

POINT PLEASANT PLANNING BOARD
January 23, 2020

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

Ms. Bavais asked for everyone to remain standing for a moment for Daniel Popovitch. Mayor Sabosik gave a touching dedication about Mr. Popovitch.

Roll Call:

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

Absent: Mr. Vitale Mr. Faraldi Mr. Altero

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

Re-Organization:

The following appointments were made by the Board:

Chairperson: Mary Jane Bavais

Vice Chairperson: Jack McHugh

Attorney: Ben Montenegro

Engineer: Laura Neumann

Secretary: Catherine Gardner

Newspaper: Ocean Star

Meeting Dates: 4th Thurs. of each month with the exception of November and the December meeting will be Thurs., 12/17

Exempt Site Plan Committee: Mayor Sabosik, Mr. McHugh, Mr. Forsyth, Mr. DeJong

Alternates: Mr. Welch & Mr. Altero

MINUTES: The board approved the minutes of December 12, 2019

RESOLUTIONS:

The board memorialized the following resolution:

Res. 2020-01 – Administrative Approval – Block 279 Lot 116.02 – 1712 Riviera Ct.,

Applicant: Ciro & Gina Attardo (Approved)

UNFINISHED BUSINESS:

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

John Jackson appeared before the board and said a few words about Mr. Popovitch.

Mr. Jackson stated he was able to review the 1987 Planning Board file for this property where a minor subdivision was approved. He stated there were letters from then Borough attorney, Robert Fall stating that Dudley Ln. meets the Borough's definition of a street. There is an ordinance from 1980 which states that Dudley Ln. is a public street and is dedicated as such by ordinance. He stated the plan also shows a sewer line within Dudley Ln.

Mr. Jackson stated after last month's meeting, he sent notice to 200 ft. from Lots 8 and Lot 10.

Exhibit A-4 – Letter from Robert Fall

Mr. Jackson stated Mr. Kociuba also reviewed the file at the Planning Board office and amended his plans.

Mr. Kociuba, sworn in at last meeting, appeared before the board. He stated he went to the Planning Board office to review the file and amended his plans showing no changes “on ground” but the driveway will be extended. The final minor subdivision plan was amended with a date of 1/8/2020 as well as the development plan.

He stated in referencing the lots during testimony, Lot 8.02 is the water lot and 8.03 is the land lot. He stated the driveway width was increased to 18 ft.; Lot 8.03 has great lot coverage due to the driveway being increased.

Lot 8.02 the change was to the front yard setback; proposal is 18.18 ft. where 25 ft. is required. The water is the rear yard and the property would have the required 25 ft. rear setback.

Concerning the architectural plans, Mr. Gasoriowski objected as the architect was not present. Mr. Montenegro stated he could speak about the aesthetics of the homes.

Mr. Kociuba discussed the flood plain for each house and the flood elevations of the homes.

Mr. Kociuba stated there is a condition in the review letter – Item 6-b-i that he is requesting to be removed stating construction would commence within a year of the approval. Mr. Montenegro will research by believes it coincides with Borough Ordinances.

Mr. Kociuba showed Google maps of the subject property. Exhibit A-2 is a photo showing the easement to the water with hedges and a fence. The Development Plan submitted does not change the public easement to the water.

Mr. Kociuba stated with the 1987 approved plan, there were two homes on the plan. He stated it legalized the two homes giving them each a lot. Later, one house was demolished and the lots were consolidated.

The previous 2016 approval, two large homes both being 2 ½ stories were proposed and approved. The current proposed homes are significantly smaller. The 2016 approval was not filed with the County.

Mr. Kociuba summarized last month’s comments relating to the C-1 & C-2 variances can be granted.

Mr. Forsyth asked if the covered porch was included in the building coverage; he stated yes. He asked about the in ground swimming pool and if coverage would not exceed 50%; he stated yes.

Mayor Sabosik stated he had concerns with the pool being steps from the porch. Mr. Mancini stated the pool is the largest allowable from his CAFRA application. Mrs. Neumann stated the pool should probably be a minimum of ten foot distance from the porch. Mr. Mancini stated he would agree to change the shape of the pool where he can meet the 10 ft. distance from the porch.

Mrs. Neumann asked the status of the review from the Fire Marshal. Mr. Kociuba stated they have reached out but have not had a response yet. Mr. Welch asked where the closest fire hydrant was located; Mr. Kociuba stated he believed it was at the southern end of Dudley Ln.

Board members were concerned about parking in the access easement; Mr. Jackson stated there will be a deed easement stating no parking in the easement.

Mr. Gasiorowski appeared before the board and gave a tribute about Mr. Popovitch

Mr. Gasiorowski questioned Mr. Kociuba; Mr. Jackson objected stating it was a duplication of last month's questions. Mr. Montenegro stated there were some changes to the plan and will give some leeway.

Mr. Gasiorowski questioned Mr. Kociuba regarding the surround properties; Mr. Kociuba described the properties as to size and one home on each lot. Mr. Gasiorowski questioned the size of the proposed lots and that they were not comparable to the existing lots in the area. They also discussed Lot 10 and the utility access easement.

Mr. Gasiorowski and Mr. Montenegro discussed private easements of Lots 8 and Lot 10, which is not his client.

Mr. Gasiorowski stated he believes the easement would be a street and not an easement. Mr. Jackson stated the public access to the water is not in the proposal as it is existing.

Exhibit A-5 – revised power point presentation.

RECESS

Mr. Gasiorowski stated, after reviewing the deed, it seems to be a difference of opinion and will bring a title expert to testify.

Exhibit A-5 – page 1 – 2 – renderings of homes and described where each house would be located.

Mayor Sabosik and Mr. Kociuba discussed the location of the steps from the covered porch and the distance from the driveway easement on Lot 8.03. Mr. Kociuba conferred with his client, who stated they would reconfigure the porch steps.

PUBLIC – QUESTIONS

Mary Billick, 1117 Sampson Rd. stated she had concerns about the drainage and understood the grade would be raised, affecting her property. Mr. Kociuba stated the entire property would not be raised and a grading/drainage plan would need to be approved prior to construction.

CLOSED TO PUBLIC

Nicholas & Kathryn Mancini was were sworn in.

Mrs. Mancini stated they purchased the property on 3/31/2017. They renovated the cottage, and have been having problems with the basement flooding whenever there is a storm. The basement has flood about ten times since they moved in and all their belongings were under water.

She stated she discussed the subdivision with her parents to build them a home. She stated they would raise the existing home, eliminate the basement. They would build a new first floor and place the house on top.

Mr. Mancini discussed the existing floor plan of the house. He also described the proposed home which would have handicap accessibility.

All condensing units would be within the required setbacks.

Cross Examination

Mr. Gasiorowski asked Mr. Mancini if he understood that if the conditions in the resolution were not met, the approval was null and void; he stated yes. He asked questions regarding the driveway vs roadway. Ms. Bavais asked if the driveway would be stones and not paved; Mr. Mancini stated yes.

Board members discussed with Mr. Mancini the easement and the materials being used, as well as the driveways. The applicant will install pavers in the driveways.

PUBLIC – QUESTIONS FOR APPLICANT – NONE

Mr. Jackson stated the plans submitted as what will be construction, however, the stairs for the porch on Lot 8.03 will be changed.

Mr. Gasiorowski stated his planner is not available this evening as he double booked himself with another meeting. Mr. Jackson stated the objector's planner agreed last month for tonight's meeting. Mr. Gasiorowski asked for consideration from the board for a continuance. Mr. Montenegro cited case law and stated it would be at the board's discretion.

Ms. Bavais the board would agree to a continuation, which would also give time for the applicant to obtain the required letter from the Fire Marshal.

Ms. Bavais stated she will open the application to the public for comments.

PUBLIC

Charlotte Diaz, 1121 Sampson Rd. was sworn in. Mrs. Diaz stated she is not in favor of the application. She stated Point Pleasant is overdeveloped and needs to stop. She stated the townhomes that were approved on Arnold Ave. have no green space and are huge; the property is totally overdeveloped. She does not believe the board should consider the previous approvals for the property.

Mrs. Diaz pointed out that she was not notified of the 2016 application

Dennis Daly, 816 Sinclair Rd. was sworn in. Mr. Daly stated he has lived on Sampson Rd. since 1958 and believes the area is overdeveloped. He stated he was on the fire company for 17 years and believes the trucks are too large for traffic in the area and the easement. He stated variances shouldn't be granted with the application.

Richard Haber, 1119 Sampson Rd. was sworn in. Mr. Haber stated that Mary Billick has a large lot and probably within three years will be selling her property. He stated he wonders how many lots would be subdivided with her property.

Mrs. Neumann stated she wanted to clarify that there are no variances for the lot area of these lots; the variance is for setbacks.

CLOSED TO THE PUBLIC

Mr. Montenegro advised the public that the meeting would continue on Thurs., 2/27/2020 without further notice.

Exempt Site Plan Committee:

Mr. McHugh advised the board members of the business owners that the committee has met. Mayor Sabosik stated after listening to the recording of last month's meeting, he will discuss with Mr. Burke the type of applications that should be coming to the committee. He also stated an application is to be completed as there are too many people coming to the committee and a record should be kept in the zoning files.

VOUCHERS:

The board approved payment for the following vouchers:

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Montenegro, Thompson, Montenegro & Genz: \$30.00 (Crest Pointe), \$1342.50 (Mancini)

CME Associates: \$39.75 (Attardo), \$39.75 (Rambaldi), \$397.50 & \$238.50 (Mancini), \$79.50 (Crest Pointe), \$39.75 (CAM Trust)

Remington, Vernick & Vena: \$76.00 (TFM Bldrs)

Asbury Park Press: \$41.30 & \$ 39.80 (General Board)

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

Respectfully submitted,

Catherine Gardner
Planning Board Secretary