POINT PLEASANT PLANNING BOARD

June 27, 2019

The regular meeting of the Point Pleasant Planning Board was called to order by Mr. McHugh, Vice-Chairman at 7:05 p.m. Mr. McHugh read the Notice of Compliance, which states that adequate notice of the meeting had been given.

**Roll Call:**

Present: Mayor Sabosik Mr. Furmato Mr. Faraldi Mr. Preiser Mr. McHugh Mr. Welch

 Mr. Vitale arrived at 7:10 p.m. Mayor Sabosik left the meeting at 9:30 pm

Absent: Mr. Forsyth Mr. Altero Mr. DeJong Ms. Bavais

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

**Minutes:** The board approved the minutes of March 21, 2019 & April 25, 2019.

**RESOLUTIONS:**

The board memorialized the following resolutions:

Res. 2019-05 Administrative Approval – Block 127 Lot 8 – 908 Leighton Ave.,

 Applicant: Joseph & Kimberly Favia (Approved)

Res. 2019-06 - Minor Subdivision & Variance – Block 279 Lot 116 – 1712 Riviera Ct.,

 Applicant: Jeff McManus & Robert Obsuth (Approved)

Res. 2019-07 - Amended Final Site Plan & Variance – Block 256 Lot 15 – 1515 Hulse Rd.,

 Applicant: Crest Pointe Property, LLC (Approved)

**NEW BUSINESS:**

**Extension of Approval – Block 139 Lot 19 – 1205 Madison St., Applicant:**

 **GM07, LLC (Scott Catala)**

Mr. Catala was sworn in. He stated he is requesting an extension of his approval in order to post the performance bond and file his subdivision map. Mr. Montenegro asked if 60 days would be sufficient; he stated yes. Mr. Faraldi made a motion to approve the request; seconded by Mr. Welch.

**Roll Call Vote:**

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Faraldi: Yes Mr. Preiser: Yes Mr. McHugh: Yes

Mr. Welch: Yes

**Administrative Approval – Block 9 Lots 25.01 & 25.02 – River Rd., Applicant:**

 **SJD Builders, LLC:**

Mr. Welch stepped down from the dais due to conflict.

Daniel Popovitch appeared before the board and stated the owner was not available for tonight’s meeting. He is requesting a waiver for a gravel driveway instead of the approved concrete. The access easement and surrounding properties have stone and would keep in character with the neighborhood.

He stated the applicant would install a 4”-6” base, several inches of blue stone and then rolled.

Mayor Sabosik stated the area was predominately stone. Mayor Sabosik asked if the plan for the parking was submitted; Mr. Popovitch stated it will be submitted to Mrs. Neumann for her approval.

Mr. Popovitch stated the resolution would be for the conversion of concrete to gravel; all other conditions in the initial resolution would remain.

The board discussed a border for the driveway, however, decided a boarder would not be needed as it would impede drainage run off. There will be a 6” subbase and 3” of ¾” blue stone compacted.

**Public – None**

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

**Roll Call Vote:**

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Vitale: Yes Mr. Faraldi: Yes Mr. Preiser: Yes

Mr. McHugh: Yes

**Minor Subdivision – Block 265 Lot 8.01 – 1413 Jackson St., Applicant: TFM Builders LLC**

Daniel Popovitch appeared before the board. Mr. Popovitch stated the plan is slightly revised; the rear porch to the setback is 13.6 ft.; the original 12 ft. driveway on 7.01 will be reduced to 11 ft. for a 2.6 ft. design waiver.

There were no architectural plans submitted as the subdivision is conforming and will meet all the zoning requirements.

Aaron McLaughlin, principle of TFM Builders was sworn in. He described the driveway along

Lot 7.02. He stated the house is 2,500 sq. ft. with a two car garage.

Exhibit A-1 – Proposed elevation – 4 bedrooms, 2 ½ baths, and two car garage.

The second house would have a different elevation; the homes would be significantly different. He stated there would be no basements; the water table is too high and would be on a crawl space.

Joseph Kocibua, P.E. was sworn in. Mr. Kocibua discussed with the board, the engineering review letter.

The applicant is seeking a waiver from Section 19-28.2b – side lot lines shall be at right angles and also the driveway location being 2.7 foot setback from the easterly side lot line.

The applicant will submit architectural plans for administrative review. The detached garage on Lot 7.02 will be demolished. The type of structures within 200 ft. are all residential.

The applicant will comply with the RSIS standards. The subdivision map will be filed in the County Clerk’s office. Improvements to be removed; Mr. McLaughlin will demolish the garage before building permits can be obtained.

Mr. McLaughlin will contribute to the pedestrian safety fund in the amount of $10,517.00.

Mr. Kocibua will revise the subdivision plan as indicated in the engineer’s review letter.

Mayor Sabosik asked if there would be a fence or greenery between Lot 7.02 and Lot 8.02;

Mr. McLaughlin stated he usually leaves that up to the buyer. The Mayor asked if there would be enough room to open a car door if a fence were to be installed; Mr. Kocibua stated there would be plenty of room.

Mr. Kocibua that grading plan shows that the water flows to the street and will continue to the front.

Mrs. Neumann stated she is satisfied that the applicant has addressed all the points of her letter. Board members had questions about the proposed homes; Mrs. Neumann stated the applicant has agreed to return for an architectural review when he finalized the architectural plans.

**PUBLIC – None**

Mr. Welch made a motion to approve the application, with the conditions of administrative review for the architectural plans; the garage must be removed prior to building permits for the house are issued and will contribute to the pedestrian sidewalk fund. Mr. Furmato seconded the motion.

**Roll Call Vote:**

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Vitale: Yes Mr. Faraldi: No Mr. Preiser: Yes

Mr. McHugh: Yes Mr.Welch: Yes

**RECESS**

**Final Site Plan – Block 299.01 Lot 44.01 – 2232 Bridge Ave., Applicant:**

 **Bank of America:**

Scott Valance, attorney for the applicant, appeared before the board.

Paul Mutch, Stonefield Engineering, P.E. was sworn in.

Mr. Mutch stated the applicant appeared before the board in 2012 for an ATM project. There were changes for additional light poles on the property. He stated it is a nationwide program for changes to LED lighting for better light distribution. He explained the State lighting code.

The drive thru ATM project from 2012 has been completed. All existing lights are to be replaced with LED; four new poles and five mounted lights. Backlight shields will be installed.

Mayor Sabosik asked if there were two ATM machines; Mr. Mutch stated yes.

Mrs. Neumann stated she had no concerns; there will be some spillage at Bridge Ave. and some to the adjacent wooded area. She further stated the specific State standards won’t be a detriment along Bridge Ave.

**PUBLIC**

John Eskow Jr., 2208 Beach Blvd. was sworn in. Mr. Eskow stated he purchased his property behind the bank about two years ago. He stated he has concerns with the lighting on the property, the red lights above the drive thru come into his house, cars sits at the rear for the drive thru ATM with their loud music and drainage problems.

Mr. Vitale stated Mr. Eskow would need to see the Code Enforcement officer concerning the drainage.

Mr. Mutch stated the majority of the lighting is at the front of the property. At the rear, the lighting wouldn’t be brighter; the illumination would be lower.

Mayor Sabosik asked if there would be shields for the drive thru lights. Mr. Valance stated they would approach the bank about the shields on the drive thru or turning them off after the ATM are closed for the evening.

Board members felt that providing shields on the drive thru should be a condition of approval.

Mr. Eskow stated the ATM closes around 10:30 but cars are there with loud music playing;

Mayor Sabosik stated he should contact the police department regarding the sound ordinance.

Mayor Sabosik stated he would contact the Borough engineer relating to the drainage on the property.

**CLOSED TO PUBLIC**

Mr. Furmato made a motion to approve the application with the condition that blinders/shields be installed on the drive thru; seconded by Mayor Sabosik.

**Roll Call Vote:**

Mayor Sabosik: Yes Mr. Furmato: Yes Mr. Vitale: Yes Mr. Faraldi: Yes Mr. Preiser: Yes

Mr. McHugh: Yes Mr. Welch: Yes

Relief of Conditions of Prior Approval – Block 163 Lot 18, Block 163 Lot 18.01, Block 162 Lot 3,

1215 Johnson Ave., 1126 Memorial Dr., 1108 Ocean Rd., Applicant: CAM Trust

Jillian McLeer, attorney appeared before the board with a power point presentation. She described the LeChard property and the business that has been located at the site since 1958.

She stated the Board approved a minor subdivision/variance of two lots in 2003; the map was filed but the property was never developed. The owners of the property received a notice of violation from Code Enforcement for failure to comply with the provisions of the resolution.

Ms. McLeer stated the applicant is seeking relief of the conditions imposed. She stated the LeChard company, who installs bulkheads and docks is doing well and providing jobs in the area.

Mrs. Neumann stated the zone is R-1A and the business is a non-conforming use and believes there may be a jurisidition issue. Mr. Montenegro stated the board had approved the resolution which conditions – remove the existing business (LeChard) within a year as well as the existing sheds.

Mr. Welch stated the board approved the application is 2003, it gave the owners 16 years to find a new location.

Anthony Mecca, CAM Trust was sworn in. He is the vice president of real estate for CAM Trust, not the owner of the business.

Mayor Sabosik asked Mr. Mecca if his has knowledge of the crane, equipment, etc. on the property and the last time it was used; he said he did not.

Mayor Sabosik and the board attorney discussed obtaining answers to questions, which Mr. Mecca cannot provide.

Ms. McLeer stated the applicant is seeking to continue to keep the operation and equipment at the same but with the benefit of the subdivision. Mr. Mecca stated it is circumstances beyond his control.

Mr. Montenegro and Ms. McLeer discussed the legalities of the application and that the applicant does not have a certificate of conforming use.

Mr. Mecca stated several attempt were made to relocate the business but it wasn’t suitable. All the sheds are removed, except for one.

Mayor Sabosik stated an operational representative from LeChard should be answering questions from the board. The board felt that unless they have testimony from a representative of LeChard, they could not move forward.

**PUBLIC**

Karen Gross and Bart Gross, 1217 Johnson Ave. were sworn in. Mrs. Gross stated they purchased their house four years ago. After about two years, when it rained, their property flooded and they have spent $10,000. on their basement from damages. She stated they installed pumps around the house, but the water is coming from the LeChard property.

They stated the trailers haven’t moved and the dirt piles just gets higher.

Exhibit O-1 – photos of LeChard & Gross property

The Jeep in the picture has raccoons living in it and it has never been moved. The water from the property doesn’t reach the storm drain and the water runs into their property.

**CLOSED TO PUBLIC**

The board decided they wanted to have a representative from LeChard testify and adjourned the application until the July 25, 2019 meeting.

Mayor Sabosik left the meeting.

**CORRESPONDENCE:**

Daniel Popovitch, attorney for Crest Pointe appeared before the board. He stated the applicant was requesting a curb/sidewalk waiver.

Mr. Vesta appeared before the board and stated all along the front of the property, the location of the proposed sidewalks, is landscaped with trees.

Exhibit A-1 – photos showing the trees along the roadway.

Mr. Welch stated it is commercial property and they should install the sidewalks. Mr. Vesta stated they would need to remove all the trees in order to install the sidewalks.

Mrs. Neumann stated that during the application, the public had stated curbs and sidewalks were needed as they saw patients being pushed in wheelchairs down the road.

Mr. Montenegro stated if the Board thought it was a significant issued, notices should be given to the residents; if the Board feels it is a minute issue, they can make a decision tonight.

The board decided notices should be given to the residents as they may not want the trees to be removed. The applicant would apply for an administrative approval at the July 25, 2019 meeting.

**Environmental Commission Report**

Mr. Faraldi stated the Eagle Scout project of six foot boxes with athletic equipment has been finished and is located at the park. He stated it was a great project for the Borough.

**VOUCHERS:**

The board approved payment of the following vouchers:

**Montenegro, Thompson, Montenegro & Genz:** $1,050.00 & $45.00 (Smith), $45.00 & $180.00 (Darcy), $675.00 & $1,005.00 (Crest Pointe), $390.00 & $660.00 (McManus/Obsuth, $45.00 (Stankewicz/Gulino), $480.00, $225.00 (Mancini), $405.00 (TFM Bldrs), $173.53 (Rambaldi), $255.00 (Favia), $1,300.00 & $480.00 (General Board), $4,087.50 & $422.50

(General Board – litigation)

**CME Associates:** $681.00 (Smith), $204.00 & $522.00 (Weisleder/All American), $159.00, $75.00 &735.00 (Bank of America), $39.75 (Crest Pointe), $198.75 (McManus/Obsuth), $522.00 (Stankewicz/Gulino), $1,297.50 (TFM Bldrs), $39.75 (Favia), $39.75 (Mancini)

**Remington, Vernick & Vena:** $380.00 (Smith), $$152.00 & $152.00 (Darcy)

**Ocean/Coast Star:** $17.54 (General Board), $14.82 (Stankewicz/Gulino), $14.28 (Rambaldi)

There being no further business, the Board adjourned at 9:45 p.m.

 Respectfully submitted,

 Catherine Gardner

 Planning Board Secretary