

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS

140 First Avenue
Atlantic Highlands,
New Jersey
Monday, March 25, 2019

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IN RE:

- APPLICATION FOR
PRELIMINARY AND FINAL
SUBDIVISION WITH VARIANCES
AS MAY BE REQUIRED: DENHOLTZ
CUSTOM HOMES

TRANSCRIPT
OF
PROCEEDINGS

x ----- x

B E F O R E:

RICHARD COLANGELO	-	CHAIRMAN
JAMES NEFF	-	VICE CHAIRMAN
JOHN MCGOLDRICK	-	BOARD MEMBER
KATHRYN KLOBY	-	BOARD MEMBER
MARTIN HAWLEY	-	BOARD MEMBER
DEBORAH MURRAY	-	BOARD MEMBER
LOUIS FLIGOR	-	BOARD MEMBER
LOUIS ILLIANO	-	BOARD MEMBER
BRIAN DOUGHERTY	-	BOARD MEMBER
DOUGLAS PEPE	-	BOARD MEMBER
DR. EDWARD CETRON	-	BOARD MEMBER
JOSEPH CACCAMO	-	BOARD MEMBER
	-	

ALSO PRESENT:

MICHAEL B. STEIB, ESQ.		BOARD ATTORNEY
DOUGLAS ROHMEYER	-	BOARD ENGINEER
ERIN URIARTE	-	BOARD SECRETARY

A P P E A R A N C E S

COMMUNITY MEMBERS:

- Mark Fisher
- Kate Wigginton
- Arol Chandler
- Brent Sonnek-Schmelz
- James Krauss
- Benson Chiles
- Andrea Clurfeld
- Elaine Egidio
- Tony Hannan

EXHIBITS MARKED INTO EVIDENCE

Cross Exhibit 1 Atlantic Highlands Environmental Commission resolution 2018-01 in support of acquisition on the McConnell Tract as open space.

[0:00:00] Mark Fisher: At all three monitoring wells, benzene was sizeable in water. Two-ethyl-hexal [phonetic] a potential carcinogen in monitoring well no. 15, it is slightly soluble in water. Benzo-ampersene [phonetic] in monitoring well no. 15 and 16, not soluble in water. And benzo-flura-anthene [phonetic] in monitoring well 15, also not soluble in water.

In my 40-year employment in the oil industry, I've dealt with many hazardous chemicals. I'm a certified incident commander, and a fire and hazardous material first responder for the last 15 years. I have not only responded to these incidents where hazardous chemicals were involved, I was the person in charge of these responses. I dealt with the agency we speak of tonight, the Department of Environmental Protection, as well as many other agencies. U.S. Coast Guard, Environmental Protection, the New Jersey Police Environmental Division, and the New York Department of Environmental Conservation. I ask [indiscernible] [0:01:09] to determine which of these chemicals contained were carcinogenic, and it is, in fact, [indiscernible] [0:01:14] information section of emergency response, and it was created by the National Library of Medicine. This is the most referenced act that is unseen by hazardous and fire responders, to get information instantly for literally thousands of chemical compounds. You can download this app right now under [indiscernible] [0:01:40].

In the handouts I just provided, in Figure 2 of the BSDI report, trends of the benzene concentration results in monitoring well 2 and 16, in fact, have increased since 2016 for these substance sites. A slight decrease was seen in monitoring well 15. However, and this is very important, at nine parts per billion, eleven parts per billion, and twenty parts per billion, respectively, all three of these monitoring wells are thousands of percent over the groundwater quality criteria standards threshold of just one part per billion benzene. As I stated before, benzene is soluble in groundwater. It doesn't float. Benzene can also be present in the other chemicals, follow organic compounds that do float on the groundwater. In the BSDI report, trends of two ethyl-hexal [phonetic] results in monitoring well 2 and

15 have increased since November of 2016. However, those concentrations remain hundreds of percent above the groundwater quality criteria standard threshold of three parts per billion.

I only spoke before of most prevalent chemicals here. Other chemicals detected across all six monitoring wells on this piece of [indiscernible] [0:03:15] September 4th, where cyclo-hexene [phonetic], a carcinogen, not soluble in water, ethal-benzene, a possible carcinogen based on exposure. It's also not soluble in water. Isopropyl-benzene [phonetic] [indiscernible] [0:03:29], not soluble, metho-cyclohexene, not soluble, methyl-tertuary-butyl-ether, MTBE. That chemical was removed from motor gasoline after [indiscernible] [0:03:45] developed leukemia or glocoma. It's not soluble in water. Tyltune [phonetic] causes esophageal and rectal cancer, lymphoma, chromosome damage, but it's not soluble in water. Three different cited components, all carcinogenics. Esenephrene, a possible carcinogen. Flourine, naphtholene, a possible carcinogen, and benzopyrene [phonetic]. While I've highlighted the worst chronic or long-term side effects, there are many other short-term or acute effects related to all. Dizziness, confusion, headaches, etcetera, upon direct exposure to them, such as working in a deep, poorly ventilated excavations where concentrations may be high.

Environmental experts will probably tell us that even though there's no -- there has been no contaminants -- sorry. Environmental experts probably would tell us that even though there has been no contaminated soil removed, that these low parts per billion test results in groundwater would rarely cause health problems to humans. It is my understanding, and that natural continuation will eventually clean up the groundwater. Mr. Denholtz himself last week testified about the natural continuation being performed. And maybe that is true in today's configuration at the McConnell property with zero soil disturbances, no digging, no grading, no sewer pipe or pump station installations. The learning definition by the EPA states that physical needs is a part of the continuation process. Isn't tile effect twice a day, every day influence the water table at this property, physical? And we've already determined that at least two of the hazardous materials certified as being present underneath this property are soluble in the groundwater. So, where do we think this stuff is going?

1 Once the side is regraded, foundations are dug, civil water for the utilities are created, the
 2 deepest would be the sewer lines and the pumping station, it could potentially change the course or
 3 location of these existing contamination flows. Specifically, the areas of concern with most of the
 4 chemicals once the earth beneath the soil is disturbed by the 17 chemicals detected and report advising
 5 LSLP, many known carcinogens or possible carcinogens. Does this Board want to vote yes to a game of
 6 Russian roulette, potentially exposing future contaminants of this 16-home community to those
 7 carcinogens, or is the liability to the town, or to those on this Planning Board, if this project is approved
 8 with known carcinogens and other hazardous chemicals in play if chronic health issues do arise in the
 9 future?

10 It would also be Mr. Smith and the firm, BSDI's geologist, Ms. Pierce Remearector
 11 [phonetic], the licensed experts who have attested to the presence of these hazardous chemicals. And
 12 this Board constantly approaches the public in these meetings, saying we, meaning the Board and the
 13 public, must accept the work of the experts as 100% true. They wouldn't dare risk losing their licenses
 14 by telling us a lie is what we're told. So, the licensed experts that test the validity of the sample results
 15 have proven the existence of carcinogenic chemicals in this report with the DEP in their report of
 16 October of last year. Do the Board members, this is a rhetorical question, would you like your kids or
 17 your grandkids moved into and live in one of these new homes on top of active New Jersey remediation
 18 site no. 0004253 with known carcinogens and other protectable hazardous chemicals in the ground, not
 19 20 feet below harm. Personally, knowing these environmental effects, I sure as hell wouldn't. No one
 20 with any common sense would.

21 This hazardous materials summary was not presented by the Denholtz team to the public
 22 in any of these open hearings. Another convenient known issue by Denholtz. McConnell flew out profit
 23 of more than a decade's on this lot as it's home base. Even though zoned for residential use, being a
 24 waterfront property, and being used in a commercial capacity has elevated the purchase price, meaning
 25 that there has to be a certain amount of homes that must be put on the property to make the project

1 profitable. But part of that cross must also be to properly remediate carcinogens underground to result
 2 from those decades of empowered profits.

3 I assume that if this project is approved, Denholtz would then take over all or part of the
 4 responsibility for the LSRP effort and accept the remediation responsibilities from the current owner of
 5 the property. Knowing now the extent of the underground hazardous chemical contamination of the site
 6 and if this project is approved, will the Board mandate to the Denholtz continuous aired sampling during
 7 all excavation work to ensure the safety and health of the workers, the utility workers, the subcontractors
 8 of the site, as well as the local neighbors during those operations? Until such time as all subsurface civil
 9 work has been completed, it would make that part of the approval process?

10 **Chairman Colangelo:** When the Board discusses it, after public comment, it can be
 11 discussed. Absolutely. At this point and time, it's your turn to ask us.

12 **Mark Fisher:** Will you put it on the docket for discussion?

13 **Chairman Colangelo:** We're taking notes.

14 **Mark Fisher:** Additionally, would the Planning Board, as a condition of approval,
 15 mandate in the real estate transactions with any owners and any future owners of any home in this
 16 development that they are told the home being purchased is located atop an active New Jersey
 17 remediation site and supply the perspective purchasers with a copy of the most recent monitoring well
 18 sample analysis provided in a report prior to any sale or resale of a drawing on this site?

19 **Chairman Colangelo:** Again, once we have this [indiscernible] [0:10:37].

20 **Mark Fisher:** Will the Planning Board, as a condition of approval, mandate with all
 21 future bi-annual monitoring test results, the reports, upon issuing of the reports, that a copy must be
 22 supplied to each homeowner of this development either electronically or a paper version if they choose,
 23 every two years until testing is no longer deemed necessary? Thank you.

24 In closing, this project is vastly different from the one three designs ago. It's nothing like
 25 what Mr. Denholtz promised to the Borough Council and all of the residents in our town a little over a

1 year ago. This project has become simply an incredible worthwhile opportunity that Mr. Denholtz loves,
 2 whether it will just be 16 square boxes that Mr. Cassidy consults the people want. That's all it is. If the
 3 project is approved, there is nothing about these seven waterfront acres that we, the public, will be able
 4 to enjoy. Instead of enhancing the public bid, this project will steal it away from us. There is a good
 5 chance that this project will come to a vote tonight or very soon. Your Borough councilmen and women,
 6 fellow Borough family members all, want public open space preserved. There on the record saying so.
 7 And the hundreds of residents, again, family that have participated in these special meetings want this
 8 open space in particular preserved for the public. If not completely, and undisturbed, then at least the
 9 one and a half acres that was previously designated, promised for public use after this development.

10 I know in my heart that the members of this Planning Board, even though you weren't
 11 allowed to answer the question, that you are all in favor of preserving public open space. Your votes
 12 have consequences. His vote, his or her, will define this Board's legacy. Whatever the outcome of the
 13 final vote is, the results will be remembered every single time one of the Borough of Atlantic Highlands
 14 family drives by, runs, or walks every day at the center that goes past this parcel, or paddles, or sails by
 15 on the bay. To the Board, are you willing to vote with conscience for the good of your extended family,
 16 or will you simply vote to approve this project only in the hopes of preventing possible litigation against
 17 the Borough in the future?

18 Honestly, I care less what the fair of lawyers say. The most recent monitoring well test
 19 results continue to provide significant reasonable doubt as to the status of the environmental conditions
 20 that remain underground at this site. The chemicals are there. Some areas are getting worse. Some
 21 chemicals stay in the groundwater, most float on the water table. The LSRP, the environment experts,
 22 and Mr. McConnell swore that the presence of these hazardous materials with their signatures on that
 23 DEP letter from BSDI, and as a result of these hazardous chemicals being present, the DEP has
 24 mandated testing of the monitoring wells in the McConnell site for every two years until December of
 25 2044, 25 years from now. So, it all comes to this, choose to [indiscernible] [0:14:20] the long-term

1 human health and safety aspect of knowing these hazardous chemicals are present just a few feet below
 2 those 16 square things with people living in them, or concede to the environmental reasonable doubt this
 3 time, you have no choice but to vote no and deny approval of this application. Thank you for your time.

4 **Chairman Colangelo:** Thank you, Mr. Fisher.

5 [Applause]

6 **Chairman Colangelo:** Elizabeth Palmera [phonetic]? Beth Chandler [phonetic]? Sorry
 7 about that. Taylor McFarland [phonetic]? Kate Wigginton?

8 **Mr. Steib:** We're actually on the [indiscernible] [0:15:19].

9 [Indiscernible] [0:15:23]

10 **Mr. Steib:** Please raise your right hand to be affirmed. Do you either swear or affirm
 11 that any testimony you give in connection with this proceeding will be the truth, the whole truth, and
 12 nothing but the truth?

13 **Kate Wigginton:** I have a question about that. I hope not to swear, I try not to. I'll
 14 attestify to facts. So, do I have to be sworn.

15 **Mr. Steib:** If this ever gets to a Court and you abstain or are not under oath, the Court's
 16 going to disregard the witness.

17 **Chairman Colangelo:** Other than that, it seems like anybody here -- if this ever gets to a
 18 Court for some reason, and your statements are not sworn in, the Court will completely disregard them.
 19 So, we require upon making a comment to be sworn into the record.

20 **Kate Wigginton:** Even though the comment is not really a statement.

21 **Chairman Colangelo:** Comments stay so.

22 **Kate Wigginton:** Um, do you have to make this [indiscernible] [0:16:38]?

23 **Chairman Colangelo:** Absolutely not, Ms. Wigginton. In fact, we have [indiscernible]
 24 [0:16:42], thank you.

25 **Kate Wigginton:** Uh, I don't intend to be a DEP expert, but I only know what I

1 [indiscernible] [0:16:51] and I during the 1950s. I watched the boats unload, I watched the bay docks as
2 a [indiscernible] [0:16:59], and the only thing I have to rely on is Mr. Fisher's grand report. And I think
3 he's just testifying everything that I have always experienced since the 1950s. Thank you.

4 **Chairman Colangelo:** Thank you.

5 [Applause]

6 **Chairman Colangelo:** Ms. Jeffery [phonetic]?

7 **Board Member 1:** Happy birthday too.

8 **Mr. Steib:** Please raise your right hand to be sworn. Do you either swear or affirm that
9 any testimony given in this proceeding will be the truth, the whole truth, and nothing but the truth?

10 **Arol Chandler:** Yes, I do.

11 **Mr. Steib:** And state your name and address, please.

12 **Arol Chandler:** Arol Chandler [phonetic], 55 Avenue D in Atlantic Highlands. We have
13 a treasure. My treasure upon a property. It's one we valued when we first moved to Atlantic Highlands,
14 city common many years ago, and it is still priceless today. Our kids grew up being able to walk the
15 back route, they called it then, to fish, get shells, buoy in the water, and [indiscernible] [0:18:13] nature.
16 All of the people were able to play there, all the kids in the town were able to play there, and that's what
17 I want for the future, all the kids of the future. With development on the property, public access will be
18 limited. Once that access is gone, it won't come back. But that's only part of it. There is the
19 overwhelming historical significance of that area. All the Knocky [phonetic] ancestors, or English
20 settlers and colonial legislature, the merchants came from all the [indiscernible] [0:18:54], day trippers
21 from New York in the 20s, even the Rum Runners saw the importance of this property. Imagine
22 geology, the Atlantic Highlands and the Atlantic Highlands Environmental Commission of 2004 wrote
23 of this unique area which is unmarked anywhere else in town. It now is the rare outcropping of the
24 geological layer 250 feet down, and that holds the groundwater we drink from wells managed by the
25 town.

1 Then there's the significance of the public venue. That vision in 2004 was for a
2 waterfront promenade on this property. Quote, this will secure public access for recreation along the
3 waterfront, including the beach access at low tide, non-motorized boating such as kayaks, and fishing
4 from the upland, unquote. They also recognized the threatening of coastal development -- coastal
5 development. The wetlands serve as a nursery for fish, a buffer against flooding and a sponge to filter
6 and clean water flowing to the bay. You know what is said about statistics. You can make them say
7 whatever you want them to say, and that may be true for master plans. When the assumed planner Andy
8 Jenner [phonetic] testified for the developer, he extracted parts from the master plan to say why this
9 development is exactly what the town wanted when the plan was written. He said, quite frankly, this is
10 the plan that has been envisioned by the town and is being executed as envisioned by the community. I
11 feel as though I weren't reading the same master plan.

12 Again and again, the plan I read envisioned the need to restrain future housing
13 development and to encourage the preservation of open space. For instance, the coastal waterfront
14 design element of this section inserted the desire to maintain and enhance public access to the beach.
15 You need to develop and maintain the waterfront's potential for recreation and open space. Open space
16 should be looked on as an element of public infrastructure, and so it must be provided and maintained to
17 sustain the community. Under the natural resource decision, the plan speaks to the desire to promote the
18 conservation of desirable community features, restrain future development, and scarce undeveloped
19 land, and guide preservation, restoration, and redevelopment efforts. We don't lack for housing. We
20 wanted future development and population density, so has natural resources. Protect natural resources,
21 such as creeks and banks, bay, coves, and beaches, steep slopes, and flat zones, forest and wetlands,
22 preserve and enhance the environment by maintaining [indiscernible] [0:22:11] buffers, and establish
23 uni-buffers where necessary. The writers of the master plan had an experience with superstorm Sandy,
24 but they knew the value of a buffer. Fifteen houses isn't a buffer, it's a target.

25 I could cite many other instances that speak to provision of open space and the carriage of

1 wetlands, and even the specific desire for the McConnell property to be developed as such. It was an
2 area that they saw could be used as a recreational area while protecting the coastal wetlands and
3 minimizing the effects of storm water. Recently, an article in the Two River Times speaks to the Navy's
4 concern for a waterfront conservation in the areas adjoining [indiscernible] [0:23:05]. They recognized
5 the value of undeveloped property at the water's edge as a protection for the base and for the coastline
6 itself. And so, I'm asking the Planning Board to vote no on this Applicant's development. As you
7 deliberate, think of those who have come before you and those who will come after. The law, the plan,
8 is there to back you up. Let's not squander this treasure. Thank you.

9 [Applause]

10 **Chairman Colangelo:** Brent Sonnek-Schmelz?

11 **Brent Sonnek-Schmelz:** Thank the Board for hearing comments.

12 **Mr. Steib:** Raise your right hand. Do you either swear or affirm that any testimony
13 given in connection with this proceeding will be the truth, the whole truth, and nothing but the truth?

14 **Brent Sonnek-Schmelz:** I do.

15 **Mr. Steib:** State your name and address.

16 **Brent Sonnek-Schmelz:** Brent Sonnek-Schmelz, 51 Ocean Boulevard, Atlantic
17 Highlands. I'd like to thank the Board for listening to our comments and considering them during your
18 discussion of this Application and making the right decision. I have two points to discuss here. The first
19 point is discussion of Ordinance 07-2013 with regard to Section 150-84, Paragraph A3, which is the
20 general site design standards. Now, the Ordinance 07-2013 was passed in the aftermath of superstorm
21 Sandy. It brought unimaginable devastation to our town. We've all experienced what we all went
22 through. And I'd like to read from the ordinance, but I'd also like to thank Calcum Ledder [phonetic] for
23 his hard work and vision in passing that ordinance that's designed to protect our health and community
24 welfare and also protect our residents from future devastation from judicial [indiscernible] [0:24:40].

25 First off, I'm going to read a few [indiscernible] [0:24:45] and then the key components

1 of the ordinance. Uh, first, whereas, number 5, whereas a result of superstorm Sandy which occurred on
2 October 29, 2012 and October 30th, 2012, a substantial number of properties within the Borough were
3 adversely impacted, [indiscernible] [0:25:01] some damage and or destruction requiring the restoration
4 or reconstruction of building structures on such property. And whereas, in response to superstorm
5 Sandy, the federal emergency and management agency, FEMA, has felt new advisory based on elevation
6 maps to reflect new flood levels sustained during the storm surge of superstorm Sandy, which massed,
7 have now been adopted emergency regulations as has been the building standard for the entire state for
8 business, communities, with the best assessment of risk in order to prevent, to better mitigate from
9 damage from future storm and flooding events, avoid higher flood insurance costs, and begin the
10 rebuilding process. And whereas, the Borough of Atlantic Highlands has determined that it is
11 appropriate to give recognition of these regulations which may have required structures to be raised
12 above the present elevations in order to comply with new regulatory requirements and further finding
13 that these regulations will impact upon the height of structures being reconstructed or newly constructed
14 in the affected flood areas, and it being appropriate to respond by directing the development and
15 regulations that affect new flood levels sustained during the storm surge of superstorm Sandy, and the
16 implementation of the new ABFD [phonetic] max or the permitted successes.

17 Now, according to the amendments of 150-84, paragraph A3, it's a stolis [phonetic]. I'm
18 going to start with the beginning of the uh, 150-84. Open space and storage structures in subdivision
19 and site design, the following areas shall be preserved as undeveloped open space, or in the case of
20 storage structures maintained within the development. One, wetlands. Two, significant trees. Three,
21 lands, included in section 3 is what was added in this ordinance, lands in floodway or identified as V and
22 A zones on the advisory based flood elevation map.

23 What this states is those lands should be retained as open space. Now, in looking at this
24 and looking at the record, I don't see what happened here. This ordinance is created for a reason. We
25 want to limit the devastation and suffering that future storms such as Sandy can reek on our community.

1 It should not be warranted or considered a meaningless design waiver. Even if EOD [phonetic]
 2 considers potential uh, sea level rise to impact the Borough to the level of seven and a half feet over the
 3 next 50 years, we have a serious problem. The beginning of development of nine lots in a flood zone,
 4 including several houses that are in that flood zone, contrary to what we want as through this ordinance
 5 that is uh, promulgated with the announcement's leader. So, I don't know what happened here. But I
 6 think the Board can try to take this up in their own discussion. Where was the Board's review of this
 7 ordinance? Was it just ignored? Why, or was the old ordinance in property five, a consideration of an
 8 older ordinance than this one here? Either way, we the public deserve an answer and an understanding
 9 of -- of what happened with this particular waiver of this -- of this design standard, if there was one at
 10 all, or if there should ever be. So, either way, we deserve an answer. And this -- this ordinance would
 11 allow this development to be considered noncompliant, and we should -- and it should be rejected.

12 Issue two, in the layout here by the Application did not address the pump station
 13 installation correctly, and you as a Board should reject it. First, in the ordinance, let's look at 150-83,
 14 which I have here which I don't think has been shown uh, even if we submit it to -- to evidence, it may
 15 work.

16 **Chairman Colangelo:** I'm sorry. Could you repeat that conversation?
 17 **Brent Sonnek-Schmelz:** Sure thing. This is developmental regulations. We uh, the
 18 attachment. In here it says public utilities. If you look to the state's public utilities shall be conditional
 19 use in the R1 zone. Right here we have what is apparent a utility, a pump station. So, if -- and I don't
 20 see why it applies as a conditional use. According to this, which is in the ordinance. Now let's look uh,
 21 they do not consist. There's no waiver. It's not exempt, and it's not, it should be for content of any
 22 approval of conditional use. Let's look at 150-36, public utilities.

23 Public utilities uses such as water towers, pump stations, electrical substations, radio
 24 towers, and additional [indiscernible] [0:29:39] switching stations which must be provided above ground
 25 meet with the [indiscernible] [0:29:43] as a conditional use in those zones specified provided that youth

1 and or structures shall adhere to the minimum standards of the [indiscernible] [0:29:51] zone involved.
 2 A, a statement was submitted setting forth the reasons for the proposed installation must be provided
 3 above ground. This specific location, and why is it necessarily convenient for the public utilities system
 4 or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in
 5 which the particular use is to be located. B, the design of any buildings in connection with such facility
 6 forms the general character of the area and will not adversely affect the safe and comfortable enjoyment
 7 of property rights at the zone in which it is located. C, adequate and attractive fences and other safety
 8 devices will be provided. Fences from use and public use facilities, such as electrical power substations,
 9 shall be built in accordance with the requirements of the NJPEP commissioner and the New Jersey
 10 Uniform Construction Code. D, sufficient landscaping of any shrubs, trees, or lawns will be provided
 11 and adequately maintained. The public utility use and lots shall not be all of the applicable minimum
 12 requirements in the district for which it is located, accept that it -- sorry. The public utility use and lots
 13 shall meet all of the applicable minimum requirements in the district for which it is located, except that
 14 it need not have the minimum required lot area. Only principal buildings will be permitted on a lot and
 15 a paved parking area is required.

16 Now, I know in the testimony it's been considered that it meets this criteria. I don't think
 17 that from what I can see, there has not been a statement submitting the reasons the proposed installation
 18 must be provided above ground. Is this above ground. Yes, it is. Yes, we have a pump station, but
 19 there's significant structures above, as voted in the testimony, which I'm going to get to in a moment.
 20 Second, does the building, in connection with former general plat to the area? It does appear that it does
 21 here as well. Three, is there parking? Seeing that the small road that goes over to a proposed easement
 22 at crossroads property, it could be considered -- it could be considered parking, but duly noted, the
 23 Borough's going to grant that issue. We do not do. Is there a secondary easement? I believe a
 24 secondary easement between two houses is contiguous. The road, the pavement of that easement
 25 results in loss of impervious lot coverage uh, for those two lots. I think these are all considerations that

1 have to be considered before this is approved.

2 Uh, so, thirdly, it states that conditional use does apply, the utility must be [indiscernible]
 3 [0:32:24]. It doesn't have -- it doesn't have the statement, the design building, the parking area, all major
 4 issues. Now, there has also been discussion that it is non-applicable, and that's in section 150-55. Non-
 5 applicability to underground utilities and attended services. It says the provision of this chapter shall not
 6 apply to customary underground essential services, as here in front, except that all facilities such as
 7 public stations repeated section stations, and electrical substations which required building above ground
 8 or any other above ground appurtenance of any type more than 40 feet high shall require approval as a
 9 conditional use subject to the provisions of the chapter.

10 Now, what we get into there is the important question. Is this a building? Now, there's a
 11 lot of testimony uh, on November 27th to this effect. There are testimonies from Susan Gracefield, who
 12 was the designer of this public pump station. In here she says, uh, this is on Page -- uh, Page 43 of the
 13 transcript. Uh, question from Mr. Jonfeld [phonetic]. So, can you readily describe the proposed pump
 14 station, and then I'd like to address the potential impacts in terms of sounds, orders, etcetera. Yes, the
 15 sanitary pump station consists of two below grade chambers. One is a pump station wet valve, and the
 16 second is a valve changer. Above grade, there will be an emergency generator and two electrical panels.
 17 One of the questions is in each of his reviews, measure the height of the above grade structures. So, he
 18 admits this is above grade. This is important to consider for that pump station, above grade. This is not
 19 completely underground. Uh, the above grade electrical panels, one will be five and a half feet above,
 20 the top of it will be five and a half feet above grade, the second will be six feet above grade. So, the
 21 entire pump station property, when fenced in with the lot and piece, and no one can access that. The
 22 electrical panels will be aluminum structures that are locked and only the pump station operators can
 23 access those electrical panels. Uh, the second question uh, she answers, one of the changes that we
 24 made from what we originally talked about was the wet well would be more rigid and less likely to
 25 cause any noise or vibrations. Also, if we put in the highest, and we also put in the highest, we have

1 designed the highest level enclosure for the generator to contain the noise and lower the impact to
 2 adjacent properties. Now, further, uh, to a question from Dr. Cetron, the access to the chamber, is it
 3 going to be fixed, or will it be put in place when the meets go down into the chamber bolt for normal
 4 maintenance and upkeep maintenance. It's [indiscernible] [0:35:11], part of the chamber has an access
 5 hatch that can open up and it will be hoist that will be portal. So, they put the hoist up when they need
 6 to access it, and they'll store it probably in a trunk or in another facility. So, there's access panels. It's
 7 not just a -- a -- an open box. Now, later on, an important point, uh, Mr. Steib asked a question of Mr.
 8 Jonfeld. And I asked you a couple of questions of your witness. The structures existing at this pumping
 9 station, there is no building for the roof. Is there or is there not? Mr. Jonfeld, I think the question can
 10 best be answered by Ms. Gracefield. And Ms. Gracefield says, there is no building, but there is a roof.

11 So, let's look at the definition. We can use the definitions here. Let's look at the
 12 definition of a building. A building is a combination of materials that form a construction, having a roof,
 13 and either permits the temporary or continuous occupancy. There's a few words here that we have to
 14 define further. First one is construction. Now, the definition of construction is any work disturbance or
 15 other act associated with the creation, improving, or work on or before the benefit of any structures,
 16 permanent improvements, environment control measure, or action required to achieve the goal of this
 17 chapter. Clearly, the pump station then is for the achieve the goal of this -- of this chapter.

18 Second question, we have the answer is what -- I'm sorry, one second. Is with -- uh, is a
 19 roof. Now, a roof is explicitly defined. There are some components of a roof that are hard to find, but
 20 not in and of itself. A system to divide -- provide weather protection or existence to design levels. This
 21 system consists of a roof covering, a deck, or single component serving both a roof cover or a roof deck.
 22 The roof simply is a roof deck, retardant of such grade, or thermal covering, all this stuff. It all goes into
 23 a roof. Um, but then the question is occupancy. Occupancy definition is the specific purpose for which
 24 land or building is used designed or maintained.

25 Third, this is a building with a roof, from the testimony of Ms. Gracefield, and it has an

1 occupancy, which is that electrical material that serves the pump station itself. At no point has it been
2 clear that we do not have a building. And if we do not have a building uh, and if we do have a building,
3 clearly from the testimony of [indiscernible] [0:38:03] we only have three options. One, the building is
4 necessary for a conditional use application. There was none made. Uh, and that would have to be
5 rectified if that's the case. Two, the building is necessary for de-variance application, if it does not meet
6 all five criteria of the conditional use application since there was no, and there was no due variance.
7 And also, this is the improper venue, that's with the Zoning Board. And three, the building must comply
8 with all the regulations for R1 District and must be residential, primary structures, which it is not. It
9 does not meet that requirement. Therefore, we look at this, and this Application should be denied based
10 on that pump station, and the Applicant's failure to submit the proper paperwork, the proper Application
11 for either a conditional use, for a D variance, or that's it properly within the armored structure.

12 So, again, based on my conditions, I ask the Board to consider and enforce that. To look
13 at -- to look at the ordinance as written, and why it was not applied here, which it should be. And two,
14 to consider that pump station and how it affects uh, this application in a negative way. And also, in
15 regard to that pump station, with open space, it's important to note that there is very, very [indiscernible]
16 [0:39:24] of open space, and from what I understand of their calculation, the interior inside that fence
17 and the road falls within the Applicant space uh, calculation. It should not. If you read the definition of
18 open space, which I have here as well. Any parcel or area of land or water essentially unimproved and
19 set aside, dedicated, or designated, or reserved for public, or impression, or enjoyment for the use and
20 enjoyment or owners or occupants of the land adjoining a neighboring such open space, provided that
21 such areas may be improved with only those building structures, and streets, and public improvements
22 that have been designed to be incidental to the natural openness of the land. A pump station and access
23 road do not meet that definition and need to be excluded from any calculation of open space. Thank you
24 very much.

25 [Applause]

1 **Chairman Colangelo:** Ms. Stanford [phonetic]? I don't see Ms. Stanford. Mr. Krauss?
2 **Mr. Steib:** Raise your right hand to be sworn. Do you either swear or affirm that the
3 testimony you give in connection with this proceeding will be the truth, the whole truth, and nothing but
4 the truth?

5 **James Krauss:** I do.

6 **Mr. Steib:** Please state your name and address.

7 **James Krauss:** James Krauss, 77 Assap Drive [phonetic], and also with Atlantic
8 Highlands Environmental Commission. I'm here on behalf of the Environmental Commission and also
9 have some personal comments. I'll start with the Environmental Condition Codes. The Environmental
10 Commission passed a resolution recommending the acquisition of the McConnell property for purposes
11 of creating a public park. The vote was six in favor, no opposed, and one abstention. The Planning
12 Board member of the Environmental Commission excused himself. The resolution makes reference to
13 excerpts from the master plan and resolution and excerpts of the last point referred to in the resolution. I
14 want you to keep two things in mind. First, the Applicants planner testified that the Applicant's
15 proposed development was in accordance with the master plan. This claim is misleading and perhaps
16 [indiscernible] [0:41:55]. The master plan excerpts which I will read are from the principles, objectives,
17 and policies which should be viewed as over-arching. The planner did not comment on this over-
18 arching portion of the master plan.

19 Second, what I will read is in the current master plan and is also word for word in the
20 draft plan that the current Planning Board, you folks, presented to the public recently. These are -- this
21 is from the principal's objector's assumptions and policies section of the current plan. Objective No. 4, it
22 is current bay front open space and recreation of adequate public services for beaches, hiking, and
23 boating, as well as approved commercial facilities. Objective No. 5, to establish rule and upgrade
24 existing usable recreation facilities, including ball fields, trails for biking and hiking, beaches, and for
25 nature preserve. Objective No.7, to protect areas with scenic, cultural, and recreational value,

1 particularly along the waterfront, stream corridors, the Ocean Boulevard scenic route, and other scenic
2 roadways, streets, [indiscernible] [0:43:20], and historic districts, including the hilly woodlands.
3 Objective No. 8, to promote the desired visual environment in terms of open space and recreation lands,
4 stream corridors, the bay front, the marina, scenic roadways, landscaping, buildings, and infrastructure.
5 And Objective No. 10, to provide sufficient space and appropriate locations for commercial, residential,
6 light industrial, and open space for recreational uses.

7 Our conclusion on the Environmental Commission is that residential development of this
8 property is clearly not consistent with the spirit nor intent of the current master plan, nor the draft plan
9 the current Planning Board has presented to the public. With that, I'll shift to my personal comments.

10 Um, first, this is a little bit off square, but I believe that uh, having -- having just
11 presented the public with a uh, draft plan that has exactly the same objectives as the ones that I read
12 from the plan, the Board does owe us open space. Um, in conjunction with my duties on the
13 Environmental Commission, I have read the entire draft plan. There's a couple of things I would like to
14 point out. There were three occasions that related to uh, housing development. Roman numeral 4-2
15 calls for restraining additional housing development. Roman numeral 7-2 also limiting the development
16 and population density. Roman numeral 8-3 calls for limiting future residential development. Nowhere
17 did I see anything that said we need more development in a single-family service. And as Ms. Surfen
18 [phonetic] pointed out, there are many sections throughout the draft plan, she viewed the current plan,
19 but also in the draft plan, and then Section 4 for open space.

20 The draft plan also has an increased focus on flood issues which is broken down.
21 Therefore, I ask in the nature of rising sea level, increasing storm intensities, increasing flooding, and
22 the fact that the New Jersey coastal plain is actually subsiding, we should not be building more homes
23 on the waterfront, including putting more people and property at risk. I urge you to deny this
24 Application, and I would like to enter into the record uh, the copies of the Environmental Commission
25 resolution.

1 **Chairman Colangelo:** Thank you, Mr. Krauss. Thank you, sir.

2 **Mr. Steib:** This is Cross Exhibit 1. It is the Atlantic Highlands Environmental
3 Commission resolution 2018-01 in support of acquisition on the McConnell Tract as open space.

4 **James Krauss:** Thank you.

5 **Chairman Colangelo:** Thank you.

6 [Applause]

7 **Chairman Colangelo:** And please excuse me with this pronunciation, but Douglas
8 Leite, L-e-i-t-e? Okay. Judy Cain [phonetic]? Benson Chiles?

9 **Mr. Steib:** Please raise your right hand to be sworn. Do you either swear or affirm that
10 any testimony you give in connection with this proceeding will be the truth, the whole truth, and nothing
11 but the truth?

12 **Benson Chiles:** I do.

13 **Mr. Steib:** Please state your name and address.

14 **Benson Chiles:** My name is Benson Chiles, B-e-n-s-o-n, C-h-i-l-e-s. My address is 59
15 3rd Avenue in Atlantic Highlands. I'm here tonight on my own behalf. Um, I want to begin by thanking
16 members of the Planning Board for your patience in this process. I know first-hand how time
17 consuming it can be for occupations like this one. Um, I value time at home with my family, with my
18 friends, and so I thank you for taking your time to do this um, important work. When I was sitting in
19 your position twelve years ago, uh, when the Homanian [phonetic] subdivision Application came before
20 this Board for the same property, um, we spent month after month after month uh, going through the
21 hearings before the Application was eventually withdrawn. And I know in general your applications are
22 of a different nature, and some of those can be difficult too because um, you have to say no to the
23 neighbors who are seeking variances, and it often feels like a lose, lose situation. But of course, when
24 Applications come like this one that are much larger um, and the passions of the community are stirred
25 um, you know, I remember feeling as though sometimes my hands were tied because I knew the Courts

1 would care more about my sticking to the Borough ordinance than they would care about public
2 sentiment. And I think you probably feel that too.

3 Um, I want to acknowledge Mr. Denholtz and thank him for his willingness to participate
4 in dialogue about how to provide a project that will be welcomed in our community. There was really
5 no way he could have known when he um, moved forward with this Application how deeply the
6 community cares about this parcel of land um, and protecting waterfront for public use. Um, as a
7 developer myself, albeit a small one, I've had my share of setbacks including one here at Atlantic
8 Highlands when a project fell through due to a technicality imposed by this Board. So, I understand the
9 challenges that he faces. At the same time, the latest plan that we're looking at tonight is a step
10 backwards from the original plan that I take all of us appreciated for its commitment for public access
11 and an open space. And furthermore, this plan has construction in the flood zone and an awkward
12 insufficient layout of common open space that will be of no real benefit to the community. Now,
13 obviously, this is not the first subdivision Application for this property, and it may not be the last
14 Application. It is, however, the least dense use for the scene, and that is exactly the way it should be.
15 Overwhelmingly, our residents are [indiscernible] [0:50:56] in favor of open space, waterfront access,
16 and recreational opportunities, prioritizing quality of life in Atlantic Highlands over dense new
17 development. This sentiment is reflected in our master plan and elsewhere, as a number of people have
18 pointed out tonight, and including in the recent uproad county space referendum, which passed with a
19 strong majority in 2017. It's also worth noting that over time, communities and their priorities change.

20 When Standard Oil first proposed using this land as an oil transfer station uh, as an
21 example, the idea was not in approval by the Borough Council. It is impossible to image that happening
22 today. And past Planning Boards have approved developments that this Board would never consider in
23 2019. As you all know well, that's one reason we have municipal planning bodies uh, which are granted
24 the responsibility of periodically updating our community's master plan to account for changing
25 community meets. Of course, since 2006, the last time we had a subdivision Application for this

1 property, a lot has changed. Most relevantly, our community suffered from superstorm Sandy, which
2 was, of course, one of the most devastating events in modern New Jersey history. And that's when the
3 Borough Council went through the trouble of updating the zoning ordinance, so that the [indiscernible]
4 [0:52:35] earlier from the third to clarify that all lands and flood zones should be preserved as open
5 space. Unfortunately, the latest plan proposed does not only subdivide lots in the flood zone, but plans
6 to build two houses and even a portion of the road. In my view, this violates the ordinance as insensitive
7 to the recent history of our town. So, even though this plan is less dense than the previous plan, it is still
8 too dense. And even though some accommodation has been made to meet the requirements of the zone,
9 in my view, the plan is unresponsive to community in pro, and should be rejected.

10 And just one final thought. Um, as I was thinking about whether I would comment or
11 not, I was reflecting on some of the decisions that I made when I was a Board member, and I realize that
12 I never regreted to know that voting no on an Application. The only time I had regrets on the Board
13 were the times that I voted yes, or the times I voted yes. So, anyway, with that, I want to thank you
14 again for your time and effort, and for your commitment to this community. Thank you.

15 **Chairman Colangelo:** Thank you.

16 [Applause]

17 **Chairman Colangelo:** Ms. Idell [phonetic]? Ms. Idell, you're up.

18 **Ms. Idell:** I need about 20 minutes.

19 **Chairman Colangelo:** You came a little late in the last one. Okay, thank you. Ms.
20 Clurfeld?

21 **Andrea Clurfeld:** Good morning. Andrea Clurfeld, 41 3rd Avenue, Atlantic Highlands.
22 Do you want me to spell it?

23 **Chairman Colangelo:** Please.

24 **Andrea Clurfeld:** A-n-d-r-e-a, C-l-u-r-f, as in Frank, e-l-d, as in David.

25 **Mr. Steib:** Do you either swear or affirm that any testimony you give in connection with

1 this proceeding will be the truth, the whole truth, and nothing but the truth?

2 **Andrea Clurfeld:** I do.

3 **Mr. Steib:** Okay.

4 **Andrea Clurfeld:** That's the only time I've said I do in my life.

5 [Laughter]

6 **Andrea Clurfeld:** Everyone, just spoke so eloquently and with so much information,
7 such passion. Um, it's hard to come after all these people with such great information, but I think we're
8 on the same page about some of the things I want to say too. And that is that preventing the
9 privatization of the Atlantic Highlands waterfront is a responsibility of every resident of Atlantic
10 Highlands, be they homeowner or renter, be they collective or appointed public servant. Privatizing
11 Atlantic Highlands waterfront is a violation of Atlantic Highlands character, our collective sense of
12 community, our privilege as caretakers, or the precious natural resource which is our Earth's water. We
13 are all of us stewards of this resource. And just as we seek to preserve this fragile parcel, this particular
14 seven acre parcel of waterfront, in as natural a state as possible, we also seek to protect it from further
15 harm, and that is manmade harm. It's smart in every way. Environmentally, for certain, as a way of
16 preserving the charm and the character of Atlantic Highlands, absolutely. As a safeguard for our
17 property values, definitely. Members of the Atlantic Highlands Planning Board have to vote on this
18 proposal, but we the Borough's residents have the right and also the responsibility to raise our voices in
19 public discourse.

20 Sadly, there were members of the Planning Board who sought to stifle the public during
21 prior hearings, and there are ways to sidestep your duty of watching out for Atlantic Highlands and point
22 to officials elsewhere. As we were having hearings, there were so many questions raised. And it pointed
23 to officials elsewhere as having responsibility. It has informed, pertinent questions. And shouldn't
24 members of the Planning Board who have during this process stated that they are only volunteers. They
25 call out members of the public, particularly women, including me, for attempting to ask questions and

1 express concerns as citizens of a democracy. Should those Planning Board members, I ask that it
2 consider it a privilege of public service. If you cannot hear our residents in this setting, if you do not
3 have the patience for the public processes of a democracy, recognize that your commitment is lacking.
4 But recognize as well, please, that the commitment of neighbors for waterfront preservation is not
5 lacking and knowing that we will not stand silent and allow our waterfront and our public processes to
6 be privatized. Thank you all very much for listening to me this evening.

7 **Chairman Colangelo:** Thank you, Ms. Clurfeld.

8 [Applause]

9 **Chairman Colangelo:** Paul Hanti [phonetic]? John Smythe [phonetic]? Emily
10 Raftburn [phonetic]? Carolyn Northrup [phonetic]? I don't see her. John and Ginger, they signed up
11 together, Lilos [phonetic]? Laura McCahon?

12 [Indiscernible] [0:58:31]

13 **Chairman Colangelo:** Nope, Lauren.

14 [Indiscernible] [0:58:36]

15 **Chairman Colangelo:** She's signed up here.

16 **Female Speaker 1:** Was that Lauren?

17 **Chairman Colangelo:** Yeah. Just a minute. She is -- she is signed here. So, I do see
18 you a little further on. Okay?

19 **Female Speaker 1:** Maybe it's an old one.

20 **Chairman Colangelo:** It's an old one.

21 **Female Speaker 1:** [Indiscernible] [0:58:49].

22 **Chairman Colangelo:** Yes.

23 **Female Speaker 1:** Okay.

24 **Chairman Colangelo:** Yes, yes. Elaine Egidio [phonetic], Egidio?

25 **Female Speaker 2:** She's absent.

Chairman Colangelo: Thank you. It's alright then. A big swirl.

Elaine Egidio: It's been 75 years since that. Anyway. I'm Elaine Egidio. Swear in first?

Mr. Steib: Do you either swear or affirm that any testimony you give in connection with this proceeding will be the truth, the whole truth, and nothing but the truth?

Elaine Egidio: Yes, I do.

Mr. Steib: Your name and address?

Elaine Egidio: My name is Elaine Egidio, E-g-i-d-i-o. My address is 81 West Highlands Avenue. And I'd like to first of all say that I'm a third generation resident of Atlantic Highlands. My father's people came here from Italy, and my father has served this community. And I ran away and came back and have been here for a number of years. My parents have used this -- the beach front. I use the beach front, and my children did. And I would love to see this area that we have because it is a joy. It's a lift. As a matter of fact, two Congressmen at one time had the joy of Monmouth County, the joy of New Jersey has being described to us as Atlantic Highlands. I hosted people from North and South America, as well as Europe, who have gone down to the beach front and just were amazed that they could stand in New Jersey and see New York City. And this beautiful water which we fought so hard to have it become beautiful water because maybe I've been here too long, but there was a time when our water was extremely polluted. I believe that the building, as well as the landscaping that's going to be involved in making these homes, someone said offices, but the [indiscernible] [1:00:54], but would all of that building, this is going to disturb not only what's already been told about the chemicals, but just building in itself has pollution. And then you're going to have landscaping? We know what's going to happen. We all know what's going to happen when Custom Homes opens our waters. I ask you, please don't let that happen to our town. Please, for our generation and all the generations to come, I thank the builder for wanting to come to our town. He said to him in the hallway, this is a beautiful town. It is a beautiful town, and I don't think it's going to be enhanced by 16 homes that look alike. And if the homeowner's association with their own rules, so even if something got changed that we could

have public access, the homeowner's association, we know what happens. I recite to you, have many friends have lived, and will see change. We need open space. Our environment needs open space. Our reputation as a jewel of New Jersey needs open space. We need the beauty.

Also, the last time we were, I had asked questions about the roadway. I used to come in to the other side of New Jersey and every time they put in a development, the roads got worse and worse. Sixteen homes with four cars a piece, with what we already have going on our roads. I walk my dogs, I walk myself. Our roads get a little congested. Are our roads going to be able to handle that? I don't think so. I don't think so. So, I don't have all of the wonderful information that some of those who came before me said. All I can say, is I going to say so in this town, and I'm asking you to please. And once again, I do thank the builder. You're right. It's a very unique town. And I ask you, keep it a unique town. I really ask that we do that. And I ask you, the Board, to please vote no, and I thank you very much for serving our community in this state of family. Thank you.

[Applause]

Chairman Colangelo: Cory, Cory W. of 7A Harbor Ute Drive [phonetic]? No? Dawn Adler [phonetic]? Casey Aspina [phonetic]? Donna McDonald? Larry McDonald? Last, that's Seckla Avianna [phonetic]? Eric Valentine? Chris Nolan [phonetic]? Paul Barbado [phonetic]? Thomas King? Tony Hannan?

Tony Hannan: Here.

Mr. Steib: Please raise your right hand to be sworn. Do you either swear or affirm that any testimony given in connection with this proceeding will be the truth, the whole truth, and nothing but the truth?

Tony Hannan: Yes, I do.

Mr. Steib: And state your name and address.

Tony Hannan: Tony Hannan, 1 Portway, Monmouth, New Jersey. I'm a member of the Catamaran Club um, from this area [indiscernible] [1:04:47]. I read the entire master plan, and it's

obvious that you had authors of the plan, are against this Applicant development. Throughout the entire master plan, you talk about this area of waterfront open space, and increased recreational activities. You even talk about this property specifically in Chapter 12A6, Center Avenue Park to be extended east way along the beach as far as Avenue D in order to increase the public recreational use of the bay front. As you all know, Center Avenue is on the left of the property and Avenue D is on the right, so now the properties have become very [indiscernible] [1:05:19] south line. Let me read a few more statements made in the master plan.

Chapter 4, Page 7 of this states the Borough should take all necessary steps to acquire remaining tracts of bay shore property. Chapter 7, Page 2, the Borough should encourage any kind of open space and recreational activities and protect areas of scenic or recreational value along the waterfront. Chapter 11, Page 2, future development with respect to public interest, maintaining and enhancing the waterfront as a community resource. And last of my statements reading from the master plan, Chapter 12, Page 1, the town's small area is almost fully built up and densely populated. The movement to protect remaining open space is an action of general demography. It also springs from the increased demand for active recreation by use for children, youth, and adults which outstrips the level of service. So, approving this housing development would be a direct contradiction to your own master plan. Honoring your own words and those of the ordinance I surmise you must reject this Application.

Let me raise another issue. In a hundred or more years, sea authorized will firmly rise such currents as a park. However, the adjacent McConnell Tract under consideration, 'cause of its elevation, will survive. If we want future generations to enjoy a waterfront property at this end of town, then you should extend the park investment contract with the state as in your master plan. It will become a new park in 100 years or 150 years.

Finally, if the Borough and other elements cannot afford a five-year plan to acquire this property at seventh park crossing, then there are two alternatives. I have two suggestions that comes up. First alternative, resolve Fireman's Field to residential housing such as a developings, for --

Chairman Colangelo: Mr. Hannan? As for the opening statement, we may consider comments in reference to this Application. I'm sorry, but not ideas for other things that can be done, so.

Tony Hannan: No, this is ridiculous. You can use -- the same, use of Fireman's Field, it's in the contract.

Chairman Colangelo: Again, sir. That's not relevant. What happened to Fireman's Field is not relevant with this Application. I understand, but you want to concentrate on this tract.

Tony Hannan: I'm trying to say that you cannot --

Chairman Colangelo: And I'm telling you what we can talk and not talk about. Thank you. Alright? Please keep it on this. Okay? The Borough did not own Fireman's Field. Please, okay?

Tony Hannan: Well, there's some kind of relationship if you could get a statute out of it. A park, a ballfield on the water would be a nice item [indiscernible] [1:08:00] more utility. Um, and another term. Rezones and contract as a waterfront business and self-developer to build a beach ball like those seen for amusements would pay taxpayers. So, you don't have to develop. This is still a much better use of this waterfront property than any housing, than any more than 16 households would be able to enjoy.

So, in conclusion, because we will eventually lose against the property in summarized, and because the best use of this last remaining open space on the waterfront is certainly not housing, and because our people make a final contribution of traditional use of this property. And finally because [indiscernible] [1:08:43], otherwise it's meaningless, I implore you to reject this Application.

Chairman Colangelo: Thank you, Mr. Hannan.

[Applause]

Chairman Colangelo: Ladies and gentlemen, we are an hour and a half in. We're going to take a seven-minute break for people to use the bathroom and stretch their legs. Alright? We will return here at eight minutes after 9:00. Alright?

[1:09:08]



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