

**PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
JUNE 14, 2018**

WORKSHOP MEETING: 7:31 P.M.

Roll Call

**Members Present** – Mr. Illiano, Councilman Fligor (arrived 7:32 pm), Mr. Hawley, Mr. Caccamo, Dr. Cetron (arrived 7:32 pm), Mr. Colangelo, Ms. Hoffmann, Mrs. Murray (arrived 7:35 pm), Chairman Neff, Mr. Pepe, Mr. Ilarazza, Mr. McGoldrick, Mr. Dougherty

**Members Absent** – None

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

Chairman Neff called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. At this time, Councilman Fligor & Dr. Cetron arrived. Chairman Neff 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, requested that any exhibits being presented to the Board this evening, be made visible to the members of the public as well.

Shelly Kennedy, 104 East Highland Avenue, asked if there has been any investigation as to the cost for the remediation at 158 First Ave. Mr. Colangelo explained the cost of the work was not part of the testimony before the Board. Dr. Cetron suggested that the Board of Education might be privy to that information.

At this time, Mrs. Murray arrived.

Mr. Steib noted that there is no pending litigation.

**Master Plan Update** - Mr. Neff explained that the sub-committee is working to incorporate the Court's ruling on the Housing Element and Fair Share Plan. It may take another couple of months to finalize the document.

Dr. Cetron added that although it has been pushed back, they will still maintain a fairly robust timeframe for public comment.

**Draft Ordinance Discussion** – Mr. Neff stated that the rooftop ordinance was prepared by Mr. Steib based on comments received from Councilman Crowley. Mr. Neff added that he does not think they need an Ordinance as the rooftop decks have been addressed by the Board through the years. However, if everyone else feels it is necessary he will consider it. He indicated concern with the item that states that the design of the rooftop deck must screen it from view of adjacent properties and he not sure that is possible in all cases with all the hills.

Mr. Fligor stated that typically there is a 4 foot high fence that is set back about 5 to10 feet from the edge of the roof to hide everything that is going on.

Mr. Colangelo questioned the provision for amplified music being prohibited and asked if it is for new or existing decks. He wants to be sure not to limit the existing businesses. He also agrees this Ordinance is not necessary.

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Mr. Neff stated that there are other regulations such as maximum coverage and some of the percentages that he is concerned about but he doesn't know that they need to discuss particulars if the Board agrees this is not necessary.

Dr. Cetron stated that some of the regulations fill in the gaps that the Board is missing, such as setbacks and lighting. He would feel more comfortable agreeing the ordinance isn't necessary if he knew all rooftop decks would come to the Board for review. If they do not come to the Board, he would like to see some restrictions and regulations added to the Ordinance.

Mr. Steib stated that this Ordinance proposes that all rooftop decks receive site plan approval.

Mr. Colangelo stated that he doesn't feel the Board should be filling in the blanks. It is their job to make recommendations for an Ordinance but not write them. Dr. Cetron stated that he feels the Board should be sending up a template for Council to use, which is why this was drafted. Mr. Colangelo reminded him that this was presented to the Board by a Councilmember to be reviewed as part of a Master Plan.

Mr. Steib clarified that the proposed Ordinance precludes residential homes from having to go to the Board but any mixed use or Commercial use would have to come to the Board.

A discussion was held regarding the process for writing and drafting ordinances. Mr. Colangelo suggests this proposed Ordinance be added to the Master Plan language. Dr. Cetron stated that he would like to use it as a template for Council to work with.

Councilman Fligor agreed to report back to the Council that the Planning Board would like to see a more complete Ordinance. Dr. Cetron suggested a letter be issued that says we understand the concerns and we will address them during each Site Plan approval application. Mr. Steib agreed to send correspondence to that regard.

Mr. Neff asked for feedback on the Payment in Lieu of Parking Ordinance. Mr. Colangelo indicated concern with the fee requirement being left blank. As a Board, he doesn't feel comfortable with the responsibility of setting fees as it could become a problem in the future for many reasons. Dr. Cetron stated that this is right out of the Master Plan however he does not feel it is the Board's job to set the fees. Mr. Colangelo stated that he would like to see a more complete Ordinance.

Dr. Cetron stated that this template should be sent to Council that says the Planning Board agrees with the concept and request that Council present a more complete Ordinance.

Mr. Neff asked if any residential uses should be exempt from this Ordinance. Mr. Colangelo stated that ties in with what was done with the allowance for using the Municipal Lot. They allowed 300' for residential and zero feet for commercial.

Mr. Pepe stated that he doesn't feel the parking problem should fall on one applicant but it is a burden the whole town needs to address, not each property owner.

Mr. Fligor stated that if there is going to be an apartment above commercial, then parking still needs to be addressed one way or another. The Borough is at their limit.

Dr. Cetron suggested that the template be sent up with a request that Council draft an Ordinance. Mr. Colangelo noted it is in the Master Plan, therefore they have already asked for it.

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**Master Plan Submission** – Mr. Neff stated that Board members received a copy of a submission from a property owner in regard to the Master Plan. The sub-committee has reviewed it and informed the property owner that it will be taken into consideration for the Master Plan, but any more than that would have to come from Council and Administration.

Mr. Fligor added that the 300' Parking Allowance Ordinance will be coming back to the Board for review in the next month or so. He explained that the concern is that the 300' goes back to the west and includes some properties that have not been developed. Mr. Hawley suggested a cut-off at Hennessy Boulevard.

Mr. Neff noted there is no further business to be discussed during the Workshop Meeting.

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

There being no further business to come before the Board, the Workshop Meeting Adjourned at 8:01 P.M.

Erin Uriarte  
Planning Board Secretary

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**REGULAR MEETING: 8:01 P.M.**

**Roll Call**                    **Members Present** – Mr. Illiano, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Ms. Hoffmann, Mrs. Murray, Chairman Neff, Mr. Pepe, Mr. Ilarazza, Mr. McGoldrick, Mr. Dougherty  
**Members Absent** – None

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer. Douglas Freiberger was present as Conflict Attorney for the Planning Board.

**Approval of Minutes for the May 10, 2018 Regular Meeting**

MR. COLANGELO MOVED TO APPROVE THE MEETING MINUTES FOR MAY 10, 2018, SECONDED BY DR. CETRON.

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

**Approval of Attorney’s Voucher for April 2018 in the amount of \$3,280.50**

MR. FLIGOR MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR MARCH 2018, IN THE AMOUNT OF \$3,280.50, SECONDED BY MRS. MURRAY.

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

**PB18-01, Block 19, Lot 1, 233 East Highland Avenue (Kozlowski) – Application for Bulk and Use “d” Variance** – Mr. Steib advised this application was carried from May 10, 2018. The applicant has requested to have the hearing carried to July 12, 2018 at 7:30 pm at 100 First Ave, Atlantic Highlands, NJ. No further notice will be given.

**PB18-04, Block 11, Lot 4, 8 & 9 Upper Prospect (Stukas) – Application for Bulk Variances – Dismissal without Prejudice** – Mr. Steib stated that this applicant has requested that the matter be dismissed. The Board has not taken jurisdiction or heard any testimony. He noted that the Resolution will be adopted and memorialized all in one vote.

MR. COLANGELO OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY DR. CETRON.

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

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**PB17-11, Block 112, Lot 1, 135 First Ave (Green Leaf LLC) – Memorialization of Approval of Use & Bulk Variances** – Mr. Steib advised that the Board granted approval at the May 10, 2018 meeting.

MRS. MURRAY OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MS. HOFFMAN.

Ayes: Mr. Illiano, Councilman Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Ms. Hoffman, Mrs. Murray, Mr. Neff

Nays: None

Abstain: None

Absent: None

**PB18-05, Block 102, Lots 7 & 8, 188-190 First Avenue (Atlantic Highlands Real Estate Partners) – Application for Preliminary & Final Site Plan Approval & Bulk Variances** – Mr. Steib stated that he will be stepping down as Board Attorney and Mr. Freiberger will be filling for this application. Mr. Freiberger advised that he has reviewed the notices and the Board has jurisdiction to hear this matter.

Jason Tuvel introduced himself as the Attorney for the Applicant.

Mr. Freiberger went over a list of exhibits. The Zoning letter dated March 13, 2018 was marked as Exhibit A-1. An Application for Development was marked as Exhibit A-2. A survey of block 102, lots 7 and 8, prepared by Craig Black, was marked as Exhibit A-3. Site Plans prepared by Jim Henry, dated February 1, 2018 was marked as Exhibit A-4. Architectural Elevations prepared by James J. Monteforte, dated January 25, 2018 was marked as Exhibit A-5. A review letter from CME Associates dated April 16, 2018 was marked as Exhibit A-6. The Traffic Study prepared by Nick Vederrese, dated January 12, 2018 was marked as Exhibit A-7. The Notice Service Packet was marked as Exhibit A-8. A Drainage Statement, prepared by James Henry, dated January 2018 was marked as Exhibit A-9.

Mr. Tuvel stated that this is an application for Preliminary and Final Major Site Plan Approval with Bulk Variance and Design Waiver relief. The property is at the intersection of Route 36 and First Avenue and currently contains mixed uses with wide open curb cuts and no current access management plan. There is currently 100% impervious surface with no landscaping on the property. The DOT right-of-way goes significantly off what you would perceive to be where Route 36 meets the property line. That drives a little bit of the design and of the relief being requested.

Mr. Tuvel stated that the application is for a 7-11 Convenience Store with related site improvements. The application from a zoning standpoint complies with a majority of the Borough requirements. The Ordinance has a minimum requirement for the square footage of the zone, which is met with this application. In regard to the Board Engineer's letter which calls for some operational testimony, they are only anticipating 1-2 box truck deliveries per day that are on site for about 15 minutes. It receives one WB50 delivery per week that will be on site between 30-45 minutes. The WB50 deliveries will not occur during the morning peak hours, which will be 7:00 to 9:00 am. There will be 2 employees that will be operating the site. With him this evening is the applicant's Engineer, Traffic Expert and Professional Planner.

James Henry from Dynamic Engineering was sworn in and accepted as an expert engineer.

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An aerial photo of the site was marked as Exhibit A-10. A series of photos of the existing site was marked as Exhibit A-11.

Mr. Henry noted that the photos shown were taken from Google. He discussed the location and existing conditions of the property noting that an auto repair facility and bike shop currently exist with several driveways to access the site. There is a 55' wide driveway that abuts the adjacent residential neighbor on Route 36. The full property is 0.34 acres. The right-of-way angling in to the site creates some limitations, but the current use does operate in that right-of-way area. The existing impervious coverage is at 98.3% and there is an existing environmental issues on site. There is no active remediation required on site because of the natural attenuation, as per the LSRP. It will be monitored by the LSRP on record, as required by the NJDEP.

In regard to topography, there is a retaining wall along the easterly property line adjacent to lot 6 and that ties in to the back of the auto repair. The grade behind the bike shop is about 3-4 feet higher than the grade at front of the auto repair, under the existing conditions. Generally speaking, the curb in front of the auto repair has a low spot and an inlet where it collects water. Some of the water travels down First Avenue and some travels to the inlet onsite and on Route 36. There is existing street scape along First Avenue, such as brick pavers and lighting. There is sanitary sewer and water availability to the site. There are existing dumpsters in front of the auto repair and directly adjacent to the neighbor on lot 6. Currently there is also a "Welcome to Atlantic Highlands" sign and a bus stop at the intersection of Route 36 and First Ave. Mr. Henry referred to the photo exhibit to point out the existing conditions described. He noted there is a full movement driveway between the bike shop and the auto repair and the one way driveway to the north of the bike shop. Under the existing conditions, the traffic circulation is not channelized due to the open curb cuts onto the highway and First Avenue.

A colored rendering of the site plan, with landscaping plan superimposed, prepared by Dynamic Engineering, dated June 14, 2018 was marked as Exhibit A-12. Mr. Henry noted that the proposed store is 3,080 square feet. In regard to the large depressed driveway was on 36, they have met with the DOT to discuss the options and this is what they felt was the most appropriate driveway. Given the radius, the driveway itself is separated quite a bit from the adjacent use, compared to what exists today. It is about 10-15 feet from the curb itself and at about 3-4 feet, the driveway has been shifted away from the residential use with landscaping added as well. The driveways are under DOT jurisdiction so any modifications to them will be reviewed by DOT for approval. A waiver is being requested for driveway width, they are proposing 32 feet where only 30 feet is allowed. The width is necessary for the proper movement of the WB50 sized tractor trailers. He noted that this vehicle will only utilize the site once a week. From a parking standpoint, they are required to provide 16 spaces and they are proposing 11 parking spaces. The Board Engineer has asked that the striping be changed from white to yellow and the applicant will comply.

Mr. Henry referred to exhibit A-12 to describe the proposed improvements. Reduced sized copies of A-12 were submitted to the Board. The loading zone is being proposed along the westerly side of the property line, even though it is not required, in order to use the building as a buffer from the residential property. The WB50 will pull in from Route 36, utilize the loading zone and exit on to First Avenue and back out to Route 36. The trucks will be restricted from delivering between 7-9 am. They are proposing a board on board fence along the property line along with a retaining wall behind the building. The retaining wall that exists behind the auto repair will be continued along the outside of the property to level out the site. There is a 25' residential buffer required but shall

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not exceed 10% of the lot area and in this case, it does exceed 10%. The building itself complies with all setback and floor area ratio requirements in the zone. The minimum building area is 2500 square feet and they are proposing 3,080 so they are compliant. The applicant is compliant with essentially all bulk requirements of the zone with the exception of maximum impervious coverage is being reduced from 98.3% to 78% however the requirement is 75% max coverage.

The trash enclosure is proposed along the southerly property line near the south easterly corner of the property. There is a six foot high masonry enclosure around the outside to buffer it from the existing use. In photo 1 of the photo exhibit you can see there are dumpsters in almost the exact same location however they will be adding a screen. Dr. Cetron commented that he is not impressed by the cinder block wall. Mr. Henry continued that there are sidewalks proposed along both frontages. Along First Avenue, they are proposing decorative sidewalk and on Route 36 it will be concrete sidewalk to match what is existing. A waiver is required for the trash enclosure because it is within 30 feet of Route 36 but it is actually 50 feet from the curb so it is more of a technical waiver because if the property line ran along the curb they would be compliant but because the DOT right-of-way cuts in the site, it creates a waiver. In regard to lighting, they are proposing brand new LED shoebox lights that face downward in order to pull all the lighting away from the easterly property line and the residential use. There are zero foot candles that spill over that property line however, there is a slight overflow onto the Verizon building.

Dr. Cetron asked how far from the fence to the northerly side of the building. He is concerned with having to bring an emergency vehicle in there. Mr. Henry replied it is about 11 feet.

Mr. Fligor referred to the green area shown on the plan and asked if the remediation has to be capped. Mr. Henry replied it is not necessary, it just needs to be monitored because it is groundwater and not soil. Dr. Cetron asked if he could see a copy of the LSRP. Mr. Henry agreed to get that report.

Mr. Henry stated that the applicant made some changes to the original landscaping plan due to requests made by the Board Engineer. A row of 24 evergreen trees was added along the east and south of the building. There are also evergreen trees around three sides of the trash enclosure. The trash enclosure will have screened gates that will remain shut to screen the dumpster.

Mr. Hawley asked for pictures of what the building might look like. Mr. Tuvel indicated they will get to that.

Mr. Henry stated that the applicant is proposing 2 oaks, along with the evergreen trees and 34 evergreen shrubs and 15 deciduous shrubs throughout the site. The applicant is agreeable to make any changes to satisfy the Board Engineer's landscaping comments. The applicant will be connecting to existing inlets and all utilities will be tied in on First Avenue.

In regard to the site plan comments in the Board Engineer's letter, Mr. Henry stated that the applicant will comply, specifically the comments regarding grading and Stormwater management. They are significantly improving the existing conditions of the site by adding landscaping and reducing pavement on site. They are not increasing impervious surface therefore they are not required to meet the State's Stormwater requirements but they do have to comply with the DOT and Borough requirements.

Mr. Colangelo asked what percentage of landscaping requires DOT Approval. Mr. Henry replied that the impervious coverage calculation doesn't include the landscaping area in the right of way.

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Colored Architectural drawings were marked as Exhibit A-13. Mr. Henry noted this is a colored rendering of sheet A101 of the submitted floor plan. Again, the proposed building is 3,080 square feet and the main entrance will be facing First Avenue. He explained the layout on the inside of the store, noting that the layout is similar to most other 7-11 convenience stores. A CO<sub>2</sub> tank is proposed for the rear of the building, however at the Board Engineer's request, it will be relocated to the side of the building that faces the Verizon Building.

Dr. Cetron indicated concern with the CO<sub>2</sub> tank prohibiting movement of emergency vehicles and asked Mr. Hawley how much room he needs to get a firetruck through there. Mr. Hawley indicated they would probably access from Verizon.

Mr. Rohmeyer asked Mr. Henry to discuss the retaining wall. Mr. Henry replied that there is a retaining wall along the northerly and easterly property line there is a 2-4 foot high retaining wall with a 6 foot fence on top of that. Mr. Pepe questioned the two kinds of fence. Mr. Henry replied the chain link fence is proposed on the side of the building for safety issues but the remaining fence will be privacy fence.

In regard to exhibit A-13, Mr. Fligor asked if Mr. Henry is aware that this is a Victorian town. Mr. Henry stated he does understand that. Dr. Cetron added that he is not so much concerned about that, but as you come around the corner in to town it will be a big brick wall. Mr. Pepe added that it is very concerning that the façade facing Route 36 is all brick, he would like to see it softened a little. Dr. Cetron added a brick wall and a trash enclosure.

Mr. Tuvel indicated that he understands the architectural concern but he would like to get it right. In regard to the trash enclosure, the view from 36 will be screened by landscaping. Dr. Cetron stated that his biggest concern is the brick wall. Mr. Tuvel stated that he understands the concern with the monotony of the brick wall. Mr. Pepe advised it would go a long way to see a visual of what it would look like from a street view.

Mr. Tuvel explained that he understands however typically architectural standards are not in the Ordinance so it is a subjective aspect that they will try to work with the Board on. They also have to work with the fact that the use is permitted, they are not seeking relief for the building, but they have to make it functional; so he is trying to understand the Board's thoughts versus the functionality of the building. Mr. Colangelo advised that the applicant is seeking relief for signage for a big bright 24-hour illuminated sign. Mr. Tuvel stated that they are not requesting relief for the size of the sign, they are asking for relief for the fact that the signage is in the DOT right-of-way, not the lighting or design.

Dr. Cetron stated that they do this with every applicant that comes before them. The Board may not have an ordinance for aesthetic design but it is within the Board purview as to whether the proposed structure or development fit. He is not asking for a 3-story Victorian Home, but he would like to find a happy medium. Mr. Tuvel stated that they will work with the Board Engineer to come up with a design that works.

Mrs. Murray asked how close the dumpster is to the house on the adjacent residential property. Mr. Henry stated that it is about 6 feet from the property line and is shown on sheet 4 of the site plan. Mr. Tuvel stated that the applicant will comply with all Health Department standards for a dumpster. Mrs. Murray asked who the resident would complain to if it smells. Mr. Tuvel replied that there will be a private owner of the store who could address any issues, if they were to arise.



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Mr. Henry added that there is no food preparation done on site, it is all pre-packaged food that is reheated. Trash will be picked up twice a week.

Mr. Fligor asked about traffic counts and was advised there will be a traffic expert testifying.

Mr. Henry stated that they are proposing two building signs, one facing Route 36 and one facing First Avenue. The signs are compliant and require no variances. In regard to freestanding signs, the Ordinance requires 18 square feet and the applicant is proposing two 18 square foot freestanding signs; one located along Route 36 and one along First Ave. The Ordinance allows one sign per frontage, so they are compliant with that. The applicant is seeking relief because the right-of-way cuts into the property and the signs are located within that right-of-way. If they were to set them back from the right-of-way line there would be no where to place them. They are located about 18 feet from the curb line on Route 36 and ten feet from the curb line of First Avenue. The applicant is also seeking DOT approval for those signs.

Mrs. Murray asked how the sign illumination will affect the residential home adjacent to the property. Will mature trees be planted to block the ten foot high illumination from shining in the neighbors windows? Mr. Henry responded that they will be planting mature evergreens along the property line and a shade tree will be installed to help with shading. Mrs. Murray indicated concern with light spilling into the neighbor's windows. Mr. Henry agreed to work with the Board Engineer in regard to species. Mr. Rohmeyer suggested a species of evergreen tree and the applicant agreed.

Mr. Henry stated that there will be small directional signs installed in compliance with the Ordinance. Mr. Pepe referred to the architectural plans, he would like to see more consideration given to architectural details of the sign the better. You can have a generic box lighted sign that looks nasty or a beautiful architectural sign that belongs in Princeton; there's a big difference and while it may not be in the Board's purview, it will go a long way for him. Mr. Tuvel indicated that the comment is understood.

Mrs. Murray questioned the number of signs. Mr. Henry replied that there are two directional signs on First Avenue and the two freestanding signs. Mr. Tuvel noted the number of signs proposed is compliant with the Ordinance.

Mr. McGoldrick asked how the plantings and signage affect the sight triangles. Mr. Henry replied that none of the landscaping is proposed within the sight triangle and if it were, they would propose lower plantings.

Mr. Henry summarized his testimony that there are a number of significant improvements; a new building, landscaping and screening, channelized driveways and significant buffers, all of which is an improvement to what is existing.

Mr. Neff asked if there is curbing between the loading zone and the sidewalk. Mr. Henry stated that they do not have it proposed because it could become a tripping hazard.

Mrs. Murray asked about the existing utility pole that is at the intersection. Mr. Henry replied that will remain where it is. He added that the street lighting will be upgraded but will be staying where it is.

Mr. Colangelo asked about all the additional signage at the intersection. Mr. Henry replied the signs will be relocated to the Board Engineer's satisfaction.

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Mr. Pepe stated that he doesn't like the idea of the brick paver sidewalk stopping halfway down the sidewalk. Mr. Henry stated that they will ask the DOT if they can extend it.

Mr. Fligor asked if the neighbors have been consulted. Mr. Henry stated that he had reached out to Verizon and also the residential neighbor to the east. Mr. Tuvel advised that the residential neighbor has legal representation here this evening.

Mrs. Murray questioned the water runoff. Mr. Henry replied that they will be maintaining the current run-off by adding some inlets on the property to collect the Stormwater and will be routed to the DOT inlets on Route 36 and First Avenue. The roof leaders will be tied into that system as well. Because of the landscaping, the run-off will be less than what is there.

Mr. Rohmeyer asked Mr. Henry to address the lighting, specifically the plans showing zero foot candles between the building and the eastern property line, but the building shows wall pack lighting. Mr. Henry clarified that is an error, there is no lighting proposed for the rear of the building.

Mr. Neff asked for any questions from the public, based on the testimony given by this witness.

Jon Crowley, 2 Keystone Drive, referred to the setback from Route 36 and stated that it is concerning. How does the applicant plan to accommodate cars travelling at 50 mph? Mr. Tuvel stated that the building set back is compliant however the Traffic Expert can address that concern.

Male Audience Member, stated that he would really like to see where the driveway is going to be. He indicated concern with the circulation plan for a tractor trailer delivery truck and the noise associated with deliveries. Mr. Tuvel stated that the Traffic Expert can discuss truck circulation.

Valerie Barradale, 3 Harborview Drive, asked why this location was chosen for a 7-11, especially since there are two 7-11s within a few miles of the area. She questioned the demographics that were used. Mr. Tuvel stated that he will not address that as this is a permitted use in the zone. The applicant is allowed to be here, as per the zoning ordinance and it is not pertinent to these proceedings.

Anne Milling, 106 Third Avenue, asked how the noise will be addressed. She can hear the bus stop so she is wondering how much she will hear from this site. Mr. Tuvel stated that when a use is permitted in a zone, by case law, all things considered with that use, traffic, sound, etc., are already considered by the Governing Body. Also, the NJDEP regulates noise and the applicant has to comply with those requirements.

John Bellavance, 8 Memorial Parkway, asked how many parking spaces are proposed and questioned the snow removal plan. Mr. Henry replied that there are 11 parking spaces proposed and he referred to the color rendering to point out the areas for staging of snow piles. Mr. Barry indicated concern with having an adequate snow removal plan. Mr. Tuvel advised it is in the tenants best interest to properly remove snow.

Shelly Kennedy, 104 E. Highland Ave, asked questions regarding the parking spaces. Mr. Tuvel advised that the Traffic Engineer will do a parking analysis. There are normally about 10 spaces proposed on these type of applications, but the traffic expert will be able to explain further. Ms. Kennedy asked how many spaces will be handicapped. Mr. Henry replied whatever is required by law. There are 11 spaces proposed with one handicapped space included in that number. Ms. Kennedy asked to see where the loading zone, handicapped space and regular parking spaces are located. Mr. Henry referred to the colored rendering to show her where the spaces are located.

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Ms. Kennedy asked what accommodation has been made for the safety of people using the bus stop. Mr. Henry replied that they are proposing new sidewalks along both frontages along with ADA compliant access to the proposed use. Ms. Kennedy asked how they will handle the safety of people crossing the driveway as they walk down Route 36 towards the bus stop. Mr. Henry replied that new sidewalks will be added and tied into the existing sidewalk. Ms. Kennedy asked how many cars are expected to utilize the site. Mr. Henry replied that the traffic engineer will testify to that. Ms. Kennedy asked what will go between the building and the fence. Mr. Henry replied it will be landscaping. Ms. Kennedy asked if there is any lighting proposed behind the building. Mr. Henry replied no. Ms. Kennedy asked if there is any concern for safety in that area and Mr. Henry replied no. Ms. Kennedy referred to the trash enclosure and asked if trash would be picked up twice a week. Mr. Henry replied one to two times a week. Ms. Kennedy stated that there is currently no food waste on the site and asked what percentage of food waste will be in the trash bin. Mr. Henry stated that it would depend on what gets thrown away. Ms. Kennedy asked what will happen to food that passes its expiration date and spoils in the store and can no longer be sold. Mr. Tuvel stated that it would be disposed of in compliance with Health Department Standards. Ms. Kennedy asked if there is a pest control plan. Mr. Tuvel advised that would be required by the Health Department. Ms. Kennedy referred to the site as a former toxic waste site and asked if there has been any concern from DEP regarding the disturbance of soil and toxins being released. Mr. Henry clarified this is not a toxic waste site however, it is a contaminated site, as regulated by the DEP who will continue to review the site.

Donna King, 42 Fourth Ave, asked if the illuminated freestanding signs will be flanking and illuminating the "Welcome to Atlantic Highlands" sign. Mr. Henry stated that he is not sure what she means by flanking. The Atlantic Highlands faces south-westerly towards the intersection and the freestanding signs are located behind it to the north and east. He does not expect any illumination to overflow on to the Atlantic Highlands sign. Ms. King stated that she would like to see a rendering.

Dr. Cetron asked if the applicant would be willing to appropriately light the Atlantic Highlands sign so as to prevent any diminishment.

Caroline Kovalos, 6 Memorial Parkway, asked if the signs will be shut off. Mr. Tuvel replied that the signs will be 24-hour illuminated signs. Ms. Murray recalled earlier testimony that Mr. Henry had spoken with the neighbor. Ms. Kovalos advised that the applicant had spoken with her mother. Mr. Tuvel advised that they have discussed the tree helping to shield the visibility of the sign to residential neighbors.

Sean Byrnes, Esq. appeared on behalf of the owner at 6 Memorial Parkway. He stated that most of his questions are for the Traffic Engineer. He asked several questions confirming the location of the property and his client's driveway. Mr. Henry confirmed the driveway at 6 Memorial is immediately adjacent to the property line and it actually connects. He referred to the colored rendering to show the landscaped area. At the curb line, the proposed driveway is about 2-3 feet from the driveway for 6 Memorial Parkway but the actual throat of the driveway starts to curve at about 3-4 feet and curves away from the property line to about 20 feet away at the maximum. Mr. Henry reminded Mr. Byrnes that the DOT will have full jurisdiction over the access from both roadways. Mr. Byrnes agreed that the DOT has to approve the location, but the Board certainly has the ability to consider the driveway and its impact on traffic. He looked at the Traffic Report and asked where it addresses the circulation within the site. Mr. Tuvel stated that is not typically

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something that is included in a Traffic Study however the Traffic Engineer will be able to address those questions.

Mr. Tuvel added that since this is a permitted use, the Board only has jurisdiction over the improvements on site. Things like traffic and number of vehicles is not within the Board's purview.

Mr. Byrnes referred to the location of the southern driveway on First Avenue and asked if cars will be exiting on the far end of the property by the Verizon Building. Mr. Henry replied that yes and that is basically proposed for the same location that it exists today. Mr. Byrnes asked if someone making a left out of the site will have to cross over First Avenue to make a right back on to Route 36. Mr. Tuvel asked that these questions be held for the Traffic Engineer. Mr. Byrnes stated that the questions are related to the design of the site. He asked if that driveway is located directly across from the portion of First Avenue that is still a single lane. Mr. Henry replied yes it is a single lane. Mr. Byrnes asked, in regard to channeling, if they expect a significantly larger amount of cars to be accessing the site. Mr. Henry replied, traffic engineer. Mr. Byrnes asked about how his client would back out of her driveway. Mr. Henry replied, traffic engineer. Mr. Byrnes asked if anyone will be testifying about noise. Mr. Tuvel replied no, it is not required since the use is permitted. The applicant will comply with DEP requirements. Mr. Byrnes asked if the applicant would agree that the noise of this use will be far greater than the use that exists. Mr. Tuvel reminded him that the witness is the site engineer. Mr. Byrnes asked if anyone had visited the site. Mr. Henry advised he was on site 4 or 5 times for about 5 to 15 minutes. Mr. Byrnes asked if Mr. Henry was at the site when the Traffic Study was done. Mr. Byrnes referred to the testimony that Mr. Henry had spoken with the client today and asked if that was the first time they had spoken. Mr. Henry advised he had talked with her about 4 or 5 months ago and he had misplaced her telephone number until a few days ago to inform her of the hearing. Mr. Byrnes asked if the trash containers inside the enclosure will be metal. Mr. Henry replied yes, they will be dumpsters. Mr. Byrnes asked if employees will come out and dispose of trash into those dumpsters as part of the 24 hour operation. Mr. Henry replied yes. Mr. Byrnes asked the distance between the available roadway and the end of the parking stalls. Mr. Henry replied that the loading zone is about 14' wide, the driveway is 25' wide and the parking stalls are 18' long. Mr. Byrnes asked if there will be any cars utilizing the loading zone. Mr. Henry replied it will be striped for a loading zone.

John Bellavance, 8 Memorial Parkway, asked about deliveries and an alternate plan if the truck cannot fit in the loading zone. Mr. Tuvel stated that the plan is designed to fit the truck. Mr. Tuvel suggested he wait to hear testimony from the Traffic Engineer. The applicant is compliant because they have a dedicated loading zone.

Jon Crowley, 2 Keystone Drive, asked if this store will carry the typical 7-11 type products. Mr. Tuvel replied yes, as a permitted use, they will carry typical 7-11 products. Mr. Crowley asked if they are asking for a variance for the size of the building. Mr. Henry replied that the building is fully compliant. They are requesting a variance for lot coverage; 98.3% exists today, the applicant is proposing 78% where 75% is permitted.

Laurie Bollinger, 118 E. Highland, asked how wide the main entrance to the store is. Mr. Henry replied that there are two 36 inch swinging doors. She asked for a timeframe for the DOT application. Mr. Tuvel indicated there is no way to predict when the DOT will act on things, but it is usually after municipal approval. Ms. Bollinger asked if the employees will be using the

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parking spaces on site. Mr. Henry replied that generally the employees use mass transit, bicycle or by getting dropped off, however if they drive, they will use the parking spaces on site.

Thomas Kane, 43 Fourth Ave, asked if 7-11 keeps any type of statistics as to the crime that occurs on their site due to loitering or people soliciting for work. Mr. Tuvel stated that he will not entertain that question.

Mr. Neff stated that he would like to make a few procedural announcements. He offered his apologies to the applicants, however the Board will not be able to get to the following applications this evening:

**PB17-17, Block 13, Lot 24, 210 Ocean Boulevard (Parasar) – Application for Bulk and Use “d” Variance**

**PB16-13, Block 8, Lot 23.01, 25 Bayside Drive (J&L Bayside Drive LLC) – Application for Bulk Variances – Carried from May 10, 2018**

Mr. Freiburger stated that notice has already been given on both of these applications, however they will not be heard this evening. Both applications will be carried to July 12, 2018 at 7:30 pm here at Borough Hall, 100 First Avenue, Atlantic Highlands, NJ and no further notice will be required.

Noreen Benjaminson, 15 East Lincoln Ave, asked how they will control the hours of delivery trucks. Mr. Tuvel advised that he is willing to agree to make it a condition of any approval and it will then become an enforceable issue. He will also be sure to give that to the distributors as well.

Ms. Benjaminson asked if this is already set in stone and we are only looking at aesthetics. Mr. Neff clarified that nothing has been approved. Ms. Benjaminson asked how many years has Mr. Henry been a civil engineer and how many convenience stores has he implemented successfully. Mr. Henry replied that he has been practicing for 14 years and he has designed over 50 stores with over 20 being approved. She asked if he has been back to see the impact that business has had. Mr. Henry replied yes, several times and while he cannot speak about property values but he has never received a complaint.

Jon Crowley, 2 Keystone Drive, referred to the 11 parking spaces, with 1 for handicapped parking, leaving 10 spaces and if the 2 employees drive, does that leave only 8 parking spaces plus the one handicapped space for a total of 9. Mr. Henry replied that would be correct, if both employees drive.

Anne Milling asked about restricting deliveries in the evening as well because of the evening traffic. Mr. Tuvel stated that if that is a concern of the Board, he can discuss it with his client and come back with an answer. Dr. Cetron stated that there is a huge traffic influx at ferry time.

Shelly Kennedy, 104 E. Highland, asked what are the waivers and variances being requested. Mr. Tuvel stated that the Planner will be testifying and going through all variances and waivers in detail. Ms. Kennedy questioned the setback requirements from Route 36. Mr. Tuvel advised there are no building set back requirements for the CBD district. Ms. Kennedy asked if they could make the building smaller to allow for more parking spaces. Mr. Henry replied no, shifting the building didn't work during the design process and any reduction in size would not create any additional parking. Mr. Tuvel stated that the 2500 square foot requirement of the zone is just a minimum requirement, they are not over on the building size.

At this time the Board took a brief recess and reconvened at 10:23 pm.

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Mr. Tuvel stated that due to the lateness of the evening, he doesn't feel comfortable starting testimony of the traffic engineer and then having to cut off before the public can ask their questions. He respectfully requested that the Board carry this application to the next meeting. This way they can look at some of the Board comments to see if they can address them adequately.

Mr. Freiberger 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 MR. COLANGELO. 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