

**POINT PLEASANT PLANNING BOARD  
SPECIAL MEETING  
November 29, 2018**

The special meeting of the 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 Councilman Furmato Mr. Preiser Mr. Welch Mr. DeJong  
Ms. Bavais

Absent: Mr. Vitale Mr. Faraldi Mr. McHugh Mr. Forsyth Mr. Altero

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

**MINUTES:**

The board approved the minutes of August 23, 2018, September 27, 2018 and October 25, 2018

**NEW BUSINESS:**

**Extension of Approval – Block 274.03 Lot 38 – 719 Howe St., Applicant: Robbie Darcy**

Matthew Robinson, P.E. approached the board. He stated Ms. Darcy received her approval from the board for a minor subdivision in January. There have been several delays in preparing the plans for signature and they have gone over the 190 days in order to file with the County. Mr. Robinson asked for a 60 day extension in order to file the maps. The board secretary advised all approvals are in place and is just a matter of obtaining the extension.

Mr. Welch made a motion to approve a 60 day extension of approval; seconded by Mr. DeJong

**Roll Call Vote:**

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Preiser: Yes Mr. Welch: Yes Mr. DeJong: Yes  
Ms. Bavais: Yes

**UNFINISHED BUSINESS:**

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

Michael Elwood, attorney for the applicant, stated they have completed their case.

Roberta Burcz & Daniel Popovitch, attorneys for the objectors approached the board.

Mark Bagnewski, Technical Fire Services Inc. was sworn in. Mr. Bagnewski stated he does fire plan site review but never testified before a board. He stated he is employed by Cranford as a paid fireman and inspector for the fire department.

Mr. Elwood asked what issues Mr. Bagnewski would address and how is he an expert; he will testify relating to the existing easement and fire access along West Laurel. Mr. Bagnewski answered questions from the board, as well as Mr. Elwood; he stated he is not a civil engineering expert.

The board members and attorneys discussed Mr. Bagnewski's qualifications and the extent of his testimony.

Relating to the easement – it is required to be 20 ft. wide with a clearance of 13 ft. in height; it should be wide enough for an engine or ladder fire truck. He does not believe the current condition of the easement leaves itself access for a fire truck to gain access. If a car was parked in the street, it would hinder apparatus.

Mr. Bagnewski discussed how to relocate the existing fire hydrant; a house of 30 ft. in height would need an aerial truck. He discussed the running of hoses up the easement and answered questions relating to house fires.

Mr. Bagnewski answered questions from Mayor Sabosik relating to the size of fire trucks in Cranford and the size of the fire trucks going into the easement. Mr. Bagnewski stated access from West Laurel for firefighters would be to kick down the fence and gain access. He did not measure the distance to the property from West Laurel.

Mr. Bagnewski discussed residential sprinkler systems; for life and safety the best system for the house would be a full life safety and suppression system.

Mrs. Burcz questioned the witness relating to the Coyle's house; the shed is located 5 feet from the property line and how close the proposed home would be. Mrs. Neumann stated at the last meeting, the applicant agreed to move the house back 17 feet.

In his professional opinion, Mr. Bagnewski stated the access should be a 25 ft. width for fire access.

Mr. Elwood cross examined the witness. Mr. Elwood explained that the applicant could construct a much larger home without board approval with the existing access. Mr. Elwood showed Mr. Bagnewski Exhibit A-6 and explained exhibit – Mrs. Burcz objected and question was withdrawn.

Mrs. Burcz and Mr. Popovitch questioned the witness as to whether a dedicated water line for the sprinkler was needed; he stated yes, from Trenton Ave. Mr. Vitale asked if the water line could be from a well; board discussed with the engineer the need for a pump if using a well.

#### **QUESTIONS – Public**

Michael Cipoletti, 125 Trenton Ave. Asked about the fire suppression system; board members discussed with him.

#### **QUESTIONS – Closed**

Barbara Allen Woolley Dillon, P.P. was sworn in. Mrs. Woolley stated her opinions would be partially based on the regional and master plans of both towns. Mr. Elwood objected, stating it should be the Borough's master plan.

Mrs. Woolley described the applicant's property and the surrounding area. Mayor Sabosik and Mrs. Burcz discussed the ratio of properties in the Beach and the Borough.

Mrs. Woolley stated she believes the applicant should not be granted. She stated there is also a jurisdictional issue as a "D" variance is required and cannot be heard by the Planning Board. She stated there is an electrical business run from the home. Mr. Montenegro stated there was previous testimony from the applicant that the application is for a two lot subdivision for single family home; no commercial is proposed for the property.

Mrs. Woolley stated there would be too much building on the site and is not in character of the surrounding areas. She stated mail delivery and the trash cans need to be at the curb on Trenton Ave.

Mrs. Woolley stated there is an ordinance in Point Pleasant Beach that private alleys or lanes cannot be located behind a house which fronts on a street. The applicant's proposal would render all the homes non-conforming. Mrs. Neumann stated she disagrees with the assessment as it would not be a private lane or alley; it is a driveway easement.

Mrs. Woolley stated there would be flooding issues as the existing vegetation would be removed to construct a new home. She also discussed 40:55D and the subsections and she sees that it applies to the application.

Exhibit O-6 – two photos of 907 A/B Trenton Ave. & 507/509 Riverwood Park. She explained the lot size, first floor square footage, number of bedrooms and the year built.

Mrs. Woolley stated she does not agree with the applicant's planners opinion that the variance could be granted. She stated the application is creating a new variance for relief of the deck with the subdivision. She stated in 1986, the property was zoned R-2 and could have built a duplex at that time.

Mrs. Burcz asked Mrs. Woolley about the variance for the driveway up the property line; Mr. Elwood objected; it's a design waiver not a variance.

Mrs. Woolley stated that variances are in conflict with ten of eighteen purposes of zoning. She believes the subdivision and construction of a home is too much for the site, adding to the easement, design waiver for the driveway and impacting the neighborhood. She stated that the RSIS; adding a house would result in ten additional trips. Mr. Elwood objected; she is not a traffic expert. She stated the applicant has not satisfied the negative criteria detriment to the community.

Mr. Popovitch asked Mrs. Woolley if the applicant could enlarge the existing home without board approval; she stated yes, without a variance.

Mrs. Woolley discussed a Pt. Pleasant Beach Zoning Board application where a variance was denied for a property on Trenton Ave. because it was too much for the site. Mr. Montenegro stated it's not prevalent for this board.

Mr. Elwood asked Mrs. Woolley if her client's property is adjacent to the Elks, where functions are held both inside and outside; she stated yes.

## **PUBLIC – QUESTIONS**

John Warnick, 87 Chicago Ave., Pt. Pleasant Beach. He stated 202 Trenton Ct., Pt. Pleasant Beach recently sold and asked the size of the lot. Mrs. Woolley stated 50 x 100 foot lot. He stated it is a 4,000 sq. ft. home, 4 bdrms., 2 ½ baths and sold for \$695,000.

Joan Koidl, 206 Trenton Ave. was sworn in. In response to Mr. Popovitch's questions, she described her property. She said she didn't hear testimony last month about a 17 foot setback. Mrs. Neumann stated the applicant agreed to increase his setback to 12 ft. so with the additional five feet from her garage – it is 17 feet total.

Exhibit O-7 – picture of house with area shadowed showing the size of proposed home. Mayor Sabosik asked neighbor is how far from fence between homes; she stated 5 – 6 feet. Her house to the rear property line is approximately 23 feet.

Exhibit O-8 – picture display of house and neighbor's house.

She stated she has been a realtor for 34 years. Mr. Montenegro stated there would be no testimony relating to appraisals of properties.

Exhibit O-9 – photo display showing flood situation and snow.

Exhibit O-10 – photo showing flooding and fill brought to the applicant’s property.

Mrs. Koidl stated she would like to see the proposed home moved over further and align it with the existing house.

Mrs. Neumann stated there would be a roof leader drain, which is part of the application to a retention system.

Mrs. Koidl stated the applicant could add to the existing home and not building a new home. She stated she has safety concerns with pedestrians and kids driving/walking to the high school down the street.

Cross examination – Mr. Elwood asked if 202 Trenton Ave. recently sold for \$695,000. and abuts the easement.

Bob Hildebrandt, 821 Trenton Ave. was sworn in. In response to questions from Mr. Popovitch, he stated he hasn’t had a problem with the easement in 30 years. He stated there would be additional traffic and adding utilities. He stated he did not want the dirt from digging in the easement to be piled on his property. He also stated that the buffer with his neighbor would be removed.

All trash cans and recycling would be in front of his house. The easement is not wide enough for two cars to pass each other. There hasn’t been a problem with the easement with large vehicles; there was a time when a large truck would come to the applicant’s property to pick up scrap metal.

Mayor Sabosik asked Mr. Hildebrandt how many vehicles is on his property; he stated five – 3 cars in the yard and two in the street. He stated there is also a boat that comes/goes.

Mrs. Burcz asked how the Smith property would be accessed when the easement is dug up; he stated he wouldn’t be able to get access.

Mrs. Burcz if Mr. Smith runs his business from the property; he stated not too much, back in the day yes.

Mr. Elwood referred to the resolution of 1986 which states that a 15 feet easement would be installed. Mr. Hildebrandt stated the 3 ft. buffer was a courtesy.

Irene Conti, 819 W. Laurel was sworn in. She stated she has visited the Hildebrandt property and described the easement.

Exhibit O-12 – array of pictures showing the easement area.

Exhibit O-13 – A board mounted survey

Mrs. Conti described the exhibits – Mr. Smith does not have access to W. Laurel. Mr. Elwood asked if there was two feet of access. Mrs. Conti stated to gain access through W. Laurel, there is a pole in the way, her two cars in the driveway that they would need to get through.

Mrs. Conti stated she would see the rear of the proposed home from her front yard.

Exhibit O-14 – a photo array showing electrical trucks on 7/16/2018. Mrs. Conti stated the business is being run from the house. Mr. Elwood objected & Mr. Montenegro stated the location of the business was discussed previously as being located in Pt. Pleasant Beach.

Exhibit O-15 – photo array showing ponding/flooding of the Smith property. She stated the water flows onto her property. A photo showing a pile of fill on the Smith property.

Mrs. Neumann stated flooding is assessed 48 hours after a storm. She also stated the plan shows a low spot and a grading plan would mitigate any flooding at the property.

Exhibit O-16 – a letter from Mrs. Burcz to the Smith’s consenting to allow spot elevations on the Conti property, which was discussed at the first hearing date. Mrs. Burcz stated she was not sure if it was done or on the plan. Mrs. Neumann stated a tie in shows on the plan, but the Conti property is not part of the application.

Mr. Elwood stated it wasn’t necessary for the application and it turned out to be too expensive. He stated a grading plan must be approved prior to the issuance of a building permit.

Mrs. Conti stated she has had mold and mildew problems on the exterior of her house due to the flooding.

Mr. Popovitch stated a storm water management plan should be considered with the application.

Mrs. Conti responded to questions from Mrs. Burcz relating to no parking signs, sidewalks and parking on W. Laurel and Trenton Ct.

Exhibit O-17 – photo array of Riverwood Park; residents have utilities, garbage pickup and mail delivery.

Exhibit O-18 – photo array of garbage cans in front of the Hildebrandt residence.

**PUBLIC – COMMENTS - None**

Summations were given by Mrs. Burcz, Mr. Popovitch & Mr. Elwood

Mr. Montenegro read the conditions that were discussed during the meetings: Will provide an evergreen screen along Lots 3 & 4; drainage plan at the time of building permit submittal, will leave the easement with a buffer but would increase to 15 foot width; provide a vertical height for Lot 25.02; install a fire sprinkler system; no parking on the easement; identify location of apron; repair/maintenance of easement; shift home additional 5 ft. for a 12 ½ feet setback.

Board members gave their comments on the application.

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

**Roll Call Vote:**

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Vitale: No Mr. Preiser: No  
Mr. DeJong: Yes Ms. Bavais: Yes

**VOUCHERS:**

The board approved payment of the following vouchers:

**Montenegro, Thompson, Montenegro & Genz:** \$135.00 (T-Mobile), \$135.00 (All American Ford), \$300.00 (Catala), \$ 60.00 (Cellco), \$45.00 (1125 Arnold Ave.), \$762.50 (General Board litigation), \$105.00 (General Board)

**CME Associates:** \$ 148.00 (1125 Arnold Ave.), \$356.50 & \$337.00 (GM070 LLC), \$1160.75 (TMobile)

Remington, Vernick & Vena: \$ 152.00 (1125 Arnold Ave.), \$ 228.00 (#14 Nancy Dr. Point LLC), \$456.00 & \$76.00 (Darcy)

**Asbury Park Press:** \$ 48.20 (General Board)

There being no further business, the Board adjourned at 11:50 p.m.

Respectfully submitted

Catherine Gardner  
Planning Board Secretary