

**Point Pleasant Planning Board**  
**February 27, 2020**

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: Mayor Sabosik Mr. Furrato Mr. Preiser Mr. McHugh Mr. Forsyth Mr. Welch  
Mr. DeJong Ms. Bavais

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

**UNFINISHED BUSINESS:**

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

John Jackson, attorney for the applicant appeared before the board.

Mr. Jackson showed an updated PowerPoint presentation; the paper copy was marked as Exhibit A-6. He stated that Paul Grabowski, architect, was present and would be testifying.

Mr. Jackson stated at the suggestion of Mayor Sabosik, the front porch stairs were rearranged to the side. He also showed an approved filed subdivision map of Mr. Gasiorowski's client's property. He stated vegetation was planted and is actually a public roadway. He stated part of the condition of approval was that it was ROW from Clark St. to Dudley Ln. for emergency access.

Mr. Gasiorowski stated there is no relevance; Mr. Montenegro stated the relevance goes for fire access. There are noted conditions in the resolution from 2006, including the ROW and installing a fire hydrant.

Mr. Jackson showed the board photos of the existing conditions; cars are parked using it as a driveway. Mr. Montenegro stated the intent was not to be a thru street to invite traffic.

Mr. Montenegro stated the violations are not for the board but anyone can make a complaint to the Borough; the board had approved access for fire vehicles.

Discussions on the ROW to be kept open between Dudley & Clark; Mr. Jackson stated last month there was a question relating to a fire hydrant and he is pointing out there was a 2006 resolution for both the fire hydrant and emergency access. He stated traffic and fire access was brought up by an adjoining neighbor and is the reason for the submission to the board. Mr. Montenegro stated he recalls the application and that the second lot in the proposed subdivision was landlocked and that was the reason for the easement.

Mr. Jackson stated he received a letter from the Fire Marshal, which was also submitted to the board; he did not have a problem with the subdivision.

Mr. Montenegro stated the easement dedicated to the Borough is for Lots 19.02 and 19 for purposes of ingress/egress.

Mr. Gasiorowski again stated he doesn't understand the relevance to this application. Mr. Montenegro stated the relevance is the board's perspective of emergency access and exists in proximity to the applicant's property. Mr. Montenegro, Mr. Jackson & Mr. Gasiorowski discussed the relevance of the exhibit. Mr. Gasiorowski stated he didn't receive a courtesy copy from Mr. Jackson; he received it from the board secretary. Mr. Jackson stated it was filed

ten days prior to the meeting, as required. Mr. Gasiorowski stated he objects to the submission of the exhibit.

Paul Grabowski, AIA, Virtuoso Architects, LLC was sworn in.

Mr. Grabowski described the change in the location of the stairs and feels the homes fits with the scale of homes in the neighborhood. He stated the grade would be at 9.5 and the elevation at thirteen; the house is approximately 2,121 sq. feet.

Mayor Sabosik asked if it included the unfinished attic. Mr. Grabowski discussed the unfinished attic space; it's for the use of mechanicals and a space above the garage for storage. The mayor said it could be made into a five bedroom house.

Mr. Jackson stated the applicant would agree to a condition that the home be three bedrooms and the attic would not be habitable space. He stated the applicant or future purchaser would need board approval if those conditions were not met.

Mr. Grabowski stated the home is age targeted space and explained the definition.

Mr. Grabowski stated the existing house would be moved and raised; and explained the layout of the house. He stated the finished floor would be 13 based on CAFRA approval.

Mr. Gasiorowski asked questions relating to the covered porch changes.

Exhibit A-5 (page 18) dated 1/8/2020; Mr. Gasiorowski referred to the exhibit for placement of the house. They discussed whether there was a roadway or driveway; Mr. Jackson objected; Mr. Montenegro allowed. They discussed the layout of the houses on the lot. The distance of the porch to the driveway is 8 feet; the distance of the e porch to the property line is 30 feet.

The first house is age targeted with living on the first floor; the second house is the reverse with living on the second floor but the master is on the first floor.

Exhibit A-9 – Mr. Kociuba's plan with a revision date of 2/27/2020 (development plan)

The swimming pool was relocated and the porch revised on the plan. There is grass between the driveway and the pool. There is 16 ft. from the pool to the driveway. The board members discussed the location of the fence around the pool. Mayor Sabosik felt the pool was too big; Mrs. Mancini stated it is shown as 18 x 28 which was the largest allowable by CAFRA. Mr. Jackson stated the applicant would stipulate to a 16 x 24 pool.

There is a five foot ROW easement to the water, which cannot be blocked.

Mr. Montenegro stated the pool was reduced in size with a minimum of four feet to the fence line and ten feet to the porch.

Mr. Kociuba stated he reviewed the 2006 subdivision map; the board had concerns for emergency access and the easement provided adequate access, and the fire hydrant is 220 feet from the subject property. He further stated the Fire Marshal reviewed the subdivision with the application.

Mr. Forsyth asked if a recharge system would be installed; he stated yes.

#### **Cross Exam by Mr. Gasiorowski**

He asked if the primary purpose of the easement between Dudley & Clark was for access to Lots 19 and 19.02; Mr. Kociuba stated the resolution describes the ROW and the difference between a ROW and street.

Mr. Gasiorowski asked questions relating to the impervious coverage, including the easement area, easements, driveways and fire department access.

Mayor Sabosik asked about parking on the lots; Mr. Kociuba stated a garage and two vehicles in the driveway; Mrs. Neumann stated under RSIS, it's a three bedroom house which requires 2.4 parking spaces; the riverside house would have a requirement of three parking spaces.

Mr. Forsyth advised the board that porous pavement or pavers would give a 50% credit and Mr. Kociuba stated the applicant would have no objection for just that area to bring the coverage under 50% but not the entire area. He stated it would be submitted to Mrs. Neumann for her approval.

## **RECESS**

### **PUBLIC – Questions of Professionals**

Dennis Daly, 816 Sinclair Rd. was concerned with the ROW from Clark to Dudley and who to contact to make sure the area remains open. Mr. Montenegro stated he would need to contact Borough officials, specifically the code enforcement officer.

## **CLOSED TO PUBLIC**

Mr. Gasiorowski called Peter Steck, Planning Consultant, who was sworn in and gave his Credentials, and accepted by the Board. Mr. Jackson asked if he mostly testifies for objectors and is compensated. Mr. Gasiorowski and Mr. Jackson argued about the questions to Mr. Steck.

Mr. Steck stated he reviewed the material submitted, visited the site twice and reviewed the ordinances and master plan.

Exhibits O-1 thru O-4 – 2015 aerial NJDEP photo of the subject property and adjacent properties; Google Earth dated 5/20/20198 of the subject property and adjacent lots with the proposed dwelling superimposed which shows a 5 ft. and 8 ft. easement and shows a cul-de-sac being used for the lots.

He discussed the zoning ordinance for front and rear yard definitions. He described the property and his opinions on the setbacks. He stated the property has a reasonable use and doesn't mean it can be subdivided. He stated the property does not front on a public street.

Mr. Steck stated the second home is being constructed for relatives but would eventually be sold which is not a land use question.

Mr. Steck discussed his review of the master plan, re-examination report and the RSIS standards. He stated the proposal doesn't show turnarounds or sidewalks.

Mr. Steck stated the house cannot fit on the lot due to the constraint of the lot; variances are not warranted and emergency vehicles don't have access. He stated there is a significant violation for the setback variances.

He stated there is no public benefit to the approval – no open air/space and has not met positive criteria.

Mayor Sabosik how long the driveway is for the inland house; Mr. Steck stated 20 feet and The RSIS calls for parking spaces to be 18 x 20. Mayor Sabosik stated the standards in Pt. Pleasant is a standard parking space is 10 x 20.

Mr. Gasiorowski questioned Mr. Steck about exhibit O-2 and lot areas. Mr. Steck stated the adjoining properties were subject of a subdivision with homes with large setbacks. The homes

are large with a lot of open space. He described the access easement leading into both properties. Mr. Steck stated on his client's property there is a paved area for access between Clark St. & Dudley Ln.

Mr. Steck stated the applicant could build one house with a circular driveway and have sufficient access and parking. He stated that police would enforce the parking on the easement.

Mr. Steck stated the driveway is sufficient, however, large vehicles may not fit unless parked up to the garage door.

He described the house to be constructed and when the house is sold, there would not be room for children to play as there is no yard.

#### **Cross Exam by Mr. Jackson**

Mr. Jackson asked questions relating to an access easement. Mr. Steck discussed his presentation of Exhibits O1 – O4. Mr. Steck stated the lot conforms with the neighborhood without the subdivision.

Mr. Jackson asked about the surrounding area and that many of the lots in the area are 7,500 sq. ft.

Mr. Steck stated that the MLUL supports his opinions on the subdivision.

#### **PUBLIC – Questions for Witness – None**

#### **PUBLIC – Comments**

Russ Anderson, 811 Dudley Ln. was sworn in. He stated he had concerns about the five foot easement but understands now that it will not be touched. He stated is very concerned about density and traffic. He was at the 2006 meeting for Clark St. and the building wanted to make it a thorough street.

Daniel Diaz, 1121 Sampson Rd. was sworn in. He stated the area in which they live is densely populated and if granted, feels the adjacent lot can also be subdivided as it is a very large lot. He stated the lots in the area have long lots, from the road to the river.

Nikolaos Gavrilis , 802 Dudley Ln. was sworn in. Mr. Jackson stated Mr. Gavrilis is Mr. Gasiorowski's client. He stated the house in front would block his front yard view. He stated he feels the applicants are asking more than what should be granted.

Mr. Jackson asked Mr. Gavrilis that he knew the lot was subdivided when he purchased it; he stated no. He also stated he does not park in the area shown in the photos.

Mary Haber, 1119 Sampson Rd. stated she has been at all three meetings. She is concerned about the density in their neighborhood.

Paul Matlak, 1118 Sampson Rd. was sworn in. She stated she is concerned the subdivision will ruin the aesthetics of the neighborhood. He stated he drives 1 ½ hours each way to work and works 60 hours a week. He stated they could live anywhere but choose to live Point Pleasant.

Sarah Waxman, 806 Dudley Ln. stated her only concern was maintaining the five foot access easement.

#### **CLOSED TO PUBLIC**

Both Mr. Gasiorowski and Mr. Jackson gave their closing arguments.

Mr. Montenegro stated the lot area complies with Borough ordinances, but variances are required. He explained to the Board the orientation of the property and board members would need to determine if the special reasons given meets the burden of proof.

The following are conditions the Board imposed or the applicant agreed to; Power pavers on Lot 8.03 in the driveway and a portion of the easement to reduce coverage; recharge systems on both lots; pool revision minimum four feet from the easement and ten feet from the stairs/landing of the house; both unfinished spaces will remain uninhabitable with a deed restriction; no parking on the easement and deed of easement; front porch stairs moved towards the driveway and relocate the A/C units.

Board members discussed the application.

Mr. McHugh made a motion to approve the application; seconded by Mr. Forsyth

### **Roll Call Vote**

Mayor Sabosik: No Mr. Furmato: No Mr. Preiser: No Mr. McHugh: Yes Mr. Forsyth: Yes Mr. Welch: Yes Mr. DeJong: No Ms. Bavais

Mr. Montenegro stated that a tie makes a statutory denial.

The Board approved the minutes of January 23, 2020.

Mayor Sabosik explained to the Board the Citizens Advisory Committee who may assist or collaborate with the Planning Board but have no powers to vote.

Mayor Sabosik and Mr. Montenegro discussed the ordinance as it relates to the exempt site plan committee. Mr. Montenegro will meet with the exempt site plan committee and Kevin Burke.

The Board approved payment of the following vouchers:

**Montenegro, Thompson, Montenegro & Genz:** \$450.00 & \$570.00 (Hackensack Meridian), \$60.00 (General Board – litigation), \$150.00 (General Board)

**CME Associates:** \$159.00 (Coyne), \$261.00 (Hackensack Meridian)

**Ocean/Coast Star:** \$12.10, \$18.56 (General Board), \$14.48 (Ciro)

There being no further business, the Board adjourned at 11:45 p.m.

Respectfully submitted,

Catherine Gardner  
Planning Board Secretary