

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS

140 First Avenue
Atlantic Highlands,
New Jersey
~~Tuesday, July 31, 2018~~
March 25, 2019

x ----- x

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

APPEARANCES

GIORDANO, HALLERAN & CIESLA, ESQ.

BY: JOHN A. GIUNCO, JR, ESQ.

125 Half Mile Road

Suite 300

Red Bank, New Jersey 07701

Attorneys for the Applicant

COMMUNITY MEMBERS:

Elisabeth Eitreich Anderson Prooters

Michelle Nolan Sharon Severson

Jim Keo Nick Saudie

John Crowley Bob Johnson

Donna King Clay Halverson

Kevin Milne Paul Barbado

Sara Chiles

Arthur Sorenson

Dawn McCahon

has -- that I'm very concerned about is about equitable access to waterfront. This is both in town and beyond the New Jersey shore in general. Um, something that I think that Taming Fallmore [phonetic] the town, I'm not sure who's in charge, but even just approving the existing signage because I've lived here for almost nine years now, and um, only when I had time to get close to the Cabernin [phonetic] Front did I know that was even a public access state. So, they can let more welcoming instances, you know, something to improve.

But also, my initial reminder in my own family, we do currently go to the beach there. My son is part of the sailing program. I'm not sure at this point where, how the plan impacts that, but I know he enjoys it. And my two younger children love going at low tide. And so, I'm really hoping that you'll consider preserving the beach access.

Um, but most importantly beyond these environmental concerns, beyond accessibility and historic preservation, I'm really concerned about affordable housing in this town. So, if the idea of building I think it's 16 \$1 million to \$2 million homes in this town is not something that I think was up to the needs of building up a diverse community, something I feel really strongly about. And so, as just a member of this community, I implore you to think about that as you're listening to this Application and considering, I don't know how this whole thing works, but just considering applications as they come forward doesn't mean the towns meet the affordable housing issues. Um, my understanding is that it doesn't as of yet, so that's something that I ask you to consider as well. Thank you.

[Applause]

Chairman Neff: Thank you. I'm sorry, Mr. Giunco. Yes?

Mr. Giunco: We need the citizens realize people that --

Chairman Neff: Elisabeth, with an S. Is it with a Z? E-i-t-t-r-e-i-m. Michelle Nolan.

Michelle Nolan: Good evening.

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

[0:00:00]

Male Speaker 1: -- because I haven't.

Chairman Neff: There's actually uh, -- Elisabeth?

John Crowley: Yeah.

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

Elisabeth Eitreich: Yes.

Mr. Steib: Please state your name, please.

Elisabeth Eitreich: Elisabeth Eitreich, 123A Highland Avenue. Okay. So, that you all. I know some of you up there personally. So, thank you for serving, for volunteering for this community. I know it's hard to sit up there. I've been in a similar position. Um, I have not been able to attend all of the meetings over the last nine months or eight months, seven months, but I've been to several of them. So, I'm not, you know, into all the details, as many of the accountings, but they're served already, but I do have a few comments that I would like to make. I imagine that many of you, as town residents, appreciate and also join a lot of them in that relatively agree to the town perhaps initially or it keeps you here um, in preserving such land from pump property for public use is something that, of course, can draw more people to the town. That can help make our business community more vibrant. Of course, I view a more dynamic, vibrant community.

Professionally, I'm a historian. So, I think that Marilyn Scherfen, both tonight and in a prior meeting back in the fall, she had talked about [indiscernible] [0:01:39]. I don't know nearly enough, as much as I'd like to know, when I have more time on my hands, I'll do that, but I do want to reiterate that concern as well. Um, I'm also -- I'm not, however, an environmental expert, so um, I don't know about the contaminants, but I am concerned about chemical contamination, and of course, concerned about climate change and looking forward. So, the point made about looking 100 years down the road, what's the viability, what's the best use of this land, I want that to be really considered seriously. Um, something that

Michelle Nolan: I do.

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

Michelle Nolan: Michelle Nolan, 85 A Avenue, Atlantic Highlands. Good evening, everyone. Um, so to the Board, thank you. Thank you for your generous time and commitment, truly. I've come to several of these meetings. They have been passionate. They have been exhaustive. They have been challenging. Um, but also thank you to my fellow neighbors. Um, although some have had and still go to some of the meetings due to their own personal commitment. Um, it has been pleasantly apparent the dedication, the conviction, the passion, and ownership that you have for what is truly a unique and special community. And what is critically important as an opportunity.

We have studied. We have researched. We have prepared. We have validated. And we have challenged facts. Facts presented to you for consideration as you evaluate this Application. Faster, the way of both documents such as the master plan and the numerous statements um, regarding state or government research. These documents have provided numerous objectives, guidance, in the miniscute and preservation of our land known as open space, recreation, environmental protection, community, and education. All set back values and priorities that are sentient. We have an opportunity to champion and to uphold. Many of the statements that I have prepared physically today for commentary have already been presented um, by our wonderful neighbors, so I don't want to be redundant, but I would further say this is an opportunity for us to leave a legacy to this community and the future families that will come here to visit this beautiful town.

As you travel throughout the other states, or this great country, or these great towns um, in our nation, you come across towns that look and speak to maintaining and preserving their identity as they are. You go to that town and you say, oh, you know take backs, you know Spring Lakes, you know Providence, Rhode Land. How do they maintain that history? It is their residence. It is their elected and volunteer officials that preserve some sense of culture, whether that's the values that they instill within that community, whether that be the character that they preserve, but it all comes together. And I feel that this

1 Application has inspired and kind of awakened and brought that to the forefront, which is what it could be.
2 So, I applaud all of you for being a part of this process, and I thank you for considering our comments and
3 the fact that we are presented as you evaluate this Application. Thank you.

4 [Applause]

5 **Chairman Neff:** Thank you. The next row, Jim Keo.

6 **Mr. Steib:** Sir, raise your right hand to be sworn. Do you either swear or affirm that the
7 testimony you give in this proceeding will be the truth, the whole truth, and nothing but the truth?

8 **Jim Keo:** I do.

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

10 **Jim Keo:** Jim Keo, 704 Canatigan [phonetic], Leonardo. Um, for the record, I'd like to
11 submit uh, some area photographs uh, to kind of work for the members of the community.

12 **Steib:** Uh, Mr. Keo, could you both give the [interposing] [0:09:09] to log. I'd appreciate
13 it.

14 **Jim Keo:** Um, the first one is from uh, 195- -- oh, I'm sorry.

15 **Mr. Steib:** We'll give this a marking, Keo uh, Exhibit 1. This uh, appears to be four pages of
16 area photographs with additional drawings on them and some text.

17 **Chairman Neff:** You can continue, Mr. Keo.

18 **Jim Keo:** Uh, first photo is from 1953. It's uh, night tanks that boil. They cover the field.
19 And in fact, it was there for a couple of 50 years, inland in '79. And this is just my opinion. Um, if it was
20 all true, I would come forward for residential use. Full disclosure. But previously, industrial use must be
21 available to buy. So, everybody's repeatable, but what I'm trying to say here, we are people of a land, and
22 we must leave this property in better shape than we found it for more generations to spend millions of
23 memories by the water. And a loss of like this here. It's costly, and this is simple.

24 [Applause]

25 **Chairman Neff:** Gene Kelly. [Pause] John Crowley.

1 **Mr. Steib:** John Crowley, please raise your right hand. Do you either swear or affirm that
2 the testimony you give at this proceeding will be the truth, the whole truth, and nothing but the truth?

3 **John Crowley:** I do. I will be exceedingly brief, other than to say that I would obviously
4 prefer that this remain an open parcel of land for all the reasons that have been shared with you this evening.
5 Planning Board, you know this. You can say no to an application for any reason that you see fit. You don't
6 even have to offer an explanation. Um, that said, I would comment first that uh, Mr. John Comminster
7 Debolts [phonetic] would consider if this were to be approved, taking all public space noted out by the plan
8 and turning it into public open space. Thank you.

9 [Applause]

10 **Chairman Neff:** And I'm sorry about this. The handwriting is Peter Esk [phonetic], Sandy
11 Worley [phonetic], and Cameron Crop [phonetic]. No. Dan Wobknee. Virginia Keeland. Donna King.

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

14 **Donna King:** Yes.

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

16 **Donna King:** Donna King, 423 4th Ave. I just want to start with a quote. We can either be
17 desecrated or enhanced depending on what we envision today for its future use. That was taken from the
18 operational list of plan, 1954. Um, the ultimate goal is to preserve the heritage and protect for future
19 generations the special qualities that have made Atlantic Highlands a desirable community in which to live.
20 Now, we know we live in the most densely populated state in the United States. We know that open space is
21 so desperately important to people's well-being, to their mental health, to their physical health, to everything
22 else that makes life worth living. When you play, and when you run, and when you jump, and when you
23 explore, that's what life is all about. That's why we come, congregated here, to Atlantic Highlands. We love
24 our little town. There is very little open space left. My heart is full of all of the amazing people in this
25 community that have done so much work and so much resource. Their resources are amazing. And I just

1 want to throw it out there, please, please, just listen to not just us here today, but all those people that you
2 called that aren't here. They did spend hours and hours waiting to be heard. I don't think many of them
3 were well-riding with all of a couple of more houses. Thank you.

4 [Applause]

5 **Chairman Neff:** Kevin M-i-l-n-e.

6 **Kevin Milne:** Kevin Milne, 36 South Avenue, Atlantic Highlands.

7 **Mr. Steib:** Mr. Milne, now raise your right hand, please. Do you either swear or affirm that
8 any testimony given in connection with this proceeding will be the truth, the whole truth, and nothing but
9 the truth?

10 **Kevin Milne:** I do. I just want a quick um, announcement that I'm on [indiscernible]
11 [0:15:09] take on the need for a uh, calling that sewage ejector pump station, list station, a uh, collative
12 utility. The New Jersey worker commission control uh, states that a backup generator is necessary to
13 maintain the operation of that list station in case of a power outage. They proposed a NaPo gas generator.
14 It's not on wheels. It's not going to fly. It's not going to be underground. You can call it a structure. It
15 cannot move. It has to be there. It has to be above ground. The control house has to be above ground.
16 They're not moving. They're not going below ground. I think that constitutes a work structure than it's not a
17 tower, or a building, or has a roof. Um, other than that, you folks have a, you know, you have a chance to
18 leave a legacy here. I think you should really look deep into your hearts and do what our neighbors think is
19 right and reject this on many cases. Thank you. Thank you for your time.

20 **Chairman Neff:** Thank you, sir.

21 [Applause]

22 **Chairman Neff:** Sara Chiles.

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

25 **Sara Chiles:** I do.

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

2 **Sara Chiles:** Sara Chiles, 59 3rd Avenue, Atlantic Highlands. Uh, thank you all so much for
3 your service. Um, I just want to underscore what's been said tonight. I am -- my heart is full with how
4 wonderful this community is, and I am overblown impressed with the research and evidence that has been
5 put before you by residents of this community. And I think what's abundantly clear is that there is just so
6 much love for this place, the Atlantic Highlands. And for our fellow uh, community members. And I -- I
7 also want to just make clear to both you and to the developer that we not only love this town, but we love
8 each other, and we like to get together. We like to host parties, and we like to fundraise for things that we
9 care deeply about. And we pledge to continue to fundraise for this effort to oppose this development for as
10 long as it will take. So, I know it's been said before that uh, sometimes Planning Board decisions can be
11 made out of fear for uh, potential litigation that can follow. Well, you might see it on either side. Um, and I
12 think this is a very committed group we've got here and many, many more who have come to the hours and
13 hours of readings over the last several months who are going to be willing to step up uh, when we host
14 events to fundraise to continue this [indiscernible] [0:18:31] bodies work, very important work if need be.

15 So, I just want to make sure that uh, you know that level of commitment among these
16 representatives. Thank you.

17 [Applause]

18 **Chairman Neff:** Alright. Arthur Sorenson [phonetic].

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

21 **Arthur Sorenson:** I do. My name is Arthur Sorenson. I'm a lawyer here in town at 98 First
22 Avenue, and I would like to point out to the Board that write many to this property, that Timothy H.
23 [phonetic] is a hard example of what happened in the past and Harbor Site Drive [phonetic]. Uh, the
24 houses took away the public view of the water, and the people that live on the water have it very nice, and
25 everybody else has nothing. When my father grew up on 97 Bay -- 98 Bay Avenue, uh, that was all of the

1 beach, and anybody could and did use it. It then became an amusement park, and then it turned into a -- into
2 what you see today, which is exactly which is what should not happen to the McConnell property.

3 Second, I listened to all of that counsel testimony, and I thought what kind of liability would
4 the town have 30 years from now? Would it be like specifications. I don't know, but it could be. And I
5 think the testimony given forth has given you adequate grounds to say no, which I hope you do. Thank you.

6 **Chairman Neff:** Thank you.

7 [Applause]

8 **Chairman Neff:** Richard Busick [phonetic]. Allen Field. Dan, let's see, Dan Sutton
9 [phonetic]. Dawn McCahan.

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

12 **Dawn McCahan:** I do.

13 **Mr. Steib:** Your name and address, please.

14 **Dawn McCahan:** Dawn McCahan, M-c-C-a-h-o-n. 39 East Lincoln Avenue, Atlantic
15 Highland. Thank you everyone for your time, for your efforts, and for listening to all of us make this plea.
16 As you can see, we want to preserve that land, and we hope you do too.

17 For Mr. Daniel [phonetic], I think you don't need to hear anything else from anyone else here,
18 that we want to preserve our community. And I hope that you are prepared to be that person that preserves
19 this land instead of taking it from us. So, I hope you find a way to deny this Application. Thank you.

20 **Chairman Neff:** Thank you.

21 [Applause]

22 **Chairman Neff:** Either Elisa, or Alison Bruno [phonetic]. Mr. Prooters.

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

25 **Anderson Prooters:** I do.

1 **Mr. Steib:** Okay. State your name and address.

2 **Anderson Prooters:** Anderson Prooters. P-r-o-o-t-e-r-s. 1112 Center Avenue, Atlantic
3 Highlands. Uh, I don't know if I'll read my prepared remarks because everybody else has said the same
4 things better than I can. Actually, they're predictatory. I'll be brief. [Indiscernible] [0:22:24]. Uh, so I
5 agree with everything everybody else has said about reasons why we can and should reject this current
6 proposal. Uh, the remarks I made were more about uh, awards and opportunities to negotiate future
7 proposals. I wasn't sure if any plans were going to be presented today or what plans we would take in the
8 future. Um, so I need to ask the Board to use its power to preserve as much public open space as possible,
9 and to maintain the small town feeling that gives Atlantic Highlands its charm. With all consideration,
10 maybe zoned residential master plan, and it may be privately owned, but aside, a portion of this property as
11 it runs currently is effectively public open space. It is where the Atlantic Highlands sailing education
12 program takes place, and is where there is access, and where the parks are overflowing, and athletic feeling
13 are come up. It is where many local residents access the waterfront, myself included. It is where the Lex
14 Chili Fest took place, which was a public event. The proposal currently before the Board is a loss to this
15 community, as it takes away much of its public space. I would also like to say that [indiscernible] [0:23:36]
16 discussion of these plans make it sound as if we were a private community, and we need houses as a way to
17 move up, which is unable to reimburse us in my mind. Um, and I think there's been some of this on both
18 sides, when people would complain about possibilities or proposals. I think sewer service, rural prevention,
19 and maintenance of public spaces, they cost money, but they are reasonable things for a town to do to
20 provide for its citizens. Um, more over increase taxes and a permanent change in status of this space to
21 public land and not surround it with private property uh, would be good for the town. The cost of doing this
22 should offset each other, rather than having additional local government created in the form of a
23 homeowner's association for additional costs and divisions that that would bring, for example. As for the
24 other accounts, the plans prevent a private division from being formed in the land in question, and instead
25 associated land would make great [indiscernible] [0:24:33] to make it both a cost and a benefit into the

1 existing land and town. Thank you.

2 **Chairman Neff:** Thank you.

3 [Applause]

4 **Chairman Neff:** Sharon Severson.

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

8 **Sharon Severson:** Yes, I do.

9 **Mr. Steib:** State your name and address, please.

10 **Sharon Severson:** Sharon Severson, 72 Burlington Avenue, Newark, New Jersey. A-w-e-r-
11 t-s-e-n. Hi. Thank you for your time tonight. Yes, I want to have submitted to all the prior information
12 tonight that are all true and very well researched. I'm incredibly impressed. Um, this parcel was an
13 industrial site over 50 years ago and was filled with oil tanks and [indiscernible] [0:25:46]. Ships and some
14 barges shared the site. All current [indiscernible] [0:25:57] and/or proxies. They abandoned the oil field,
15 and commercial land use replaced the tank fields for boat repair shops and more storage as there are there
16 now. Now that the Chorison [phonetic] is under consideration for a multiple residential sale, I believe it's
17 time for Atlantic Highlands to serious raise about the rising sea management at our community level. We
18 can create open space and public access to the water while saving in a virtual storm threat. People have
19 talked to that tonight. Um, honestly, we don't need another 1970's cult stark, we need to consider 21st
20 Century planning. Um, and I see it has been set a raised heavy in our favor through the projectates. To
21 citizens open now to clear air and water. We've been playing with considering keeping the land and more
22 clean, free from external cross-noise type pollution. These grand acres just once a [indiscernible] [0:27:22]
23 that was declared a few years ago and posted. I don't know why it's not posted anymore.

24 I and Array [phonetic] were walking on the beach the other day, and pictures of the plans
25 have been broken with various permit number is Green Acres. We have creeks, green acres, renowned all

1 around the area. Um, disruptiveness, contaminated site could not possibly help improve and/or benefit the
2 cleanliness and um, of those areas. It's all in implementing, concerning this Application concerning this
3 community is passionate about open space for all over housing that only a few can afford. Covering the
4 entire waterfront is required by the DEP, and I have as a quote from Alon [phonetic]. I spoke with the deed,
5 being her name is Dana Kelpert [phonetic] around a specialist number one, and it's not about our public
6 access from west to east, it's open space public access across the entire waterfront. There are a couple of
7 things I will say. If the time spent on these many meetings and the down homes Application were put to the
8 corner of the land with public money, satisfied by taxpayers, and be spent, it would be time better spent on
9 this site. Not to mention the county mark uh, Montes County Park included, can recruit many volunteers to
10 maintain a park, which would be a fine enhancement for the existing green acres and [indiscernible]
11 [0:29:37] community nexus parcel and for our creeks and wetlands. So, I say please, vote no to this
12 Application. Thank you.

13 [Applause]

14 **Chairman Neff:** Nick Saudie. Peter Blair [phonetic]. Oh, I vacated, I'm sorry. You're
15 hiding there.

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

18 **Nick Saudie:** I do.

19 **Mr. Steib:** Name and address.

20 **Nick Saudie:** Uh, we kind of ran from there.

21 **Chairman Neff:** And by the way, yes.

22 **Nick Saudie:** Alright, basically, we've had a lot of good discussion here tonight.

23 **Mr. Steib:** Name and address. Your address?

24 **Nick Saudie:** Oh, 73 Fairmont, Afradene [phonetic].

25 **Mr. Steib:** Okay.

1 **Nick Saudie:** Just to refresh, ladies that have been here in the Catamaran Club, we've been
2 there since 1990. Uh, it has been uh, nothing but a positive for the community. We are helped and allowed
3 the towns people and organization to come in and share with us the property they have. And fortunately,
4 I've said, we have a great relationship with them, who put the McConnell next door who has allowed us to
5 utilize the property to its fullest extent. Uh, we're working to see that this property is developed and leads in
6 a direction towards the open space policy. As you know, a couple of months ago, uh, the group was -- had
7 talked to the county. And just viewing the presentation that was shown there, it seemed that there was a
8 good support by the county to vote to approve something like that. And I'm hoping the town will eventually
9 lead in that direction.

10 I know it's up to you, as the representatives of this community to make that decision, and I'm
11 hoping it works that way. Uh, in hindsight, there is this 1990 and the section that's along Center Ave., which
12 is now the soccer field, at one time was uh, a tree area, t-ball field, and basically, where a lot of parking was
13 also done. Because the first year that we moved there for the history, when the tank was there, we had to
14 give that space up in order to park our vehicles and were to realize the possibility. But in hindsight, the
15 town had requested from us, and they asked us, would the soccer field be a problem with the property there.
16 At that time, it wasn't property. And at this time, if this development does go through, we're going to lose all
17 that space. And what it's going to do is force us to be parked up top by the soccer field again. Like I said,
18 it's an area that was open for parking, but now is limited to the amount of vehicles that can be used there.
19 So, I'm hoping that uh, the train of thought today would be to try and look at the direction of the community
20 and the club and everybody else that comes down here and uses this facility, and deny the applications for
21 building. Thank you.

22 [Applause]

23 **Chairman Neff:** Peter Blair. Bob Johnson.

24 **Bob Johnson:** I've come here, but I spoke previously.

25 **Chairman Neff:** Thank you, Mr. Johnson. Marie Jackson. Lou Balluo [phonetic]. Carol

1 Nuntay [phonetic]. Clay Halverson [phonetic].

2 **Clay Halverson:** Clay Halverson, 796 Park Avenue, bay area.

3 **Mr. Steib:** Please raise your right hand. Do you either swear or affirm that the testimony
4 you give in connection with this matter will be the truth, the whole truth, and nothing but the truth.

5 **Clay Halverson:** Yes, sir.

6 **Chairman Neff:** Go ahead, please.

7 **Clay Halverson:** Okay. I would like to talk about something uh, a little different than all
8 these technicalities that at least is how to preserve this land. Um, we could talk a little bit about the problem
9 with Sandy Hill [phonetic] as it stands on this land. Um, so a couple of things that go on, obviously, is we
10 sail. Obviously, the children sail over there. Um, the picture here, I'm hoping to realize something that I
11 want to talk about. So, the rest finally I understand is to um, replace the bulkhead with stones. Um, so
12 sailing is not a perfect science. When we come back to the beach, sometimes our boats are under stress.
13 Sometimes they flip very close to the beach. There's a great picture of that, that I have here. You can see
14 that the captives with stones for us or any kind of north winds. So, I try to help a lot with people that are in
15 distress, and I've aided a handful of people in the last few couple of years that did that horse stuff into that
16 bulkhead. It's a very dangerous situation, that's problematic. There's some stones in the ground and the
17 water is more forgiving than what we're planning on doing here. We're going to be putting like a road wrap
18 around the right hand it sounds like.

19 Um, I'm thinking how we're going to sail on this, but we're guaranteed to have failures 'cause
20 this is the [indiscernible] [0:35:40] next to us. I'm worried about everyone's safety when it comes to that.
21 So, this right now, the pipeline resides in the middle of this bulkhead, meaning that more than 50% of the
22 day, we have water right up to the bulkhead. There's the new rock [indiscernible] [0:35:55] that's going to
23 be in the same place. This hazard is going to get far worse for us. This is a regular occurrence for us. It's
24 not perfect science. There are children that come in there too. The lane would be better off or if it's Atlantic
25 Highlands, you're making the decision. You're going to be making that decision for us. We're going to be

1 narrowed down as it is. I don't know if we can handle this piece, our children are not coordinated enough.
2 These are tough decisions that we're going to have to make based on your decision. We want to keep kid's
3 programs coming. We need your help on this and thank you.

4 [Applause]

5 **Chairman Neff:** It appears that Carol, am I pronouncing it correctly, N-o-t-t-e, signed up
6 tonight as well from the last list. Is Ms. Notte here?

7 **Female Speaker 1:** No. She hadn't.

8 **Chairman Neff:** Okay. And this is the last comment listed here before Mr. Asadi. Paul
9 Barbado [phonetic].

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

12 **Paul Barbado:** I do.

13 **Mr. Steib:** State your name and address, please.

14 **Paul Barbado:** Um, Paul Barbado, 22 Lowry Road [phonetic], Decada Three [phonetic]. I'd
15 just like to say um, it's always possible coming on. I've been here, we've been hearing how to prevent 20
16 years. And um, at this point and time, I couldn't understand why it's taken so long to get to this point. I
17 mean this -- this is a property in question for so many years. And um, I see a whole bunch of people with
18 law trying to be intelligent about this situation, and uh, I think you really have to consider both sides of the
19 story. Uh, as a tax payer, it's a situation where most of my family has left in the [indiscernible] [0:38:29].
20 So, my question is how are we going to pay for this if we take it over as open space? Thank you.

21 **Chairman Neff:** Thank you, Mr. Barbado. That completes the list and Mr. Asadi, one
22 second. I want to make sure that there's no one else that did sign up that would like to make a comment?
23 That would like to make a comment at this point and time? Sir.

24 **Male Speaker 2:** The key lane to this recommendation in your master plan is to limit
25 residential growth. Before I go further into that, I want to thank you all for all of your attention, all of your

1 patience, all of your service. I'm a board member in my town as well. I know what it's like to be here week
2 after week, late nights. You could be gathering with your families, but instead you're listening to members
3 of the public, to Applicants, and uh, it's a great service you do. It's something I myself personally enjoy
4 very much, and I hope you guys enjoy it as much as I do. I also want to compliment uh, former Chairman
5 Neff, Chairman Colangelo. The way you've ran these meetings have been um, impactable. Uh, I was
6 talking to former chair member before uh, during the break, and I noted to him, I don't remember seeing an
7 Application where this many members of the public were given this robust opportunities to be heard, to
8 voice their opinions. And uh, so my compliments to you for handling that.

9 Um, I also want to compliment the Applicant's clerical team. Uh, they come with a great
10 game. They presented their Application at the highest levels of their professions, and the last thing Mr.
11 Pochunko [phonetic], the towns admire very much personally, even when it's as an adversary. Um, and they
12 did put together a very good and wonderful presentation. Um, the -- uh, the illustrations are great, the
13 renderings look nice. It looks on a space like an Application that you might want to approve. But when you
14 drill deeper, and you heard all the members of the public, there's a lot of different reasons why you should
15 second-guess what might have been your initial impression.

16 You might want to deny the Application as per comment after comment. And the question
17 that you may have been asking yourself is well, can we vote to deny this Application. And I think you can.
18 In fact, I think you must. The Applicant has uh, is late consideration of the Application may suggest that
19 this is a fully, totally conforming Application, that suggests that it is an Application that you, the Board,
20 might equally be obligated to approve. That's not true. You can certainly deny this Application at this time.
21 Let me explain the reasons why. Now, we still maintain the position that this should have been a conditional
22 use bearings case, and know that the Board has disagreed, but I think the reasons are very strong that this is
23 a conditional use variance case. Uh, I think those conditions should have applied, and those conditions are
24 certainly not met. But beyond that, because I don't want to belabor that. We did spend a lot of time on that
25 issue. We spent less time on other issues that I'm about to speak about.

1 There are several design groupers set forth in your subdivision ordinance that were not only
 2 not met, but not even addressed. They weren't covered in the engineering review [indiscernible] [0:42:50].
 3 They weren't justified during testimony of the Applicants. We're going to go through that um, one by one, at
 4 least the ones that we've caught so far. One thing which you've heard about tonight are planners discussing
 5 it a little bit, there's some cross-examination uh, from Mr. Kennedy about this, was the development
 6 property complexa. On cross-examination of the private engineer, he muted that any subdivision in this
 7 property would constitute development of property and oppose it because a portion of the property is an
 8 [indiscernible] [0:43:24]. That's an inescapable fact. Your ordinance prohibits development of land
 9 applexa, your ordinance defines development as among many other things, the division of one parcel into
 10 two or more. Not only does this Application seek to subdivide this flood zone parcel, but they are actually
 11 dividing the flood area itself. It's in nine different lots, so that they can attempt to maximize out at 17 lots
 12 overall. That's 16 houses and one open lot. There's no reason to grant them this waiver. The Applicant
 13 admitted that they can design the subdivision without having to further divide and disturb the flood area.
 14 The number one charge of the master plan is to residential development, and you have the opportunity to
 15 iron that right now.

16 There's also a requirement in your subdivision ordinance that every subdivided lot be suitable
 17 and have at least 5,000 square feet of developable area for 80% or the minimum lot standard, whichever is
 18 greater. In this case, that would be 6,000 square feet of minimum developable area per lot. And more than
 19 not on that plan, of all undevelopable, under your ordinance, because of the houses themselves, will be in a
 20 flood zone lot. It was never addressed by the Applicant. That's another unjustified labor. There's a 30%
 21 open space requirement for this subdivision. The Applicant's engineer admitted that they provided an
 22 absolute minimum open space requirement of the ordinance. It was 30.00% which is offered in this
 23 Application. The Applicant's engineer also admitted that if any of the open space that was mentioned were
 24 excluded from their calculations, then they would not comply. The definition of open space requires that it
 25 be an essentially [indiscernible] [0:45:32] -- essentially unimproved dedicated for use and enjoyment, except

1 that it can be improved with only visibility structures and other improvements that are designed to be
 2 incidental to the natural openness of the land. When I hear that, I image a playground, a park bench, a
 3 walking path. This Application offers open space consisting of fenced in sewer pump station. Do you think
 4 that that is incidental to the natural state of the land? 'Cause it's not. They don't comply with 30% open
 5 space requirement, and that would be another unjustified labor.

6 The Applicant might argue that any waivers that turn out to be required are justified. Uh, but
 7 this is only true if you believe that unnecessarily dividing the flood area into nine separate parcels and
 8 offering open space of a fenced in sewer pump station is within the general purpose and intent of your
 9 subdivision ordinance. This is impractical to ask the Applicant to design a project that meets the open space
 10 requirement and also leaves the flood area alone. The Applicant's engineer acknowledged that it could be
 11 done. They could still get several good lots out of this parcel, but they need it all. Your master plan charges
 12 to limit residential construction planning. Do you find this practical to honor that? You can deny this
 13 Application. It's easy to learn that the 2010 version of your ordinance didn't contain a prohibition against
 14 developing parcels in flood zone. Only after it was revised in 2013, was it amended to add -- uh, to add that
 15 prohibition, and you heard that during Mr. Saudie's testimony.

16 The ordinance change was explicit as being in direct response to devastation caused by
 17 superstorm Sandy. This Application lies in the face of the learned residence described in your ordinance.
 18 You have a duty to consider that. Image the same Application came before you in 2013. I wonder if the
 19 Board would have been open to maximum development, unjustified labors within the A and V flood zones
 20 back then. I wonder how you'd be able to justify that and write the master plan, Sandy, and the ordinance
 21 change that followed in direct response. Remember, the Applicant's engineer acknowledged that this parcel
 22 could be subdivided in such a way to eliminate any actual development in the flood area, but in an effect to
 23 maximize houses, minimize open space, and cut the public off from the water, they elected to design it this
 24 way. The Applicant cannot explain it to you how this can be justified. But they think they've got you over a
 25 barrel right now. They think they're entitled to improvements. But no, that's incorrect.

1 They ought to be thinking there is no reason why we cannot leave the flood zone
 2 undisturbed, about leaving open space, about meeting waivers. Is it that the underlying price of the land is
 3 too high? We have heard the public. This was an industrial site for close to what, 100 years? And now, all
 4 that time it was nuisance and pollution. All the pursued profits were its owner. For decade over decade, the
 5 land was being polluted in order to serve big business interest. Perhaps now is the time the property owners
 6 recognize this and reduce the price, so the developer can come back with a scaled down plan to honor the
 7 ordinance and master plan.

8 There are other issues in this case which may have to be decided in another forum. But these
 9 issues now are important for you to consider. You simply do not have the evidence before you to approve
 10 this nonconforming subdivision. Your master plan and ordinance should be your guide, and you must deny
 11 it. I appreciate you giving me your attention tonight.

12 **Chairman Neff:** Thank you.

13 [Applause]

14 **Mr. Dougherty:** Mr. Chairman, I have a question in terms of do we have the opportunity to
 15 bear properly these statements and comments?

16 **Chairman Neff:** Uh, we do have this.

17 **Mr. Steib:** The Applicant -- I'm sorry. Missed it.

18 **Mr. Dougherty:** There's no rush.

19 **Chairman Neff:** The Applicant has requested an adjournment so they can reply to all the
 20 testimony given by the residents. Alright?

21 **Female Speaker 2:** Is this going to take all night, or is there public comment we have to
 22 roll? I need an [indiscernible] [0:50:25].

23 **Mr. Steib:** There's time here for a second. Tomorrow? Okay. I understand.

24 **Chairman Neff:** I think we can hear it tomorrow. We have this available for tomorrow. I
 25 believe we can have this.

1 **Female Speaker 2:** What kind of -- something we need to do is like, I mean.

2 **Mr. Dougherty:** This is best way to hear a lot of this stuff is give it use.

3 **Female Speaker 2:** We have it for 11:00 though. Is there like discuss or something.

4 **Mr. Dougherty:** We'll be able to discuss with the experts that are present? Sure. Uh, you
 5 had asked a question as far as uh, what we discuss now. We actually have no comment this evening. We
 6 have experts and so how much time do you need? Do you need tomorrow, or would you be able to do it in
 7 say 15 to 20 minutes?

8 **Applicant:** Probably we can properly do it and consider these findings and address them in
 9 over, I think it will take 30 minutes in response.

10 **Chairman Neff:** Okay. Okay. We have the night set aside. It's been announced and
 11 noticed. Alright?

12 **Male Speaker 2:** So, will there be professional testimony?

13 **Chairman Neff:** I was thinking there will be.

14 **Male Speaker 2:** Okay.

15 **Mr. Dougherty:** That means every professional who testifies is going to be subject to further
 16 questioning.

17 **Chairman Neff:** They are.

18 **Mr. Dougherty:** And further public comment as to the --

19 **Chairman Neff:** They are, absolutely. And we have no time limit tomorrow night either.

20 Alright?

21 **Mr. Dougherty:** Okay.

22 **Chairman Neff:** We have no time limit tonight. That's the case. The portion of the public
 23 comment is over. If the Applicant does as Mr. Dougherty mentioned, the Applicant does present other
 24 expert testimony, then they will be subject to questions and comments. Alright?

25 **Mr. Dougherty:** So, for anyone who --

1 **Chairman Neff:** They are generous in after due.

2 **Mr. Dougherty:** Anyone here who is interested in this Application, which you all are, this is
3 going to continue tomorrow night at 7:30 P.M. right here. You need to be here to see that continuation and
4 hopefully be concluded.

5 **Chairman Neff:** We do have no time limit tomorrow night either, so uh, that wraps up
6 public comment. Alright? Thank you all for your time folks.

7 **Mr. Hawley:** Can I motion to adjourn?

8 **Chairman Neff:** Please.

9 **Ms. Murray:** Second.

10 **Chairman Neff:** Thank you. We have Mr. Hawley and Ms. Murray on motions. All in
11 favour.

12 **Board Members:** Aye.

13 **Chairman Neff:** Thank you.

14 [0:53:15]

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4444 Germanna Hwy., Ste. 365 • Locust Grove, VA 22508
Office: (888) 565-5668
Email: support@vananservices.com
Website: www.vananservices.com