

PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
MARCH 8, 2018

WORKSHOP MEETING: 7:30 P.M.

Roll Call                      Members Present – Mr. Illiano, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Chairman Neff, Mr. Pepe, Mr. Illaraza, Mr. McGoldrick, Mr. Dougherty  
Members Absent – Mrs. Murray (arrived at 7:32), Ms. Hoffmann

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Chairman Neff said the meeting is in compliance with the Open Public Meetings Act. He called for a moment of silent prayer followed by the Pledge of Allegiance.

Chairman Neff asked for Public Comment. No public comments received.

Pending Litigation – Mr. Steib reported that there is no pending litigation.

Proposed R-1 Overlay Zoning Ordinance Presentation – Mr. Steib explained that the Governing Body has been approached by a property owner with a concept for, what is being referred to as, an overlay zone. Mr. Steib has provided a memo to the Borough Administrator Adam Hubeny, along with the report of the Planner, Mr. Thomas. Overlay Zones have been recognized by the Supreme Court allowing Municipalities the ability to distinguish an overlay portion to a zone if there are specific planning purposes to be resolved. He referred to the steep slope overlay as an example. What is being proposed here, is that the Borough consider having an overlay zone that provides for some additional standards that would apply to certain kinds of property, in this case a larger property with frontage on the water. It has been suggested by the property owner that an overlay provision could be adopted to accommodate the type of development they are proposing. Essentially, the Governing Body has sent this to the Planning Board for review and comment.

Mr. Colangelo indicated that he is unclear about what is being proposed by the property owner.

Dr. Cetron stated that he doesn't have enough information to determine whether or not this meets the intent of the Master Plan, in regard to waterfront development. Mr. Hawley agreed.

Mr. Illiano referred to a letter in the Board packet from Councilman Crowley, stating that it raises very pertinent questions, specifically the close proximity to the Borough owned HobyCat Club and dockage.

Mr. Colangelo stated that he doesn't want to taint the process with a discussion before a formal presentation. Mr. Hawley agreed they need a concrete plan.

Mr. Steib advised that he will send a memo to Mr. Hubeny along with all the materials received, in order to advise the interested parties that the Board would like to see a more concrete proposal.

Dr. Cetron indicated concerns with spot zoning and asked that the Governing Body try to come up with something consistent to the Master Plan.

Mr. Steib further explained that Mr. Thomas also suggested a couple other ways to address it, one being a conditional use, so there are other avenues to explore. He will forward the documents to Mr. Hubeny with a transmittal letter stating that the Board would like to see a more concrete proposal that focuses on impact to other properties within the zone.

Master Plan Update – Chairman Neff stated that the subcommittee has completed their review of the Master Plan. Mr. Thomas has provided the most recent draft and it will be reviewed over the next month or so. It can be discussed at the April Board Meeting to see what questions and comments the Board may have. Once a consensus is reached, it will be released to the public, hopefully by April or May. They are hoping for public input in May or June and Mr. Thomas will be present at that meeting.

Bill Casmen, Executive Director of the Monmouth Conservation Council, commented that he considers this request to be spot zoning. After a review of the zoning map, it appears the minimum lot size of this proposal is 5 acres, which leave only 3 lots that conform in the R-1 zone. Two of which are Borough owned. He advised that he is a Certified Planner and his opinion is that this smells like spot zoning and asked that it not be considered.

Mark Fisher, 91 Third Avenue, questioned the difference between spot zoning and overlay zoning. Mr. Steib explained that spot zoning changes the zoning for a specific piece of property, generally benefitting the property owner. An overlay zone provisions calls out specific characteristics that must be met and benefits the overall wellbeing of the Borough.

DR. CETRON MOVED TO ADJOURN THE WORKSHOP MEETING, SECONDED BY MR. COLANGELO BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:57 P.M.

Michelle Clark  
Planning Board Secretary

PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
MARCH 8, 2018

REGULAR MEETING: 8:03 P.M.

Call to Order: Members Present – Mr. Illiano, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Chairman Neff, Mrs. Murray, Mr. Pepe, Mr. Illarraza, Mr. McGoldrick, Mr. Dougherty  
Members Absent – Ms. Hoffmann

Michael B. Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Mr. Steib announced that **PB16-13, Block 8, Lot 23.01, 25 Bayside Drive (J&L Bayside Drive LLC) – Application for Bulk Variances**, has been carried to the April 12, 2018 meeting. The applicant will be required to provide new notice.

**Approval of Minutes for the February 8, 2018 Regular Meeting**

MR. CACCAMO MOVED TO APPROVE THE REGULAR MEETING MINUTES FOR FEBRUARY 8, 2018, SECONDED BY COUNCILMAN FLIGOR.

Ayes: Mr. Illiano, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Mrs. Murray, Mr. Pepe, Mr. Illarraza  
Nays: None  
Abstain: Chairman Neff  
Absent: Ms. Hoffmann

**Approval of Attorney’s Voucher for January 2018 in the amount of \$2,659.00**

COUNCILMAN FLIGOR MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR JANUARY 2018, IN THE AMOUNT OF \$2,659.00, SECONDED BY MRS. MURRAY.

Ayes: Mr. Illiano, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Mrs. Murray, Chairman Neff, Mr. Pepe  
Nays: None  
Abstain: None  
Absent: Ms. Hoffmann

**PB17-12, Block 101, Lot 4.02 & 5, 158 First Avenue (P&C 2, LLC) – Application for Use “D” and Bulk Variances.** Councilman Fligor and Mr. Illiano advised that they will be recusing themselves from this application. Mr. Steib explained that this is a continuation of a previous hearing and the Board has previously accepted service. A Traffic and Parking Study prepared by Dolan and Dean Consulting Engineers, dated February 22, 2018 was marked as exhibit A-12. The Board also received a report from Mr. Rohmeyer, dated March 8, 2018, which was marked as Exhibit A-13. Kevin Kennedy was present on behalf of the applicant. Mr. Kennedy recapped that this is a vacant property on which they are proposing a three-story mixed use building. They are proposing approximately 4,340 square feet of Commercial space on the first floor and approximately 3,982 square feet of residential apartments on the second and third floors. He said that this is a split zone with lot 4.02 in the CBD zone and lot 5 in the R1 zone. The building will be completely in the CBD zone with accessory parking in the R1 zone. At the last hearing, the Board heard testimony from Peter Sabat, one of the principles, and Richard Arzburger, the

Architect. He would like to have Patrick Ward testify to engineering and planning matters, along with Betsey Dolan, the traffic engineer.

Patrick Ward, 1913 Atlantic Avenue, Wall, NJ was sworn in and accepted as an expert engineer. Mr. Ward noted that at this point he will be testifying as the engineer for the project. A colored rendering of the overall site plan, prepared March 8, 2018, was marked as exhibit A-14. Mr. Ward gave an overview of the proposed project, noting that the lot is currently vacant. The applicant is proposing 10 one bedroom apartments, 8 two bedroom apartments and just over 4,000 square feet of retail space on the first floor. The applicant is proposing all new utilities be installed. In regard to stormwater management, there are some remnants of impervious surface on the lot that contribute to run off volume in its current condition. Within the last several years, the property was formally developed with a building and a surface parking lot so run off was as high as it could be. Borough Ordinances do not address this size of a development, however the applicant is aware that there is a need to address run-off. The County requirements do not allow for any increase in run-off. Due to the prior use, there is some shallow groundwater contamination on the site, therefore before even designing the site plan they reached out to the Board Engineer, the Borough and Monmouth County in order to come up to a solution that would satisfy all parties. Since the applicant will be increasing the impervious surface on the site, so they are proposing that all off-street parking stalls, except for the covered ones underneath the building, will be paved with a porous asphalt pavement, as allowed by the NJDEP, in order to infiltrate run-off.

Mr. Ward stated that there will be 19 parking spaces along the property line, 5 close to the east side of the building and 4 spaces under an overhang off the street. 28 spaces are provided, where 56 are required. They are also asking for a waiver from the requirement of having a loading space. The applicant feels the need for additional off-street parking space outweighs the detriment of not providing a loading zone.

In regard to site lighting, they are proposing wall mounted lights only in order to avoid detrimental impact to the neighboring properties. Any non-paved area will be landscaped; they are proposing 4 trees throughout the site and low shrubs along the building. They are proposing a 6 foot board-on-board fence along the property line. Signage will be permitted for the retail use only and will comply with Borough Ordinances, however there is no signage proposed at this time.

The applicant is seeking two design waivers in regard to parking and the lack of a loading space. There are two proposed use variances being requested also. One is a D-1 variance for parking as the principal use in the R-1 zone. A D-5 conditional use variance is required for the mixed use development. The mixed use development is a conditionally permitted use in the zone however one of the conditions is the one bedroom unit size required to be 750 sf and the applicant is only providing 725 sf. In regard to bulk variances, they are requesting a "C" variance for impervious lot coverage; 75% is permitted in the zone and the applicant is proposing 76.1%. This is due to the applicant trying to get as much off-street parking as possible.

Mr. Ward addressed the possibility for additional variances, as indicated in Mr. Rohmeyer's review letter, in regard to the parking on Lot 5, but he interprets the parking as an accessory use.

Mr. Hawley asked if it will be Municipal refuse removal. Mr. Ward stated that they anticipate private pick-up for this site. Mr. Hawley asked that that be memorialized, should the Board grant approval.

Mr. Colangelo questioned the testimony of deliveries being made off peak hours without knowing what retail use will be occupying the space. Mr. Ward clarified that he meant normal business hours, he meant that garbage will be picked up prior to the businesses being open. Dr. Cetron agreed and noted school drop off times should be considered as well as not blocking any roads that would block commuter traffic.

Mr. Pepe stated that it seems a lot of the businesses in that area have the same issues. Mr. Ward stated that most business in that area do not have a loading space.

Mr. Rohmeyer referred to the site contamination and asked if the limit has been delineated. Mr. Ward stated that the investigation was done by a third party, he is not aware of any delineation formally. The applicant had been instructed to mitigate run off quantity and keep it as shallow as possible.

Mr. Hawley questioned the contamination and was advised that Mr. Ward cannot testify on that issue. Mr. Hawley asked that any proposed development be in compliant with the Action Plan so as not to create any negative impact.

Mr. Sabat, previously sworn, 1 Post Road, Rumson was reminded he is still under oath. Mr. Sabat advised that there was a vertical and horizontal delineation by Brinkerhoff Environmental that was provided to the Borough Administrator. Dr. Cetron indicated that he had read that report, as a member of the Environmental Committee and he asks that they report be submitted to the Planning Board. Mr. Sabat agreed.

Mr. Pepe clarified that the DEP has the final say in regard to run-off. Mr. Ward agreed that is correct.

Mr. Rohmeyer requested an O&M Manual in support of any design. Mr. Ward agreed.

Mr. Rohmeyer referred to the roof run off collection system and conveyance to the County infrastructure and asked for an explanation. Mr. Ward replied that they do not have a full roof drain design prepared at this point. They anticipate having some sort of system in place to redirect the roof run-off that would have to be discharged probably into the parking lot. The roof run-off has been included in the calculations. Mr. Rohmeyer indicated concerns with a warm roof, run-off across the sidewalk area into the drain and stated that he would like to see a direct tie in to a pipe network or non-concentrated flow. Mr. Ward stated that they can explore one of the two options to the satisfaction of the Board Engineer.

Chairman Neff questioned the rooftop activities. Mr. Ward replied that the roof would be a conventional flat roof with 100% run-off. If they install a green roof there is potential design solutions that could reduce run-off from the roof area.

Jane Austin, 11 Harborview & Environmental Commission Member, stated that she has a prepared statement and was advised that comments would be accepted at the end of the hearing.

Jon Crowley, 2 Keystone Place, referred to parking and asked why there is no increase from the December 14<sup>th</sup> meeting. Mr. Ward replied that it is the same application that was presented in December.

Elizabeth Dolan, 792 Chimney Rock Road, Martinsville, NJ, was sworn and accepted as an expert Traffic Engineer. Ms. Dolan referred to her report, marked as exhibit A-12, and stated that normally they look at the peak weekday morning and weekday evening periods and the periods that are normally characterized as peak street hours, normally commuter rush hour. In this particular case, they looked at the peak dismissal period in the afternoon. The studies were done while school was in session. She explained how and when the calculations were done and how projections were figured in regard to school activity. She noted the extended school queue and timing of such as well as the police presence to keep traffic moving. She observed school dismissal time as well, noting that it wasn't as intense as morning drop-off. Because of the school, there will be times when traffic is slow moving. The applicant expects only a modest amount of traffic for this site based on the Trips Generation Manual of the Institute of Transportation Engineers. She reviewed her calculations, as noted in exhibit A-12. The overall trip generation for the apartments and small amount of retail space proposed, is not a significant amount of traffic, except for a small delay during the 20 minute period during school drop off on the 180 days that school is in session.

Ms. Dolan indicated a more sensitive issue would be parking. The Ordinance requires 56 parking spaces and the applicant is providing 28. For the residential component, they are providing one space for a one bedroom apartment and two spaces for the two bedroom apartments. The total parking ratio is 1.55 spaces per unit. Ms. Dolan feels the availability of mass transit will reduce the need for more parking spaces. In regard to the commercial component, she expects shoppers to park along First Avenue while visiting several businesses in the Downtown area. She noted that during the study they counted approximately 67 unoccupied spaces on the surrounding streets therefore there is parking supply within reasonable walking distance.

Ms. Dolan reviewed the letter from CME (exhibit A-13). In regard to the seasonal peak analysis, it could be done but she would think it would be when school is not in session. Mr. Rohmeyer referred to the traffic counts and the availability of parking. He agreed that 12 trips at peak hour is minor. In regard to traffic count, the report provides level of service during the one peak hour and asked if a traffic count was done at the peak morning hour. Ms. Dolan explained it is not possible due to the Police Officer directing traffic.

Mr. Rohmeyer noted that the offsite parking available as noted in Ms. Dolan's report extend beyond the residential zone.

Douglas Rohmeyer, 1460 Route 9, Howell, NJ was sworn in for testimony he may give as Board Engineer. He continued to review his memo, referring the Master Plan Reexam comments specific to what was recently identified as short term and long term parking goals. Ms. Dolan stated that the planning testimony will hit on some of that. She added that the ratio they came up with of 1.55 parking ratio makes sense given the mass transit component. Although they do not know the retail uses she doesn't expect it to be a major parking generator. The idea is that it will complement the other downtown uses.

Chairman Neff stated that in other bus stop areas along route 36, a lot of people will park in the residential areas closest to the bus stop. He asked if that is a problem in this area. Ms. Dolan stated that she is not aware but there are ways to limit it with signage.

Mr. Pepe asked if Ms. Dolan feels that the available parking on and around the site will sustain the building, under the assumption that everyone in the building will have cars. Ms. Dolan advised that she does feel the number of proposed spaces is appropriate.

Mr. Colangelo referred to the retail space and asked about the number of employees expected. Ms. Dolan stated that without knowing the use, but based on the size she would expect 3 – 4 employees.

Mr. Iarazza asked where the teachers park and was advised they park throughout the neighborhood. He feels this could impede the teacher parking. Ms. Dolan noted that the available space count was done while school was in session.

Mr. Doherty questioned if the school volume at the time of the study could have been impacted by extremely cold weather. Ms. Dolan noted that it was cold, she had a heater on, but it wasn't extreme cold and she counted 104 vehicles dropping off. The afternoon and evening counts it was dry but cold, as it was done in January. She noted a lot of walking activity on an unusually nice day.

Jon Crowley, 2 Keystone Drive, asked if there were any conversations with adjacent property owners in regard to buying additional property to meet the parking requirement. Ms. Dolan advised she would not be a part of those negotiations, had there been any.

Erin Drew, 11 East Garfield Avenue, referred to the parking count and asked for clarification on the dates and times. Ms. Dolan clarified the dates and times of the studies.

Mr. Colangelo asked about the impact on traffic and parking by a retail space that requires frequent deliveries. Ms. Dolan advised that in smaller commercial spaces, the biggest vehicle they get is a UPS or FEDEX type boxed truck. Mr. Colangelo advised that he is more concerned with commuter traffic to the ferry than he is school traffic.

Chairman Neff asked if this is definitely retail as opposed to office space. Mr. Kennedy advised it will only be retail. Ms. Dolan added that this site would not be suitable for a business that would require a large truck so she doesn't foresee those type of tenants coming in.

Barbara Grogan, 13 Columbia Avenue, questioned the parking study, noting that there are over 40 school employees parking on those spots. Ms. Dolan stated that the study was done on a school day between 12:30 and 2:30 p.m. and she would certainly not dispute the findings. Ms. Grogan noted that the school utilizes the building all year long. Chairman Neff added there are night activities also.

Tucker Snedeker, 57 Avenue C, asked if any studies were done during a school event. Ms. Dolan replied they had not.

Tom Hayden, 18 East Garfield Avenue, referred to the 1.55 ratio and asked for clarification about if they are meeting the RSIS standards. Ms. Dolan reiterated the applicant's explanation of one space for a one bedroom unit and two spaces for a two bedroom unit, which comes out to 26 spaces and they are providing 28. This is typical for multi-family housing close to mass transit. She noted that in less urban areas ratios of 1.4, 1.5, 1.6 and 1.7 have been approved.

Dr. Cetron wondered how many residents in town use mass transit compared to non-residents who come from other towns to park here and use mass transit. He knows there are a lot of non-residents coming in to use the ferry so even though this is a mass transit hub, it is not always local residents. Mr. Hayden stated that there is no consideration given to bus traffic and the commuters who park on these streets as well. He asked if the study was done when the commuters would be parked on the street. Ms. Dolan stated that they did not do a specific analysis of that, however the studies were done during a normal weekday.

Mr. Colangelo asked about the available parking space count. Ms. Dolan clarified the streets studied. Mr. Colangelo asked if Keyport, which was used for comparison, is considered less urban or more urban of a downtown area. Ms. Dolan replied that Keyport is less of a downtown than this area.

Barbara Grogan questioned the number of handicapped parking spaces. Ms. Dolan replied 2. Ms. Grogan noted that essentially there are only 26 spaces available.

Mark Fisher, 91 Third Avenue, stated that he heard the applicant was in negotiations with a third party for additional property for parking. He would like that question to be answered.

Mr. Sabat, previously sworn, advised that he had considered purchasing a portion of the adjoining Masonic Lodge property. After evaluating the pros and cons, it was determined it was not a real possibility.

Mr. Fisher questioned the notice that was given and the language which indicated "lots" available to the public. Mr. Kennedy explained the calculations and that the wording was taken from the Ordinance, simply to clarify the relief being sought.

Mr. Fisher asked if there was never a plan for another parking lot, why negotiations were held with the masonic lodge. Ms. Dolan stated there was not a plan for another lot. Mr. Kennedy stated that they reviewed a lot of options, but not all of them were feasible.

Rhonda LeGrice, 84 South Avenue, referred to the strip mall next door to this lot and asked if there has been any negotiation about use of those parking spaces. Mr. Sabat stated that there were discussions about purchasing that property however it was not economically feasible.

There was a short break at 9:31 pm. Meeting resumed at 9:39 pm.

Patrick Ward was sworn in and accepted as an expert Planner. Mr. Ward stated that he previously identified the variance relief and waivers being requested. In regard to impervious coverage, he would request a C-2 variance. They are proposing 76.1% where 75% is permitted. They could

eliminate this variance by sacrificing a parking spot however they feel that the benefit of having the additional space outweighs any detriment the variance may cause.

The next variance being requested is the D-1 Use Variance, which is a technical variance associated with the off street parking located on Lot 5 in the R-1 zone district. It is the understanding that the previous use of Lot 5 was a parking lot. An important component is that it serves as a buffer from First Avenue. Proper landscaping and screening will be provided. If this were a single family home the setbacks would be significantly less than what is proposed. Mr. Ward feels that Lot 5 is suitable for the parking.

Another variance being requested is the D-5 Mixed Use Variance. The Conditional Use requires one bedroom unit size of 750 square feet and the applicant is proposing 725 square feet. The architect previously provided detailed testimony about why this is appropriate. This deviation is minimal and the site can definitely accommodate units of this size. He noted the amenities on the roof top could be considered open space. Mr. Ward feels that this application meets the intent of Master Plan and will not cause any detriment.

Mr. Hawley stated that he was under the impression the engineer was going to move two walls 8-inches and meet the 750 square foot requirement. Dr. Cetron agreed that was his recollection as well.

Mr. Arzburger, previously sworn Architect, stated that he had indicated it would be possible but it was not the applicant's desire to do so as it would have detrimental impact on the two bedroom units.

Mr. Hawley indicated that it was the Board consensus at the last meeting that the units comply with the 750 square foot requirement. Mr. Arzburger advised he thought it was an open issues.

Mr. Rohmeyer reviewed some issues from his report. Mr. Ward noted that they will be requesting a design waiver from providing street trees. They could provide 2, however they request the waiver. In regard to a retaining wall on the corner of the property, it will range in height from one to two feet, which will be an allan block gravity wall with a fence above it. If necessary, the applicant will pursue a temporary access agreement for installation. The fence will go right up to the building. In regard to front doors, he would like it to be confirmed how many and where the doors will be located. Mr. Kennedy stated that they will come back with that.

Jon Crowley, stated that the rendering is beautiful and asked about a rendering that looks towards the water at a large flat wall. He asked if it is possible to break-up the façade with some shade tree plantings. Mr. Ward deferred to the architect. Mr. Crowley asked if there has been any revision since December to include COAH. Mr. Kennedy advised that they will comply with Borough Requirements.

Mr. Arzburger asked Mr. Crowley to clarify which elevation he was referring to. Mr. Crowley advised it is the right side elevation. Mr. Arzburger noted the area where you see no windows, is because it sits at the property line, facing the liquor store. The building code does not allow for the applicant to place windows on that side of the wall. He advised that siding materials could address Mr. Crowley's concerns.

Mark Fisher, 91 Third Avenue, referred to the zero lot line and asked if the building was set back 6 inches, would they then be allowed windows. Mr. Arzburger replied no.

In regard to Mr. Rohmeyer's door question, Mr. Ward stated that the applicant would like to have one door for the proposed lobby on East Lincoln, one door for the emergency staircase on First Avenue and then two sets of doors for the commercial space. The Board indicated concern with the doors swinging out into the right of way on First Avenue. It was determined that most doors open outward onto First Avenue.



Tucker Snedeker, 57 Avenue C, questioned the rooftop facility and whether a security assessment has been done given the close proximity to the school playground. Ms. Murray indicated that the rooftop area will be setback with a parapet so you won't be able to see out over the edge.

Mr. Colangelo asked if there is a design or a plan for the roof. Would a resident be able to hold a party up there? Mr. Arzburger replied that they are anticipating a hardscape area with pavers and some planters. He didn't do the exact math but would expect the maximum occupancy to be over 50, which is why they have two means of egress. Restricted access could be considered in order for management to have control over the space.

Tom Hayden, 18 East Garfield Place, questioned the narrowest part of the sidewalk that was mentioned during the discussion. Google street view shows a telephone pole and a trash can. Mr. Arzburger advised they will not put a door in front of the pole.

Mr. Kennedy stated that the applicant has no further witnesses.

With no further questions from the Board, Chairman Neff asked for comments from the public.

Donna King, 43 Fourth Avenue, was sworn in and stated that she remembers the rug cleaner which burnt down. For over 20 years, they have been greeted with a disgusting horrible lot surrounded by a chain link fence. She is happy to see this project come in. She stated that Mr. Sabat has spent the last 10 years remediating soil he didn't contaminate and now everyone is so worried about parking. She knows for that surrounding condos that allow one parking space for each bedroom. She is aware parking is an issue but it is not Mr. Sabat's fault and this project would be a lovely addition. She referred to other developments and wondered if they were held to the same standards. She is happy that people are coming in with new ideas and she hopes Mr. Sabat doesn't go to another town.

Dr. Cetron clarified that every single application Ms. King referred to, were held to the exact same standard of non-street parking and complied with that requirement.

Jon Crowley, 2 Keystone Drive, was sworn in. He stated that the drawings are beautiful and he feels this would be a nice addition to the town. He thinks that there are so many people in attendance this evening because of the recent projects that people are not entirely pleased with. This is the opportunity for residents to let the Board know what the concerns are. He doesn't want to see the town get so successful that people don't want to come because of parking. He would like to see this go forward but he understands the concern for parking. In his opinion, 40 spaces would be reasonable. He keeps hearing the 1.55 ratio and stated that there are no 0.55 cars. He would like to see more consideration with the parking.

Jane Austen, 1 Harborview & Member of the Environmental Commission, was sworn in. She read a statement on behalf of the Environmental Commission, "The Commission is pleased that this development has been brought forward but we do have concerns about the status of the environmental clean-up on the property. According to a February 1, 2018 memo from Brinkerhoff Environmental Services, the site has not yet achieved regulatory closure. The commission respectfully requests that the Planning Board does not approved the project until it receives the opinion of the Licensed Remediation Professionals. #1 – The site is sufficiently cleaned so that it will present no health issues or threats to future tenants, both residential and commercial, as well as members of the public who may visit the building. #2 – The process, instruction and any required excavation will be not result in contamination harmful to neighboring properties and neighborhoods, during the construction and after." She has a copy of the memo for submission as evidence for each member of the Board, which was distributed to Mr. Kennedy as well. Mr. Kennedy has no objection to the memo being distributed. The letter dated February 1, 2018 from Brinkerhoff Environmental Services was marked as Exhibit A-15.

Mr. Kennedy recapped all of the hearings and thanked the Board for hearing the application as well as the comments and concerns raised by both the Board members and the residents.

Chairmen Neff asked for Board discussion. Dr. Cetron indicated that he had 2 concerns; he would like the applicant to comply with the memo from Brinkerhoff Environmental. In regard to the D-1 variance, he feels that a parking lot is bothersome to a residential zone however without this D-1 variance, all 56 spaces would be dumped on to the residential streets. By granting the D-1 they are mitigating that by half. This is a beautiful development and is a good thing for the Borough with no detriment to the Master Plan.

Mr. Hawley agreed that he can get over the D-1 variance. He indicated concern with not receiving the Brinkerhoff memo sooner.

Mr. Pepe stated that this is a perfect addition to the town. He feels that parking is a Council problem. This applicant did the best they could to create parking. This is the best First Avenue project he has seen.

Mr. Colangelo stated that his biggest concern is the commercial component, mainly if a restaurant comes in.

Chairman Neff stated that he feels this is a nice improvement in the town but he agrees parking is an issue.

Mr. Steib stated that should the Board approve the application, the conditions discussed would include compliance by the applicant with the technical comments of the CME report, the applicant will, of course, have to comply with the NJDEP to verify that the contamination is gradually dissipating, no downspouts onto the sidewalk, an O & M Manual for the porous pavement, private sanitation to be provided to the site, building to be fully sprinkled and Utility boxes shall be concealed. Mr. Kennedy noted that the applicant is in agreeance.

**MR. PEPE OFFERED A MOTION TO APPROVE THE APPLICATION WITH VARIANCES AND CONDITIONS, AS DISCUSSED, SECONDED BY MRS. MURRAY.**

Ayes: Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Mrs. Murray, Chairman Neff, Mr. Pepe, Mr. McGoldrick, Mr. Dougherty

Nays: None

Abstain: Mr. Illiano, Councilman Fligor

Absent: Ms. Hoffmann

**MR. DOUGHERTY MOVED TO ADJOURN THE REGULAR MEETING, SECONDED BY MRS. MURRAY. BY VOICE VOTE ALL AGREED.**

There being no further business to come before the Board, the Regular Meeting was adjourned at 11:02 P.M.

Michelle Clark  
Planning Board Secretary