants.

Mr. Fisher, Third Ave., asked about sound level of instruments.

Christian ?, Ocean Blvd., asked where measure is taken for sound test. Mr. Stone answered that it is 360 degrees at the property line.

Joseph Caccamo, Ocean Blvd., recused Board member whose property is within 200ft of Yacht Club, asked about the building, steel structure encroachment, and setbacks. Mr. Stone answered.

Mr. Rohmeyer was sworn in. Mr. Caccamo continued his questions about the proposed column, proposed deck roof structure, possible safety issues, proposed railing, replacement of windows and doors. Mr. Rohmeyer and Mr. Stone answered.

Jennifer Marston, Ocean Blvd., asked about an exhibit showing air conditioning units and asked if there will be escrow to cover unexpected happenings. Mr. Stone answered and added that they want to be good neighbors.

Janet Grote, Ocean Blvd., asked about occupancy limit and Mr. Stone answered that it needed to be recalculated.

Rick ?, Ocean Blvd., asked for the rough cost and expressed concern for constant work in the area and possible repairs. Mr. Stone answered about the cost and noted that typically there wouldn't be any maintenance for 15 years. Rick expressed his lack of faith in the sound proof wall and believes that the weather and salt water would require more maintenance than Mr. Stone stated.

Mr. Jamgochian asked what would happen if the roof below proposed deck structure needs repairs. Mr. Stone answered that roof under deck would no longer be a roof and that other areas would be reroofed and is the responsibility of Club. Mr. Jamgochian asked about emergency exits, handicapped persons, how the harbor benefits, how the town benefits, and how the community benefits. Mr. Stone answered.

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

Lynn Chillo, voiced her objection and noted a letter Mr. Maren sent to the Harbor Commission. She asked for an adjournment while an engineer report is being readied and that the engineer is on Zoom and would like to speak. Mr. Nelson objected. Mr. Maren's letter was entered as O-1 objecting to the Board proceeding with the application when other leasees have not given permission. Mr. Steib replied that the Board has jurisdiction. Mr. Nelson objected to adjournment request made two months after hearing started.

Mr. Gider, engineer for Shore Casino, experienced technical difficulties with Zoom. Mr. Steib listened to the public while Mr. Gider tried to sort out the Zoom problem.

James Beamus, was sworn in and noted that there were 700 harbor tenants noise problems in the past and stated his fear that this will add to the number of noise complaints.

Brent ? Ocean Blvd., was sworn in and stated that he believes that the proposed construction would not have impact while providing significant benefit to the town.

Joe Pasco was sworn in and reported the number of members and hours of operations. He hopes that the new deck would increase membership.

Ara Jamgochian, Ocean Blvd., was sworn and believes that the deck will extend the hours of operation, that noise is a major factor, that construction noise will not be enforceable, the photos provided by applicant are not true representation, music on the deck will be amplified to properties on the hill. He objects to the project and is surprised the Harbor Commission would support it.

Joseph Caccamo, Ocean Blvd., was sworn in and stated that he believes the road coverage ordinance is used improperly to allow for the proposed deck to be bigger. He believes that not only will the charm of the town and the water views of those on the hill be lost but also that the proposed project would jeopardize the existing building and area. He thinks the proposed deck is too big.

Marge Stone, 6th Ave., was sworn in and stated that she's been a member of the Yacht Club on and off since 1972 and held the Entertainment Chair and Board Member positions. Ms. Stone said that there was a deck many years ago with tables and umbrellas for a couple of years and the roof leaked. She feels that there are many questions unanswered, and more considerations are needed. She listed examples of noise issues around town she has experienced. Ms. Stone believes that everyone tries to be considerate. She stated that Mr. Stone, her brother, is very meticulous and that the Yacht Club is trying to make the building more aesthetically appealing. The point for this hearing is getting the approval as a first step.

James Krauss, Bayside Dr., was sworn in and stated that he was there on behalf of the Harbor Commission. He clarified that the Harbor Commission supports the site plan approval and have not approved any building plans. The harbor is the biggest tax payer, adding 20% on top of municipal taxes. The Commission does not pay taxes but instead pays shared services fees in lieu of taxes. One of the Harbor Commission's goal is to protect that money. The Commission wants to keep the harbor tenants happy and ensure that the project won't interfere with the harbor itself or the Shore Casino. The Commission received the Shore Casino's request for adjournment but not a formal objection, their lease allows for reasonable objection. Mr. Krauss acknowledged the zoning for the harbor and believes the proposed project is an appropriate use for the zone. He noted that this application was different from the recent application that the Board denied outdoor dining as this property is zoned for commercial use. The Board clarified that they did not deny the referenced application and that the applicant withdrew that item from his application.

Albert Seger, not an Atlantic Highlands resident but a Yacht Club member, was sworn in and noted the Yacht Club and its programs' positive impact for the town and its reputation. He added that the hearing is for site plan approval and that any construction would have to comply with code standards.

Kevin O'Brian, a Yacht Club and Sandy Hook (?) Harbor member, was sworn in and voiced his support of the application. He noted that noise comes with the territory but that the club is quiet about 95% of the time. He trusts that the Commission will address the concerns of the tenants.

Mr. Jamgochian stated that Mr. Krauss should not have brought up the issue of the amount of money the harbor provides as money and taxes should not be a factor in the decision making. He finds the comment objectionable. Mr. Jamgochian believes that the project will lower his property tax value and that he does not mind the building as it is now. He bought his property with the view in mind.

In person comments was closed for Zoom comments. The Board recessed at 9:52pm to resolve Zoom technical issues and returned at 10:00pm.

Via Zoom, James Geiger (?), Mountain Side Dr., Morristown, stated that he was retained by Shore Casino. Mr. Steib acknowledged receipt of his request for an adjournment and asked for clarification of his request. Mr. Geiger stated that he has reviewed some of the documents and that he has concerns with the construction plans and the state of the building. Mr. Steib tried to interrupt Mr. Geiger as he was not yet sworn in to give testimony. After the technical issue was resolved, Mr. Geiger confirmed that he could now hear Mr. Steib. Mr. Steib explained his reason

for interrupting and then swore in Mr. Geiger. Mr. Steib reminded Mr. Geiger the limited concerns of the Board. Mr. Geiger acknowledged and stated his concern with the increased membership and the possible resulting parking issues. Mr. Geiger stated that he's a civil engineer and not a traffic engineer or expert. Mr. Geiger stated that he's also concerned with the mooring, the lack of noise barrier for the Shore Casino below, and the disruption of service to the Casino with installation of pilings. Mr. Steib asked if the Counsel for Shore Casino had any questions for her witness. Mr. Geiger asked if the exterior pilings would block any windows and Mr. Stone replied no.

There were no other comments via Zoom or in the court room. Mr. Steib noted the Board needed to first decide if they want to carry the application or complete the application tonight.

Motion to move forward: Mr. Krupinski

Second: Ms. Majewski

Ayes: Mr. Boms, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock

Nays: None

Recused: Mr. Caccamo

Ineligible: Vice Chair Neff

Absent: Councilman Dougherty, Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Mr. Nelson made his closing statement. Mr. Steib reviewed what the Board would be voting on – minor site plan, expanding use with one variance. There was discussion as to what the variance requested is and Mr. Rohmeyer verified.

The Board discussed the application. Mr. Hawley wants a Geotech survey be a condition of any approval. Mr. Krupinski believed that there was thoughtful consideration to the view, sound, and aesthetic, even if these points are not within Board decision consideration. Ms. Majewski agreed and stated that this was a permitted use for the zone. Councilman Dougherty thought that this was a narrow question and other Board members voiced agreement. Dr. Zuzulock that the application complies with the master waterfront plans.

Motion to approve with noted conditions: Mr. Boms

Second: Ms. Majewski

Ayes: Mr. Boms, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock

Nays: None

Recused: Mr. Caccamo

Ineligible: Vice Chair Neff

Absent: Councilman Dougherty, Chair McGoldrick, Mr. Kurdes, Mr. Berth, Ms. Walter

Adjournment: Councilman Dougherty motioned and Mr. Boms seconded. All in favor. Meeting adjourned at 10:19pm.