

POINT PLEASANT PLANNING BOARD

November 21, 2016

The special meeting of the Planning Board was called to order by Chairwoman Bavais at 7:00pm. Ms. Bavais read the Notice of Compliance, which states that adequate notice of the meeting had been given.

Roll Call:

Present: Mayor Sabosik Mr. Furmato Mr. Lobravico Mr. Forsyth Mr. Welch Mr. Faraldi
Mr. Scarpello Ms. Bavais

Absent: Mr. Vitale Mr. Permuko Mr. McHugh

Attorney: Ben Montenegro Engineer: Laura Neumann & Jennifer Beahm

Secretary: Catherine Gardner

RESOLUTIONS:

Res. 2016-10 – Preliminary/Final Site Plan – Block 208 Lot 1 – 3014 Lakewood Rd.,
Applicant: Pasquale Carannante (Approved)

MINUTES: The board approved the minutes of September 22, 2016 & September 29, 2016

UNFINISHED BUSINESS

Preliminary/Final Site Plan – Block 316 Lot 5 – 2434 Bridge Ave., Applicant:
Jyotsna & Kokila Properties: (Carried – no date scheduled)

Preliminary/Final Site Plan – Block 112 Lot 65 – 847 Arnold Ave., Applicant:
Point Pleasant 847 Properties Inc.

Mr. Popovitch stated all testimony has been submitted by the applicant.

Bernard Reilly, attorney for the objectors, called Peter G. Steck, Maplewood, NJ to testify. He is community planning consultant and listed his credentials. Mr. Popovitch asked if he was a licensed NJ engineer; he stated no.

Mr. Steck described the subject property. Exhibit O-14 was marked as identification; it is Mr. Steck's testimony and exhibits.

He stated the site is on one lot with two tax map pages. No plans for Building "A" were submitted with the application. He described the square footage of each floor, including the restaurant. He stated the boat slips were reduced from 220 to 105 under another approval, through the DEP. Today, there are approximately 32 boats stored on the property.

Mr. Lobravico stated the exhibit from Google Earth has a photo date of 4/16 or is it the date of 5/16. Mr. Steck stated 4/16/2016 is the date of the photo taken from Google Earth.

Mr. Steck stated Building "B" is to be expanded 700 sq. ft. He stated the occupancy would be 700 people. He further stated for both banquet halls to be occupied at the same time, could result in 1496 people, with the property having 237 parking spaces and 140 on gravel.

Mrs. Beahm questioned Mr. Steck's engineering calculations; she stated by ordinance which is square footage not building occupancy. He stated he is showing how the maximum occupancy does not meet the parking requirements. Mr. Popovitch stated the applicant meets the required parking per ordinance.

Mr. Speck stated the last master plan in 1999 shows Lot 65 as WC; it did not recommend Lot 65.01 and there is some parking being used on that lot. He discussed the Waterfront zone and stated he does not believe the application complies with the conditional use standards.

He stated there is non-conforming screening; attachment "D;" it is no longer pre-existing. Mrs. Neumann stated the applicant had agreed to install a fence. Mr. Steck stated not at all locations and indicated it was listed on attached "G."

Mr. Speck stated the ordinance requires parking spaces to be 10 x 20; Mr. Popovitch stated a waiver was requested. Mr. Speck stated attachment "G" is the green area which is a storage area.

Mr. Montenegro stated the ordinances identifies that a fence can be used; Mr. Steck stated the applicant did not mention the southeast area. Mrs. Beahm read the ordinance, which states the landscape or fence can be used; a six foot fence would comply. Mr. Steck stated a four foot setback is required; Mrs. Beahm disagreed.

Mr. Steck stated on the gravel area, it would be one space per 260 sq. ft.; the applicant would not be able to conform. Mr. Popovitch and Mr. Reilly discussed the error in the calculations. Mayor Sabosik stated the calculations were not done for a 9 x 18 parking space. Mr. Speck stated it is mathematically impossible; and doesn't make sense. He stated a variance would be needed for the stall size. Mr. Popovitch objected, stating it would be a design waiver and not a variance.

Mr. Steck discussed the ordinance and stated the board could make a determination that an ordinance doesn't make sense. Mr. Welch asked the size of stalls in other towns; he stated they differ, 10 x 20 and some commercial parking could be 9 x 18.

Mrs. Beahm stated there was previous testimony given for the relief of the parking sizes where a design waiver was requested for 9 x 18.

Mr. Steck discussed his finding in the gravel area parking area; he stated the parking is deficient with his calculations.

Attachment "F" are vehicles and equipment used for boat storage; there is no indication on the plan as to the storage of these vehicles. Mr. Steck and Mrs. Beahm discussed the gravel areas and square footage; she stated she disagrees with Mr. Steck's calculations.

Attachment "H" – analysis of parking – would have 237 parking +/-; applicant requires 272 parking spaces. The 237 parking spaces is for 10 x 20 spaces with a correct aisle width. He stated when the ordinance was written, it was not intended that an applicant would receive a waiver for 9 x 18 spaces.

Mr. Steck discussed the lobby area and how the plan originally called it a dining area. He stated a variance is required for the area. Mrs. Beahm stated there is a deed restriction that it would remain a lobby area.

Mr. Montenegro stated as a conditional use criteria, under definitions and requirements, the board would need to decide if the applicant complies.

Mrs. Neumann asked what is the variance. Mr. Steck stated the plans differ for the boat storage area from the DEP, submitted plans and aerials. Mrs. Beahm explained that the parking stall size is not in the ordinance and is separate from the WC conditional use. She explained that she wrote the ordinance.

Mr. Steck stated that nightclubs were not permitted in the zone.

Mr. Steck gave his closing summarization of his testimony. He stated the application is a major expansion of the facility and common sense is that it would hurt the marina business. He stated the approval would diminish the marina use. He stated he believes the application is not under the jurisdiction of the Planning Board.

Mr. Montenegro & Mr. Steck discussed the dock reduction, which was prior to the application. He stated the applicant is non-compliant with subpart "2." He further stated the applicant has not documented historically how many spaces are in the marina use.

Mr. Reilly & Mr. Steck discussed the parking which is not in the WC zone; Mr. Steck stated the application would lose 2-3 spaces under 10x20 size spaces. To incorporate the parking on Lot 65.01, would be a D1 variance.

Mr. Welch asked when the boat slips were reduced; during the 2008 application.

RECESS

Mr. Steck stated he has corrected some of the math numbers; there would be 242 parking spaces rather than 237; a deficit of 30 parking spaces. He stated it would exclude the spaces outside the W zone, which would be a total deficit of 40 parking spaces.

Mr. Popovitch cross examined Mr. Steck – how many marina applications has he testified in the past; one. They discussed the square footage of the gravel boat storage area. Mr. Steck stated there was an earlier plan which had 41,080 sq. ft. in area but the boat storage area did change.

Mr. Reilly submitted Exhibit O-15, sheet 3 of 8 dated 8/26/2015, Amended Preliminary/Final Site Plan.

The boat sales are is 12,000 sq. ft. – there is a difference of 2,500 sq. ft. Mr. Popovitch and Mr. Steck discussed the calculations used in the gravel area; Mr. Popovitch asked if physical calculations were made; he stated he scaled the area.

Mr. Popovitch pointed out there were other errors made in the calculations; Mr. Steck stated yes and were corrected.

Mr. Popovitch asked questions relating to marina use and boat storage. He also stated if there were a riparian gran, it would be part of the WC zone with Lot 65; Mr. Steck stated no.

They discussed the parking stall sizes of 10x20 and one per 260 sq. ft. Mr. Popovitch stated 9 x 18 parking spaces are commonly used in commercial areas in Pt. Pleasant; Mr. Steck stated he did not examine other sites.

They discussed the winter boat storage area; Mr. Steck stated the boats cannot be accommodated. He counted 32 sizeable boats and they cannot fit within the allowable area.

They discussed the existing restaurant; Mr. Steck stated historically it's a restaurant but there was no testimony if it were to be a nightclub.

Mr. Popovitch stated there are 105 boat slips and the parking regulations would be 63 parking spaces. Mr. Steck stated the applicant did not provide testimony of spaces being reserved for the boat slips. He stated his first visit to the site was during the course of the four hearings, probably 1-2 weeks prior to the first hearing. They discussed the 63 parking spaces on site for boat slips. Mr. Popovitch stated his client had testified the parking spaces are used when the banquet not in use for the marina.

Mr. Reilly re-examined Mr. Steck. They discussed the calculations of 41,080 sq. ft. and the 9500 sq. ft. does not include winter boat storage. He stated the numbers came from the preliminary map and it has been revised. He does not specifically recall the calculations.

Mr. Popovitch and Mr. Speck argued over the testimony given from the applicant's professionals.

Peter Gapp, 845 Arnold Ave., Unit #22 was sworn in. In response to Mr. Reilly's questions, Mr. Gapp stated his unit is adjacent to the marina and faces the marina. He purchased the property in 2006 and is his primary residents. He has his wife have an end unit and has a perfect view of the water and marina.

He stated with the marina operations, he works in his home office quite a bit and can see the lower parking area. He stated boaters leave the marina as early as 5-6:00 a.m. The banquet hall has cars and buses during events. It's a crowded site during the summer months with large trucks and SUV's in the marina.

The banquet hall is used on Fri., Sat. & Sun with an influx of cars. There is noise from cars travelling over the gravel and buses idling. He stated they can hear guests leaving the parties, sometimes as late as 1-1:30 a.m. Many times they can hear the glasses and bottles being disposed in cans and can hear the bass of music when the windows are closed. He stated their shades have to be closed to avoid site lighting in their unit.

He stated with the proposal of doubling the space, there will be more odors from garbage and noise will be worse.

Relating to boat storage, the proposed building site is where boats are stored. Mr. Reilly asked if attachment "C" is typical of boat storage, Mr. Gapp stated yes.

Mr. Reilly submitted a letter dated 9/7/2011 from the Fire Marshal. Mr. Popovitch objected, stating the letter predates this application. The letter was marked as Exhibit O-16. Mr. Popovitch stated the letter is to Sharon Bestine, the Zoning Board secretary. Mr. Reilly stated he received the letter from OPRA request to the town. Mr. Reilly and Mr. Gapp discussed the letter written by Dan Mulligan, Fire Marshal and Mr. Gapp stated the letter is consistent with what he observes on the site.

Mr. Gapp stated when he purchased his unit, there was not a plan for a second banquet hall. He stated he enjoys an unobstructed view of the Manasquan River and a three story building would obstruct their view and damage the value of his home.

Ms. Bavais asked about outdoor music; Mr. Gapp stated there is noise when there are fishing tournaments during the summer. Mayor Sabosik asked if the banquet hall was existing when he purchased his unit; he stated yes. He asked if the tiki bar was open at that time; Mr. Gapp stated no. Mayor Sabosik also stated there is a no idling law and Mr. Gapp could call the police for enforcement. Mayor Sabosik asked what type of buses are used; Mr. Gapp stated both coach buses and shuttle buses. Mr. Gapp stated there are times that cars park off site on lots on Arnold Ave.

Mr. Popovitch stated that his cross examination would take some time and due to the hour, he requested to proceed at the next meeting of Dec. 22nd.

Mr. Montenegro announced to the public that the application would be carried to 12/22/16 and there would be no further notices.

Mr. Popovitch stated he would like to go back to his objection of Exhibit O-14 not be presented as an exhibit but as identification. After hearing the arguments from both sides, Mr. Montenegro asked both attorneys to submit in writing their arguments and the board will decide at the 12/22 meeting.

VOUCHERS:

Montenegro, Thompson, Montenegro & Genz: \$360.00 (Neese), \$600.00 (PP 847 Prop), \$870.00 (Jyotsna/Kokila), \$195.00 (Carannante), \$470.00 (Furgason), \$1,005.00 (General Board)
CME Associates: \$175.25 (Neese), \$409.75 (TFM Bldrs), \$214.50 (Carannante), \$443.75 (Newlin), \$607.75 (Jyotsna/Kokila), \$318.25 (ACMR)
Remington, Vernick & Vena: \$285.00 (2154 River Group)
Ocean/Coast Star: \$10.95 (Jyotsna/Kokila), \$9.29 & \$10.28 (General Board)
Asbury Park Press: \$ 44.00 (General Board)

There being no further business, Mr. Forsyth made a motion to adjourn. The special meeting of the Planning Board adjourned at 9:45 p.m.

Respectfully submitted,

Catherine Gardner
Planning Board Secretary