

POINT PLEASANT PLANNING BOARD

August 23, 2018

The regular meeting of the Point Pleasant Planning Board was called to order by Chairwoman Bavais at 7:10 p.m. 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. Vitale Mr. Faraldi Mr. Preiser Mr. DeJong
Ms. Bavais

Absent: Mr. McHugh Mr. Forsyth Mr. Welch Mr. Altero

Engineer: John Keating Attorney: Ben Montenegro Secretary: Catherine Gardner

MINUTES: The board approved the minutes of July 26, 2018

RESOLUTIONS:

The board memorialized the following resolution:

Res. 2018-11 – Preliminary/Final Site Plan & Conditional Use – Block 163 Lot 4
1123 Burnt Tavern Rd., Applicant: Cellico Partnership d/b/a/ Verizon Wireless (approved)

NEW BUSINESS:

Administrative Approval – Block 105 Lots 28, 39, 40 & 41 – 1125 Arnold Ave.,
Applicant: 1125 Arnold Ave. LLC

Mayor Sabosik stepped down due to conflict.

Michael Rubino, attorney for the applicant, stated the applicant received approval for 16 townhomes. The affordable housing units were the corner units. The applicant met with the developers and marketers and were advised that the corner units were more marketable. He stated one unit would be in each building – they will be units 6, 11 & 15.

Mr. Montenegro asked if the difference in the approval was the location of the affordable units; Mr. Rubino stated yes. Ms. Bavais asked if the affordable housing units did not have basements; Mr. Rubino stated all the units have basements.

Peter Maldjian was sworn in and explained his conversations with marketing as to the locations of the affordable housing units.

Mr. Furmato made a motion to approve the application; seconded by Mr. DeJong.

Roll Call Vote:

Mr. Furmato: Yes Mr. Vitale: Yes Mr. Faraldi: No Mr. Preiser: Yes Mr. DeJong: Yes
Ms. Bavais: Yes

**Minor Subdivision & Variance – Block 113 Lot 25.01 – 821A Trenton Ave., Applicant:
Chadd & Malissa Smith:**

Michael Elwood, attorney for the applicant appeared before the board. He stated the Smith's came before the board in January to discuss their plans for a subdivision. The applicant is seeking variances under the C2 clause.

Roberta Burcz, attorney for objectors Irene Confi and her sister, Lucy Culver introduced herself to the board.

Daniel Popovitch, attorney for objectors Joan Coyle, Robert Hildebrandt introduced himself to the board.

Mrs. Burcz stated the hardship is self-created and the Smith's were aware of the subdivision in 1986 of no road frontage when he purchased the property. She stated he failed to mention the 1986 subdivision in the application and there are safety concerns for the easement. She discussed an application that was heard before the Point Pleasant Beach Zoning Board.

Mr. Popovitch stated the applicant cannot support a C2 variance. The easement is not a utility easements and the applicant would need approval from Point Pleasant Beach.

Mrs. Burcz also pointed out that the notice did not mention the zone of the property.

The attorneys discussed jurisdiction and the possible defect of notice. Mr. Elwood stated he was ready to proceed.

Mayor Sabosik asked about the meeting from Point Pleasant Bch. Mrs. Burcz stated it was the similarity in zones for subdividing lots into 50 x 100.

Chadd Smith was sworn in. He stated he had spoken to his neighbors about the subdivision and was sorry that it has come down to all the objectors present. Mr. Smith discussed the resolution from 1986 granting a subdivision and there not being a stipulation of no further subdivisions to the property.

The plans for the home submitted is for his family and his parents would live in the existing house.

Mayor Sabosik asked if there were tents on the property; he stated yes for storage of lawnmowers and snowplow. He stated there is a 1976 Jeep under a tenant. He stated he owns his own business, Jersey Shore Electrical and is licensed real estate agent with Diane Turton Relators. He stated there is water, sewer and gas in the easement to his property. He stated he owns two vehicles, the Jeep and a motorcycle.

Mayor Sabosik stated to clarify during testimony, house #1 will be the house on Trenton Ave., house #2, the existing home owned by the Smith's and house #3 would be the proposed home.

Mr. Vitale stated it appears the proposed home is situated as to accommodate a swimming pool; Mr. Smith said yes, in the future. Mr. Vitale stated it appears the property has some ponding; Mr. Smith stated it would be corrected with the drainage plan.

Mr. Smith stated when he was installing a fence, he accidentally struck the gas line and fire trucks came to his house without any issues.

The water/sewer lines come through the easement from Trenton Ave.

Cross examination by Mrs. Burcz. The following exhibits were marked:

O-1 – portion of Planning Board application

O-2 – 5/15/2015 deed recorded in County for the property; not certified copy but obtained through the Ocean County Tax Records.

RECESS

Ms. Burcz discussed with the applicant the deeds & exhibits attached to the deeds.

O-3 – deed dated 4/8/2014

O-4 – deed dated 12/8/2017 – all deeds printed from the Ocean County Tax Records website.

Mr. Popovitch questioned Mr. Smith about the location of his business; he stated he is an electrical contractor. He takes phone calls at his residence, however, his truck is parked at 704 Atlantic Ave., Pt. Pleasant Beach. They discussed Mr. Smith's business, phone calls are taken at the house, some materials but no work vehicles on the property.

Mr. Popovitch and Mr. Smith discussed the deeds, as discussed with Mrs. Burcz. Mr. Vitale stated he doesn't understand the discussion with the deeds and what it has to do with this subdivision.

Mr. Montenegro asked if the easement is specific to one house; Mr. Elwood stated no. The attorneys discussed the access easement with Mr. Montenegro. Mr. Popovitch stated Mr. Hildebrandt's parents subdivided the property. Mr. Montenegro asked if there were any deeds restricting a further subdivision; Mrs. Burcz stated no.

Mr. Popovitch stated he believes a portion of the sewer line is from Pt. Pleasant Beach.

Mr. Elwood asked his client if he would comply with all requirements imposed by the board; he stated yes.

PUBLIC – QUESTIONS:

Mrs. Burcz asked if there would be a buffer along the property line. Mr. Smith stated he could install bushes or trees at a 5-6 foot height.

PUBLIC – CLOSED:

William Parkhill, L.E., Midlantic Engineering was sworn in.

A-1 – Minor Subdivision plan

A-2 – Architectural plan dated 5/8/2018 from Grasso Designs

Mr. Parkhill gave an overview of the application.

Mr. DeJong asked if the water/sewer lines were in the easement; he stated yes. Each home would have individual lines from the main line. He discussed the services in the easement.

There are two variances being sought; lot does not have frontage on the street, however, the easement on the Smith property would be increased to a 20 ft. width. A variance is required for an existing condition for the existing house.

Mr. Parkhill discussed the grading/drainage for the property. He stated the plan would meet the Borough's requirements and the plan would be submitted at the building permit process.

He stated he could build an addition to the existing house, but he and his wife want their own home.

Mr. Parkhill stated the existing easement is an 11 ft. improved area; there will be no parking on the proposed easement.

Mr. Smith discussed the parking at house #2.

Mr. Preiser asked if the easement is shared with house #1 on Trenton Ave.; he stated yes.

Mr. Keating asked if his property had two vehicles at the house; he stated yes.

Mr. Parkhill discussed the engineering review letter. The existing shed would be relocated; a new fence is on the property lines, there are no structural encroachments. Whether any access should be provided from West Laurel Ave., Pt. Pleasant Beach; Mr. Parkhill stated access cannot

be obtained. There will be two separate water/sewer services to the homes. The subdivision map would be filed and not by deed. Will obtain a letter from the tax assessor assigning block/lot numbers; plans will be revised in accordance with the review letter.

Mr. Keating recommended the applicant have the fire marshal review the plans and submit his written recommendation; Mr. Smith will comply.

Cross-Examination:

Exhibit O-5 – 1986 resolution and Planning Board minutes.

Mrs. Burcz asked what type of house was be constructed. Mr. Parkhill stated it is a proposed two story with attic (pull down stairs). The height would be measured from the crown of the road and would not exceed 32 feet.

Mr. Popovitch asked how will maintain the easement; Mr. Smith said he will remove snow. Mr. Montenegro asked if there is a separate agreement for maintenance of the easement; Mr. Smith stated no. Mr. Popovitch stated he would like to see it made as a condition of approval.

Mr. Popovitch discussed with Mr. Parkhill the front/rear on lots that don't front on streets. They also discussed the setbacks for the property, the surrounding properties and parking at the proposed lots.

Exhibit O-6 – pictures of the existing property showing ponding. Mr. Popovitch asked if fill would be brought to the property; Mr. Parkhill stated grading would be on the property and would comply with Borough ordinances.

RECESS

Mr. Parkhill stated he would have topography and elevations for the next board meeting.

Mrs. Burcz discussed where the utilities are located within the easement and where they are located on the filed 1986 subdivision map.

PUBLIC – QUESTIONS

Mr. Popovitch questioned Mr. Parkhill relating to fire trucks entering the easement and the turning radius with cars parked on Trenton Ave. Mr. Parkhill stated most times, the fire trucks would remain in the street and bring the hose up the easement. However, a fire truck could gain access to the property down the easement.

PUBLIC – CLOSED

Mr. Montenegro stated the application would be carried to the Sept. 27th meeting at 7pm without further notice.

COMMITTEE REPORTS

Environmental Commission – Mr. Faraldi stated the commission has concerns with the delivery trucks at the new Dunkin Donuts; Mr. Montenegro stated the approval was for a loading zone behind the second building and is not available at the present time as that building is not completed.

Mr. Faraldi stated the commission feels the code enforcement officer needs to be more Pro-active with the commercial properties are there are quite a few on Bridge Ave. in disarray. Mayor Sabosik stated the town engineer would be out along Bridge Ave. and also Beaver Dam Rd. during the County road projects and would ask him to check properties.


VOUCHERS:

The board voted to approve the following vouchers:

Montenegro, Thompson, Montenegro & Genz: \$255.00 (Cellco), \$165.00 (Sherler), \$285.00 (Ravallo), \$780.00 (Smith), \$720.00 (General Board)
CME Associates: \$37.25 & \$37.25 (Cellco), \$ 1,014.50 (314 Nancy Dr Point), \$539.5 (Catallo/GM 07, LLC),
\$ 252.00 & \$37.25 (Smith)
Remington, Verrick & Vena:
Ocean/Coast Star: \$6.93 (1125 Arnold Ave), \$6.62 (DeKenipp), \$6.63 (TFM Bldrs)

There being no further business, the board adjourned at 10:00 pm; all were in favor, no one was opposed.

Respectfully submitted



Catherine Gardner
Planning Board Secretary