

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS

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

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

A P P E A R A N C E S

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2
3 GIORDANO, HALLERAN & CIESLA, ESQ.
4 BY: JOHN A. GIUNCO, JR, ESQ.
5 125 Half Mile Road
6 Suite 300
7 Red Bank, New Jersey 07701
8 Attorneys for the Applicant
9
10 ZAGER FUCHS, P.C.
11 BY: KEVIN ASADI, ESQ.
12 268 Broad Street
13 Red Bank, New Jersey 07701
14 Attorneys for Defendant
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EXHIBITS MARKED INTO EVIDENCE

1
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3 J-2 Deed from the State of New Jersey to Standard Oil Company of New Jersey, dated July 1, 1930,
4 and recorded July 2, 1973.
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1 [0:00:00]
2 [Background Discussion]
3 **Chairman Colangelo:** Excuse me. We're going to call the meeting to order.
4 **Board Admin:** So, we appreciate everybody's attendance tonight, but we ask you to
5 keep it down so that um, we have some other business to conduct before this application, and then we'll
6 get into the application in a little bit.
7 **Chairman Colangelo:** So that the public is aware, we've been advised by the Fire
8 Marshall that we are over occupation in this room, so the Board is going to conduct some administrative
9 business, which is going to take about five minutes or so. Uh, then we're going to call the Denholtz
10 Application, allow counsel to address the Board briefly, and then we're going to have to conclude the
11 meeting, and we're going to have to find a larger facility to conduct the meeting.
12 [Applause]
13 **Chairman Colangelo:** So, that everyone can be in the room in a safe situation, and we
14 don't have people overflowing out into the hallways, who probably can't hear. So, that's the way we're
15 going to conduct things. Uh, and bear with us. You will get a notice the next hearing. We're going to
16 have to find a facility. And once we find a facility, the applicant will then be re-noticing for the next
17 meeting date.
18 [Applause]
19 **Chairman Colangelo:** That having been said, we're going to conduct the meeting at this
20 point with a call to order.
21 **Ms. Uriarte:** Mr. Illiano?
22 **Mr. Illiano:** Here.
23 **Ms. Uriarte:** Mr. Fligor?
24 **Mr. Fligor:** Here.
25 **Ms. Uriarte:** Mr. Hawley?

1 **Mr. Hawley:** Here.
2 **Ms. Uriarte:** Mr. Caccamo?
3 **Mr. Caccamo:** Here.
4 **Ms. Uriarte:** Dr. Cetron?
5 **Dr. Cetron:** Here.
6 **Ms. Uriarte:** Mr. Colangelo
7 **Chairman Colangelo:** Here.
8 **Ms. Uriarte:** Ms. Hawkin [phonetic]?
9 **Ms. Hawkin:** Here.
10 **Ms. Uriarte:** Ms. Murray?
11 **Ms. Murray:** Here.
12 **Ms. Uriarte:** Mr. Neff?
13 **Mr. Neff:** Here.
14 **Ms. Uriarte:** Mr. Pepe? Mr. Elarado [phonetic]?
15 **Mr. Elarado:** Here.
16 **Ms. Uriarte:** Mr. McGoldrick?
17 **Mr. McGoldrick:** Here.
18 **Ms. Uriarte:** Mr. Dougherty?
19 **Mr. Dougherty:** Here.
20 **Chairman Colangelo:** Please stand for a silent prayer. Pledge of allegiance.
21 **All:** I pledge allegiance to the flag of the United States of America, and to the Republic
22 for which it stands, one nation, under God, indivisible, with liberty and justice for all.
23 **Board Admin:** Pursuant to Section 5 of the Open Publics Meetings Act, this meeting has
24 been duly advertised in the course of the Borough the official newspapers of the Borough, and by
25 posting in the Borough Hall by the Borough Clerk as part of the annual notice. As to the approval of the

1 minutes of July 12, 2018 meeting.

2 **Board Member 1:** So moved.

3 **Board Member 2:** Second it.

4 **Ms. Uriarte:** Mr. Illiano?

5 **Mr. Illiano:** Here.

6 **Ms. Uriarte:** Mr. Fligor?

7 **Mr. Fligor:** Abstain.

8 **Ms. Uriarte:** Mr. Hawley?

9 **Mr. Hawley:** Yeah.

10 **Ms. Uriarte:** Mr. Caccamo?

11 **Mr. Caccamo:** Yes.

12 **Ms. Uriarte:** Dr. Cetron?

13 **Dr. Cetron:** Yes.

14 **Ms. Uriarte:** Mr. Colangelo?

15 **Chairman Colangelo:** Yes.

16 **Ms. Uriarte:** Ms. Hawkman?

17 **Ms. Hawkman:** Yes.

18 **Ms. Uriarte:** Ms. Murray?

19 **Ms. Murray:** Abstain.

20 **Ms. Uriarte:** Mr. Neff?

21 **Mr. Neff:** Yes.

22 **Ms. Uriarte:** Mr. Elerado?

23 **Mr. Elerado:** [Indiscernible] [0:03:10]

24 **Ms. Uriarte:** Mr. McGoldrick?

25 **Mr. McGoldrick:** Yes.

1 **Ms. Uriarte:** Mr. Dougherty?

2 **Mr. Dougherty:** Yes.

3 **Board Admin:** Let's just keep the 18-08 Block 71, Lot 2, 9 Grand Avenue. The

4 immobilization of approval of fenced area with conditions.

5 **Board Member 1:** So moved.

6 **Board Member 2:** Second.

7 **Ms. Uriarte:** Mr. Illiano?

8 **Mr. Illiano:** Here.

9 **Ms. Uriarte:** Mr. Fligor?

10 **Mr. Fligor:** Abstain.

11 **Ms. Uriarte:** Mr. Hawley?

12 **Mr. Hawley:** Yes.

13 **Ms. Uriarte:** Mr. Caccamo?

14 **Mr. Caccamo:** Yes.

15 **Ms. Uriarte:** Dr. Cetron?

16 **Dr. Cetron:** Yes.

17 **Ms. Uriarte:** Mr. Colangelo?

18 **Chairman Colangelo:** Yes.

19 **Ms. Uriarte:** Ms. Hawkman?

20 **Ms. Hawkman:** Yes.

21 **Ms. Uriarte:** Ms. Murray?

22 **Ms. Murray:** Abstain.

23 **Ms. Uriarte:** Mr. Neff?

24 **Mr. Neff:** Yes.

25 **Ms. Uriarte:** Mr. Elerado?

1 **Mr. Elerado:** Abstain.

2 **Ms. Uriarte:** Mr. McGoldrick?

3 **Mr. McGoldrick:** Yes.

4 **Ms. Uriarte:** Mr. Dougherty?

5 **Mr. Dougherty:** Yes.

6 **Board Admin:** Next is PB-17-17, Block 13, Lot 24, 210 Ocean Boulevard, Palasar

7 [phonetic]. The immobilization of approval of application for bulk and use deed variance.

8 **Board Member 1:** So moved.

9 **Board Member 2:** And I second it as well.

10 **Ms. Uriarte:** Mr. Illiano?

11 **Mr. Illiano:** Abstain.

12 **Ms. Uriarte:** Mr. Fligor?

13 **Mr. Fligor:** Abstain.

14 **Ms. Uriarte:** Mr. Hawley?

15 **Mr. Hawley:** Yes.

16 **Ms. Uriarte:** Mr. Caccamo?

17 **Mr. Caccamo:** Yes.

18 **Ms. Uriarte:** Dr. Cetron?

19 **Dr. Cetron:** Yes.

20 **Ms. Uriarte:** Mr. Colangelo?

21 **Chairman Colangelo:** Yes.

22 **Ms. Uriarte:** Ms. Hawkman?

23 **Ms. Hawkman:** Yes.

24 **Ms. Uriarte:** Ms. Murray?

25 **Ms. Murray:** Abstain.

1 **Ms. Uriarte:** Mr. Neff?

2 **Mr. Neff:** Yes.

3 **Ms. Uriarte:** Mr. Elerado?

4 **Mr. Elerado:** Abstain.

5 **Ms. Uriarte:** Mr. McGoldrick?

6 **Mr. McGoldrick:** Yes.

7 **Ms. Uriarte:** Mr. Dougherty?

8 **Mr. Dougherty:** Yes.

9 **Board Admin:** It's great how quiet it's been for the last couple of minutes, and we really

10 appreciate that continuing. We're just going to have a short presentation here, but please keep the

11 comments down and keep it to yourself. And um, we'll get through it quicker. So, next is PB18-06,

12 Block 142, Lot 5, 17 Avenue D, Denholtz Custom Homes, Application for Preliminary and Final

13 Subdivision.

14 **Mr. Steib:** And Mr. Chairman, Mr. Guinco is here somewhere on behalf of the

15 Applicant, I think. And Mr. Asadi is here somewhere on behalf of some interested parties who wants to

16 speak to the uh, jurisdictional aspects of the application. I can advise the members of the public that uh,

17 we did receive last week a letter from Mr. Asadi raising some questions as to the issue and jurisdiction of

18 the Board to hear this application. Uh, the Board's counsel, Mr. Guinco has responded to that. I've also

19 reviewed that in an initial memorandum to the Board on the issue. Uh, Mr. Asadi then provided a

20 supplemental letter this morning to which I believe Mr. Guinco will be responding after Mr. Esauy

21 makes his comments. And I also provided the Board with a supplemental memorandum addressing

22 those issues, which I'll address to the Board after counsel has been heard.

23 **Kevin Asadi:** Defendant Counsel, Kevin Asadi, from Zager Fuch on behalf of

24 [indiscernible] [0:06:13] Preservation. Um, the jurisdictional issue that I raised that Mr. Steib described

25 um, to my satisfaction has been eliminated. Based on the uh, [indiscernible] [0:06:28] 1973, I see, Mr.

1 Guinco, that the entire right area grant was conveyed out from the uh, grant operating with Exxon to I
 2 think Highlands. It does raise a different question though. The open question among the jurisdictional
 3 that it is initiated with addressing in the very beginning is that the -- the [indiscernible] [0:06:52]
 4 description of the original right hearing grants that was given by the State of New Jersey to Standard Oil
 5 Company in 1930 provides not only Leaps and Bounds description, but a survey drawing of the high or
 6 mean high water line. That mean high water line becomes the southern boundary of the Red Herring
 7 [phonetic] grants. The Red Herring Grant has been conveyed by Exxon to Atlantic Highlands. Well,
 8 you know, 132 Lot 5 stays unchanged because what is subtracted out from that is that any of the portion
 9 that was in the Red Herring Grants, and based on the images that are available, and I would attach this
 10 1930 grant, if does look very suspicious that the mean high water line does cut through the subject
 11 property. Um, the survey that was presented by the applicant includes a number of data sources, and it
 12 goes through the whole chain of title and, in effect, the chain of title holds the data for the surveyor.
 13 Omitted from those data sources is the actual Red Herring Grant in the 1930s and out in 1973. I think
 14 that could possibly make this situation where this Board hears that a long application and it turns out that
 15 the subject property isn't exactly what we thought it was. If that were to happen, all of this would be for
 16 nought, and yeah, the Board action, a favourable Board action, would um, be subject to appeal and
 17 attack and possibly being voided. So, I do suggest that the application be deemed incomplete uh,
 18 pending further surveying works, so that we can see exactly what the subject property is constituted as.
 19 There was some of that grant out, conveys out of the Red Herring, and I need to see what that was. So,
 20 that's my issue that we're going to see.

21 **Mr. Guinco:** First of all, our client has seen --

22 **Mr. Steib:** Would you please state your name and --

23 **Mr. Guinco:** Okay. John Guinco, with Giordano, Halleran & Ciesla coming on behalf
 24 of the applicant. And this issue was raised a couple of days ago, and actually, we went through this
 25 process twice. Once when my colleague was speaking with the opposition of the property and again,

1 over the weekend and the last couple of days when we saw Mr. Asadi's comments. In the first instance,
 2 none of the property on Lot 5 owned by a client is affected by the Red Herring Grant. Number two, the
 3 very deed that Mr. Asadi just referred to in the last stage has what's called a tie line. The tie line builds
 4 on that plan at Avenue D and proceeds out past the mean high water line to the southerly boundary of the
 5 Red Herring Grant in question, which is known as Lot 2 --

6 **Applicant:** 16.

7 **Mr. Guinco:** Or 16. We have been -- my client had a licensed professional survey -- uh,
 8 survey this property, we've been relying on the survey, and what I asked them to do today was to outline
 9 on the plan, the survey, the location of the Red Herring Grant and it's proximity to our lot. The first
 10 thing they must do is rely on the last page of the deed in 1273 to demonstrate the tie line, and that gives
 11 an exact distance from its starting point to the corner that would be the south-westerly corner of the Red
 12 Herring Grant. And that is well beyond the property boundary line. All of the development is on Lot 5,
 13 and we have followed each of the necessary procedures and [indiscernible] [0:11:13] has been notified.
 14 The fact of the matter is that Red Herring Grant never came into title with our predecessor in title,
 15 McConnell, as you all know, McConnell is [indiscernible] [0:11:25]. That property -- that right there
 16 never came into title. It was always in the title of Atlantic Highlands, which in 1973 paid \$76,000 to
 17 um, I think they were Exxon by then, but it was not Standard Oil. And they in fact, conveyed a deed
 18 with the entire Red Herring Grant. And that has been confirmed by our title company and I think Mr.
 19 Asadi just said earlier that he agrees with that. So, the main question that my adversary wants to raise is
 20 to say that that Red Herring Grant encroaches on our client's property. But I can say is that this point
 21 that we rely on has been surveyed, a survey that's issued, signed, and sealed, and that's what our design
 22 was made from. We added a supplement, which I delivered to Mr. Steib before this meeting. I guess
 23 we're on -- do you want to look at this evidence, Mr. Steib. Or at least for identification.

24 **Chairman Colangelo:** Does Mr. Asadi have any objection?

25 **Kevin Asadi:** I won't object. But it's the same thing as I said, it goes back to the 1930

1 deed.

2 **Chairman Colangelo:** Alright, I'm going to give it a J marking, since this is a
 3 jurisdictional portion of the proceeding. And J-1 is the uh, boundary and photographic survey map for
 4 Block 142, Lot 5, prepared by John Key Lux and Uracannis & White [phonetic], Inc. And that has a
 5 date of September let's say 28, 2017. And then it has an update to April 12, 2018 regarding
 6 environmental comments. Exhibit J-2 is a deed, and that is from the State of New Jersey, and the deed is
 7 to uh, let's see, Standard Oil Company of New Jersey. The deed bears a date of July, when was this
 8 filed? This is the recording date. I need to get the date of the deed. The date of the deed is the first day
 9 of July, 1930. The deed was recorded on July 2nd, 1973. And that's J-2.

10 **Mr. Guinco:** So, it's our contention with our client's [indiscernible] [0:14:14] have
 11 prepared a plan from a licensed survey, a licensed surveyor and title company today and had some
 12 conversation with you about the issue and Mr. Asadi's comments. And we confirmed that [indiscernible]
 13 [0:14:31] the descriptions could be bound to begin with and the survey itself is accurate, and there is
 14 nothing new or in the way from the licensed survey that disputes that issue. The dates confer themselves
 15 in the fact that the Red Herring Grant was conveyed in 1973, for consideration. It did not have a
 16 description. So, that therefore, the entire Red Herring property was conveyed. So, by 1978, even
 17 though the [indiscernible] [0:15:07] thought it was a Red Herring Grant, and even though nobody else
 18 looked at it, there was nothing to sell or convey at that point, since the [indiscernible] [0:15:16] had been
 19 conveyed to the Borough in 1973. That little bit of ownership is far from incredible, but when you look
 20 at the issue, as Mr. Asadi is now, which is not in dispute, and he remains concerned about the location of
 21 that Red Herring Grant. And I presume to know that the surveyor's Leaps and Bounds description,
 22 locating it off of the property, and that is what Jane Holland [phonetic] represents. Uh, I also submit to
 23 the Board it has full jurisdiction to proceed, that the Red Herring Grant is not and will not, should not be
 24 an issue in this application and that my client, and we are prepared to proceed. I understand that tonight,
 25 we're not going to go forward, but be back in several weeks. Well, we could have tomorrow. And what

1 my client did want to say, we only had 20 more lots. So, [indiscernible] [0:16:13] be a loss of them.

2 [Loud Interposing Discussion]

3 **Chairman Colangelo:** Guys, keep the comments down.

4 **Mr. Guinco:** I would suggest to the Board that there's no contrary evidence concerning
 5 the application that was submitted by our client, and that the comments that were made were adequately
 6 provided, and we would like to proceed with the application as submitted.

7 **Chairman Colangelo:** Thank you.

8 **Mr. Steib:** Mr. Chairman, I -- most of what my memorandum, two memorandums
 9 covered is now mute based upon counsel's statements here. We're not uh, looking at the right paragraph,
 10 we're looking now at a property line, and where is the property line? So, that appears to be the only
 11 issue that's being raised. Uh, I've reviewed the New Jersey Administrative Code and the Statutes in
 12 connection with the survey and practice of surveying and engineering, and the Administrative Code
 13 provides that they -- they regulate the practice at professional engineering, and that's NJAC 13, Column
 14 40-1.1, and Column 30-7.1 provides that the preparation of submission of the various elements of
 15 preliminary or final site plan or preliminary subdivision plat shall be within the professional scope of
 16 various professions listed, which include uh, architects, engineers, and surveyors. NJAC 13, Column
 17 30-5.1 sets forth the requirements and standards that have to be followed by surveyors in preparing their
 18 surveys. That includes obtaining all pertinent information and documentation in the client's possession,
 19 and where such information is insufficient to make all reasonable efforts to obtain all information and
 20 documentation need to render an accurate survey. Uh, 13, Column 40-7.2A1 provides that such surveys
 21 can be relied upon by engineers in preparing their plans. And in this case, we have a situation where an
 22 architect -- oh, and by the way, the 13:30-8.1C, which may be the most important thing I'm going to say,
 23 provides that the signature of seal signifies that the licensee, whether an architect or an engineer takes
 24 professional responsibility for the document based upon accepted standards of practice in place at the
 25 time the documents were sealed.

1 So, this Board has before it the sealed survey by a professional surveyor, who under the
 2 Administrative Code was required to go through the proper standards. This Board has a subdivision
 3 plan that was prepared by a licensed engineer, signed by that engineer, presumably prepared in
 4 accordance with the Administrative Code Regulation Standards, they meet the requirements of the
 5 Administrative Code. We have an argument before us from Mr. Asadi, but it's not based upon the
 6 determination of a lien surveyor or a professional engineer. So, at this time, the only thing the Board has
 7 before it are the certified survey and plans of the applicant. Uh, I'm not going to say that can't change,
 8 but for now, the purposes of accepting jurisdiction of this application, I think the Board has before it
 9 plans that meets the requirements for submission. Now, the Land Use does provide at 40:55-46B that
 10 the Planning Board may require amendment to the layout or the design if during the course of the
 11 hearings, facts come to your attention that require those changes. So, that if Mr. Asadi brings in
 12 information from professionals that place that in question, that can be considered at that point and time,
 13 but right now, the only thing you have before you is an application that meets the requirements of the
 14 statutes and I don't see a basis for declining jurisdiction.

15 **Chairman Colangelo:** So, do we hear a motion to accept?

16 **Mr. Steib:** Well, you have parties of counsel, and so I'm just giving you my advise, and
 17 you guys have to make the decision as to where you think jurisdictions lie.

18 **Chairman Colangelo:** It appears from your analysis that we should accept the
 19 jurisdiction. Does anybody have an opinion about that on the Board here?

20 **Ms. Murray:** Yeah.

21 **Chairman Colangelo:** I mean, why we shouldn't?

22 **Board Member 3:** I mean only accepting by [indiscernible] [0:20:44] testimony is that it
 23 meets all the requirements. We don't have any other testimony.

24 **Mr. Guinco:** Mr. Steib, with that, you're the experts at one point and time, but let's say
 25 Mr. Asadi presents a survey with a different opinion during the application, do we have to go back and

1 visit the jurisdiction plat here, or are we --

2 **Mr. Steib:** You're going to have to make a credibility determination.

3 **Mr. Guinco:** And then does it go to a change in the design presentation, or does it go to
 4 jurisdiction?

5 **Mr. Steib:** You know, this Board is not a Court that determines property lines or disputes
 6 between property owners as to what I own and what you own. That's not your function. But I haven't
 7 researched that specific issue if it came before this Board. I had five minutes. I didn't know that
 8 argument was going to be raised until five minutes ago. I know all the other arguments.

9 [Laughter]

10 **Ms. Murray:** Well, to the Board that was involved by a certain surveyor?

11 **Mr. Steib:** No.

12 **Ms. Murray:** So, the deed that shows property lines is [indiscernible] [0:21:56]?

13 **Mr. Steib:** It was multiple deeds that we've looked at and it's already been decided that
 14 it's not an issue. The initial argument was that the applicant owned both the upland property and the Red
 15 Herring Grant, and that since they were adjacent to one another, that they merged. And the Red Herring
 16 Grant had to be made part of the subdivision application. Now, there's no issue that the Red Herring
 17 Grant isn't owned by the applicant. It's owned by Atlantic Highlands. So, the reason the merger issue, it
 18 doesn't have to be included in the plan. Now, the issue is this line between the two properties is a line
 19 right. That's it.

20 **Mr. Guinco:** So, what I understand right now is what the applicant presented.

21 **Mr. Steib:** Well, the only think you have before you that's official with the accordance
 22 with the Administrative Code, and second with the survey and the engineers. As I say, if something
 23 comes up during the proceeding, and there's an argument, there could resize an applicant, they'll work it
 24 out themselves. And maybe you don't wind up taking an interlocking treaty to character and judgment
 25 action to the Court to find out, you know, who does what. I'm not sure. I'll have to research that.

1 **Board Member 2:** I motion to accept jurisdiction with [indiscernible] [0:23:14].

2 **Ms. Murray:** I'll second.

3 **Chairman Colangelo:** Okay. So, roll call.

4 **Ms. Uriarte:** Mr. Illiano?

5 **Mr. Illiano:** Here.

6 **Ms. Uriarte:** Mr. Fligor?

7 **Mr. Fligor:** Yes

8 **Ms. Uriarte:** Mr. Hawley?

9 **Mr. Hawley:** Yes.

10 **Ms. Uriarte:** Mr. Caccamo?

11 **Mr. Caccamo:** Yes.

12 **Ms. Uriarte:** Dr. Cetron?

13 **Dr. Cetron:** Yes.

14 **Ms. Uriarte:** Mr. Colangelo?

15 **Chairman Colangelo:** Yes.

16 **Ms. Uriarte:** Ms. Hawkman?

17 **Ms. Hawkman:** Yes.

18 **Ms. Uriarte:** Ms. Murray?

19 **Ms. Murray:** Yes.

20 **Ms. Uriarte:** Mr. Neff?

21 **Mr. Neff:** Yes.

22 **Ms. Uriarte:** Mr. Elerado?

23 **Mr. Elerado:** Yes.

24 **Ms. Uriarte:** Mr. McGoldrick?

25 **Mr. McGoldrick:** Yes.

1 **Chairman Colangelo:** And so, the Board has accepted jurisdiction of the application.
 2 As I indicated previously, we apologize for the inconvenience, but we have too many people occupying
 3 this room. We're going to have to get a bigger facility to have the actual hearing of the application. We
 4 will be notified of that. I should say that there will be a notification published in the newspaper. There -
 5 - and those within 200 feet of the property will receive a notice by mail. And you can contact the Board,
 6 the Board Secretary, and give us a call to find out when the next meeting will be. We don't know yet
 7 because we have to line up the facility first.

8 **Male Speaker 1:** Mr. Chairman, the uh, mine adversary intends to present a survey in
 9 contradiction to the question today. I ask if the Board could uh, [indiscernible] [0:24:29] in the next few
 10 weeks before we have the next meeting because if there is an estate, which we don't think there is, that
 11 would [indiscernible] [0:24:40].

12 **Board Member 4:** That would require giving opportunities to the recorder for the
 13 meeting?

14 **Chairman Colangelo:** Well, we don't even know what the date is, so we don't know
 15 what type of time concerns we have. But Mr. Asadi, what do you say to that?

16 **Kevin Asadi:** Well, myself, and I know from dealing with my clients that we're not
 17 trying to spring anything in any kind of underhanded kind of fashion. So, you know, certainly, as soon
 18 as we have a survey, we will bring it to everyone's attention rather than to disrupt things in a way that's
 19 not proper. So, um, we won't show up with the survey without you first having it, and Mr. Guinco first
 20 having it. And as soon as it's prepared and ready, we'll --

21 **Chairman Colangelo:** Well, the Board would prefer not to -- not to bring out all these
 22 people to fight over a property line.

23 **Kevin Asadi:** No, never mindset.

24 **Chairman Colangelo:** We'd like them to be able to hear the application and then
 25 respond with their comments without dragging them out here.

1 **Kevin Asadi:** So, we'll proceed from the beginning to the end.

2 **Board Member 1:** So, is two weeks long enough for you?

3 **Kevin Asadi:** I don't know if I can agree to that at this -- I'll have to speak with my

4 client. I haven't spoken to the surveyor, so I can't commit to any timeframe.

5 **Board Member 1:** And we still have to find a facility and find time for decorum with

6 the Board.

7 **Kevin Asadi:** Right.

8 **Board Member 1:** So, I wouldn't put any timeline on it.

9 **Chairman Colangelo:** But we say to get to work right away. Get to work right away,

10 and then --

11 **Kevin Asadi:** We'll do that.

12 **Chairman Colangelo:** Okay.

13 **Male Speaker 2:** [Indiscernible] [0:26:06]

14 **Chairman Colangelo:** Understood. And if that were the case at that meeting, we will

15 come, and we will advise everyone that it's being carried to a date certain, and the time set.

16 **Male Speaker 2:** Do you have any idea, Mr. Chairman? Do you have an idea when

17 we'll know when that hearing is?

18 **Board Admin:** We have to find if the school is available and things like that. You know,

19 find a location and a night when the professionals can all make it and the forum of the Board can make

20 it.

21 **Kevin Asadi:** If I had a notice of that, we'll get started on the work as soon as possible,

22 but we can, far of notice of when the dates will be, I can try to have that resolved.

23 **Chairman Colangelo:** You'll know when we know.

24 **Board Admin:** We'll have to do it as soon as possible. But again, within time

25 constraints of giving proper notice and such, so as not to, you know, keep dragging this out.

1 **Male Speaker 2:** Well, we have the Board survey from [indiscernible] [0:27:09]

2 everybody's here. It's the exception.

3 **Board Admin:** And we have an available space.

4 **Male Speaker 2:** Yeah.

5 **Board Admin:** Okay. So, that alright, then we will carry this case to the public. There

6 will be a published notice in the newspaper when we have a new date in place. And those within 200

7 feet will get a letter advising them of that as well. And keep in touch with the Planning Board office to

8 check on the new date and time.

9 **Chairman Colangelo:** Motion to adjourn this meeting?

10 **Board Member 3:** I motion it.

11 **Board Member 2:** I second it.

12 **Chairman Colangelo:** All in favour?

13 **Board:** Aye.

14 **Chairman Colangelo:** All opposed?

15 **Board:** [No response.]

16 **[0:27:48]**



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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