

POINT PLEASANT PLANNING BOARD
December 12, 2019

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

Roll Call:

Present: Mr. Furmato Mr. Vitale Mr. Faraldi Mr. Preiser Mr. McHugh Mr. Welch
Mr. Altero Mr. DeJong Ms. Bavais

Absent: Mayor Sabosik Mr. Forsyth

Attorney: Ryan Amberger Engineer: Laura Neumann Secretary: Catherine Gardner

MINUTES: The board approved the minutes of October 24, 2019

RESOLUTIONS:

The Board memorialized the following resolution:

Res. 2019-15 - Exempt Site Plan – Block 133 Lot 46 – 645 Ocean Rd.,
Applicant: Nicole Leonhardt (Approved)

NEW BUSINESS:

**Administrative Approval – Block 274 Lot 11.02, 11.03 & 11.04 – 704 Hance Pl., Applicant:
Neal & Elmira Rambaldi:**

Daniel Popovitch, attorney appeared before the board. He stated the applicant came before the board several months ago for an administrative approval. He stated the owners of the home has asked their building to insulate and sheetrock the attic space for storage. He stated the applicant meets the R-1A standards and a variance is not necessary for a half story previously granted. He stated half of the attic would be finished.

Jack Taylor, contractor for the Rambaldi's was sworn in. Mr. Taylor stated that during construction, the owners decided they wanted to sheetrock the attic area. There is a full set of stairs to the area and would also be a heated area.

Mrs. Neumann stated she felt it is a variance condition as a deviation. Mr. Popovitch stated the variance was granted on the initial application. The area would not be a living space.

Mr. Taylor stated the area is under 230 sq. ft., and the ceilings would be 7 ft. because of the eaves.

The board members discussed the application and the interpretation of the ordinance. Mrs. Neumann explained the board's previous approval and the changes. In response to questions, Mr. Taylor stated the area would be storage.

Mr. Faraldi made a motion to return to the board with a formal application and plans; seconded by Mr. Preiser.

Roll Call Vote:

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

**Administrative Approval – Block 279 Lot 116.02 – 1712 Riviera Ct.,
Applicant: Ciro & Gina Attardo**

Mr. Vitale stepped down from the board due to conflict.

John Jackson, attorney appeared before the board. He stated there are three conditions in the resolution – reduce the height of the deck, relocate the air conditioner, and final architectural plans for review.

Mr. Jackson stated the deck was lowered in the plans, the air conditioner is located on the interior of the lot and house plans have been adjusted. They are similar but the final is more of an upgrade to the original submission.

Ciro Attardo was sworn in. Mr. Attardo stated the architect had adjusted the height of the deck to keep within the setbacks.

Mrs. Neumann stated she had no issues with the proposal.

Mr. Jackson stated the applicant is not seeking a height variance and the A/C units are within the required setbacks. In response to a question from a board member, the units would be approximately 15 feet from the adjoining neighbor's house.

Mr. Attardo stated the units would be high efficiency, low volume and quiet. If required, he would submit the manufacturer specifications to Mrs. Neumann. The board will make it a condition of the resolution.

Mr. Welch made a motion to approve the application; seconded by Mr. Furrato

Roll Call Vote

Mr. Furrato: Yes Mr. Faraldi: Yes Mr. Preiser: Yes Mr. McHugh: Yes Mr. Welch: Yes
Mr. Altero: Yes Mr. DeJong: Yes Ms. Bavais: Yes

Minor Subdivision & Variance – Block 112 Lot 8 – 801 Dudley Ln., Applicant: Nick & Kathryn Mancini

Jillian McClear and John Jackson, attorneys for the applicant, appeared before the board.

Exhibit A-1 – Powerpoint presentation.

Ms. McClear stated she would be calling Paul Grabowski, architect and Joseph Kocuiba, P.E., P.P. to testify.

Ms. McClear described the application with the property being in excess of 17,500 sq. ft and each lot would meet the requirement of 7,500 sq. ft.

Two homes have been on the property dating back to 1940's. In 1987 a subdivision was granted for the property, however, the bungalow was demolished the properties were consolidated. In 2016, the property was again subdivided, however, the map was not filed.

The applicant has received CAFRA approval for two homes.

Ron Gasorowski, attorney for objectors Nikolaos & Laura Gavrilis (Lot 19.02), appeared before the board. He stated he believes there is a jurisdictional issue; both the northerly and southerly lots do not have road frontage. He stated there is no public roadway; Lot 10 is an easement.

Mr. Jackson stated the notice has an alternate provision "including but not limited for re-approval and/or reaffirmation of any and all other relief that may have been granted in any prior applications." He stated the tax map shows that Dudley Ln. terminates at the Mancini property.

Mr. Gasorowski and Mr. Jackson gave arguments regarding the public notice for the meeting. Mr. Faraldi stated in 2016, the Board had the deed discussion. Mr. Jackson cited statutes from the MLUL.

Mr. Amberger stated the notice is correct and the Planning Board retains jurisdiction.

Mr. Gasorowski and Mr. Jackson gave arguments regarding street access and deeds. Mr. Faraldi and other board members stated the Board heard extensive testimony in 2016 regarding this same subject.

Joseph Kociuba, P.E., P.P was sworn in. He gave the history of the property – the lot had two homes on one lot dating back to the 1940's. The property was subdivided in 1987; the property was then consolidated after the demolition of a cottage in 2000. In 2016, approval of a subdivision was granted by the board to the previous owner (Res. 2016-07), however, the map was not perfected. The applicant's proposal is the same as the approval granted in 2016. He discussed the size of the lots – Lot. 8.01 – 9,766 sq. ft. and Lot 8.03 – 7,592 sq. ft. He stated the proposal is in character with the neighborhood.

The proposal is including the relocated of the existing cottage, elevate to meet the flood zone requirements and add a new first floor. Mr. Kociuba answered questions regarding setbacks and access to the water. He stated it appears Lot 8.03 will need a rear yard variance as the covered porch has a 21 ½ ft. setback.

Mr. Kociuba stated relief can be granted under the C-1 criteria. He explained both the C-1 and C-2 criteria and how it relates to the application.

Mrs. Neumann, Mr. Kociuba and board members discussed how the front and rear setbacks are determined. The driveway to the property has a 14 ft. width and the easement is 15 ft. Mr. Jackson stated the driveway can be increased to a 20 ft. width.

Mr. DeJong asked where the nearest fire hydrant is located. The board discussed and agreed as a condition of approval, the fire marshal should review to determine if the access is adequate.

Mr. Kociuba stated the proposed homes are 2,000 sq. ft. If the lot were to remain a single lot, a 10,000 sq. ft. home could be constructed.

In response to questions from the board, the property is in a flood zone with elevations varying from 9-11 feet. The home on Lot 8.02 will have a finished floor of 13. The existing shed will be relocated.

Mr. Kociuba explained the difference in the sizes of the homes approved in 2016, which were much bigger than the proposed homes in this application.

Ms. McClear and Mr. Kociuba went through the engineering review letter. He stated he discussed those matters in his testimony. He stated the condition of the previous approval of demolishing the house would not be met, as they will be relocating the home and elevating to meet the flood zone.

Cross Examination by Mr. Gasorowski:

Mr. Gasorowski discussed Dudley Ln. and where it meets Lot 10. Mr. Kociuba stated it is reflected as a utility/access easement and not a roadway. The information was obtained from a survey prepared by Clearpoint Services.

Exhibit A-3 – deed for Lot 10. Mr. Gasorowski asked for several moments so he could review the deed on Mr. Jackson's computer.

RECESS

The board members discussed with Mr. Gasorowski and Mr. Jackson several deeds relating to the property. Mr. Gasorowski requested a chance to question Mr. Kociuba at a later time after reviewing the documents.

Mr. Gasorowski and Mr. Kociuba discussed the minor subdivision plan, the information taken from the survey prepared by Clearpoint Services, and Dudley Ln. and the access to Lot 8. Mr. Gasorowski asked if the street was dedicated by the Borough; Mr. Kociuba stated he did not research.

Mr. Gasorowski discussed with Mr. Kociuba that the previous subdivision was not perfected so it was not an approved subdivision; Mr. Jackson objected to the question.

Mr. Gasorowski questioned Mr. Kociuba about the legal notice sent out to residents. He stated he didn't send out the notices. Mr. Jackson objected; Mr. Amberger stated Mr. Kociuba will not be questioned relating to the notice.

Mr. Kociuba was questioned relating to the surround properties and the size of the homes.

Mr. Gasorowski questioned as to access to the property and if the applicant was proposing a street. Mr. Kociuba stated parking is based on the standards of RSIS and the number of bedrooms not the size of a street. He stated the applicant is not proposing a street but rather an access easement.

Mr. Jackson re-directed a question to Mr. Kociuba and cited the definition of a street from the MLUL and the Borough ordinances. Mr. Jackson asked Mr. Kociuba if Dudley Ln. is an existing street; he stated yes. He stated Dudley Ln. meets the definition of a street.

Ms. Bavais stated the meeting would be carried to the 1/23/2020 meeting and explained the process of questions and comments to the public. Mr. Jackson stated his architect would not be available for that date. Mr. Kociuba would be available for further questions in January, and Mr. Grabowski would be available for February. The public was advised that the meeting would be carried to 1/23/2020 without further notice.

Exempt Site Plan Committee:

Mr. McHugh stated that due to the fact Mr. Altero travels extensively for his job, he can no longer be a regular member of the committee. Mr. DeJong will replace him as a regular member and Mr. Altero and Mr. Welch will be alternates. The board secretary will advise the zoning officer of the changes.

Mr. McHugh asked if the exempt site plan committee meetings could be recorded as there is an issue with note taking. Mr. Amberger stated that would not be the best solution due to OPRA. Mrs. Neumann stated if it is not being done now, anyone appearing before the committee should complete an exempt site plan application, the zoning officer and applicant would sign it, and that would be the record.

VOUCHERS:

The board approved payment of the following vouchers:

Montenegro, Thompson, Montenegro & Genz: \$150.00 (Crest Pointe), \$105.00 (Mullins), \$345.00 (T-Mobile)

CME Associates: \$79.50, \$159.00 (Crest Pointe), \$79.50 (Leonhardt), \$39.75, \$283.50 (Hackensack Meridian), \$119.25 (Mancini), \$39.75 (1125 Arnold LLC), \$39.75 (Mullins)

Remington, Vernick & Vena: \$668.00 & \$ 152.00 (Gulino/Stankewicz), \$930.00 & \$228.00 (McManus/Obsuth), \$228.00 (GM07 LLC), \$456.00 (T-Mobile)

Ocean/Coast Star: \$7.14 (Hackensack/Meridian), \$7.14 (TFM Bldrs), \$ 11.76 (General Board)
Asbury Park Press: \$39.80 (General Board)

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

Respectfully submitted,

Catherine Gardner
Planning Board Secretary