

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
OCTOBER 11, 2018**

WORKSHOP MEETING: 7:30 P.M.

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

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 opened the meeting to any members of the public who wish to make comments.

Mark Fisher asked questions about the wording used on the public comment portion of the Agenda. Mr. Neff explained that the Board is not allowed to discuss pending applications outside of their public hearing. The wording on the Agenda will remain as is.

Other Business – Mr. Steib noted that there is no pending litigation.

Mr. Neff advised that the Planner preparing the Master Plan is working to incorporate the recently adopted Housing Element and Fair Share Plan. They expect the final draft to be done in the next two week or so.

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

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

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:36 P.M.

Erin Uriarte
Planning Board Secretary

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REGULAR MEETING: 7:36 P.M.

Roll Call **Members Present** – Mr. Illiano, Councilman Fligor, Dr. Cetron, Mr. Colangelo, Chairman Neff, Mr. Pepe, Mr. McGoldrick, Mr. Dougherty
(arrived at 7:50 pm)

Members Absent – Mr. Hawley, Mr. Caccamo, Ms. Hoffmann, Mrs. Murray, Mr. Ilarazza

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

Approval of Minutes for the September 27, 2018 Meeting

COUNCILMAN FLIGOR MOVED TO APPROVE THE MEETING MINUTES FOR SEPTEMBER 27, 2018, SECONDED BY MR. MCGOLDRICK.

Ayes: Councilman Fligor, Dr. Cetron, Mr. Colangelo, Mr. Pepe, Mr. McGoldrick

Nays: None

Abstain: Mr. Illiano, Chairman Neff, Mr. Ilarazza, Mr. Dougherty

Absent: Mr. Hawley, Mr. Caccamo, Ms. Hoffmann, Mrs. Murray, Mr. Ilarazza

Approval of Attorney’s Voucher for August 2018 in the amount of \$4,536.00

DR. CETRON MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR AUGUST 2018, IN THE AMOUNT OF \$4,536.00, SECONDED BY MR. PEPE.

Ayes: Mr. Illiano, Councilman Fligor, Dr. Cetron, Mr. Colangelo, Chairman Neff, Mr. Pepe, Mr. McGoldrick

Nays: None

Abstain: None

Absent: Mr. Hawley, Mr. Caccamo, Ms. Hoffmann, Mrs. Murray, Mr. Ilarazza

PB18-11, Block 128, Lot 13.01, 53 Bay Avenue (CRH, LLC) – Application for Bulk Variances

– Mr. Steib stated that he has reviewed the notices and the Board has jurisdiction to hear this matter. The following exhibits have been previously marked. Exhibit A-1 is a letter from the Zoning Officer, Michelle Clark. Exhibit A-2 is the Application of Craig Reinauer, dated August 1, 2018. Exhibit A-3 is a Survey prepared by Morgan Engineering with handwritten notations of Architect Lemega, dated September 26, 2018. Exhibit A-4 is the Architectural Elevation Plans Sheet 11 of 12, prepared by Jerry Lemega (undated). Exhibit A-5 is review #1 of CME Associates, dated August 31, 2018. Exhibit A-6 is a series of 8 photographs on 8.5” x 11” showing side and rear of building.

Kevin Kennedy, Esq. appeared on behalf of the applicant, Craig Reinauer of CRH, LLC. Mr. Kennedy stated they are looking to put a deck on a single family home and his client is applying under an LLC, which is why he is here tonight.

Craig Reinauer, 32 Sea View Terrace, Highlands NJ was sworn in as the owner of the property.

Doug Rohmeyer was sworn in as Board Engineer.

Mr. Reinauer confirmed that he is the sole owner of CRH, LLC and he had purchased the home at 53 Bay Avenue in January 2018. When he purchased the home, it had mother/daughter components but he would like to use it as a single family home. There is no intention to use this

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as a two-family home; he currently has permit applications pending to gut the house and bring it back to a single family residence.

Mr. Steib asked if the non-conforming, two-family use is being abandoned. Mr. Kennedy replied yes, it will be a single family home.

Mr. Reinauer had bought the home in foreclosure and found there was some structural issues with the home. When the survey was done, the property was snow covered; once the snow melted a flat wooden deck, at grade was revealed but has since been removed. The proposal is to add a rear deck that will wrap around the rear of the home. He is requesting the variance to allow a deck for outdoor enjoyment and to stay off the lawn. The deck is proposed at 332 square feet and is an L-shaped.

Mr. Fligor questioned the size of the deck; is it 26" wide by 10" deep and the wrap around part is 4" by 18"? Mr. Reinauer replied yes and he is planning for a wooden, uncovered deck.

Mr. Reinauer does not expect the deck to be visible from the street. They are requesting relief for a side yard setback of 2.7 feet, however the existing house is setback only 2.7 feet so they feel it would be a practical continuation.

Mr. Kennedy stated that in the CME letter there was a concern with the accuracy of the survey because of the snow. Mr. Reinauer advised everything on the survey was correct, except for the deck, which was removed. There are no regrading elements proposed. The structure in the rear is a shed with no utilities.

Mr. Fligor stated that it appears that the shed roof is sticking out past the house. Mr. Reinauer explained that with the building permits he applied for, the intent is to continue the roof all the way across.

Mr. Neff stated that the plans were very confusing because of the hand drawn notations. Mr. Reinauer apologized that he did the permit application prior to the variance application, and he ended up hiring an Architect he was not familiar with, who is "old school" and made it a little frustrating.

Mr. Steib announced on the record, Mr. Dougherty has arrived at 9:50 pm.

Mr. Rohmeyer asked if the deck will be spaced boards that allow rainfall to fall through. Mr. Reinauer replied yes. Mr. Rohmeyer asked about the material below the deck. Mr. Reinauer replied it is soil and will remain soil. Mr. Rohmeyer stated that plans were pretty confusing, in that the application itself requested a proposed deck and the plot plans discusses the proposed deck and the removal of the deck behind the shed. Mr. Rohmeyer asked if any of the building additions are shown on the plot plan. Mr. Reinauer replied that he is not extending the footprint of the building at all; the shed roof overhang is rotten and it needs to be replaced however there are no variances being requested in association with the modification of the building.

Mr. Neff opened the hearing for questions or comments from the public. No comments or questions were received.

Mr. Kennedy thanked the Board for their time and asked that the application be approved.

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Dr. Cetron stated that he doesn't like to approve 2.7 foot variances but when you consider it is a continuation of the existing setback. The deck is minor in relation to the size of the home and he doesn't see any problem with it.

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

ROLL CALL:

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

PB18-09, Block 143, Lot 15, 135 Center Ave (Musone) – Application for Minor Subdivision with Bulk and Use Variances – Chairman Neff, Councilman Fligor and Mr. Illiano recused themselves from the following application.

Mr. Steib stated that he has reviewed the notices and the Board has jurisdiction to hear this matter. The following exhibits have been previously marked: Exhibit A-1 is a letter from the Zoning Officer, dated July 5, 2018. Exhibit A-2 is an application for subdivision received July 5, 2018. Exhibit A-3 is a variance application dated July 5, 2018. Exhibit A-4 is a Durable Power of Attorney, dated August 29, 2018. Exhibit A-5 is an affidavit of ownership, dated June 22, 2018. Exhibit A-6 is a Development Plan Checklist, dated June 18, 2018. Exhibit A-7 is a Boundary & Topographic survey prepared by Newlines Engineering & Survey, dated May 31, 2018. Exhibit A-8 is a Minor Subdivision Plan prepared by Newlines Engineering & Survey, dated June 5, 2018. Exhibit A-9 is a Memorandum from Board Attorney Steib, dated July 9, 2018. Exhibit A-10 is an email from Board Attorney Steib, dated August 16, 2018. Exhibit A-11 is review #1 from CME Associates, dated July 27, 2018. Exhibit A-12 is review #2 from CME Associates, dated August 31, 2018. Exhibit A-13 is a Monmouth County Planning Board letter of exemption, dated July 9, 2018.

Anthony Zero, Architect, appeared on behalf of the applicant, Dominic Musone, who is also his father-in-law. Mr. Zero was sworn in.

Mr. Zero stated that they are proposing a minor subdivision, each lot conforms to the lots requirements of the R-1 zone. There are unique conditions on the property, it has, what is being called out as, a two-story garage that will be alienated from the rest of the property on new lot 15.02, which has a square footage of 9,880 square feet. The existing house will be on new lot 15.01 and has a 5.7 foot setback from the rear property line, where 20 feet is required. The accessory structure has a side yard setback of 2.1 feet from the property line, where 5 feet is required. There is an existing driveway that is 4 feet from the property line where 5 feet is required. They are also seeking a use variance to allow the two-story garage to remain on the standalone lot once the subdivision is approved.

In order to understand the unique conditions of the property, Mr. Zero feels that the Board needs to understand the history of the lot. The home was built in 1894 and was purchased by his father-in-law in 1963. Mr. Musone raised his five daughters there, they all married local men, him being one of them, and they now all live within a mile of the home. This is a centennial home and they

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have received a plaque from the Historic Society to that regard. Mr. Zero presented a photo of the centennial plaque, which was marked as Exhibit A-14. In the last year that the property has been on the market, the only offers they have received are from builders who want to demolish the home and subdivide to build three homes. The family is trying to save their childhood home in hopes that another family will take over the home to continue the legacy. Mr. Zero indicated the family is not driven by profit, it is driven to preserve the history of the home.

Mr. Zero presented a photo board showing several views of the home. The photo board containing 11 photographs of different angles & views of the home was marked as Exhibit A-15.

Mr. Zero referred to Mr. Rohmeyer's report which requests special reasons for the garage as a sole use on the property and stated that it was built in 1894 and was constructed to house a horse and buggy.

Mr. Rohmeyer was sworn in as the Board Engineer.

Mr. Zero continued that there is a hay loft and a window for horse to stick its head through. He presented the photographs to show that it is well maintained and noted that it is structurally sound, because he was able to climb up there and he is not a light man. An email from a neighbor, Stacy Velez, stating that she likes the barn was marked as Exhibit A-16. A photo of a neighbor holding a drawing of the barn, done by the neighbor's son, was marked as Exhibit A-17. Mr. Zero stated that these exhibits show that the barn doesn't alter the use or come in conflict with the R-1 zone. He feels the barn can serve as many things, such as a woodshop, an artist's studio or a child's clubhouse.

Dr. Cetron stated that he understands this is not an ordinary structure, but he would like to know why they are subdividing it. Mr. Zero stated that they are trying to save the house. He reiterated that they do not want to see a builder tear down the home and those are the only offers they have received were of that nature. They would like to sell off the barn lot in hopes that someone will build a primary residence on that lot.

Mr. Pepe indicated that he doesn't understand how a subdivision will prevent anyone from tearing down the home. Mr. Zero replied that lowering the price of the lots with the house would make it more appealing.

Mr. Rohmeyer stated that there are basically two lot lines being adjusted. In the existing survey the side lot line is very proximate to the main structure however on the proposed subdivision, you will see there is additional space. The applicant is proposing to merge lot 14 and a portion of 15 to create new lot 15.01. With the creation of that new lot, there is a new variance being created for rear yard setback at 5.7 feet. The first issue is that new lot 15.01 will be left with zero off street parking, which will require a variance. He asked how many bedrooms are in the home. Mr. Zero replied he believes there are 5. Mr. Rohmeyer advised that would require 3 parking spaces.

Mr. Zero stated that the family would like to leave the driveway as something to work out during negotiations with a new owner. Mr. Colangelo stated that the Board cannot say it is okay to negotiate over price in the future when they are applying for a subdivision of a property with ample off-street parking and now making it have none. Mr. Pepe asked about making it a condition of approval. Mr. Steib stated that it would be best to address it now, and then come back to amend the plan if they want to make a change in the future. Dr. Cetron added that this stretch of Center Avenue only has on-street availability across the street.

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Mr. Rohmeyer asked where the water and sewer connection is located, because if it is crossing over the lot line, that could be a problem. Mr. Zero stated it doesn't come in that far, it comes in the right side so he assumes it would be in this area (points to exhibit A-15). Mr. Colangelo stated that they cannot go based on assumptions. Dr. Cetron asked why the utilities matter if they are integrating lot 14. The house is already over the lot line on lot 14, significantly. Mr. Rohmeyer stated that the house could be serviced across new lot 15.02. He questioned the intent to service new lot 15.02 with utilities. Mr. Zero replied they are selling that lot as-is, with no improvements to the utilities; they want to let the new owner bring in utilities where they need it. Mr. Rohmeyer advised that if an easement will be required, he would like it to be cleaned up now.

Mr. Rohmeyer clarified that on new lot 15.02 the accessory structure exists at non-conforming distance of 2.1 feet from the side lot line and that will require a variance as well. He asked that Mr. Zero discuss the height. Mr. Zero replied they are requesting a height variance from that as well. He prepared a letter on how he measured it and it was 18 feet. That letter was marked as Exhibit A-18.

Mr. Colangelo stated that they are adding a lot of variances that weren't on the initial application, with some questions about what needs to be addressed. He asked if the applicant would like a chance to come back with a more certain plan with respect to the variances being requested.

Mr. Zero agreed to come back to the next meeting with more information. Mr. Colangelo suggested they let Mr. Rohmeyer go through the rest of his report.

Mr. Rohmeyer clarified that the open issues are off-street parking. Dr. Cetron asked if the applicant could come back with a little gravel three-space lot in the lower right hand corner and say that is what is proposed and then the builder could come back to amend it at the time of sale. Mr. Steib replied that the timing would be an issue because once the subdivision is perfected it is recorded, there are two separate lots with a driveway that isn't there, it becomes a non-conforming situation. Mr. Steib added that if the Board grants a use variance, it will be able to be used as just a garage structure in perpetuity. Typically, in this case the existing structure is set to be demolished under a certain amount of time so that it either needs to be made conforming or the variance goes away. Dr. Cetron asked if they could put a time-framed condition that a principal structure must be built within a certain amount of time or the accessory structure must be demolished. Mr. Steib replied yes. Mr. Colangelo indicated that he would be uncomfortable with that.

Mr. Pepe asked if they approve the subdivision, can someone come in and still tear down the garage. Mr. Steib replied absolutely, unless the applicant imposes a deed restriction on the property and then he would not know who would be responsible to enforce it.

Mr. Steib suggested opening the hearing to the public in case there are any members of the public with issues or concerns that the applicant may want to consider. Mr. Colangelo opened the hearing to public for questions. No questions were received. Mr. Colangelo opened the hearing for comments from the public.

Margaret Zero, the daughter of the applicant, was sworn in. Ms. Zero stated that the water and sewer come in on the right hand side. Also, yes they would like to save the barn but they understand that a new owner could tear it down. They would like to at least save the house and not see everything demolished by a builder. The point of the subdivision was to lower the cost of the home so someone could still have the money to renovate it. They just want to get it back on

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the market because there may even be someone interested. Mr. Colangelo explained that the Board is required to have certain information before they can make that type of decision.

Mr. Steib explained that there are only five members of the Board present this evening and because this is a use variance, the applicant would need all five members to vote in favor. At the next hearing, there should be more eligible members present and the chances would be better.

Mr. McGoldrick suggested that they applicant meet with the Historic Society to ask for guidance on finding people who want to buy this type of historic home. Mr. Zero indicated they had contacted the Historic Society with respect to determining the historic value of the home and stated that he will reach out in that regard as well.

Mr. Steib announced this application is being carried to November 8, 2018 at Borough Hall in Council Chambers, 100 First Avenue, Atlantic Highlands at 7:30 pm. No further notice will be required.

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

There being no further business to come before the Board, the Regular Meeting was adjourned at 8:36 P.M.

Erin Uriarte
Planning Board Secretary