

**POINT PLEASANT PLANNING BOARD**  
**SPECIAL MEETING**  
**September 29, 2016**

The special meeting of the Planning Board was called to order by Chairwoman Bavais at 7:15pm. Ms. Bavais read the Notice of Compliance, which states adequate notice of the meeting had been given.

**Roll Call:**

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

Absent: Mr. Vitale Mr. McHugh

Attorney: Ben Montenegro Engineers: Laura Neumann & Jennifer Beahm

Secretary: Catherine Gardner

**MINUTES:**

The board approved the minutes of August 25, 2016 & September 14, 2016

**UNFINISHED BUSINESS:**

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

Daniel Popovitch, attorney for the applicant appeared before the board.

Mr. Popovitch recalled Matt Robinson, P.E., who was still under oath.

Exhibit A-10 – Dockside Restaurant floor plan dated 9/28/2016. Mr. Robinson described the area as previously thought to be 2,000 sq. ft., 1880 inside area; bar area included, outdoor dining area is 117 sq. ft. The total square footage is 1,997 sq. ft., which complies with the depicted plan.

Mr. Reilly cross examined Mr. Robinson. Mr. Reilly showed him Exhibit O-5, plan from 2007 – ground floor plan for basement floor dated 12/2008. Mr. Popovitch stated the plan is not marked by the Building Dept. Mr. Popovitch stated the Building Dept. is having difficulty locating the file for Clark's Landing and are looking for the file.

Mr. Robinson stated he is not sure if the Exhibit O-5 is showing the restaurant or is prior to the restaurant space. Mr. Popovitch stated the plan says ground floor plan, it is not necessarily the restaurant. Mr. Robinson stated his exhibit shows the restaurant; not sure of plan O-5 is the same.

Mr. Popovitch stated Exhibit O-5 has no dimensional numbers; Mr. Robinson described how his calculations were achieved.

George Truesdale, remained under oath. Mr. Truesdale stated regarding the questions raised by the board, the number of employees depends on the size of the party; it could range from 18-26 employees. Mrs. Beahm asked if that would be per shift; he stated yes. He stated the kitchen employees usually ride bicycles; other employees walk, use Uber, and drive cars with other employees. Employees have designed parking.

Mrs. Neumann stated that the site has been marked for each independent use on the site; Mrs. Beahm stated that each use has been delineated on the site.

The restaurant is open Memorial Day – Labor Day, Thurs., Fri., Sat. & Sun. for lunch and dinner, 11am – 9:00/9:30pm. Jan., Feb. and March are the slowest months for the restaurant; they would be open mainly Fri.-Sun and few other days.

There are 105 slips; 91 slips were rented this year. Mr. Truesdale explained the winter boat storage; not all boats are at the marine. It is cheaper for boats to be stored along the Barnegat Bay area. There is no stacking of boats.

Mr. Reilly cross examined Mr. Truesdale. In response to Mr. Reilly's questions, Mr. Truesdale stated his establishment focuses on weddings and not necessarily corporate parties. Crystal Point would book those type of parties; Clark's Landing is designed for weddings.

The Dockside Restaurant was not open last year; it was losing money and couldn't find good servers and cooks. He stated he wants to maintain a good business. There are occasions where there would be a one man band on some Sat. nights.

The average number of guests in the ballroom is 165 although there is a maximum of 275, but haven't had many events at the maximum. He feels the maximum for everyone to be comfortable would be 250.

Exhibit O-6 was marked – an email document dated 9/2/2016 from Kristin Chironna, Clark's Landing stating the ballroom holds 250 guests. Mr. Truesdale stated there could be 250 invitations, however, usually out of that number 210 people would commit.

Mrs. Beahm stated testimony was the room holds 280 maximum.

Mr. Reilly stated the application in 2008, testimony was a maximum of 220; Mr. Truesdale stated he doesn't recall but never did a wedding over that number.

Exhibit O-7 – Resolution 2008-05 – resolution of approval and a condition listed is that not to exceed 220 persons.

Mr. Truesdale explained the booking procedures for Clark's Landing. He stated he never exceeded 220 guests and can produce documents.

Exhibit O-8 – an article from Contemporary Bride, Spring 2011 – a story on a wedding held at Clark's Landing on 8/7/2010 where 250 guests attended.

Mr. Truesdale stated he does not work the banquet hall and as far as he knows there has not been a wedding that exceeded 220 guests. They discussed the past resolution and how the 220 number came about. He stated if his staff exceeded the 220 restriction, he would take the blame.

Mr. Truesdale answered questions relating to the operations of the banquet hall and sales. He stated he is not directly involved in sales. Mr. Reilly stated it seems the banquet hall is routinely sold for over 220 guests. Mr. Popovitch and Mr. Truesdale stated there was one article stating 250 guests.

Mr. Truesdale stated that Kristin reports to the general manager; there are two sales persons. Mr. Reilly asked if an email is sent to all persons requesting information or just this once. He stated he doesn't believe it's done on a regular basis.

Mrs. Neumann stated relating to the testimony of 280 persons, the testimony probably came from the architect standpoint. Mrs. Beahm stated the exhibit tonight for 220 people was not presented earlier. Mrs. Neumann was explaining the testimony from last month's meeting.

Exhibit O-9 – a certificate of occupancy dated 8/6/2009 for an addition (banquet). A certificate of occupancy dated 6/24/2008 for alterations of the lower level restaurant.

Mr. Truesdale and Mr. Reilly discussed the tables and chairs in the Dockside Restaurant and the c.o. for the restaurant. Mr. Reilly pointed out the c.o. for the restaurant is indicated to be zero for occupancy load.

Mr. Reilly asked if the 200 occupancy load for the addition was for both areas. Mr. Popovitch objected to the question. Mr. Truesdale stated he had no idea why it says zero occupancy load for the restaurant.

Exhibit O-10 – add for Clark’s Landing indicating the types of functions held. Mr. Reilly asked if the add was also on Clark’s Landing website; Mr. Truesdale stated he was not sure; he has a website designer.

Mr. Reilly stated there are nine types of functions listed in the add. Mr. Truesdale stated depending on the type of event, it could be held in the Dockside, such as showers, bar mitzvahs, etc. Events in the banquet hall and restaurant could be held simultaneously.

Mrs. Neumann stated the application is for Building B and a lot of time is being spent on Building A. The parking complies with all events. The parking is indicated on the site plan and complies with all uses on the site. Mrs. Beahm discussed the master plan and how parking is calculated.

Mr. Montenegro stated it is cross examination with questions and it will be up to the board if all statements are accurate when it’s time to vote.

## **RECESS**

Mr. Reilly continued his cross examination of Mr. Truesdale. He stated he was probably a witness at the 2008 hearing. Mr. Reilly stated “item g” in the resolution states less than 500 sq. ft. in footprint would be added; Mr. Truesdale stated if it says it, then yes.

Mr. O’Reilly referring to Exhibit O-2 – building plans dated 10/7/2008, sheet A-1; the new area is 664 sq. ft.

Mr. Montenegro stated the color coded Owen/Little plan, shaded area from 1/21/2008 showed the area less than 500 sq. ft.

Mr. Reilly asked Mr. Truesdale to explain the difference; he stated he couldn’t.

Mr. Popovitch stated it was an exempt site plan and then the banquets hall was constructed on top; it was a 500 sq. ft. increase in footprint.

Mr. Popovitch stated the plan being shown is from 2008; Mr. Truesdale stated he doesn’t know why the difference in the plans. Mr. Montenegro stated it is not 100% clear in the resolution if the testimony was from Mr. Owen or Mr. Truesdale.

Mr. Montenegro stated he would not allow an argument with each question.

Mr. Reilly asked how many employees – staff, valet, kitchen. Mr. Truesdale was unsure as the number of employees depend on the event.

Discussion of uses on the property – the total number of employees with all the uses; Mr. Truesdale thought it was on the site plan. Mrs. Neumann stated she didn’t believe so. Mr. Popovitch doesn’t believe the question was relevant. Mr. Montenegro stated he would allow the question. Mr. Popovitch stated the site plan meets the requirements of the ordinance.

The number of employees: Office – 6; ship store – 1; brokerage – 1 or 2; marina/service – 4;

Fuel – 1. These are the number of employees working on weekdays; half of these people work on weekends.

Mr. Truesdale discussed the times of weddings in the banquet hall; would start at 11am and would have another later in the afternoon. Mr. Reilly asked if presumably there could be four weddings in two buildings in one day; Mr. Truesdale stated yes.

Mr. Truesdale explained the boat slips; they were reduced to 105 slips in 2008. He also explained boat registrations. Mr. Reilly asked if there were out of state boaters who use the marina; Mr. Truesdale stated no.

Mr. Popovitch stated he needed Mr. Rea to testify as he would not be available next month. Mr. Montenegro stated they would listen to Mr. Rea's testimony and then return to the cross examination of Mr. Truesdale.

John Rea, P.E., traffic engineer sworn. Mr. Rea explained his traffic study as it relates to the site. He stated in 2015 he asked for a schedule of events at Clark's Landing. He stated he had his counters at the site on 8/7/2015 and 8/8/2015; there were 215 trips on 8/7 and 200 on 8/8. He state with two facilities, staggered by an hour, his report would be the same. He explained how he achieved the projections.

Mr. Rea stated that the application received Ocean County Planning Board approval. He stated he did inquire at the Police Dept. for any accidents on the curve in the past three years. There was one accident – a DWI, where a car didn't make the curve. The accident was not related to the site. He stated he also visited the site during the peak summer hours.

Mr. Montenegro stated a condition of the County board approval was a one hour staggering.

Mr. Rea explained levels of service relating to the rating of A-F. He stated he does not believe an officer would be needed to direct traffic at events.

Mr. Reilly crossed examined Mr. Rea. In response Mr. Rea stated there is egress to Arnold Ave. The interior circulation was deemed to be safe by the Fire Marshal. The site would be a "level C" if approved.

Mr. Rea stated someone from his office, not himself, was at the site on Fri., 8/7/2015 & Sat., 8/8/2015 from 4pm-7pm. Mr. Reilly asked if the valet is off site; Mr. Rea stated no, on site.

## **PUBLIC – QUESTIONS**

Sylvia Ferri, 845 Arnold Ave., #14 asked if the vacant lot at the corner of Trenton Ave. & Arnold Ave., where children play on the field was taken into account relating to traffic. Mr. Rea stated the area was canvassed and was considered in his study. He further stated it was a small lot and won't be compromised.

Ms. Ferri asked about school buses; Mr. Rea stated there were not buses on Fri. or Sat. night. He stated he was looking for high volume during the summer months with vehicles travelling around Arnold Ave.

Frank Pagano, 845 Arnold Ave., #14 stated he views the curve as dangerous. Mr. Rea stated there was one accident reported and no accidents reported coming from the site.

Ms. Ferri stated it would be helpful if the condo association driveway, which is close to Clark's Landing could be checked for accidents. Mr. Rea stated there was one reported accident on the curve; the police dept. did not give any records for Clark's Landing Dr.

Ms. Bavais asked if the report was based on the worst case scenario; Mr. Rea stated yes. He explained the study and the increasing traffic counts by 50%, as possible in the future. He

stated there would be two buildings and there is an 18 second wait to exit the property in either direction. On Friday night there were 18 left and 10 rights. He stated they would count pedestrian traffic but none were noted. The count was done manually.

Continuation of cross examination of Mr. Truesdale.

Mr. Reilly showed Mr. Truesdale Exhibit O-1 and asked if the site plan was submitted to the DEP; he stated he wasn't sure; the legend shows it's the boat storage area.

Mr. Popovitch stated the 4/29/2016 plan is consistent with the DEP plan; there have been three revisions since the DEP approval with review letters from the board engineer and the Fire Marshal.

Mr. Reilly asked if the boat storage area was decreased by half; Mr. Truesdale was unsure; Mrs. Beahm stated yes.

Exhibit O-11 – photo location map – Clark's Landing Marina.

Mr. Reilly stated the plan was submitted as part of the DEP approval. Mr. Truesdale stated it is an aerial shot of his site and described the photo and the storage of boats in the photo. He stated the photo shows boats in the parking lot which is not typical. He stated he does not store them in the parking lot and believed it must have been prior to a storm, possibly Sandy. Mrs. Beahm stated the date on the title block is the date of the submittal, not the date of the picture. Mr. Truesdale stated it is an older photo, possibly five years ago.

Exhibit O-12 – aerial photo of the subject property dated 4/16/2016. Mr. Reilly asked if it represents the boat storage on the property for the past several years; Mr. Truesdale stated yes. Mr. Truesdale explained the boat storage and explained the reduction in boat storage on his site. He stated he projected the number of what his business would need and it has been reduced by 50%.

Mr. Popovitch stated the original plan to the DEP was 29,000 sq. ft. The difference with the approved revised plan is 4,000 sq. ft.

Mr. Truesdale explained the boat storage, including the brokerage boats and new boats for sale. He also explained the positions of the boats in the exhibit.

Mrs. Beahm stated Mr. Truesdale has accepted a condition of delineating areas in the gravel, clearly marked and if additional boats cannot fit, they cannot be stored.

Exhibit O-13 – 2016 boating industry forecast. Mr. Reilly stated the report shows that boat sales are stronger and going up. Mr. Truesdale asked if includes all boats and explained the boating industry and not near the 2007 numbers. Mr. Truesdale and Mr. Reilly discussed the boating industry.

Mr. Truesdale explained the types of vehicles in the boat yard – travel lift, forklift and truck. The lull sits on a pad and the trailer is parked under a boat. Mr. Reilly asked if there was a designated parking area on the site for these vehicles; Mr. Truesdale stated no.

Mr. Reilly asked what type of vehicles boat owners use; Mr. Truesdale stated no special cars; the type of boats in his marina cannot be towed.

Mr. Popovitch stated after looking at Exhibit O-11, it appears it is an older picture as it is showing the tiki bar from quite a few years ago in the picture.

During discussions, the objectors will not be available for the October board meeting. Board members discussed a special meeting date, which will be scheduled for Monday, November, 21, 2016.

There being no further business, Mr. Furmato made a motion to adjourn. The special meeting of the Planning Board adjourned at 10:15 p.m.

Respectfully submitted,

Catherine Gardner  
Planning Board Secretary