

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
AUGUST 29, 2018**

SPECIAL MEETING: 7:31 P.M.

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

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.

Chairman Neff also stated that the Procedural Notice was amended by a motion of the Board at last month’s regular meeting. This was not done specifically for this meeting, but will be done on all Agendas going forward.

Approval of Minutes for the August 9, 2018 Regular Meeting

MR. COLANGELO MOVED TO APPROVE THE MEETING MINUTES FOR AUGUST 9, 2018, SECONDED BY MRS. MURRAY

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

PB18-06, Block 142, Lot 5, 17 Avenue D (Denholtz Custom Homes) – Application for Preliminary & Final Major Subdivision Approval with Variances – Mr. Steib advised the Board has previously taken jurisdiction on this application however no testimony has been started. Mr. Steib read a list of exhibits that were previously marked: Exhibit A-1 is the Application for Variances of Denholtz Custom Homes, LLC with Checklist, dated May 10, 2018. Exhibit A-2 is a Stormwater Management Report prepared by Kennedy Consulting Engineers, LLC dated May 3, 2018. Exhibit A-3 is a Geotechnical Engineering Report prepared by Craig Testing Laboratories, dated February 8, 2018. Exhibit A-4 is a Portion Topographical Survey Map Prepared by Yorkanis & White Surveyors dated March 19, 2018. Exhibit A-5 is a Boundary & Topographical Survey Map prepared by Yorkanis & White Surveyors, dated September 26, 2018. Exhibit A-6 is Preliminary & Final Subdivision Plans prepared by Kennedy Consulting Engineers, dated March 26, 2018 revised July 12, 2018. Exhibit A-7 is an Application for Subdivision for Denholtz Custom Homes, LLC. Exhibit A-8 is the Affidavit of Ownership of McConnell Realty Company Corporation, dated April 4, 2018. Exhibit A-9 is a waiver request justification. Exhibit A-10 are Utility Will Serve Letters from Verizon, NJ Natural Gas, JCP&L and Comcast. Exhibit A-11 is a review of CME Associates Completeness/Technical Review #1 dated June 13, 2018. Exhibit A-12 is a Boundary & Topographic Survey Map prepared by Yorkanis & White Inc, dated April 12, 2018. Exhibit A-13 is a letter for Kennedy Consulting Engineers dated July 17, 2018. Exhibit PB-1 is a memorandum of Attorney Steib regarding RSIS requirements dated July 23, 2018. Exhibit O-1 is a letter from Attorney Asadi for “Neighbors for Waterfront Preservation” dated July 25, 2018. Exhibit A-14 is a letter from Attorney Giunco, dated July 27, 2018. Exhibit PB-2 is a memorandum of Attorney Steib dated July 26, 2018. Exhibit A-15 is correspondence from Attorney Giunco dated July 25, 2018 with Service Packet. Exhibit O-2 is a letter from

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Attorney Asadi, dated July 31, 2018. Exhibit PB-3 is a supplemental memorandum of Attorney Steib dated July 31, 2018. Exhibit A-16 is a report of CME Associates, dated July 27, 2018. Exhibit A-17 is a zoning review letter from Zoning Officer Clark, dated May 23, 2018. Exhibit J-1 is a colored rendering boundary & topographic survey map, prepared by John T. Luts, dated September 28, 2017. Exhibit J-2 is a Deed from State of New Jersey to Standard Oil Company of NJ dated July 21, 1930, recorded July 2, 1973. Exhibit A-18 is a letter from Attorney Giunco regarding RSIS dated August 29, 2018.

John Giunco appeared on behalf of the applicant, Denholtz Custom Homes. The applicant is seeking subdivision approval for 21 lots with some variances and a de minimous waiver request. He has two witnesses with him this evening, the Engineer and the Planner for the Applicant.

James Kennedy was sworn in and accepted as an expert witness. Mr. Kennedy presented two exhibits. A colored rendering of the site plan was marked as exhibit A-19 and an aerial lot exhibit photo was marked as Exhibit A-20.

Referring to Exhibit A-20, Mr. Kennedy explained the property location, surrounding roadways, previous and existing roadways and surrounding uses. There is currently Borough owned land adjacent to this site, which is being used by the Catamaran Club. Referring to exhibit A-19, he pointed out the property lines and proposed property lines. There is an open space lot proposed between the homes and the bay. The open space lot consists of two portions; the beach area and a pedestrian walkway that will be restored to native conditions. There will be a 10 foot pedestrian walkway behind the bulkhead, which is also proposed to be repaired. The pedestrian walkway would provide access to the beach area.

Mr. Fligor asked what the bulkhead would be made out of. Mr. Kennedy replied that the bulkhead will be built to CAFRA requirements which ask for non-polluting materials such as vinyl or steel and concrete.

Mr. Kennedy stated that the property slopes from Bay Avenue to the northwest direction towards the bay. The 21 lots meet the square foot requirement for lot area, lot frontage, lot depth and lot width. They actually meet the ordinance requirements for all bulk requirements with the exception of the lot shape diameter requirement. So even though the lots are all conforming in size, they do not meet the lot shape requirement.

Referring to A-19, Mr. Kennedy pointed out the proposed lot lines. There is a portion of the open space lot is in the upper left hand corner and the second area of open space is located adjacent to the Bayfront. In that area, they are proposing native plantings to restore the vegetation. Right now, it is broken stone and sand. A pedestrian walkway is proposed along the bulkhead, which will extend throughout the entire Bayfront frontage. The elevation of the bulkhead is 8 and the walkway will be a surface walkway behind the bulkhead and will provide public access to the bulkhead.

Councilman Fligor questioned the material being used on the bulkhead. Mr. Kennedy replied that according to CAFRA-DEP rules, the bulkhead must be made from non-polluting materials so they are left with two choices; one would be a vinyl type Shoreguard or steel and concrete.

Mr. Kennedy explained the proposed subdivision is for 21 single family lots, each of which meet the minimum 7500 square foot lot area. They are not asking for any variation for lot area, frontage, width and depth. They are requesting variances for the lot shape circle and their Planner will go further into detail about the relief requested however he pointed out the lots and described where

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the variances are. There are four lots located along the southerly portion of Road A, they vary from 33 feet lot shape circle a 45.5 feet lot shape circle, where a 50 foot lot shape circle is required. The lots located at the northerly portion have lot shape circles ranging from 31.5 and 42.7 feet where a 50 foot circle is required. The Ordinance lessens the requirement for lot shape circle for corner lots so the lots along Avenue D require a 45 foot circle and the applicant is proposing 35.2 feet and 40.1 feet. Lot 5.15 is located in an area where an adjacent property that juts into their property creating a lot circle of 36.7 where 50 is required. The lot shape circle deviation is on some of the larger lots, although they meet all other aspects of the bulk variances but the Planner will go further into it.

The applicant is also proposing a RSIS compliant roadway that was prepared with 30 MPH design although the typical speed is 25 MPH. They are consistent with RSIS standards for all physical geometry of the road. The Board engineer has suggested sidewalks on both sides of the street, which will be provided. A waiver was originally requested from providing street trees on both sides of the street due to the natural restoration of the beachfront area, however they were able to find tree species that would work in that area so the waiver is no longer requested. The proposed plan density is consistent with the Ordinance. The roadway is 1300 feet long and 28 feet wide with concrete sidewalk on both sides. Belgium block curbing is proposed for the roadway edging. The topography allows the property to drain to a low point of the property which will tie in to a water filtration system before being discharged. Water quality is enforced by DEP and the design is compliant with those requirements.

Councilman Fligor asked who will clean out the drainage system. Mr. Kennedy replied that the Board Engineer has recommended a Developer's Agreement to address the ongoing maintenance of the drainage system, lift system and pump station.

Councilman Fligor asked if the public access to the open space would be done through an easement or a dedication. Mr. Giunco advised that the applicant is willing to dedicate it to the Borough but they will consider an easement.

Mr. Neff asked if there will be a Homeowner's Association. Mr. Giunco advised that has not been decided yet.

Mr. Colangelo asked who will be responsible for the roadways and if it is an easement, who will be responsible for upkeep of the walkway. Mr. Giunco advised that all of that will be dedicated to the Boroguh. Mr. Colangelo stated that "dedicated" is a great zone but this is a flood zone, and it's great they want to build a walkway, but the trail flooded out and cost millions to fix. Mr. Giunco stated that if the Borough does not want to accept the improvements, then the applicant can leave it as is.

Mr. Neff advised that the meeting is being recorded and asked that the crowd refrain from clapping and cheering.

Mr. Kennedy explained that the applicant is proposing to upgrade the existing infrastructure. A six inch water main will be installed and the Bay Avenue infrastructure will be upgraded to a six inch water main as well. Four fire hydrants will be added to the site, where there are only two existing now along Avenue D. All electric, gas and communications are all proposed underground. The sanitary sewer will include an 8 inch gravity main which is a conventional design that will flow to a lift station on the low point of the property and a two inch force main will be utilized to lift the sewage out to be treated. The lift station is buffered with a six foot fence with vegetation

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around the perimeter and the sound will meet State requirements. The lighting will be LED colonial box-type fixtures. The landscaping proposed is perimeter and buffer plantings in addition to the revegetation of the slope between Road A and the bay. No signage is proposed with the development after it is developed. A temporary construction sign is proposed to be utilized during construction only. A design waiver had previously been requested for a concrete sign however they have eliminated the sign and the waiver is no longer necessary. A waiver had also been previously requested for having sidewalk on both sides of the streets, however that too has been provided and a waiver is no longer required. There is a de minimis exception request from RSIS standards for intersection offset. RSIS standards are State standards that are used when a municipality has no standard. In this case, the Borough has no requirement from intersection offset. The intersection offset is for the northerly portion of Road A and Harborview Drive, where RSIS requires intersections to line up. It doesn't take into consideration, special characteristics like a dead end. The looped access road is a safer design alternative than only providing one way in and one way out.

Mr. Giunco asked if the granting of the lot shape circle variances and waivers would detriment the zone plan. Mr. Kennedy stated that it will not impair the zone plan as they meet all of the bulk standards, with the exception of the lot shape requirement. This requirement is generally to keep standard lot shapes instead of trapezoids, triangles, etc. In this case, they are regularly shaped lots the setbacks are met and the design is compliant with the RSIS standards in regard to the geometry internal to the site. In regard to the intersection offset, Mr. Kennedy explained there is insufficient traffic on southbound Avenue D to create the left turn lock into the site. There would be no detriment to the zone plan in granting this request.

Mr. Neff asked about the setback variances that had been requested and asked how they became compliant. Mr. Kennedy stated that there was an existing commercial structure that required a variance and that building has been marked to be demolished.

Mr. Colangelo asked if the applicant were to meet the lot shape requirement, how many lots they would end up with. Mr. Kennedy replied that the open space dedication would be eliminated and they would create 17 lots, however he feels that this is a better planning alternative.

Mr. Kennedy stated that he tried to address as many comments in the CME review letter as possible, but if there are any remaining, the applicant will comply.

Mr. Rohmeyer referred to the Base Flood Elevation and asked for some insight as to the zone boundaries, with regard to the proposed housing, in particular how they plan to comply with the Damage Prevention Ordinances. Mr. Kennedy replied there is an AE-13 zone that requires certain techniques to construct the building to zone standards. Each lot will comply with the uniform Construction Code.

Mrs. Murray questioned the elevation of the pump station and asked if it will be regraded. Mr. Kennedy stated that a portion of the property is being regraded; along the westerly boundary the portion of the open space lot and the pump station will be about 5 feet above existing grade. A retaining wall is proposed to drop them back down to existing grade for the remainder of the property.

A discussion was held regarding regrading versus filling the lot and obtaining an elevation certificate. Mr. Kennedy stated that the elevation certificate will be required at the time of

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construction. He added that this lot will require some fill and there is a hump in the middle of the site so they will have to move dirt around to accommodate the roadway.

Mr. Neff asked if it is a five foot retaining wall near the pump house. Mr. Kennedy replied that is correct. A structural engineer will design the wall, likely out of concrete block and it will have to be built to comply with AE-13 construction. Mrs. Murray questioned who will be responsible for the wall. Mr. Kennedy replied the maintenance of those features will be addressed in the Developer's Agreement.

Councilman Fligor asked about the AE designation and the vinyl bulkhead being proposed. Mr. Kennedy stated that the bulkhead construction is a completely different design than a retaining wall, but since they are guided by CAFRA it is a different kind of construction. It will be designed by a structural engineer. Mr. Fligor questioned the measurements of the bulkhead and the retaining wall. Mr. Kennedy replied that it will be about 650 feet of bulkhead and the retaining wall will be about 200 feet.

Mr. Neff asked for clarification of the location of the retaining wall. Mr. Kennedy referred to A-19 to clarify. Mr. Neff asked that if it would be a gradual walk way downward towards the open space from the Catamaran Club. Mr. Kennedy advised that the slope is more up by the road near the retaining wall and not so much near the public access.

Mr. Rohmeyer asked for detail about the connection between Avenue D and the proposed public walkway and if there will be a connection on the western side. Mr. Kennedy stated that they had received feedback from the neighbors who did not want cars parked at the end of Avenue D, which is why they did not propose access from Avenue D. On the eastern side of the open space area, it will be a sandy area. It is proposed to be a nature trail, similar to the park system trails; not all County parks are ADA accessible. Mr. Rohmeyer asked what type of material will be used on the public walkway. Mr. Kennedy stated that they were hoping for some feedback from the borough or the Board to that regard. Mr. Colangelo indicated that he is not comfortable with comments about what the Borough or the Board wants; he doesn't feel it is their job to help design the walkway. The Board is here to review the plan submitted to them rather than picking between different options. Mr. Kennedy stated that if it were up to him it would be a vinyl material similar to Trex. It would be a structurally sound design to withstand waves.

Mr. Giunco stated that there will be a deed to dedicate this to the Borough, which is why they are asking the Borough what they want but they will be receptive to the Board member comment.

Mr. Neff stated that page 3 of 11 seems to have a typo in the lot chart. Mr. Kennedy explained that the 5.13 and 5.12 have been typographically switched. To be clear, a lot shape circle variance is requested for lot 5.12 is 40.1 feet and lot 5.13 is 49.1 feet. It is correct on the plan, but the chart has a typo.

With no further Board member questions, Mr. Giunco called his next witness.

Andrew Janiw was sworn in and accepted as an expert Planner. Mr. Janiw explained that he has reviewed all documents related to this application as well as the Borough Ordinances and Master Plan and has prepared a few exhibits. Exhibit A-21 is an Aerial View of Site, from Microsoft Bing, dated 2018. Exhibit A-22 is a 2-sided photo board, with 4 photos on each side of subject and nearby properties. Exhibit A-23 contains an aerial photo of the R-1 Zone, R-1 Zone Map, the proposed lot layout and a series of tax map sheets (sheets 26, 27, 28, 29 & 30) showing blue dots

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on the lots that do not meet the Lot Shape Requirement and yellow dots to indicate the properties shown on Exhibit A-22.

Mr. Janiw described the location of the property location, surrounding uses and permitted uses for the zone. The property is in the R-1 zone and the existing use is not permitted in this zone. The applicant is proposing to create 21 single family lots, with one open space lot which will traverse the waterfront of the property and will contain a pump station. The sole bulk variance relief that applies to 11 of the lots is for Lot Circle Shape Requirement. The existing property is in excess of 308,000 square feet which is well over the minimum lot size requirement for this zone, which is 7500 square feet. The parcel has frontage along Sandy Hook Bay on the northern property line and is irregular in shape at the southern perimeter. The redevelopment of this lot is to bring it in to conformance with the zone plan. He referred to the 2018 Cox Land Use Guide as it relates to existing non-conforming uses. The applicant is seeking to take a non-conforming use and make it conform to the zone plan. The Master Plan calls for single family homes and the bulk standards require 7500 square foot lots. With the exception of lot shape circle, the applicant meets all of the bulk standard requirements. The circle is an interesting concept that is not embraced by most municipalities. The intent of the circle shape requirement is to ensure that lots are configured with a regular shape and to avoid zig zags or irregularly shaped properties. Referring to exhibit A-22, of the six homes shown, only one of them is compliant with the lot circle requirement. Mr. Janiw described the different homes on the exhibit to show the existing character of the neighborhood. This zone also contains a multi-family home, which also sits on a lot that is not compliant with the lot circle requirement. Ten of the proposed lots do not meet the circle requirement. He referred to the principals and objectives of the current Master Plan, noting that the applicant is maintaining the present density and lot size of the neighboring community. The property does fall in the State Planning Area 1, which is a smart growth area with a "center" designation. Anything in a "center" is where growth is intended to go because of the available infrastructure. From a State planning perspective, they are consistent with what is envisioned here. From the Borough's Zone Plan perspective, they are consistent with the density, the lot size and the types of homes being introduced here. The applicant is presenting a way to preserve the economic viability of the community through the presentation of a land use that is consistent with the density and lot sizes of the community. They have also met the goal of maintaining and preserving the existing single family neighborhood as well as encouraging restoration and development of substandard sites. The zone plan prohibits the existing commercial use on the site and this proposal will bring the site into compliance with the zone plan. The single deviation being requested will not cause any detrimental impact on the zone plan in that they meet all bulk lot requirements and fall in line with the nature of the homes in the area. The Master Plan had also identified this property as being a vacant parcel that will eventually be developed.

Mr. Janiw reviewed criteria for granting a variance, noting that the Municipal Land Use Law encourages development of a site that will return it to a conforming use and this has long been considered a benefit to the community. The proposal is not seeking any deviation from setback requirements therefore they are providing adequate air, light and open space. This property is zoned for residential lots with a minimum of 7500 square feet and that is what is being proposed. The applicant is able to provide 21 lots that meet all setback and lot size requirements, as well as providing waterfront open space, therefore they are absolutely consistent with the Municipal Land Use Law. In regard to the RSIS waiver, the applicant is requesting a deviation from the intersection offset requirement. Because of the limited traffic in that area, the waiver being granted would cause no harm to the safety and welfare of the surrounding community.

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From a Planning perspective, Mr. Janiw feels this is a pretty simple application with only the one deviation for 11 lots, which is the lot circle shape requirement. He has already discussed the intent of that requirement. He feels the Board can grant the variance under the C-2 criteria, in that the applicant is taking a vacant property with a historically non-conforming commercial use and proposing to bring it into compliance with the zone plan. The proposal advances multiple purposes of the Land Use Law and they are consistent with the character of the Master Plan. Granting the lot circle deviation will help to advance that purpose of the MLUL. The benefits of granting this variance will outweigh any detriment. The variance being granted will not cause any detriment to the zone plan or surrounding community being that this is a permitted use and falls in line with what is envisioned for this area in the Master Plan. The deviation being requested would not impact any of the neighbors because the requirement is to ensure the lot is regularly shape to accommodate a regularly shaped home; it is intended to standardize the building envelope and allows for adequate air, light and open space. The subdivision being proposed is consistent with all aspects of the zoning ordinance and Master Plan. Referring to exhibit A-23, Mr. Janiw noted that the of the 346 lots, 59% do not meet the lot circle requirement; the applicant's proposal has only 52.5% that do not meet the requirement. The significance of the exhibit is to show that granting of the deviation is in line with what is existing in the zone.

Mr. Neff asked if there are any renderings of the homes being proposed. Mr. Giunco replied that the client has an architect retained to custom design each home to fit within each lot. There are a few designs being worked on, but they have not designated a specific design. The architect is present this evening to answer questions.

Mr. Neff reminded the public that anyone who wishes to speak must sign up on the sheets in the hallway. The Board took a brief recess at 9:20 pm and reconvened at 9:30 pm.

James J. Monteforte was sworn in and accepted as a Licensed Architect. He has prepared two exhibits; Exhibit A-24 is an Elevation and Floor Plan entitled "The Starboard" prepared by Monteforte Architects. Exhibit A-25 is an Elevation and Floor Plan entitled "the Spinnaker" prepared by Monteforte Architects.

Mr. Monteforte stated that they are planning a nautical theme for the homes, with indigenous materials such as shake, clap board and composite materials that will stand the test of time. Each home will be custom designed by him and he is aware of the extreme weather conditions of the area and is designing the homes to withstand the various weather conditions. The Starboard design is intended for the closer to the top of the hill. It is a 2 and a half-story unit and you will notice the grade increases towards the rear of the home. Each home will have a wraparound deck to capture as much of the view as possible. The intent is to tier the homes down the hill towards the waterfront to avoid blocking the neighboring views. The Starboard is a moderately sized home, at approximately 2,600 square feet. The Spinnaker is more of a cape-style home that would be located closer to the waterfront. The colors being proposed are greys, beiges, blues and various colors for the doors to make each home unique. Each home will have a blue metal roofing to tie all the homes together as they sit on the property. They are proposing all composite materials. Some homes may have basements or cellars and that will be mostly up to the person buying the lot.

Mr. Iarazza asked how many design options will be offered. Mr. Monteforte replied that they are trying to stagger the lots and the houses so that you can see between them. He is thinking there were will be about 4 or 5 basic designs that can be modified to fit each homeowner's needs and

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desires. Mr. Iarazza asked if there will be any restrictions on color and design to prevent the same home being used throughout the site. Mr. Monteforte replied that he will be the restriction, he will be the architect for the entire site.

Mr. Dougherty asked if there are decks and patios proposed. Mr. Monteforte replied yes, he is trying to utilize as much outdoor space as possible.

Mr. Fligor questioned basements and monitoring wells for each home. Mr. Giunco advised that each home will be designed individually and will be subject to Building Department review.

Mr. Neff stated that he will now open the hearing to the members of the public who signed up to ask questions. He asked that Counsel advise the Board of who they are representing.

Kevin Asadi appeared on behalf of the Neighbors for Waterfront Preservation. He noted that there are many members of the public present this evening and he has not met or seen most of them. He represents four people who make up Neighbors for Waterfront Preservation and those people will not be speaking or asking questions because he represents. Everyone else present is not a part of his group and are allowed to speak. The four people he is representing are Robert O'Connor, Benson Chiles, Tara Shah and David Shuzinhoffer. Mr. Asadi stated that other than those four people, everyone else should be given an opportunity to speak. Mr. Giunco asked if Mr. Asadi plans to present any professionals. Mr. Asadi replied that he is planning to present two witnesses.

Shelly Kennedy, 104 East Highland Avenue, questioned how the spacing of the homes was established. Mr. Kennedy explained that it was guided by the setback requirements in the Borough's Ordinance. Ms. Kennedy asked for clarification of the lot shape circle requirement. Mr. Kennedy explained accordingly. Ms. Kennedy questioned the consistency of the Open Space with the Master Plan. Mr. Janiw explained that the master plan encourages utilization of the plans as it is zoned. Ms. Kennedy asked if anyone factored in the "Sandy-effect" and the wave that hit Atlantic Highlands. Mr. Janiw explained that those type of factors had been considered. Ms. Kennedy questioned the reference to a State Plan. Mr. Janiw explained the State Plan and noted that it is a living document used by the State to determine criteria for various issues.

Marilyn Scherfen, 55 Avenue D, asked questions relating to the Lenape people who used the site, specifically if an archeological investigation will be done if any artifacts are found. She further asked if there will be notification to potential buyers about the contamination. Mr. Giunco explained that it is the client's understanding that the site has been remediated however if they find anything during construction, it will be remediated in accordance with appropriate regulations. Every potential homebuyer has the right to go to the Municipal Clerk to find out about any potential contaminants in the area. The applicant will also have to secure approval from the Freehold Soil Conservation District.

Brett Sonnek-Schmelz, 51 Ocean Boulevard, questioned the lifespan of the vinyl bulkhead and if there is a warrantee. Mr. Kennedy replied that the typical service life is 25 -50 years however that all depends on the material used and the storms that hit. Mr. Sonnek-Schmelz asked for an explanation of RSIS waiver being requested. Mr. Kennedy explained accordingly. Mr. Sonnek-Schmelz asked if the Board has the ability to decline a subdivision notwithstanding the requested variances and waivers. Mr. Steib explained case law, known as Pizzo Mantin, which states if an applicant submits a plan with all municipal requirements, they are entitled to an approval. Mr. Sonnek-Schmelz questioned testimony regarding a 17-home plan and was advised that the question was raised by a Board member as to how many homes would fit if the lot shape

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requirement was complied with. Mr. Sonnek-Schmelz asked if the developer would be willing to reduce the plan down to 17 homes and provide additional open space. Mr. Giunco replied that the proposal and requests for deviation is insignificant in relation to the lot sizes and the applicant has entered testimony demonstrating the purpose of the lot shape circle is being met. The analysis of the impact was provided through Mr. Janiw's testimony. Mr. Sonnek-Schmelz asked if the Board is obligated to grant the RSIS offset waiver and if the project would be possible without the offset. Mr. Giunco advised the Board is not obligated to grant the waiver and the project would still be possible without the intersection offset waiver, however it would probably be a one-way. He reiterated the testimony regarding the limited traffic on Avenue D. Mr. Sonneck-Schmelz asked questions regarding traffic generated from this project in relation to the left-turn lock. Mr. Kennedy explained the projected traffic movements. Left turn lock occurs when approaching the intersection, not when exiting the site. Mr. Kennedy added that they did look at a cul-de-sac design but found that this is a safer, more practical design. Mr. Sonnek-Schmelz questioned if the Board will engage additional experts to analyze traffic and was advised no. Mr. Sonneck-Schmelz asked several questions about Board policy and was advised this is the time for questions of the applicant's testimony.

Kate Wigginton, 62 Avenue D, referred to the list of exhibits marked and asked if the service packet for tonight's meeting has been marked into evidence. Exhibit A-28 was marked as the Service Packet for tonight's meeting. Ms. Wigginton questioned when the sewer plant will be donated to the Borough. Mr. Giunco replied that would be determined by both the Applicant's and the Borough's Engineers. Ms. Wigginton asked if Freehold Soil will take samples after the concrete slabs are installed. Mr. Giunco advised that has already been done and they are working with a remediation specialist. Ms. Wigginton asked if there will be a Homeowner's Association to maintain the bulkhead and the open space. Mr. Giunco explained that they have not decided if there will be an Association or not, but those concerns would be addressed through a Developer's Agreement. Ms. Wigginton asked for clarification of the lots marked with blue dots on the exhibit. Mr. Janiw explained that they are not quite undersized but they do not meet the lot shape circle requirement.

James Krauss, 77 Bayside Drive, questioned the height of the bulkhead. Mr. Kennedy advised that the top of the bulkhead elevation is 8.0. Mr. Krauss questioned the lot elevations. Mr. Kennedy stated that they did prepare a grading plan. Each lot will be subject to an individual plot plan review by the Building Department. The lowest lot has a finished floor elevation of 20 and the highest lot is at elevation of 36.75.

Mr. Neff noted that the next person on the list is Benson Chiles, however he is represented by Counsel.

Laurie Zydel, 39 East Lincoln Avenue, questioned the height of the pedestrian walkway and beach access. Mr. McGoldrick referred to Exhibit A-19 to point out the beach area. Mr. Kennedy stated that they are bringing the elevation of the bulkhead up, the walkway will be higher and it will be graded down towards the open space. Ms. Zydel asked how big the beach area will be. Mr. Kennedy stated that they are not talking about a beach, it is water at the base of the bulkhead. Ms. Zydel questioned how many linear feet of water frontage does the site have. Mr. Kennedy replied the open space area is 1.63 acres with a water frontage of 650 feet.

Andy Clurfeld, 41 Third Avenue, stated that her questions have been mostly answered but she would like to reserve the right to make a statement during that portion of the hearing.

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Janice Ewertsen, 72 Burlington Avenue, Leonardo, asked for justification for granting relief. Mr. Colangelo explained that without hearing the full application and hearing all of the public comments, it would be impossible to answer that question. Nothing has been done yet for the Board to justify.

Donna King, 43 Fourth Avenue, thanked the Board for their patience and their service to the town. She asked how many homes will have a garage. Mr. Kennedy replied every home will have a garage. Ms. King questioned the traffic generation. Mr. Kennedy explained that this is a permitted use of the zone and the traffic generated is anticipated of that use. Ms. King asked if future development is being considered. Mr. Colangelo explained that there is nothing before the Board regarding future development and tonight they must only consider what is presented before them.

Kevin Milne, 36 South Avenue, questioned what would happen in the event of a power outage at the pump station. Mr. Kennedy explained that it would run on back-up generator, which will be run by Natural Gas. Mr. Milne asked if there would be any variable speeds used to avoid spikes. Mr. Kennedy stated that this is a conceptual design prepared by another firm and he is not sure if they are using two-speed or variable speed pumps. Two-speed pumps are typical but he is not sure what is being designed; that is normally reviewed by the Construction Department after the Planning Board approval process. Mr. Milne questioned decibel levels for test runs on the generator. Mr. Kennedy stated that there are noise regulations that they will have to comply with. That is not something the applicant is requesting relief from. Mr. Milne asked where the two-inch main will run. Mr. Kennedy explained that it would run to the existing infrastructure at Harborview Drive and Avenue D. The lift station is proposed at the lowest portion of the site, that will then lift it and pump it across the site to the existing infrastructure. Mr. Milne referred to the odor of the existing pump stations and asked if there is anything proposed to avoid that condition in this site. Mr. Kennedy stated that it will be a state of the art pump station with a wet well, design to accommodate this number of homes. He doesn't know the issues at the Municipal Pump Station but that will not happen at this station.

Matthew Goushy, 230 Hillside Avenue, Middletown, questioned if the open space on the northwest edge of the property can be utilized by boaters in the sailing programs. He then questioned access from Center Avenue to the open space area and asked if the project removes the access to the Catamaran Club. Mr. Kennedy explained that the gating of the Catamaran Club has nothing to do with this application. This applicant is proposing to give the Borough property that is being used now, they are not removing access. Referring to Exhibit A-19, Mr. Goushy clarified where they access the Catamaran Club. Mr. Giunco clarified the property lines and the areas to be dedicated as open space.

Dawn McCahon, 31 East Lincoln Avenue, questioned what happens if the homes are built on contaminated land and they go vacant because no one wants to buy contaminated homes. Mr. Giunco explained the Performance Bond requirements.

Douglas Leite, 51 Burnside Avenue, Cranford, asked where the utilities will be located. Mr. Kennedy replied that they will be underground in the right-of-way. Mr. Leite asked questions regarding the location of the right-of-way and the height of the bulkhead, which were answered by Mr. Kennedy.

Don Adler, 11 O'Neil Street, Leonardo, asked questions related to RSIS standards and traffic generation. Mr. Kennedy explained RSIS standards and how they relate to Municipal requirements. Mr. Adler asked about the maintenance of the pump station. Mr. Kennedy replied

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that at the suggestion of the Board Engineer, the applicant will enter into a Developer's Agreement with the Borough.

Mary MacDonald was called but was not present.

Elizabeth Pomeroy, 20 Brotherton Avenue, Locust, asked several questions relating to the density of the development, proposed dimensions and the design of the pump station.

Mr. Neff advised that due to the lateness of the evening, they are going to continue the hearing at a later date. Anyone who has signed up to speak will be able to do so at the next hearing and anyone who wishes to sign up will be able to do so.

Mr. Steib advised that this hearing is being carried to the September 13, 2018 meeting at 7:30 pm and Borough Hall, 100 First Avenue, Atlantic Highlands, however this application will not be heard that evening, they will simply be announcing the new date for this venue. You can come to the meeting to hear the new date but there will not be a hearing. There will be no further notice required.

MR. COLANGELO MOVED TO ADJOURN THE SPECIAL MEETING, SECONDED BY MR. HAWLEY. BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Special Meeting was adjourned at 11:25 P.M.

Erin Uriarte
Planning Board Secretary