

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
JULY 12, 2018**

WORKSHOP MEETING: 7:31 P.M.

Roll Call **Members Present** – Mr. Illiano, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Ms. Hoffmann, Chairman Neff, Mr. Pepe (arrived at 7:34 pm), Mr. McGoldrick, Mr. Dougherty
Members Absent – Councilman Fligor, Mrs. Murray, Mr. Iarazza

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. 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. He then questioned the difference between waivers and variances.

Mr. Steib noted for the record, that Mr. Pepe has arrived. Mr. Steib explained the difference between variances and waivers, noting that each has different types of criteria that must be met in order for a Board to grant either.

Shelly Kennedy, 104 East Highland Avenue, asked if the Planning Board has any intent on conducting a parking survey to see how all the approved developments will impact traffic and parking in the town. Mr. Colangelo advised that is not something the Board has the authority to conduct.

Jim Krauss, 77 Bayside Drive, stated that he understands the Master Plan is being delayed due to the incorporation of the Housing Element and Fair Share Plan. He had heard that there was an appeal filed and asked if the Board can discuss how that will affect the Master Plan.

Master Plan Update – Mr. Neff advised that he has not heard of any challenges to the Housing Element. The Planner is still working to incorporate the Fair Share Plan in to the Master Plan for review by the subcommittee.

Mr. Steib noted that there is no pending litigation.

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. COLANGELO. BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:42 P.M.

Erin Uriarte
Planning Board Secretary

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REGULAR MEETING: 7:43 P.M.

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

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 June 14, 2018 Regular Meeting

DR. CETRON MOVED TO APPROVE THE MEETING MINUTES FOR JUNE 14, 2018, SECONDED BY MR. DOUGHERTY.

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

Approval of Attorney’s Voucher for May 2018 in the amount of \$2,835.00

MS. HOFFMAN MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR MAY 2018, IN THE AMOUNT OF \$2,835.00, SECONDED BY DR. CETRON.

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

PB18-03, Block 127, Lot 15, 53 Center Ave (Gamza) – 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.

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

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

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 in for this application. Mr. Freiberger advised that the Board previously accepted service; this is a continuation of a hearing from June 14, 2018.

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Mr. Freiberger went over a list of exhibits. Exhibit A-14 is an NJ Department of Transportation Route 36 Jurisdictional Map, dated June 1972. Exhibit A-15 is a DOT Completeness letter dated April 9, 2018. A-16 is the Monmouth County Planning Board Approval dated June 19, 2018. A-17 is the Summary Statement of Operations, dated June 2018. A-18 is the Water and Sewer Engineers Report by Dynamic Engineering. A-19 is the drainage statement prepared by Dynamic Engineering, last revised June 19, 2018. A-20 is the Traffic Impact Study prepared by Dynamic Traffic, revised June 28, 2018. A-21 is the architectural elevation and floor plan prepared by Monteforte Architects, revised June 26, 2018. A-22 is the preliminary and final site plan prepared by Dynamic Engineering revised June 28, 2018. A-23 is the Technical Review #2 of CME Associates, dated July 10, 2018.

Mr. Neff stated that because of the other applications on the Agenda, the Board will be limiting this presentation until about 9:30 pm.

Jason Tuvel introduced himself as the Attorney for the Applicant. He reminded the Board that this applicant was before the Board on June 14, 2018 and at that time they reviewed the site plan and civil engineer's testimony as well as the architecture of the building. Based on comments received at that meeting, the applicant submitted revised plans to address those concerns. The building architecture has completely changed from what was presented at the last meeting. In terms of the site plan, they reduced the size of the building from 3,080 square feet to 2,800 square feet and that removes the need for a variance for lot coverage as they are now in compliance at 74.6%. The requirement for parking is now reduced, where 16 were initially required, now only 14 are required however only 11 are being provided, therefore the magnitude of that waiver has lessened. The applicant also added some additional landscaping based on Board member and neighbor comments. Mr. Tuvel added that the adjacent lot owner was represented by Counsel at the last meeting and he is able to report that they were able to resolve their differences and he will make that a part of tonight's record. The applicant will eliminate the chain link fence at the rear property line and will continue the vinyl fence all the way across the lot. They have also revised the landscaping plan to add some additional plantings as well as an additional shade tree to help screen the 7-11 sign on the frontage of Route 36. Mr. Tuvel asked the applicant's engineer to review the site plan changes, noting that the traffic engineer and planner are also present to present testimony if time permits.

Jim Henry was reminded that he is under oath. The colored rendering of the overall site plan was marked as exhibit A-24. Mr. Henry noted that the shade tree being added is shown on this plan but is not shown on the site plan submitted to the Board.

Mr. Henry stated that one of the most significant changes to the site plan is the reduction of building size. They have reduced the square footage from 3,080 square feet to 2,800 square feet. The total impervious lot coverage is now at 74.6% and a variance is no longer necessary. In making that change, the parking requirement was reduced to 14 spaces, however they are providing 11 spaces so a waiver is still required but the impact has lessened. The landscaping was enhanced along the easterly property line to enhance the screening. There will also be a shade tree installed to block the view of the 7-11 sign on Route 36. The directional signs along First Avenue for Seastreak and Monmouth County, were also relocated as requested. The CO₂ tank was relocated to the northwestern corner of the building. The architectural drawing shows a gutter going through the CO₂ tank and that will be fixed. The applicant has also agreed to illuminate the Atlantic Highlands sign at the corner with a light fixture shining down onto the sign rather than an upward

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facing light due to limitations on space available to install the light. From an architectural standpoint, the Board indicated concern with the design, his client asked him to design this building similar to the nicest 7-11 he has ever designed, which in his opinion is the 7-11 in Westfield, NJ. A colored rendering of the architectural elevation was marked as exhibit A-25. The signage has not changed, however they have added brick-like façade and columns on the end of the building, with a pitched roof with dormers and fake windows to give a more residential feel and allow as a transition to the residential zone.

Mr. Tuvel added that he has provided a copy of the drawings to the Attorney for the adjacent property owner and they were happy with the redesign.

Mr. Henry advised that the brick-like façade will carry around all sides of the building. A screen will be added around the HVAC unit to shield noise. There will be no attic area, it is strictly to allow for the residential architecture. There will be no activity in the rear of the building. Mr. Henry referred to exhibit A-21 to describe the layout of the store.

In regard to the revised CME report, dated July 10, 2018, Mr. Henry advised that the applicant will comply with all additional comments.

Mr. Hawley asked how the applicant is making up the reduced square feet within the store. Mr. Henry replied that the product supply will be limited. Mr. Hawley asked if they moved the back wall or the whole building. Mr. Henry replied they pulled the back wall in to reduce the building size. Mr. Hawley stated that would help alleviate Dr. Cetron's concerns about getting a rig in there.

Mr. Rohmeyer asked that the limits of the proposed vinyl fence that has been added in place of the chain link fence. Mr. Henry referred to exhibit A-24 and stated that a fence is shown along the easterly property line ending near the sidewalk in the front in the southeastern corner of the property and along the northerly side. There will be gates to prevent people from going behind the building. The fence will help to shield the proposed use from the residential uses. The fence will be 6 feet high and will be located partially on the 3-4 foot retaining wall. The vinyl material was a request of the adjacent neighbor.

Mr. Colangelo asked for clarification on the signs, specifically size and lighting of the freestanding signs. Mr. Henry replied that they are proposing two freestanding signs, both of which are in the DOT right-of-way. The first one is located about 10 feet from the curb line in the grass area behind the Atlantic Highlands sign and the other one is about 18 feet from the curb line in the grassy area near the driveway access. The square footage of the signs is about 18 square feet each. Mr. Tuvel noted that the signs comply with all regulations, with exception of the location since they are located within the DOT right-of-way. He reminded the Board that they discussed the right-of-way cutting into the property during the last hearing. Mr. Henry added that they are allowed to have one sign per frontage, which allows for two signs. Mr. Henry confirmed the dimensions of the size, noting that they are compliant.

Dr. Cetron asked if the shade tree will be exactly in line with the sign and the neighbor's home. Mr. Henry confirmed that is correct. Dr. Cetron questioned DOT approval. Mr. Henry advised the DOT application is currently pending before their review committee.

Mr. Pepe asked if the trash enclosure will match the brick-like façade of the building. Mr. Henry replied yes.

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Mr. Rohmeyer stated that the revised lighting plan shows an area of light with half a foot candle extending over the property line and asked if that will be modified or will they be seeking a variance. Mr. Henry replied the light in question is located adjacent to the northerly property line. The main driveway is the driveway on First Avenue and in order to light that adequately and the proximity to the adjacent Verizon building, they cannot comply with the Ordinance requirement and will require a variance.

Dr. Cetron asked if the impact would be strictly on the brick side of the Verizon building. Mr. Rohmeyer replied yes, if you look at the northern property line there is an area where the foot candles measure a little too hot, right over the property line.

Mr. Neff opened the hearing up to the public for questions on the testimony that was just given.

Donna King, 43 Fourth Ave, asked if Dynamic Engineers are part of the Atlantic Highlands Real Estate Partners Group. Mr. Henry replied no. Ms. King indicated questions regarding traffic and was advised the traffic expert would be testifying next.

Lori Zydel, 39 East Lincoln Avenue, questioned the relief being requested for the signs. Mr. Henry explained that there is a 10 foot setback requirement from the right-of-way, which is usually at the property line, but because the ROW line cuts into the site, a variance is required. Ms. Zydel asked for clarification of the dimensions. Mr. Henry advised accordingly. Ms. Zydel indicated concern with the lighting in contrast to the Atlantic Highlands sign.

Shelly Kennedy, 104 East Highland Ave, asked if the parking requirements have changed with the reduction in building size. Mr. Tuvel advised they are still proposing 11, while only 14 are now required. Ms. Kennedy asked about the location of the loading zone. Mr. Henry referred to A-24 to point out the loading zone location on the site plan, noting that it is designed to fit a tractor trailer. Ms. Kennedy indicated concerns with site circulation during deliveries that utilize the loading zone area having to back up to exit the site.

Lori Zydel, 39 East Lincoln Ave, asked for clarification of the parking requirements. Mr. Tuvel advised that since this is a permitted use, the parking requirements take employees into consideration when those numbers are formulated. Ms. Zydel asked several questions related to parking which were answered by Mr. Henry. Mr. Tuvel reminded that a traffic expert will be testifying next.

Dito Krikorian, 15 Hill Road, asked to see a photo of the 7-11 in Westfield. Mr. Henry stated that he didn't bring a photo, but a quick google search should bring it up. Ms. Krikorian indicated concern with the signage.

Noreen Benjaminson, 15 East Lincoln, questioned the need of the 7-11 signs. Mr. Tuvel explained that they looked at the Ordinances to guide them. They are allowed a sign on each frontage. Ms. Benjaminson indicated concern with the signage being excessive. Mr. Henry stated that the signs are to help with navigation and vehicular movement. Ms. Benjaminson asked about plans for litter control to keep the 7-11 traffic on site and not blown on to the highway; will the trash cans match the façade of the building? Mr. Tuvel advised that the litter issues will be governed by the Health Department and they are not able to request any relief from those regulations. Mr. Henry replied that the trash enclosure would match the building.

Tom Broadbent, 125 East Mount Avenue, asked how many variances are being requested and was advised the applicant is seeking two variances. Mr. Broadbent asked a question regarding delivery

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circulation and was advised a traffic engineer will be testifying. Mr. Broadbent stated he doesn't have follow up questions, he would just like to know the size of a tractor trailer. Mr. Henry replied it is about 50-55 feet. Mr. Broadbent asked for clarification on the driveway dimensions. Mr. Henry referred to A-24 and reviewed the three driveways being proposed, noting the dimensions of each. Mr. Broadbent asked several questions regarding the dimensions of the driveway and the tractor trailer. Mr. Henry advised a traffic engineer would be testifying. Mr. Broadbent questioned the height of the vinyl fence being proposed. Mr. Henry clarified the height of the fence. Mr. Broadbent asked if other sites were looked at. Mr. Henry stated that he is not part of those discussions with the client. Mr. Broadbent asked if the Westfield store signage was looked at for this site, specifically the wooden, non-illuminated signs. Mr. Tuvel advised that they looked to comply with the Ordinances.

Male audience member, lives 500 feet from the site, asked about delivery times and made several comments regarding concerns with deliveries. Mr. Tuvel stated that deliveries will not take place between 7 and 9 am. At this time, the audience members began yelling out. Mr. Tuvel stated that if the Board wants to restrict any delivery hours or garbage pick-up, the applicant is willing to work with the Board.

Dawn McCann, 31 East Lincoln Avenue, asked if the sign is located within the setback. Mr. Henry replied that it is located within the right-of-way. Ms. McCann made several comments indicating that she would like the Board to vote no and was reminded this is a period for questions only.

Ginger Lolas, 10 Ocean Boulevard, referred to the front of the building, noting the large windows and asked if posters hung in the windows would be considered additional signage. Mr. Tuvel stated that there are provisions in the Ordinance that govern window signage and the applicant will comply. Mr. Rohmeyer confirmed the Ordinance allows for up to one third of the window to be covered with sales posters.

Laurie Brekke, 36 E. Lincoln Avenue, asked questions related to crime statistics for 7-11 convenience stores. Mr. Tuvel explained that this is a permitted use and case law prevents that type of information from being considered during a Planning Board hearing. However, the applicant will install a security camera, using Police Department recommendations along with several safety measures that will be implemented. Ms. Brekke indicated concerns with the impact on the Police Department and other Borough resources. Mr. Tuvel advised that it is a permitted use of the zone.

Lynda Rose, 64 Center Ave, asked questions regarding lighting of the signs. Mr. Henry advised they will be plastic, internally illuminated LED signs. Ms. Rose asked if they looked into anything that looked more like a home, similar to the 7-11 in Cape Cod. Mr. Henry stated that he is not familiar with that 7-11 and this is the most Colonial and Residential looking 7-11 he has seen. Ms. Rose asked about the demographics used to pick this location. Mr. Tuvel indicated that is not within the purview of this Board. This is a permitted use of the zone.

Anne Milling, 106 Third Ave, showed a picture of traffic on First Avenue after a ferry arrives and asked how they plan to get a semi-truck in here during this kind of traffic. Mr. Tuvel advised that they will discuss that during the traffic engineer's testimony.

John Bellavance, 8 Memorial Parkway, asked if there are any Ordinances that deal with 24 hour businesses in town. Mr. Neff replied no.

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Stephanie Ladiana, 65 E. Lincoln, stated that she googled the 7-11 in Westfield and it appears the frontage has a much nicer, wooden sign with lighting on the building; she asked if a design like that was considered. Mr. Henry replied that it is not required by Ordinance. Ms. Ladiana asked if there is a public comment period during the DOT review. Mr. Neff advised not that he knows of. He is not sure when they do their review. Ms. Ladiana offered comments indicating that she is unhappy with the number of signs proposed.

Donna King, 43 Fourth Avenue, asked if it would be a deal breaker if the signs did not get approved. Mr. Tuvel stated that the applicant is hearing all of the comments regarding the signs and he will go back to his client to discuss their options.

Mr. Pepe stated that he is hearing a lot of opposition in regard to the illuminated signs on the streets; he suggests the applicant consider that when presenting the rest of the application.

Emily Smith, 11 Sixth Avenue, asked if the Board can deny just the signs. Mr. Frieberger stated that after all testimony has been presented, the Board will have decide as to whether or not the applicant has met the criteria set forth, as Mr. Steib explained earlier. If the Board believes the applicant has met the criteria, they can grant the variance. If they feel as though the criteria has not been met, they can deny the variances. The Board can approve, deny or approve with conditions or changes that must be made, but those deliberations and decisions take place at the end of the hearing process, after all testimony has been given.

Noreen Benjaminson, 15 E. Lincoln Ave, asked why the Board is even considering having a 7-11 in the community when there are other convenience stores. Mr. Colangelo explained that a convenience store is a permitted use of the zone. The Board is not able to consider each individual business; the Ordinance sets out what types of businesses and uses are permitted in a zone. There could be three ice cream shops right next to each other, the Board doesn't have the purview to govern that. Dr. Cetron echoed those comments, noting the several pizza places and nail salons in town. He understands the concern, but the Board does not have the purview to control what goes in to a site.

Mr. Pepe added that it is also not in the Board's purview to ask the applicant to "fancy up" the building but the applicant did that.

Ms. Benjaminson asked what was going to happen to the businesses that exist on this site. Mr. Neff explained that it is not something the Board can take into consideration. Obviously the property owners want to sell or this conversation would not be taking place. Ms. Benjaminson stated that she is trying to understand the vested interest and if this does not go through, could there be a plan for another non-chain convenience store. Mr. Neff advised that if this applicant does not go through, there is no way to know what could be proposed in the future.

Dito Krikorian, Hill Road, asked for clarification as to which side of the building faces Route 36 and which faces First Avenue. Mr. Henry referred to the colored rendering to clarify. Ms. Krikorian asked the Board to ask the applicant to make the sign smaller. Dr. Cetron stated that if you look at the plans from last month, compared to this month, it is greatly improved. Even though the Board does not have jurisdiction over aesthetics, this is greatly improved.

Dawn McCann asked if the Board can deny variances and waivers. Mr. Neff replied yes, within the law. Ms. McCann asked the Board to "just say no."

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At the request of the applicant, the Board took a brief recess at 8:55 pm and reconvened at 9:10 pm.

Mr. Tuvel stated that he has heard the concern from the public and at this time he would like to call the Traffic Expert to present his case. Mr. Tuvel feels bad for having to keep deferring to the traffic engineer and hopes this way they can answer or address a lot of the concerns of the Board and the audience. Mr. Henry will still be available for any questions that remain relating to site design. The applicant has heard the concerns relating to the signs loud and clear, and they will be going back to look at that.

Dr. Cetron stated that he was able to look up the Westfield 7-11 and he likes the wooden signs with the overhanging lights.

Tom Broadbent stated that there are four other questions. Mr. Neff replied that they are wrapping up that question period, there will be another question period later in the hearing process. Mr. Broadbent stated that his question is a follow up and he is being rushed. Mr. Neff stated they are moving on to the next witness. Dr. Cetron echoed that there will be more time to ask questions. Mr. Broadbent stated that they need to maintain continuity and the Board called a recess when he was not done with the conversation. Mr. Neff repeated that there will be another chance to ask questions and stated that they will be calling the traffic witness at this time. Mr. Broadbent stated that they are getting cut off at 9:30 so they cannot ask questions tonight. Mr. Colangelo asked what the question is.

Mr. Broadbent stated that his last question was regarding variances and it was answered. He feels Mr. Tuvel was disingenuous because he did not discuss the waivers. He would like to know how many waivers are being requested. He then asked if the Board has the ability to grant or deny those waivers. Mr. Tuvel stated that that was not part of the civil engineering testimony that was given, the applicant has a Professional Planner who will discuss the number of variances and waivers that will be requested. These were also discussed as part of this hearing at the last meeting. At this point, several members of the public began yelling and the record was not clear.

Mr. Broadbent asked how many waivers are being requested and what they are. Mr. Tuvel stated that he will give the number but in an interest to save time, he would refer to the engineer's report and the Planner's testimony later in the hearing process. Mr. Broadbent asked Mr. Tuvel to tell him how many waivers are being requested. Mr. Tuvel replied five. Mr. Broadbent asked what waivers are being requested. Mr. Tuvel explained each of the five waivers being requested, noting that they will present the justification during the Planner's testimony.

Nicholas Verderese, of Dynamic Traffic, was sworn in and accepted as an expert traffic engineer. Mr. Verderese described the site and explained the internal circulation referring to exhibit A-24. He noted the 11 parking spaces, the backing aisle and the loading zone.

Mr. Verderese pointed out the driveway locations, stating that there is an inbound only access on Route 36 that will accommodate cars and smaller trucks. The tractor trailer delivery will come in through the southerly driveway on First Avenue and set up in the loading zone, which is designed to adequately accommodate the larger tractor trailers. The driveways are 15 feet wide with a 15' radius on the Route 36 driveway. As it exists currently, the entire frontage on Route 36 is a driveway, with the exception of the Atlantic Highlands sign, and they use cones to help restrict traffic currently. The applicant has had discussions with DOT, who recommended the inbound only driveway on Route 36 so they designed the site around that to accommodate egress traffic on

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First Avenue. The current driveway abuts right up to the neighbor's driveway so the applicant has moved the driveway away from that lot line with a radius that shifts it even further from that property line. Sidewalks and landscaping have also been added. In terms of the bus stop located at the corner of Route 36 and First Avenue, when the bus stops it blocks half of the existing driveway so by moving the driveway to the east, it provides an area for the bus to stop without blocking the driveway access. In regard to other potential users of the site, since the ordinance does allow for restaurants, offices and things of that nature, the site access proposed is what most developers would try to do and what would most likely be approved by the DOT. With an inbound only on Route 36, they have an inbound only for the southerly driveway on Route 36 because you don't want traffic exiting that close to an intersection as they do today. Currently, a two way driveway exists where they are proposing an ingress only. The safety has been improved by eliminating the egress at that spot. In this case, they are lucky to have acquired the additional piece of property in order to move the egress 110 feet from the stop bar on First Ave and has been pushed to the most northerly location of the two properties combined. If someone came in and developed only the auto repair lot, the egress would be even closer to the intersection of First and Route 36. Mr. Verderese feels that this is the best and safest access for this property for this use or any other use that may come in to develop this property. The applicant has not yet received any review letters, they only met to discuss the concept and they are currently under review.

Mr. Neff questioned the time frame for DOT approval. Mr. Verderese replied it is hard to predict but he is hoping to have something in time for the next hearing. He added that any interested parties can reach out to the NJDOT Department of Major Access Permits if they would like to discuss or send letters.

Mr. Verderese stated that he anticipates traffic coming in from a westerly direction utilizing the Route 36 driveway, making a left turn out of the site and make a left back out to the light at First Avenue and Route 36. The second most likely movement would be travelling north on First Avenue, making a right into the site and exit making a right back on to First Avenue. The majority of convenience store traffic is someone who is already on the roadway; Mr. Verderese doesn't anticipate people living three miles away making a special trip to the 7-11 on Route 36 and First Avenue, especially when there are several convenience stores in between. This location draws in a lot of highway traffic and ferry traffic can pull in and pull out. Of course, there will be a percentage of traffic that travels specifically to this site, but the majority of the traffic will be pass-by traffic, who is already on the roadway.

Mr. Verderese advised he has conducted many traffic studies along the Route 36 corridor so he fully understands the seasonal nature of the area. They conducted their traffic counts in the off peak season, however it was adjusted by 29% to account for the seasonal traffic flow. The DOT does not allow for a seasonal adjustment, but he understands the concerns of municipalities as it relates to seasonal traffic. He has also studies the seasonal adjustment and found the actual numbers to work out to a 10% increase in the summer on a weekday and about 20% on the weekends. The traffic counts were surcharged with the proposed traffic volumes to identify the operation of the driveways and intersections. Mr. Verderese explained the Trip Generation Manual that is used by all traffic engineers. Because this project is primarily pass-by traffic, they were conservative in nature because they did not subtract any of the traffic from the bike shop or the auto repair shop. The traffic backing up on First Avenue comes in spurts as the ferry lets out and he has seen it reach as far back as the Borough Hall. Currently, all the driveways along First

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Avenue are contending with the same traffic conditions, traffic backed up in a south bound direction in the evenings. The positive part is that the signal operates to create gaps so generally drivers must wait for a courtesy gap. It is not likely to get a lot of traffic coming to this site that want to get back to Route 36; this is a convenience store and if it is not convenient, you will not pull in so it will become self-policing. If you are familiar with the town, you will make a right out of the site, a left onto Garfield and then use West Ave to get back to Route 36. Luckily there is no parking along this frontage of First Avenue so there are no parked cars to compete with when trying to pull out. The southbound movements in the evening has a failing level of service currently and he has suggested the DOT modify some of the signal timing for the southbound movement. He can request it with the DOT but he can't guarantee they will approve it.

Mr. Neff asked if this is a good time to cut off. Mr. Tuvel advised that the parking testimony will be next, but they can do that when they come back.

Mr. Pepe stated that he thinks the idea of requesting a signal adjustment would be great. Mr. Verderese replied he will be sure to copy the Board Engineer on correspondence to the DOT. Mr. Rohmeyer added that the report references build/no-build and a requested traffic modification and if it is not requested then it can't be considered at this time. Mr. Verderese replied that he wouldn't consider it as a definite fix but it could potentially help the already failing intersection.

Mr. Freiberger announced for the record, this application is being carried to August 9, 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.

PB18-08, Block 71, Lot 2, 9 Grand Avenue (Cohn/Mumm) – Application for Fence Variance
– Mr. Steib stated that the notice is in order and the Board has jurisdiction to hear this application. The application for variance was marked as Exhibit A-1. A property survey was marked as Exhibit A-2. A letter from the Zoning Officer, dated June 4, 2018 was marked as Exhibit A-3. A photo series of existing conditions was marked as Exhibit A-4.

Bruce Cohn was sworn in as the applicant. Mr. Cohn stated that he is seeking the variance to permit a 6 foot fence, where a four foot fence is permitted. He indicated he would like the fence to prevent headlights from shining into the home and to provide privacy and safety to his grandchildren who play in the backyard. The proposed fence location is around the perimeter of the backyard which has street frontage. The lights of cars coming down Eighth Avenue shine right into the home. He is asking to line the fence up with neighboring fences of the same height.

Mr. Neff questioned the property line along Cross and Eighth Avenue and asked about the drop that he noticed on the property.

Ed Thorne, 26 Grand Avenue, was sworn in as the contractor for this project. He had taken down the old fence years ago with the old owner. The old fence was 6 feet and they would like to attach to the neighbors' six foot fence. The drop from the street down to the yard is about four feet.

Mr. Neff asked about how far the house is set back from the street. Mr. Thorne replied about 60 feet.

Mr. Cohn stated that even a six foot fence will not cure the problem with the headlights, but it will help.

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Mr. Pepe asked for clarification on the topography. Mr. Cohn advised that Eighth Ave is higher than the home.

Mr. Hawley asked about the large tree that is located near the property line. Mr. Cohn stated that the fence will go behind the tree.

Mr. Caccamo asked if the fence would affect the visibility on the roadway. Mr. Hawley added that there is no stop sign at that corner.

Mr. Rohmeyer explained the requirements of a sight triangle, noting that nothing over 30” is allowed within that area. The sight triangle location by going back in both directions 25 feet from the intersection of the two right-of-way lines and then striking a line between the two.

Dr. Cetron clarified that the applicant would either need to request an additional variance for the sight triangle or agree to move the fence 25 feet back to accommodate the site triangle.

A discussion was held regarding alternate options. Mr. Caccamo suggested a four foot fence with plantings to shield headlights. Dr. Cetron suggested cutting out a corner of the property for the sight triangle, and allowing a 10 foot fence in the area that is cut out, in order for the tops of the fences to remain flush with the neighbors. The applicant indicated agreeance with Dr. Cetron’s suggestion.

Mr. Neff asked for any questions or comments from the public. None were received.

MR. COLANGELO OFFERED A MOTION TO APPROVE THE APPLICATION WITH A CONDITION THAT THE APPLICANT MUST COMPLY WITH SIGHT TRIANGLE REQUIREMENTS OF THE BOROUGH ORDINANCES, SECONDED BY DR. CETRON.

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

Mr. Steib noted this approval will be memorialized at the Special Meeting being held on July 31, 2018.

PB17-17, Block 13, Lot 24, 210 Ocean Boulevard (Parasar) – Application for Bulk and Use “d” Variance – Mr. Illiano stepped down from hearing this application.

Mr. Steib stated that the notices are in order and the Board has jurisdiction to hear this application. A Zoning Denial from the Zoning Officer, dated December 20, 2017 was marked as Exhibit A-1. An Application for Variance was marked as Exhibit A-2. The Property Survey was marked as Exhibit A-3. A set of Architectural Elevations, prepared by Gregory Ralph, were marked as Exhibit A-4. The Review letter of CME Engineering, dated February 8, 2018 revised February 12, 2018 was marked as Exhibit A-5.

Mr. Steib clarified that the Board may want to focus on page V.3 of the plans. The plans cover the entire home and property, while the application is just for a small portion of the home. On page V-3, there are two elements to this application; the dotted line is being pushed out on the second floor, creating an FAR variance. The circular stairs have a landing outside the double door and the coverage variance is in relation to that landing.

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Anshumat Parasar was sworn in as the applicant. Gregory Ralph was sworn in and accepted as an expert Architect.

A colored rendering of page v.5 was marked as Exhibit A-6.

Mr. Ralph explained that the variances being requested are for 0.24% lot area relating to the landing of the spiral staircase and for an increase in usable Floor Area Ratio of 1.6%. The infill construction being proposed is over existing building. There are several existing non-conformities on the site that will remain but are not being affected by this application. Including the cellar, the home is 3,816 square feet. Excluding the cellar, the home is 3,164 square feet. The lower level is the entry, garage and bed room level and the second floor is all of the living space. While the square footage is significant, the number of rooms is not. The rear of the building is characterized with terraces to split living spaces. There is a terrace off the kitchen and living room that bifurcates the living space and creates a long narrow hallway between the two. The applicant is asking to enclose a portion of the terrace. The second level is about eye level with Ocean Boulevard because of the steep slope on the property.

Mr. Parasar stated that they moved into Atlantic Highlands and were hoping to downsize and have a smaller lot with fewer rooms and more open spaces within the home. Once they moved in, they found that there were several leaks caused by the flat areas of the terraces on the second floor. They also found that there was no access from the yard from the deck area, so they are proposing the access to make it more usable. They have had extensive repairs due to the leaks and they are hoping to avoid having to do that again in the future. He would also like to eliminate the narrow hallway between the kitchen and the living room to allow for more open space.

Mr. Ralph explained that he took the footprint of the existing exterior deck, enclosed it and incorporated it into the kitchen and family room area. From the interior, the spaces are connected and there is a much better line of sight. The spiral staircase will remain, a landing and double doors will be installed to grant access to the yard area. The proposed enclosing would create a new roof area and the applicant is proposing to make a rooftop deck in that area. The height of the proposed roof is intended to align with the height of the existing roof. The intent from the street is to keep the massing similar to what was there. The materials will match what is existing. There will be minimal impact to the zone as you would only see the construction from the rear or side properties. FAR restrictions are generally to prevent bulk and they are adding to the FAR over an existing footprint.

Dr. Cetron indicated concern with future enclosing of the rooftop terrace, he would like to see a condition in the Resolution to prevent that.

Mr. Caccamo suggested a 42" guardrail where 36" is proposed. He added that the building department may ask them to install it that high.

Mr. Rohmeyer clarified that no further grading work will be done other than what was approved during the Steep Slope Application Review. Mr. Ralph indicated agreeance.

Mr. Neff opened the hearing to members of the public for questions or concerns. None were received.

Dr. Cetron stated that he doesn't see much of a downside to approving this application since they are not expanding the footprint.

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MR. COLANGELO OFFERED A MOTION TO APPROVE THE APPLICATION WITH THE CONDITION THAT THE ROOFTOP TERRACE CAN NOT BE ENCLOSED IN THE FUTURE, SECONDED BY MR. MCGOLDDRICK.

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

Mr. Steib advised the Resolution will be memorialized at the July 31, 2018 meeting.

PB18-01, Block 19, Lot 1, 233 East Highland Avenue (Kozlowski) – Application for Bulk and Use “d” Variance – Mr. Steib advised this applicant has requested to have the hearing carried to August 9, 2018 at 7:30 pm at 100 First Ave, Atlantic Highlands, NJ. No further notice will be given.

PB16-13, Block 8, Lot 23.01, 25 Bayside Drive (J&L Bayside Drive LLC) – Application for Bulk Variances – Mr. Steib advised this applicant has requested to have the hearing carried to August 9, 2018 at 7:30 pm at 100 First Ave, Atlantic Highlands, NJ. No further notice will be given. Mr. Steib added that the applicant and opposing neighbors have reached a settlement and have agreed to subdivide the property. The new owners will be filing an amended plan prior to coming back to the Board.

Mr. Neff reminded the Board members there is a Special Meeting being held July 31, 2018 at 7:30 pm however the Board is required to arrive at 6:00 pm for a training seminar.

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 10:42 P.M.

Erin Uriarte
Planning Board Secretary