**POINT PLEASANT PLANNING BOARD**

**October 25, 2018**

The regular meeting of the Point Pleasant Planning Board was called to order by Chairwoman Bavais at 7:05 p.m. Ms. Bavais read the Notice of Compliance, which states adequate notice of the meeting had been given.

Roll Call:

Present: Mayor Sabosoik Mr. Furmato Mr. Vitale Mr. Faraldi Mr. Preiser Mr. DeJong

Ms. Bavais

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

Attorney: Ben Montenegro Engineer: Laura Neumann Secretary: Catherine Gardner

**RESOLUTIONS:**

The board memorialized the following resolution:

Res. 2018-13 – Minor Subdivision & Variance – Block 139 Lot 19 – 1205 Madison St. Applicant: GM07 LLC/Catala (Approved)

**UNFINISHED BUSINESS:**

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; Daniel Popovitch and

Roberta Burcz, attorneys for objectors appeared before the board.

Andrew Janau, Planner, continued his testimony from last month. He stated the property is the

R-1A zone and described the site. He stated the setbacks would be compliant except for the existing condition. The building and lot coverages would be under the requirements for both homes.

Mr. Janau stated he has reviewed the ordinances and master plan and stated the proposed home would be consistent with the neighborhood density.

Mr. Janau described areas in the neighborhood that have 12 foot wide roads. Mayor Sabosik asked if the applicant would be upgrading the easement and the parking at the residences;

Mr. Janau stated yes.

The curb and mailbox would be removed to make the 15 foot width at the start of the easement.

Board members and Mr. Janau discussed the easement from the start of Lot 25.01 which would be widened to 20 feet and would provide emergency vehicle access. The existing easement would be 15 feet from Trenton Ave. to the start of Lot 25.01. Mr. Janau stated the applicant would agree to any stipulation relating to the easement. Board members stated they would like to see some plantings along the easement.

Board members were concerned with the location of the fire hydrant so close to the easement.

Mr. Janau stated the applicant and his engineer would work with the board engineer relating to the geometry of the apron.

Mr. Janau stated the application is consistent with the master plan and discussed the variances being required. He stated the board could grant the variances without detriment and cited the MLUL with positive criteria to grant variances. He discussed case law of Kaufman vs Warren County with similar characteristics.

He also stated State law allows for group homes to be located in all zones and could be approved by a board as long as it meets parking requirements.

Mr. Vitale stated there appears to be a fence at the driveway of Lot 25; it appears to divide

Lots 25 and Lot 25.01. Mr. Smith stated there is plenty of parking on both sides of the fence.

In response to a question, Mr. Smith stated that trash is wheeled down the easement to

Trenton Ave.

Mr. Vitale asked who maintains the easement; Mr. Smith stated he does.

**CROSS EXAMINATION**

Mrs. Burcz discussed with Mr. Janau his previous testimony relating to Riverwood Park homes.

He stated his testimony was not when it was created but what currently exists. They discussed the State statute which allows group homes in all zones. Mr. Janau stated the application would require board approval, however, would be approved if all parking requirements are met.

Mr. Popovitch and Mr. Janau discussed the minor subdivision map dated 10/10/2018, which was revised. Mr. Popovitch stated the easement was created in 1986 by a Planning Board resolution. Mr. Popovitch stated his client was the owner of the easement for the past thirty years.

Mr. Janau stated he didn’t read the resolution from 1986 and couldn’t answer questions relating to that resolution. Mr. Popovitch and Mr. Elwood argued over Mr. Janau should answer question. Mr. Montenegro stated if he didn’t know the answer, to move on to the next question.

Mr. Janau reviewed the 1986 Planning Board resolution and discussed the resolution of approval for the easement. He stated the location of the proposed home is good planning at 7 ½ feet. He stated it supplies ample open recreation area. Mr. Popovitch and Mr. Janau discussed the location of the home and coverages and if it was suitable at that location and not shifted back. Mr. Popovitch asked if it was good planning for the home to be so close to the home on Lot 4; Mr. Janau stated the Borough ordinances establish 7 ½ side yard setbacks.

Exhibit A-9 – aerial photo from Google – Mr. Janau described the area and the planning of the location of the proposed home.

Board members asked about a structure – a shed or garage shown in the aerial. The photo shows a detached garage approximately 5 ft. off the property line. The board discussed the architectural of the proposed home and the location of the home. Mr. Janau stated if the board deems the house should be moved, it is their right.

Mr. Janau discussed the homes on Riverwood Park and his previous testimony from September. He also discussed the Kaufman hearing and the type of lots that were established.

Mr. Janau discussed his testimony about MLUL and applying to this application. Section B discusses safety. He felt that the 15 foot wide easement is adequate considering that the applicant will be sprinkling the proposed home.

Mr. Vitale stated he would want to see the driveway paved and the property be adequately graded. He asked where the easement stops; Mr. Janau stated it stops at Lot 25.03.

Ms. Bavais stated she feels the detached garage seems too close to the proposed home.

Mr. Smith stated he could move the home over; board asked to move it 5 ft; he stated yes.

Ms. Bavais stated she asked the fire marshal to come to the board for clarification of his letter.

Daniel Mulligan, Ocean County Fire Marshal was sworn in. In response to board questions,

Mr. Mulligan stated in this case he is concerned about access to the rear house. He stated the current drive is 10 ft. wide; fire apparatus requires a 20 ft. width. He stated fire lanes in parking lots are 18 ft. in width. His primary concern is landscaping growing into the easement.

Mayor Sabosik stated the applicant would be installing sprinklers in the proposed home.

Mr. Mulligan stated that would help and would need to get one truck up the easement to the house. He explained the running of the hoses to the house without bringing in the trucks.

Mr. Elwood asked Mr. Mulligan if he was aware of a 911 fire call to the house; Mr. Mulligan stated no. Mr. Mulligan discussed different scenarios of bringing the fire trucks into the easement.

Mr. Popovitch asked about entering the easement if cars were on Trenton Ave. and the location of the fire hydrant adjacent to the easement. Mr. Mulligan discussed scenarios of cars parking on Trenton Ave. and also the fire hydrant and water pressure. The hydrant is part of Point Pleasant Beach and not the Borough.

Mayor Sabosik asked if a fire sprinkler in the house would help with a structural fire; he stated yes.

Mrs. Burcz asked about fire sprinklers in homes and he explained the purpose of the system in both residential and commercial properties.

Mr. Mulligan discussed with the board the codes for easements and stated the requirement is

20 feet.

Mr. Elwood stated that the applicant’s presentation is concluded. Ms. Bavais asked Mrs. Burcz and Mr. Popovitch about their presentation to the board. Mrs. Burcz stated she has a planner to testify and a licensed real estate broker. Ms. Bavais stated there would not be enough time to hear all the testimony this evening.

Mr. Smith stated he is concerned about the length of time the application has been taking.

Ms. Bavais stated the board would hear testimony from the real estate broker and then determine if a special meeting can be scheduled.

Raymond Brooks, licensed real estate broker, was sworn in. Mr. Elwood questioned whether

Mr. Brooks was going to testify as a broker or an appraiser. Mr. Montenegro discussed with

the attorneys and Mr. Brooks about testifying as an appraiser vs broker. No testimony will be given as an appraiser.

In response to Mrs. Burcz’s questions, Mr. Brooks stated the construction of the house; the view would affect the prices of houses on Creamer Ave. Mr. Elwood asked if the Elks Lodge and their parking lot is adjacent to Lot 4; Mr. Brooks stated yes.

The board will hold a special meeting for this application on Thurs., November 29, 2018 – no further notices will be given.

**VOUCHERS:**

The board voted to approve the following vouchers:

**Montenegro, Thompson, Montenegro & Genz:**  $495.00 (Catala), $180.00 (General Board)

**CME Associates:** $487.50 (314 Nancy Dr Point), $1068.00 (Cellco), $3361.00 (1125 Arnold Ave.), $37.25 & $390.00 (1125 Arnold Ave.), $1522.50 (BTB Properties), $186.25 (Catala)

**Remington, Vernick & Vena:** $152.00 (BTB Properties), $456.00 (314 Nancy Dr Point)

**Environmental Commission Report:**

Mr. Faraldi stated the living shore line at the Slade Dale property has been started with laying of old Christmas trees.

There being no further business, the board adjourned at 10:15 p.m.

Respectfully submitted,

Catherine Gardner

Planning Board Secretary