

**PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
DECEMBER 13, 2018**

WORKSHOP MEETING: 7:30 P.M.

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

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; none were received.

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

Master Plan Discussion – Mr. Neff advised that the Master Plan Draft was sent to Board members last month and he welcomes any feedback or questions the Board may have.

Mr. Steib noted for the record that Mrs. Murray has arrived.

Mr. Colangelo stated that this draft of the Master Plan is very similar to the previous draft. He asked what the plan will be moving forward. Dr. Cetron stated that they would like to let the public have it for 2 meetings and then hopefully two public hearings. Mr. Hawley added that the Board has read it so many times that the public input at this point would be an asset.

Dr. Cetron stated that they updated the Master Plan based on things they learned after Hurricane Sandy. They also tried to address the hot issues in town such as parking and signage. Mr. Colangelo added that the Air B&B issue was addressed. Councilman Fligor referred to the inclusion of the Affordable Housing Element.

Mr. Neff suggested that the Board publish this Draft to the Borough's website and add the Master Plan to January's agenda for general, procedural questions with a Public Hearing in February. If the public turn-out in January seems too large for this building, they will consider a larger venue for the Public Hearing. By voice vote, the Board agreed with this timeline.

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 COUNCILMAN FLIGOR. BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:45 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, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Mrs. Murray, Chairman Neff, Mr. Pepe, Mr. Ilarraza, Mr. McGoldrick, Mr. Dougherty
Members Absent – Ms. Hoffmann

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

Approval of Minutes for the November 8, 2018 Meeting

MRS. MURRAY MOVED TO APPROVE THE MEETING MINUTES FOR NOVEMBER 8, 2018, SECONDED BY COUNCILMAN FLIGOR.

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

Approval of Minutes for the November 27, 2018 Meeting

MR. COLANGELO MOVED TO APPROVE THE MEETING MINUTES FOR NOVEMBER 27, 2018, SECONDED BY DR. CETRON.

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

Approval of Attorney’s Voucher for November 2018 in the amount of \$3,591.00

MR. COLANGELO MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR OCTOBER 2018, IN THE AMOUNT OF \$3,637.50, SECONDED BY DR. CETRON.

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

PB18-09, Block 143, Lot 15, 135 Center Ave (Musone) – Application for Minor Subdivision with Bulk and Use Variances – Mr. Steib explained this is the Resolution memorializing the approval granted at the last meeting.

MRS. MURRAY OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY DR. CETRON.

ROLL CALL:

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

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PB18-06, Block 142, Lot 5, 17 Avenue D (Denholtz Custom Homes) – Application for Preliminary & Final Subdivision Approval with Variances as may be required – Mr. Steib announced that this application will be continued at a Special Meeting to be held on January 16, 2019 at 7:30 pm at the Atlantic Highlands Elementary School, 140 First Avenue, Atlantic Highlands, NJ and there will be no further notice required.

PB18-14, Block 35, Lot 13, 87 E. Garfield Ave (Chelsea Bldg & Development) – Application for Bulk Variances – Mr. Steib advised that he has reviewed the notices and the Board has jurisdiction to hear this case. There were several exhibits previously marked; an application for variance was marked as Exhibit A-1, A plot plan prepared by Charles Surmonte was marked as Exhibit A-2, a set of architectural plans prepared by Jerry Miceli was marked as Exhibit A-3. A review of the Zoning Officer, dated November 9, 2018 was marked as Exhibit A-4. A review letter from CME Associates, dated November 20, 2018 was marked as Exhibit A-5.

John Anderson introduced himself as the Attorney for the applicant, Chelsea Building and Development, LLC. The property in question is an existing undersized lot with an existing cottage that was built in 1922 and is currently in extreme disrepair. A review of the property records have determined this lot was not subdivided from a larger tract nor has the developer been successful in attempting to purchase adjacent land to bring it in to conformance. Currently, the cottage sits at the property line so there is no side yard setback. The new proposed home will conform with all set back requirements however a variance is still required for lot size, as it is a pre-existing non-conformity. In regard to the C-1 variance criteria, there are no adjacent undeveloped lots so while they were not required to send buy/send letters to the property owners, but they did send them in hopes of purchasing additional land to bring this lot in to conformance. One offer did come in however the land owner was asking significantly more than what that strip of property would have been worth. In regard to the C-2 variance criteria, the general welfare of the neighborhood will be improved by providing adequate air, light and open space in that the setback requirements will all be complied with. They are removing a non-conforming home and building one that meets the zone requirements.

Mr. Anderson marked the following exhibits: a letter deeming the application complete was marked as Exhibit A-6. A package of information confirming historical ownership was marked as Exhibit A-7. A property tax record card was marked as exhibit A-8.

Charles Surmonte was sworn in and accepted as an expert Engineer. Mr. Surmonte explained that the property is about 50 feet by 110 feet with an existing cottage on the right side of the property with 2 non-conformities. There is also a shed that is non-conforming, which will be removed. The proposed home will be 30 feet by 46 feet and will meet all setback requirements. The applicant is also proposing a driveway and garage to create off-street parking. This application will cure all existing variances with the exception of lot size.

A photo of the existing cottage was marked as exhibit A-9. A composite of tax map sheets 11 and 14 depicting surrounding undersized lots was marked as exhibit A-10. Mr. Surmonte explained each exhibit respectively.

Mr. Surmonte added that curing the existing variances would be a benefit to the zone plan and he sees no detrimental impact on the zone plan. In response to CME's review letter, Mr. Brooks will testify to the trees. A condensing unit will be placed on the side of the building and will be compliant with the ordinances. The existing utilities will services the new dwelling. The applicant

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will be under the maximum floor area ratio for the zone. The applicant plans to conduct soil testing to ensure that it can handle the roof run-off. A grading plan will be submitted at the time of construction permits as well.

Mr. Rohmeyer noted that the FAR proposed is right at the limit so they want to be mindful that any deviation during construction can become a problem. With regard to the drainage, he is concerned that if the new roof run off goes towards the rear of the property where there are structures close to the property line. He would prefer that it be discharged in to the street or into dry wells. Mr. Surmonte agreed that the run-off towards the front will go to the front and everything else will go towards the dry wells to the rear.

Mr. Neff opened the hearing to the public for questions of this witness.

Michelle Carlo, 16 Navesink Avenue, stated that she lives directly adjacent to this property and would like to be sure the run-off will not affect her property. Mr. Surmonte explained that the proposed drainage pattern will cure the flooding issue she currently deals with between the two properties.

Councilman Fligor asked if they are proposing silt fencing during construction. Mr. Surmonte replied yes, absolutely.

William Brooks was sworn in and accepted as an expert Forrester and Arborist. A series of five photographs of the trees to be removed was marked as Exhibit A-11.

Mr. Brooks advised that he had visited the property on December 9th and saw that the trees are in poor to fair conditions. No tree maintenance plan has ever been in effect. There are several species to be removed, however there is one Black Locust that is in extremely poor condition, with shelf fungus that indicates signs of being in a necrotic state. This creates a hazard to the area. The Black Locust shown in the photos has been struck by lightning twice and had not been repaired. These hazardous tree conditions should be removed due to the threat to the public right-of-way and also the adjacent home.

Mr. Rohmeyer asked how many trees are to be removed. Mr. Brooks replied 5 however there are about 11 on the site.

Mr. Pepe asked if there is a plan to replace the trees. Mr. Brooks replied that he is sure the applicant would entertain planting new trees if the Board so wished. Dr. Cetron stated that he would like to see one replaced in the front and maybe some landscaping or shrubs between the homes. Mr. Brooks added that he can assure the Board that the other projects the applicant has done in Fair Haven have been nicely and properly landscaped.

Mr. Neff asked if there are any questions from the public for this applicant.

Michelle Carlo, 16 Navesink Ave, indicated that she is in favor of the tree removal and asked if it would be a condition of granting the variance. Mr. Surmonte referred to the exhibit to show the location of the trees and stated that the placement of the home is what is prompting the removal. Mr. Brooks added that the tree removal should be the first thing to be done.

Mr. Anderson stated that there is no variance relief triggered by the removal so the applicant will be removing them whether the Board wants them to or not. Mr. Brooks stated that he would be professionally remiss if he did not advise them to remove the trees, so yes they will definitely be coming down.

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Kate Wigginton, Shade Tree Commission and former owner of 88 E. Garfield, asked that the Board make it a condition of any Resolution that the trees be replaced.

Robert Conti, owner of Chelsea Building & Development, was sworn in as the applicant. He explained that the proposed home will be a 2 and a half bath house with one car garage and a cellar. There will be a small landing on the back with a sliding door. He feels it fits the character of the neighborhood.

A letter sent to the neighbor requesting to purchase a portion of their property, dated November 29, 2018 was marked as exhibit A-12. A response letter from a neighboring property owner offering the property at \$110,000.00 was marked as Exhibit A-13.

Mr. Conti indicated that the offer came in at \$110,000 for a small strip of property. The same size property in the neighborhood is valued approximately at \$15,000.00 so it was not a reasonable offer.

Mr. Anderson stated that neighbor may be in the audience and may want to speak. He called Mr. Higgins to speak. Mr. nor Mrs. Higgins appeared.

Dr. Cetron asked if the cellar is a cellar or a basement. Mr. Conti explained that they will meet the standards for a cellar.

Mr. Rohmeyer asked if the grade will taper down from the home to meet existing grade at all property lines. Mr. Conti replied yes. Mr. Rohmeyer advised that the excavated fill from the cellar area must be exported. Mr. Conti agreed.

Mr. Pepe asked about replacing the trees. Mr. Conti replied that the trees will be removed prior to the house coming down. Dr. Cetron added that the concern is with replacement of the trees. Mr. Conti stated that they will be removing 5 trees and they will put 2 shade trees in the front and two in the back with some landscaping between the homes. Mr. Pepe indicated he is okay with a condition of approval be that a landscaping plan be submitted to the engineer. Mr. Rohmeyer asked if the Board is looking for an evergreen buffer. Dr. Cetron stated that he doesn't want to specify but he would like to see something ornamental.

Mr. Pepe asked for clarification, what the applicant is proposing is to demolish a blighted house and build a new one that conforms to the setbacks, is that correct? Mr. Conti replied yes.

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

Mr. Anderson gave a summation of the application and asked that the Board approve the application.

Mr. Colangelo stated that they are taking something that needs improvement and makes it better. Dr. Cetron stated that with the conditions discussed, this is a major improvement to the area.

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

Mr. Steib noted that the conditions would be the drainage being directed to the street and dry wells, the applicant will comply with CME's review comments, they will comply with soil erosion requirements during construction, the applicant will comply with the FAR requirements, cellar standards and they will replace the five trees being removed.

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

At this time, the Board took a brief recess and reconvened at 8:55 pm.

PB18-12, Block 89, Lots 1.01 & 1.02, 37 E. Washington Ave (Senz Residence) – Application for Minor Subdivision with Bulk & Use Variances – Councilman Fligor and Mr. Illiano both stepped down from this application and left the meeting at this time.

Mr. Steib noted that he has reviewed the notices and the Board has jurisdiction to hear this application. An application of Ronald and Cynthia Senz was marked as Exhibit A-1. An application with narrative was marked as Exhibit A-2. A review of the Zoning Officer dated September 6, 2018 was marked as Exhibit A-3. A minor subdivision plan, prepared by Richard Stockton was marked as Exhibit A-4. A review letter from CME Associates, dated October 5, 2018 was marked as Exhibit A-5.

Kevin Kennedy introduced himself as the Attorney for the applicants, Doctor and Mrs. Senz. The applicant is proposing a lot line adjustment to be effectuated through a minor subdivision. Dr. and Mrs. Senz own the property at 37 E. Washington Avenue and Vidar and Laurie Brekke own the lot at 36 E. Lincoln Avenue. Both lots are well over the minimum square foot requirement. There is currently an easement between the properties to allow the Brekke's to use the area on their side of the fence for their own enjoyment. There has been some issues related to the maintenance of the fence that exists in that easement area. In order to address the property maintenance issues, and at the consent of both owners, they are proposing a lot line adjustment. The Senz's are proposing to give 763 square feet to the existing Brekke lot. Upon completion of the subdivision, the Senz lot will be 14,816 square feet and the Brekke lot will be 9,418 square feet. The interesting thing here, is the variances required. In regard to the Brekke lot, there is an existing front yard setback variance required and a variance for a rear yard setback for an accessory structure. The shed currently sits on the property line but if the subdivision is granted it would be set back 4.8 feet from the property line, where 5 feet is required so a variance would be necessary. With regard to the Senz lot, there is side yard setback and an existing structure that is 3 stories where two and half stories are permitted. The maximum permitted height is 35 feet and the existing building is at 50.8 feet in height. Also, because of the reduction in lot size, the Floor Area Ratio will increase. 0.40 is allowed and if the subdivision is granted the lot will become 763 square feet smaller so the FAR ratio will increase to 0.42 so a D Variance is required.

Richard Stockton was sworn in and accepted as an expert land surveyor and planner. Mr. Stockton referred to exhibit A-4 a described the plan. He noted that the boundary line is shown in red on the exhibit. He pointed out the new lot line which is proposed to run in line with the existing fence. There is no new construction proposed so there will be no visible changes to the neighborhood. By making this easement a fee simple transaction it will make things easier should either party try to sell. The Floor Area Ratio variance is technical in nature because the decrease in lot area will causes the increase in FAR.

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Mr. Rohmeyer confirmed there will be no new construction. Mr. Stockton confirmed same. Mr. Rohmeyer asked about squaring off the new property line. Mr. Stockton replied that the neighbors agreed to a boundary that went down the existing fence.

Mr. Rohmeyer stated that the applicant is requesting several D-Variances to accommodate what is currently being accomplished through an easement. The applicant explained to the Board the concerns with selling with an easement and maintaining the easement as support for the D-Variances. There is a home profession in proposed lot 1.021; home profession is a conditional use within the R-1 zone, provided all other zone requirements are met. Being that FAR is being exacerbated and the existing height exceeds the zone requirements, he just wants to be clear on what is sought at this point. Mrs. Murray noted that there is also a driveway along the property line, which would create a variance.

Mr. Pepe asked if the Board would essentially be granting all of those variances by granting the minor subdivision. Mr. Steib replied yes. Dr. Cetron stated that they cannot ask them to take the third story off of the house. Mrs. Murray noted they are oversized lots. Mr. Neff asked if the stone driveway is for patients coming into the doctor practice.

Dr. Ronald Senz, owner of 37 E. Washington Ave, resident of 144 Ocean Blvd, was sworn in as the applicant and stated that he has owned the property since 1968. Mr. Senz indicated that the main driveway is off of Third Avenue, and the driveway off E. Washington Ave is not used very often.

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

Mr. Kennedy requested that the Board approve the application; it seems more intense on paper than in reality.

Mr. Steib stated that there are two standards for D-Variance and one of them is if the property can still accommodate what is being proposed. It is not a suitability issue in this case.

DR. CETRON OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MRS. MURRAY.

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

PB18-10, Block 27, Lot 1, 73 Avenue A (Tartivita) – Application for Bulk & Use Variances – Mr. Steib stated that the notices are in order and the Board has jurisdiction to hear this application. He noted that the following exhibits have been marked: Exhibit A-1 is a review from the Zoning Official, dated July 24, 2018. Exhibit A-2 is the application of Romano Tartivita. Exhibit A-3 is a site plan prepared by Richard Stockton & Associates, dated June 14, 2018. Exhibit A-4 is the review from CME Associates, dated August 27, 2018. Exhibit A-5 is a set of Architectural Plans prepared Catherine Franco, dated September 24, 2018. Exhibit A-6 is the CME Review dated October 26, 2018.

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Henry Wolff introduced himself as the attorney for the applicant, Romano Tartivita. He indicated that the lot is currently vacant, however there was a previously existing modular home that was destroyed during Hurricane Sandy. This is a proposal for a new home that will have less non-conformities than the home that was previously there. There were variances granted by this Board for this lot by an applicant who had purchased the property after Sandy. That applicant demolished the property after having obtained approvals from the Board. Unfortunately, Mr. Wolff's client relied on that Resolution of Approval when he purchased the property, thinking that he could build without coming to the Board. He had been assured that by the zoning officer but that proved to be incorrect.

Romano Tartivita, 68 W. Washington Avenue, was sworn in. He stated that he and his wife purchased the property in 2017 and the intention is to put a four bedroom two and half bathroom home. This will be a smaller home than what was there and will be on the same footprint as the approval that was granted to Dwayne Harris but he will be conforming to more of the variances that were granted. Mr. Tartivita indicated that he was under the impression, and it was in the contract, that the variance was still active. He is requesting variances for Floor Area Ratio and also for the lot size, which is pre-existing. The front setback will be 14 feet but the home is actually at 20 feet but the stairs are elevated because of the flood zone. The stairs will be about six and half to seven feet tall. This a corner lot so there would be two front yard setbacks. The home will be two story with 6 off-street parking spaces. A landscaping plan will be submitted to the building department during the construction process; he is happy to install arborvitaes or evergreens around the property lines.

Mr. Wolff asked Mr. Tartivita if he did his due diligence of obtaining the previous adopted Resolution during the purchasing process. Mr. Tartivita replied yes. The Resolution Granting Variance Approval to Dwayne Harris in 2013 for Block 27, Lot 1 was marked as Exhibit A-7. Mr. Wolff stated he has nothing further for Mr. Tartivita.

Mr. Pepe asked if the applicant bought the property with a Resolution that seemed to permit the project he is currently proposing. Mr. Tartivita replied absolutely.

Mr. Neff questioned the applicability of the Resolution. Mr. Steib stated that the Atlantic Highlands Ordinance has an expiration provision where if the variance is not exercised within a year, it disappears. Mr. Pepe asked if Mr. Tartivita thought it was applicable when he purchased the home. Mr. Tartivita replied yes, it was in the contract and he also has an email from the Zoning Officer stating that when he sent her the footprint on graph, that no variance would be required. Mr. Pepe asked if there is anything different between this plan and the plan approved in the Resolution. Mr. Tartivita replied that it will be more conforming.

Dr. Cetron asked if the space between the first floor and grade, where the home is raised, would be considered a cellar or a basement. Mr. Hawley explained that the note on the plan is required language for FEMA regulations, it will be uninhabitable space since it is a high risk FEMA area. Mr. Tartivita confirm he has no intent to use that space. Mr. Rohmeyer confirmed the note on the plan is a FEMA requirement.

Mr. Colangelo asked for the old FAR that was approved. Dr. Cetron stated that it was 4.9 and now it is 4.6.

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Mr. Wolff presented an email from the Zoning Officer, dated March 20, 2018 stating that no variances are required, which was marked as Exhibit A-8. Mr. Steib read the email, “The setbacks shown on your drawing meet the Borough’s Setback schedule. 20’ front, 10’ side and 20 rear are required. 25% building coverage is allowed and your drawing is at 24%. As long as you keep those setbacks and remain within your height and impervious coverage – I don’t see the need for any variance relief.” He noted that it is dated March 20, 2018. Mr. Wolff noted that he also has the drawing that was attached. The attached sketch was marked as Exhibit A-8.

Mr. Rohmeyer asked in regard to the two exhibits, did Mrs. Clark have the benefit of knowing the full square footage was in order to determine if it was an FAR variance. Mr. Tartivita stated that it was on the drawing. Mrs. Murray stated that the drawing doesn’t show the stairs. Mr. Steib stated that the drawing shows a building envelope of 30 feet by 45 feet and what is on the plan is 30 feet 10 inches by 45 feet. The Resolution marked as Exhibit A-7 does not reference FAR. Mr. Colangelo added that there is no need to throw Mrs. Clark under the proverbial bus considering what was there.

Mr. Neff asked for any questions from the public for this witness however none were received.

Catherine Franco was sworn in and accepted as an expert Architect. Ms. Franco clarified that the language on the plan is for FEMA to ensure the level inside is graded a little higher than the outside grade to prevent negative flow. The height will be about 32.5 feet above grade which is below what is permitted in the zone. In regard to front setback for the stairs, there are three criteria and one is that it has to be non-covered and it can only be six inches above grade but because of the elevation, they need to go higher and they must meet the side yard setback if they have stairs in the front yard. This applicant meets two of the three criteria but he needs to have stairs because of the flood zone.

Mr. Hawley asked about air conditioner units and stair access for the electric meter. Ms. Franco stated that it has to go in, but is subject to the electric company.

A series of 3 photographs of various views of the property was marked as Exhibit A-9. The first photo is a view from the left side of South Avenue. The second photo is the view from Avenue A; she noted the neighbor’s steps that stick out. The third photo is a looking down from the corner of Avenue A.

Dr. Cetron asked if there will be a surface finish on the elevation section. Ms. Franco indicated it will probably be stucco and will match the home. Mr. Rohmeyer indicated that it must be flood resistant material.

Mr. Rohmeyer asked what flood zone the property is in. Ms. Franco replied it is the AE-11 zone. Mr. Rohmeyer asked for the total square footage of the proposed home. Ms. Franco replied it will be 2,738 square feet. Mr. Pepe questioned the height of the home compared to the adjacent homes. Ms. Franco stated that she is unsure of the neighbor’s heights. Mr. Hawley advised to be sure of the new regulations regarding where the height is measured.

Mr. Rohmeyer asked where the electrical meter will be placed. Ms. Franco advised it is to be decided by JCP&L. A discussion was held regarding the placement of the electrical panel in order to prevent a future variance situation. It was determined to extend the platform at the top of the stairs to grant access to the electrical panel in the front. The Board agreed to a platform that conforms to the requirements of JCP&L to grant access to the electric panel.

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Richard Stockton was sworn in and accepted as an expert Land Surveyor and Planner. Mr. Stockton described the existing lot and stated that the applicant is proposing a two-story raised home facing South Avenue with parking to the front of the structure. There is plenty of room towards the rear of the house should an air condenser need to be placed. There are two variances associated with this application; the first is the 14 feet front yard setback where 20 feet is required and the second would be for Floor Area Ratio where 0.40 is allowed and they are proposing 0.46. He noted that he had prepared the plans for the previous application for Dwayne Harris, which was approved at 0.49 FAR. The fact that this is in a flood zone, creates the need to raise and creates the need for the stairs to access the home. He feels that granting the variances would not have a detrimental impact of the zone.

Mr. Rohmeyer asked if the existing driveway on Avenue A to be removed. Mr. Tartivita had indicated that he would like to retain that area for additional parking if needed. Upon being advised it would create another variance, he agreed to remove the existing driveway. Mr. Tartivita asked if he could keep the curb cut in case they need to access the rear yard. After a brief discussion, the Board agreed that they would like to see the curb cut restored to a full curb to help with water flow issues. Mr. Tartivita agreed.

Mr. Neff asked for any questions from the public for this witness however none were received.

Dr. Cetron stated that the dimension of the steps must allow for First Aid apparatus to maneuver and pivot. He suggests granting leeway on the dimensions to provide for that. Mr. Rohmeyer added that there are building codes for stairs to be ADA compliant. Dr. Cetron stated that unfortunately that does not take into consideration a stair chare for First Aid use. The Board agreed to a 13 foot setback to allow for said leeway.

Mr. Neff asked for any comments from the public on this application.

Mark Fisher, Third Avenue, indicated that he was upset he cannot see the exhibits that are presented to the Board. He will let it pass this time, but he would like to see the displays directed to the public. Mr. Neff suggested that Mr. Fisher move his seat to see the displays. Mr. Pepe suggested asking applicants for smaller copies of the exhibits.

Dr. Cetron stated that he likes to see vacant lots get something built on them. The variances are directly related to flood requirements and with the minor modifications the Board suggested, he is happy with the application.

DR. CETRON OFFERED A MOTION TO APPROVE THE APPLICATION, WITH CONDITIONS DISCUSSED, SECONDED BY MRS. MURRAY.

Mr. Steib noted that the conditions discussed would include the front steps having a platform to provide access to the electrical meter, per JCP&L requirements and have adequate dimensions for emergency access, specifically the stair chair. The existing asphalt driveway will be removed and the curb cut will be restored to a full faced curb and the front setback variance has been changed from 14 feet to 13 feet. Mr. Rohmeyer added that the applicant agreed to provide evergreen screening along the two residential lot lines. Mrs. Murray indicated concern with evergreens survival in brackish water, they do not like salt water. Dr. Cetron suggested it be changed to "appropriate planting screenings." Mr. Rohmeyer was acceptable with a salt tolerant species.

Ayes: Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Colangelo, Mrs. Murray, Mr. Neff, Mr. Pepe
Nays: None

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Abstain: None
Absent: Mr. Illiano, Councilman Fligor, Ms. Hoffman

Adjournment

There being no further business to come before the Board, Mr. Neff asked for a motion to adjourn the meeting.

MRS. MURRAY MOVED TO ADJOURN THE REGULAR MEETING AT 10:06 PM,
SECONDED BY MR. MCGOLDRICK. BY VOICE VOTE ALL AGREED.

Erin Uriarte
Planning Board Secretary