

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

WORKSHOP MEETING: 7:30 P.M.

Roll Call **Members Present** – Mr. Illiano, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Ms. Hoffmann, Mrs. Murray, Chairman Neff, Mr. Pepe, Mr. Iarazza, Mr. McGoldrick, Mr. Dougherty
Members Absent – Councilman Fligor (exc)

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer. Chairman Neff stated that 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.

Public Comment – Mr. Neff asked if there are any members of the public who wish to speak on items not on tonight's Agenda.

Mark Fisher, 91 Third Avenue, reminded the audience this is the time for addressing the Board. He asked if there has been a submission by Habitat for Humanity to the Planning Board. Mr. Neff advised nothing has been submitted to the Planning Board. Mr. Fisher asked if someone comes to the Board for a change of use, would they have to complete a parking and traffic study. Mr. Neff replied yes. Mr. Hawley added that the Zoning Officer does have the ability to grant approval if the use is similar to what is existing. Mr. Fisher explained that he hears the new owner of the Memphis Pig Out is very successful in another town and he is concerned with that type of success on First Avenue. Mr. Neff advised that at the time that application came before the Board, there was no parking study required. Mr. Fisher expressed concern with another massive use of the Municipal Parking Lot. Dr. Cetron reminded him that the Board has made recommendations to Council in regard to parking. Mr. Fisher requested that any exhibits being presented to the Board this evening, be made visible to the members of the public as well.

James Krauss, 77 Bayside Drive & Environmental Commission Member, reminded the Board that the Environmental Commission had made a recommendation regarding the parking allowance ordinance and based on that, the Board made a recommendation to Council. The Environmental Commission was happy with the recommendation that was made and they effectively amend their previous recommendation to be in line with that of the Planning Board.

Shelly Kennedy, 104 East Highland Avenue, referred to the Reexamination Report that was approved by the Planning Board in February 2018 and asked how that would be incorporated into the Master Plan. Mr. Colangelo explained the Master Plan is still being reviewed by the subcommittee so that is not something the Board can answer at this time. Ms. Kennedy stated that her understanding is that the subcommittee has been reviewing the Master Plan for the past two years, she has looked at spending reports and resolutions and would like to know what the subcommittee has been doing during that time. Mr. Colangelo stated that the subcommittee does not take this kind of review lightly. The public will have ample time to review and comment on it. Ms. Kennedy stated that if the subcommittee has been reviewing this with a Planner for two years, then there is no way the public will be able to research all the information, the planning laws and ordinances. She stated that the people of this town feel very left out of the process. Dr. Cetron stated that there has been an open meeting, which was advertised, to get some initial feedback on the Master Plan. It was about a year ago and was heavily attended. The existing Master Plan is publicly available on the website. He has stressed again and again, he does not want it to be a

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

rushed process. He added that any comments or input can be sent to the Planning Board Secretary. Mr. Neff explained that public input has been received, they've discussed hot topic items like murals and parking, all of which causes more revisions and more review. It is a work in progress. Ms. Kennedy asked how the public will know to provide input. Dr. Cetron reminded her that the Board is limited by State Regulations as far as noticing and any written feedback in regard to the Master Plan can be directed to the Board Secretary.

Ms. Kennedy referred to a report from Thomas Planning Associates and asked how the Board plans to provide Open Space in town. She was reminded this is the portion for comments. Ms. Kennedy referred to remediation of Many Mind Creek and asked if it will be discussed in the Master Plan. Dr. Cetron explained that the Master Plan is a vision for the town, not a specific prescription to fix specific problems. Ms. Kennedy stated that she understands the Master Plan is used to help guide the Boards' decisions. In regard to 21 Leonard Ave, she would like to see remain Open Space and noted that she feels this site is detrimental to the remediation of the Many Mind Creek. Dr. Cetron stated that that property is not part of a Board application at this time. Mr. Hawley added that when an application does come in for 21 Leonard, the Board needs to review it with an open mind during the public hearing process. Dr. Cetron added that the Board doesn't want to put itself in a position that opens them up to litigation if they discuss items outside of their jurisdiction. Ms. Kennedy reiterated that it is a key asset to managing Many Mind Creek and stated that that property floods frequently. She stated that open space and flood hazard reduction are important issues that she would like the Board to keep in mind. As the Board begins to look at developing more and more tracts, among other issues, increased flooding is another issue that will come up. Dr. Cetron stated that the subcommittee has taken a lot of input on those topics from the Environmental Commission and the Cousteau Society along with everything they learned during and after Hurricane Sandy.

Ms. Kennedy stated that she has been looking over the bills and she noticed the Planning Board has an attorney, an engineer and a planning group. She asked if there is a reason why the Borough Attorney cannot also be the Attorney for this Board. Mr. Steib explained that State Statutes prohibit the Borough and the Planning Board from having the same attorney. Ms. Kennedy asked about the Open Space Trust fund and was referred to the Environmental Commission.

Mark Fisher added for the edification of the public, in regard to the Master Plan process, the Planning Board is reviewing it now, once it gets to the Mayor and Council, they will be able to suggest tweaks to go back to the Planning Board. It will also go to Middletown, Highlands and Monmouth County for their feedback. He would be very surprised if this gets approved by the end of the year. It is a very long process with lots of input and revisions. Dr. Cetron stated that they are hoping to release it to the public next month.

Master Plan Update - Mr. Neff explained that the Draft Plan has been presented to the Board and comments are being incorporated. Since that time, there has been some changes on Affordable Housing from the Courts this week and they are in the process of revising the Housing Element within the Master Plan. Also, they did receive some input from a member of the public asking them to look at the Monmouth County Master Plan in regard to arts resources.

In regard to the Affordable Housing aspect, they could have released it as is and then went back for an amendment however it was decided it would be best to do it all at once and issue a complete finished product.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

Mr. Colangelo asked if the Planner has looked into Air B&B questions. Mr. Neff advised that it is being looked into. Dr. Cetron added that Air B&B is working to sit down with municipalities to craft appropriate ordinances to discuss regulations, taxes and permitting fees. Mr. Hawley expressed concern with having rules for bed and breakfasts and rules for Air B&B, which is more of a short term rental. He noted that language must be clear for regulation and enforcement purposes of both types of rentals. Mr. Colangelo asked that the Planner get Ordinances from other towns for reference purposes.

Draft Ordinance Discussion – Mr. Steib stated that he has passed out some Draft Ordinances. At the last meeting the Board had asked him to look at some materials that had been provided by Councilman Crowley with regard to some ordinance revisions. There were three proposals and he has prepared two draft ordinances. The first one is related to the parking fund for applications who aren't able to meet the parking requirements on-site. The second draft ordinance is regarding the controls for habitable rooftop areas. Both are for Board review and discussion at the next meeting. The third proposed ordinance for creating First Avenue Building Design Standards, which he did not prepare an ordinance for because the language was very generalized and visionary, which is more akin for a Master Plan rather than development ordinances. Under the Land Use Law, aesthetics have to be regulated with precise specifics as to what is being asked of an applicant within an architectural scheme of a building. He explained some case law where a town was overturned because an ordinance was not specific enough. Therefore, he did not want to draft an Ordinance that he felt wouldn't be defensible in court. The only place in the land use law, where they allow municipalities to impose certain architectural standards are in designated Historic Districts. There could also be an architectural review committee, but it is only an advisory committee. If the Governing Body would like to get more precise and specific, we could start looking at other towns' ordinances for guidance to come up with some more precise recommendation. Mr. Neff agreed and stated that he felt it would be more appropriate for the Master Plan.

Dr. Cetron questioned the term "habitable" in the rooftop ordinance and was advised it is a regulatory term.

Mr. Neff asked if a rooftop deck can be freestanding. Mr. Steib explained that was in the proposed draft, so he left it in.

Mr. Neff advised the Board to review the draft ordinances and come back with comments next month.

Jon Crowley, 2 Keystone Drive, apologized that he started writing the ordinances when he first became elected and the design one was first. Since then, he has learned from example that there is a certain language and approach. While the design ordinance was a little more conversational and it needs to be tightened up but he suggests that Mr. Steib work with him and guide him to get the Ordinance where it needs to be. He is a writer by trade and will dedicate as many hours as needed. One of the reasons he ran for Council, is because he felt the Planning Board needed teeth where they can act on design standards for the town. He looks at Cape May or Savannah, Georgia or Charleston, and to anyone who says you can't govern bad design, he says, "Indeed you can." Mr. Colangelo explained that only one of those towns are actually in New Jersey and without a Historic District, there is New Jersey State law that limits them.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

Mr. Crowley advised that he has proposed the elimination of a Business District and a separate Historic District and combining them into one Historic District. Mr. Colangelo stated that it is a noble effort, but they are confined by the law.

Mrs. Murray asked what type of building or time frame is Mr. Crowley looking to replicate. Mr. Crowley replied that he didn't want to get into the nitty gritty of paint chips, but basically he would like to see the 1890s to the 1920s as the main thrust for the design of new structures. Mr. Colangelo advised that to make it an Ordinance, they do have to get into the nitty gritty.

A discussion was held regarding specific time periods and certain architecture. Mr. Crowley stated that there is a need for guidelines so that they can have a First Avenue that is uniform looking as opposed to having a giant warehouse stuck in. Mr. Colangelo suggested that when the Master Plan goes Council, Mr. Crowley will be able to make his comments as both a Councilman and citizen. It is on Borough Council to develop an ordinance they would like the Board to consider, and likely not with the Planning Board attorney. A discussion was held regarding the Master Plan process.

Mr. Illiano stated that the Board has to be careful, once they declare a Historic District, it usually means preserving the buildings that are there as they exist. When he moved into Monmouth County, Red Bank was known as "Dead Bank" because of all the empty stores. Since then, they have had extraordinary redevelopment. He feels they need to be cautious not to scare people away by demanding certain architecture that would increase the cost of doing business here and creating another Dead Bank. He also wants to be cautious of declaring all buildings on First Avenue as Historic. Dr. Cetron agreed, that he would hate to call the Carton Brewery, "historic."

Mr. Pepe stated that it is a great idea to have architectural guidelines but he feels like the process needs to be worked out.

A discussion was held regarding the Master Plan process as it relates to Council's ability to recommend ordinance revisions.

Mr. Crowley stated that he would like to sit down with Mr. Steib and Mrs. Berlin, the Borough Attorney, to verify the process and work on tightening up the Ordinances. He is willing to do whatever it takes, even if it takes another year. He is a writer and he is willing to do the research. A discussion was held regarding specific architecture styles, timeframes and the Ordinance adoption process.

Caroline Northrup, 10 Ocean Blvd, asked for clarification on the Ordinance adoption process. Mr. Steib explained that the Planning Board creates the Master Plan, which is a snapshot of the Borough as it exists and it is also a vision for where the Borough can be improved or changed. It is a broad stroke, with some specific recommendations as to the direction the Board thinks the Borough should be moving in. The Borough Governing Body takes that Master Plan and then decides if Ordinances can be created or modified to help get closer to that vision. The Ordinances are specific, while the Master Plan is not an enforceable document. The Ordinances are the law from the Governing Body. With respect to Land Use, the Council will look at the Master Plan and introduce Ordinances, which are then sent to the Planning Board for review and to determine whether it is consistent with the Master Plan. The Board can also make recommendations or may even say it is inconsistent with the Master Plan. If the Board declares an Ordinance not consistent with the Master Plan, the Governing Body will have to list the reasons for deviation from the Master Plan in their adoption.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

Ms. Northrup thanked Mr. Steib and noted that the previous discussion was very interesting. She added that if the Board fusses and frets over aesthetics, they will never move forward. She is an art teacher at the local elementary school and she spends every day teaching others that it's okay to not like the way something looks. She also works with the Arts Council and there is so much drama in trying to agree on aesthetics but eventually they learn to work together and compromise to decide how exhibits and displays will look. For the Board's sake, she would just like to say aesthetics are inherently subjective but if they focus on that, they will never move forward. Not everyone will think everything is aesthetically pleasing.

Mr. Steib stated that the only pending workshop item would be to report there is no pending litigation.

Mr. Neff advised the Board that the Borough Clerk has put together an ad for the PBA Ball. He had emailed everyone earlier in the day on that. The Board was in agreeance to chip in for the ad.

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

There being no further business to come before the Board, the Workshop Meeting Adjourned at 8:40 P.M.

Erin Uriarte
Planning Board Secretary

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

REGULAR MEETING: 8:41 P.M.

Roll Call **Members Present** – Mr. Illiano, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Ms. Hoffmann, Mrs. Murray, Chairman Neff, Mr. Pepe, Mr. Ilarazza, Mr. McGoldrick, Mr. Dougherty
Members Absent – Councilman Fligor (exc)

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

Approval of Minutes for the April 12, 2018 Regular Meeting

MR. COLANGELO MOVED TO APPROVE THE MEETING MINUTES FOR APRIL 12, 2018, SECONDED BY MS. HOFFMAN.

Ayes: Mr. Illiano, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Ms. Hoffman, Mr. Neff, Mr. Ilarazza, Mr. McGoldrick
Nays: None
Abstain: Mrs. Murray, Mr. Pepe, Mr. Dougherty
Absent: Councilman Fligor

Approval of Attorney’s Voucher for March 2018 in the amount of \$2,983.50

MR. COLANGELO MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR MARCH 2018, IN THE AMOUNT OF \$2,983.50, SECONDED BY MRS. MURRAY.

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

PB16-13, Block 8, Lot 23.01, 25 Bayside Drive (J&L Bayside Drive LLC) – Application for Bulk Variances – Mr. Steib advised that this application is being carried. The applicant and neighbors have reached a settlement and the property will be split up amongst the objecting neighbors. This application is being carried to June 14, 2018 at 7:30 pm, 100 First Ave, Atlantic Highlands. No further notice is required.

PB17-11, Block 112, Lot 1, 135 First Ave (Green Leaf LLC) – Application for Use & Bulk Variance – Mr. Steib stated that service is in order and the Board has jurisdiction to hear this matter. He noted the following items have already been marked as exhibits: A Denial Letter from the Zoning Official, dated February 27, 2018 was marked as Exhibit A-1. A Development Application dated May 10, 2017 was marked as Exhibit A-2. A Narrative of Intent was marked as Exhibit A-3. The Owner’s Letter of Consent, prepared by Daniel Rosa, dated May 9, 2017 was marked as Exhibit A-4. A Minor Subdivision/Boundary Adjustment Plan for Dan Rosa, lots 1 & 2, Block 112, prepared by Richard E. Stockton, PLS PP, dated October 23, 2012, last revised June 30, 2014 was marked as Exhibit A-5. Floor Plans and Building Elevations prepared by CDZ Architects LLC, March 17, 2017 was marked as Exhibit A-6. A review report from CME Associates dated June 9, 2017 was marked as Exhibit A-7. An elevation drawing of a Take-out Window was marked as Exhibit A-8. An elevation drawing of the front and side of the building was marked as Exhibit A-9. A location plan for the take-out window was marked as Exhibit A-10.

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018

Mr. Steib noted that the application has been revised and he believes Mr. Kennedy will be telling the Board it is no longer part of the application.

A review report from CME Associates dated September 1, 2017 was marked as Exhibit A-11. A site plan for JUS Organic prepared by Stockton Associates, dated February 23, 2018 was marked as Exhibit A-12. A photograph of the existing building and façade sign was marked as Exhibit A-13. A photograph of the patio area was marked as Exhibit A-14. A technical review from CME Associates dated March 29, 2018 was marked as Exhibit A-15.

Kevin Kennedy introduced himself as the attorney for the applicant, Green Leaf LLC. The applicant is looking for a small outside seating area, with an access door and a retroactive approval of the Washington and First sign that was painted by the owner of the building, on the side of the building. Earlier versions of the application included a request for a take-out window however, that part of the application has been withdrawn.

Renee Dorski, 60 Fourth Avenue, was sworn in as a principal owner of the business, JUS Organic. She noted that she also a member of the School Board. She is currently a tenant at the site, using the first floor while the second floor is an occupied apartment. The business has been open since June 2017. Mr. Dorski explained that it is an organic light fare and juice café. They use mostly locally sourced items; for example the Middletown South science teacher is a certified organic mushroom farmer so they get mushrooms from him, they get artisan breads from Asbury Park and other local options along those lines. All the juices are organic, they serve smoothies as well. Most of the customers are locals, parents from the schools and she has started to see some Seastreak commuters stopping in. A lot of the new families coming in to town stop in to ask about the town. Generally, they focus on breakfast and lunch, as she is a parent who wants to be home in the evening. Hours are normally from 8:00 am – 4:00 pm on the weekdays and 9:00 am – about 4:00 pm on the weekends. The hours of operation are general and constantly evolving but no late nights are anticipated.

Mr. Kennedy asked that Ms. Dorski discuss the layout of the shop. Ms. Dorski stated that it is an open floor plan, with a large area for kids. Currently there are four 2-top with a banquet along the wall, six chairs along the window and one communal table with 8 seats. There is no formal wait staff but if staff is available, they will bring orders to the table. There are currently 8 part time employees that are trained in all aspects of the business.

The proposal is to create outdoor seating with an access door to the patio. Ms. Dorski stated that it is in line with the feel of her business, everything is organic, locally sourced and the furniture was custom built with reclaimed wood from a locally torn down house. She would just like to enhance and utilize the garden space.

Dr. Cetron stated that there was a previous approval that was granted and what was approved is not what is there currently. The original approval called for grass area and permeable parking spaces. Dr. Cetron expressed concern that if the Board grants this approval, it would memorialize the existing improvements that weren't approved.

Ms. Dorski continued that there is an existing picnic table outside now and they would like to utilize that as well as an additional 4 small 2-top tables, with a maximum anticipation of 10-12 people. The patio would not be covered and would be used seasonally as weather permits. The space would be for customers to sit outside and enjoy outdoor seating, which would only be open during the business hours. There are currently no plans for major entertainment, but they may

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

have an acoustic guitar occasionally for ambience but nothing amplified or with a microphone. There will be no increase in employees or patrons, therefore additional parking is not necessary.

Mr. Kennedy referred the CME Associates letter that questions the three parking spaces. Ms. Dorski stated that one is for the upstairs tenant, one for a neighbor and one for her. Mr. Kennedy asked if the parking spaces are paved. Ms. Dorski replied yes, they are paved.

In regard to the “Washington and 1st” sign that was painted by the owner directly on the side of the building, Mr. Kennedy stated that this is not a sign for his client and does not advertise the use. Ms. Dorski agreed that it is more of a landmark or directional sign. She likes the sign and she did agree in her lease to try and get it approved since she was coming to the Board anyway.

Mr. McGoldrick asked if the tenants upstairs will have access to the patio. Ms. Dorski explained that she has exclusive rights to the patio but she has a neighborly agreement with the neighbors that if they respect the area and the business hours, they can use it in the off hours. They have discussed planters to help give the family privacy during business hours as well. If the next tenant comes in and isn’t so neighborly, she has the right to restrict patio access.

Mr. Colangelo asked if they hold events at the shop. Ms. Dorski stated that sometimes they hold classes for kids, but if there was a large event, she would obtain proper approvals. Mr. Colangelo expressed concern with spillover onto the sidewalk. Ms. Dorski replied that it is a contained area and she doesn’t anticipate any spillover issues.

Mr. Iarazza asked if there is any plan to expand hours. Ms. Dorski stated at this time there is not a plan, but it is constantly evolving business so perhaps in the summer they may stay open until 5:00 pm or so.

Mr. Kennedy noted that the CME review letter requested that the patio door be ADA Compliant if the construction officer deems it necessary and the applicant agreed.

Dr. Cetron stated that the pavers are not what was approved by the Board and he would like that to be corrected and cleaned up. Mr. Kennedy stated that he was not aware of that issue and he would like to have it legitimized as well.

Mr. Rohmeyer asked if the applicant is proposing to maintain the current lot coverage and therefore seeking a variance for impervious coverage. In 2014, the approved site plan complied with coverage in terms of imperviousness but what is on the plan now is approaching 89% where 75% is required. It is about 600 square feet in excess of pervious surface, which equates to about three parking spaces. Also, when a permeable surface is not maintained properly, they become pervious. He asked if the applicant could mitigate the coverage by removing pavers along the edge. Mr. Kennedy stated that they are not the owners of the property, so they do not have the ability to consent to that. Ms. Dorski stated that she does plan on garden boxes with organic herbs but she is not looking to rip up any pavement.

Mr. Rohmeyer stated that one of the exhibits provided dimensions for the façade sign. Based on what was provided, it comes out to 102 square feet in sign area and the building façade is 1080 square feet, so a variance is not necessary for the size of the sign.

Dr. Cetron explained that since the sign doesn’t advertise a business, it would require a variance.

Mr. Kennedy stated he has no further witnesses.

Mr. Neff asked if there are any comments or questions from the public.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

Jon Crowley, 2 Keystone Drive, was sworn in and stated that he has seen the work put into this building over the past year and it really is a showcase. He is happy to see this new business thrive and as a consumer, he would endorse it. In terms of the signage, being an art school graduate, he can appreciate the font that was used; it is a really nice addition and he fully endorses it.

James Krauss, 77 Bayside Drive, was sworn in and stated that he does not think the applicant should be penalized because of actions of her landlord. This is a great business, much different from all the hair salons in town. Lastly, he loves the “Washington and 1st” sign.

Mr. Colangelo clarified that if they grant this approval, the landlord will get away with the improvements that were not approved.

Mr. Neff stated that this is another case of an owner making unapproved improvements and while it’s not the applicant’s fault, he doesn’t want to take it out on them, but it just isn’t right.

Dr. Cetron stated that he would have liked it if Code Enforcement was more vicious. He considers this a mural, he likes it but he cannot regulate it. His only concern is that while this is a great business, the landlord went beyond what was approved. He does feel the tenant is a valuable asset to the community and he thinks that outweighs his outrage at the landlord.

Mr. Hawley asked if they can approve it with a condition that the lot coverage be maintained. He added that there is a flooding problem in that area. Mrs. Murray stated that three parking spots will not fix the flooding. Mr. Hawley replied it will help.

Mr. Illiano expressed concern with it backfiring and the landlord removes permeable surface from somewhere other than the parking spots.

Mr. Colangelo stated that the fact that Mr. Rosa sent his tenant down here is deplorable. Mr. Kennedy stated that he doesn’t want to mischaracterize Mr. Rosa, he only noticed for the coverage issue to be safe. There was really only discussions about the sign.

DR. CETRON OFFERED A MOTION TO APPROVE THE APPLICATION WITH VARIANCES, SECONDED BY MR. COLANGELO.

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

At this time, the Board took a ten minute break and reconvened at 9:40 pm.

PB18-01, Block 19, Lot 1, 233 East Highland Avenue (Kozlowski) – Application for Bulk and Use “d” Variance – Mr. Steib stated that service is in order and the Board has jurisdiction to hear this matter. He noted the following items have already been marked as exhibits: A Denial Letter from the Zoning Official, dated November 27, 2017 was marked as Exhibit A-1. Exhibit A-2 is an Application for Variance for Steven Kozlowski, dated December 18, 2017. Exhibit A-3 is an Existing Conditions and Demolition Plan prepared by Boundary Stone Associates LLC, dated November 10, 2017, and revised through March 9, 2018. Exhibit A-4 are architectural elevations and floor plans, prepared by Thomas J. Dinardo, Architect. Exhibit A-5 is review #1 from CME Associates, dated February 9, 2018. Exhibit A-6 is review #2 from CME Associates, dated March 28, 2018.

Steven Kozlowski introduced himself as the co-owner of the property in question.

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018

William Cujdik, 1105 Ford Avenue, West Deptford NJ, was sworn in and accepted as an expert engineer. Mr. Cujdik's resume was marked as Exhibit A-7.

Mr. Cujdik reviewed the subject site noting that is an undersized corner lot located in the R-3 zone. The site has 44.8 feet of frontage on the south side of East Highland Avenue and about 200.4 feet of frontage along the west side of Gawen Road. The site is 13,199 square feet. The property currently has a 1 story dwelling, with an attached deck, a detached garage and a concrete driveway. The surrounding properties are also R-3 and contain single family dwellings. The applicant is proposing to demolish the existing dwelling and to reconstruct a new dwelling, which will include a 2-story residence, an attached garage, attached deck, driveway, sidewalk and septic system. The applicant has requested several checklist waivers that are not applicable to this type of residential project.

Mr. Cujdik reviewed the March 28th CME review letter and noted several pre-existing non-conformities that would remain due to the nature of the lot itself. There are streets on three side and the fourth side contains an existing home. He explained the variances being requested. The minimum required front yard setback is 25 feet and the applicant is proposing a raised front porch setback of 8.8 feet from Gawen Avenue, where 8.9 feet previously existing. The need for this variance is the narrowness of the lot. The maximum building coverage permitted in the R-3 zone is 12% where the applicant is proposing 13%. The maximum usable floor area ratio in an R-3 zone is 0.175 and they are proposing 0.242, which requires a use variance. The maximum lot disturbance permitted based on the steep slope areas is 3,748 square feet, where the applicant is proposing 8,450 square feet of lot disturbance. The relief the applicant is seeking is due to the hardship the Ordinance puts on his property which is irregular in shape, undersized and contains steep slopes, which limits the placement of the new dwelling and site improvements to the front portion of the lot. All of these factors, along with narrowness of the front of the lot, plus the fact that this is a corner lot make it necessary for relief from the front yard setback. The existing front yard setback on Gawen Road is 8.9 and they are proposing a minimal change of 8.8 feet. The size of the proposed dwelling is not out of character for the neighborhood and the work proposed will be an improvement to the existing conditions of the lot. A deviation from the maximum floor area will not be detrimental to the public good, nor will it impact the neighbors. The unnecessary hardships have not been created by the applicant and if approved, it will not alter the character of the neighborhood or be detrimental to the public welfare.

A discussion was held regarding building coverage. Mr. Rohmeyer stated that if the porch roof is changed to a trellis a variance may not be needed. The applicant requested to keep it with a solid cover. Mr. Rohmeyer explained that once the building footprint is approved, any deviation will have to come back to the Board. The architectural plans are hand drawn, so he wants it to be clear that the applicant is comfortable with the footprint being requested.

Mr. Rohmeyer stated that the maximum lot disturbance for a steep slope is proposed at 8,450 square feet. They are right at the edge of a significant drop off so he would like to know what is being proposed to minimize surface run off from infiltrating the ground during construction. Mr. Cujdik replied, super silt fencing along the property line.

Steven Kozlowski, 115 Walnut Street, Jenkintown PA, was sworn in and stated that he would like to do the project all at one time, rather than phasing it. As far as stabilizing the back, he feels that silt sock would be more effective. Mr. Rohmeyer reminded the applicant that he will be regulated by Freehold Soil Conservation district so any additional measures would be welcomed.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

Mrs. Murray asked what the address would be and was advised it would stay the same. A discussion was held regarding the site being a double corner lot. The Ordinance considers all three sides that face a street as a front yard. Mr. Rohmeyer confirmed that on Gawen the setback appears to be 7.5 feet, where 25 feet is required. Dr. Cetron clarified that the applicant meets the setback requirement on Highland Ave; on Ronald Way, which is a paper street, they meet the setback and on Gawen they are requesting relief.

Mr. Pepe asked how much the applicant is expanding the existing footprint and will they be digging into the hill? Mr. Cujdik replied it is about 35 feet from the slope but there is a septic drain field behind the home. Mr. Pepe asked if there is an existing septic. Mr. Cujdik stated that they are having trouble locating it, they have requested documents from the County Health Department but they have nothing on it. Dr. Cetron stated that he doesn't think that house ever installed one. In regard to the footprint expansion, the building coverage is going from 5.5% to 13% so it is basically doubling.

Mr. Steib asked Mr. Cujdik if he reviewed the comments in CME's letter regarding curb detail, driveway apron detail and things of that nature. Mr. Cujdik replied that the applicant will comply and he does have surveys to submit to the Board.

Mr. Pepe questioned the septic tank being installed right on the top of the bluff and asked if there has been any consideration given to the geotechnical concerns. Mr. Cudjik stated that he is not a septic expert but they have South Jersey Engineers who does the septic systems and the soil testing for it. Dr. Cetron stated that would be the one thing he would want to see. He is very concerned with putting a septic system right on the bluff. He would like to see a hydrodynamic study or hear testimony from someone who understands the impact of being right on the bluff.

Mr. Pepe stated that his concern is not so much with soil borings and perc tests, it is more with the capacity of the hillside to accept the disturbance. He asked if that would be part of the steep slopes review. Mr. Rohmeyer stated that it would be appropriate at this point of the review.

Dr. Pepe stated that since the Board is being asked to approve a disturbance that is in excess of what the Ordinance provides and that is a big concern to him. He would personally feel better with a geotechnical engineer giving some input. Mr. Neff added that large trees are proposed for removal as well.

Mr. Colangelo stated that the are concerned with landslides and whenever they are looking at applications in that area, the Board would appreciate as much testimony as possible to ensure not only that the town doesn't run in to that problem but also to ensure the house doesn't fall into the house below it. This is the biggest ongoing concern when reviewing applications in this area; they need to look at 5 or 10 years into the future. Dr. Cetron added that Atlantic Highlands is famous for slump-locks and they just go.

Mr. Pepe echoes the additional testimony would make him more comfortable or perhaps moving the septic. Mr. Kozlowski stated they did look at alternate sites for the septic but they couldn't make it work.

Mr. Steib explained that it is up to the applicant if he wishes to proceed to a vote or request to be carried in order to have more engineering work done to ensure the safety of the septic system.

Mr. Kozlowski requested that this matter be carried to the next meeting and agreed to have a geotechnical investigation done.

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MAY 10, 2018**

Mr. Steib announced for the record, this application is being carried to June 14, 2018 at 7:30 pm here at Borough Hall, 100 First Ave, Atlantic Highlands. No further notice will be required. Any reports or drawings must be submitted at least 10 days before the meeting.

DR. CETRON MOVED TO ADJOURN THE REGULAR MEETING, SECONDED BY MS. HOFFMAN. BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Regular Meeting was adjourned at 10:20 P.M.

Erin Uriarte
Planning Board Secretary