

POINT PLEASANT PLANNING BOARD
April 22, 2021

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

Roll call:

Present: Mayor Sabosik, Councilman Furmato, Chairwoman Bavais, Mr. Vitale, Mr. Faraldi, Mr. Preiser, Mr. Welch

Absent: Mr. McHugh, Mr. Forsyth, Mr. Altero

Attorney: Ben Montenegro, Esq., Engineer: Laura J. Neumann, PE, PP; Claire Hense, Secretary

Mayor Sabosik took a few minutes to welcome Ms. Hense to the Planning Board. Thereafter, a motion was made by Chairwoman Bavais and seconded by Mr. Welch to appoint Ms. Hense as the new Board Secretary, with all in favor.

The March 25, 2021 **Minutes** were approved on a motion by Mr. Welch and seconded by Mr. Faraldi, with all in favor.

Chairwoman Bavais stated the Board had three **Resolutions** for review this evening, the first being that of Richard and Maria Skowronski regarding property located at 1406 Rue Mirador, a/k/a Block 279, Lot 133, which was approved at the meeting of March 25, 2021.

A motion was made by Mr. Welch and seconded by Mr. Furmato to approve the Resolution. Roll call: YEAS: Brian Welch, Joseph Furmato, Mary Jane Bavais, Jack Vitale, Albert Faraldi. NAYS: None

Chairwoman Bavais stated the second **Resolution** is that of Robbie Darcy and Jamie Paradise regarding property located at 1640 Birdsall Lane, a/k/a Block 274.03, Lot 38.02, which was approved at the meeting of March 25, 2021.

A motion was made by Mr. Welch and seconded by Mr. Furmato to approve the Resolution. Roll call: YEAS: Brian Welch, Joseph Furmato, Robert Sabosik, Jack Vitale, Albert Faraldi, Mary Jane Bavais. NAYS: None

Chairwoman Bavais stated the third **Resolution** is the Contract for Professional Engineering Services with CME Associates. A motion was made by Mr. Welch and seconded by Mayor Sabosik to accept the Contract. Roll call: YEAS: Brian Welch, Robert Sabosik, Joseph Furmato, Mary Jane Bavais, Jack Vitale, Albert Faraldi, Andy Preiser. NAYS: None

Unfinished Business

The Board Secretary stated the Minor Subdivision and Variance application by **Charles Peters/Garden State Electric** regarding property located at 827 Trenton Avenue, a/k/a Block 113, Lot 23, remains carried to the next meeting on May 27, 2021 as Mr. Peters did not yet submit updated paperwork but he has indicated it is forthcoming.

Chairwoman Bavais stated there is a continuance of one Minor Subdivision and Variance application to be heard this evening, that of **Joanna Hamilton and Laura Bitter** regarding property located at 1107-1109 Benedict Avenue, a/k/a Block 123/Lot 19.

Robert C. Burdick, P.E., P.P., 1023 Ocean Road, Point Pleasant came forward and stated he was there on behalf of the applicants.

Mr. Burdick stated there are two existing homes on one lot, and applicants wish to subdivide to create two separate lots. Mr. Burdick stated he submitted revised plans since the last meeting showing that the applicants will construct sidewalks along the roadway, and the covered bar will be removed although they will retain the existing shed.

Regarding concerns as to the accuracy of the survey, Mr. Burdick stated same is accurate based upon two older monuments found on Benedict Street and monuments found on properties to the west. Mr. Burdick stated there is a 1905 map of Arnold Avenue and the subdivision plan is accurate.

Mr. Burdick addressed the Board's concerns regarding fencing and stated all fencing belongs to the owners of the surrounding properties. Mayor Sabosik questioned the 3.5' wooden fence in the driveway apron detail and Mr. Burdick stated they cannot touch it as it is a buffer fence owned by the adjoining property. Mayor Sabosik questioned the fencing along the left side of the driveway and stated he had concerns regarding all of the adjoining fences. Mr. Welch questioned if the fencing on the left side was theirs, to which Mr. Burdick replied it was not. Mr. Vitale indicated if the applicants sell the property, he would not like to see the tress on the east side of the property taken down due to the fencing. Mayor Sabosik stated he would like to see a delineation of the property lines to avoid future problems. Both Mr. Faraldi and Mayor Sabosik stated the problem could be eliminated by putting new fencing around the entire property and this way the trees can stay, that on 4 out of the 5 sides of the property, the fencing is incorrect.

Mr. Montenegro stated the issue of the fences is a private interest issue among neighbors and the Board does not get involved with legal issues of private ownership. Mr. Montenegro further stated if the Board were to place a condition about the fencing on the line, it would compel private owners to work it out and force the issue to be resolved.

Mr. Welch stated the two sheds are not where they should be and should be moved as one is right on the proposed subdivision line. Mr. Faraldi expressed concern about the date of the current survey, and Ms. Neumann supplied that all Development Applications require a copy of the survey.

Mr. Montenegro stated he reviewed all property lines, and he explained how there would be an alleyway on one and a back-to-back fence on another. Mr. Vitale opined that if applicants moved the fencing, they might need to remove the grass and shrubs which could be costly.

Mr. Welch wanted to know which survey was correct as the surveys provided by the applicants and the neighbors differ, to which Mr. Montenegro responded the neighbors will have to work it out amicably or take it to court. Ms. Neumann stated the typical way she sees these matters handled is a) go to the neighbors to see if they are willing to move the fencing, b) easements between owners, or 3) fencing should be relocated to the respective property lines. Mr. Vitale stated this is becoming way more complicated than it needs to be – either the fencing should be moved or it should be given to the applicants.

There were further discussions regarding fencing. Mr. Faraldi stated in the southeast corner of the parking lot, there is a drainage issue and the fence should be taken out and moved to the property line.

Mayor Sabosik stated that when looking at the paperwork, it is giving the impression that Lot 19.02 is larger than it really is and asked if there was any way of making Lot 19.02 bigger. He questioned if it was a legally C.O'd home, to which Mr. Burdick responded in the affirmative. Ms. Neumann suggested a 5 or 5.5 foot setback and stated Lot 19.01 is larger in comparison. Ms. Neumann further stated there are two principle structures on one lot. Mr. Vitale suggested removing the two entrance ways because if applicants were granted a 5 foot setback, there would be no room for air conditioning, to which Mr. Burdick agreed.

Mr. Faraldi wanted to move on to the parking, as to where cars would be parked. Mr. Burdick stated that with regard to Lot 19.02, there are 2 parking spaces on the asphalt driveway, they have provided for 2 in front and it is a 1-bedroom home. Mr. Burdick stated with regard to Lot 19.01, there are 4 parking spots for a 4-bedroom home. Mr. Montenegro questioned the width of the driveway on Lot 19.02 and Mayor Sabosik questioned about the wooden fence at the end of the driveway. Mr. Burdick stated the RSI says it has to be 18 feet deep. Mr. Montenegro suggested widening the driveway or requesting a design waiver for parking. Mr. Vitale suggested they go wider, not deeper, and stated 2 cars could be parked side-by-side. Mr. Burdick stated they could widen it to 18 feet, to which Mr. Vitale recommended they make it 20 feet or they wouldn't be able to open their vehicles' doors.

Mr. Welch asked about the height of the fence and Mr. Burdick stated in the front of the property on Benedict Avenue it would be a 3 foot picket fence for aesthetics. Mayor Sabosik asked for the height of the proposed driveway in Lot 19.01 to which Mr. Burdick

made mention of an existing 18 foot apron. Ms. Bavais asked if applicants would remove the side entry to which Mr. Burdick responded they would do so. The Board returned with questions regarding the fencing. Ms. Neumann stated the fencing is “whacky” and stated she supports new fencing of the entire property to clean it up, even between the 2 lots. Mr. Burdick stated the applicants will eliminate the fencing between properties but he didn’t think requiring the applicants to put up a fence to draw the lot lines was necessary. Mr. Vitale stated the perimeter fencing, as it now stands, is not acceptable.

Councilman Furmato stated he has a problem with the survey as it is now, and Mayor Sabosik stated this proposal goes against the Borough’s Master Plan. Chairwoman Bavais questioned the property line for Lot 19.02. Mr. Burdick stated there is 1.4 feet to the northwest corner, which is pre-existing and non-conforming. Ms. Neumann questioned the legal aspect of non-conformity through Zoning, to which Mr. Montenegro replied it would need a Resolution from the Zoning Board.

Mr. Vitale asked Mr. Burdick the purpose of the subdivision, to which Mr. Burdick replied so that each of the owners can have a separate lot – the mother would have Lot 19.02 and the daughter would have Lot 19.01. Ms. Neumann pointed out that Lot 19.02 is currently rented out. Mr. Vitale and Mr. Burdick discussed the current square footage for each lot.

Mr. Vitale stated three fences on the property need to be corrected, and there was further discussion amongst Board members regarding fencing. Mayor Sabosik suggested the sizes of the lots should be part of the discussion - that they need to get these into compliance.

Mr. Burdick requested a 5 minute break in order to discuss the matter with his client. A break commenced and thereafter, Chairwoman Bavais called the meeting back to order. Mr. Burdick stated the applicants agree to any reasonable conditions required by the Board. Mr. Vitale stated there is a 70 foot wide lot and suggested moving the line between the two properties was a good idea, but changes to any internal fencing would not be ideal because the subdivision does not meet the square footage requirement.

Chairwoman Bavais opened the meeting for **public discussion**. The following persons came forth:

Sarah Scheller and **Robert Humeny**, 1112 Arnold Avenue came forth and were sworn in by Mr. Montenegro. Mr. Humeny requested if there was anyone on the Board who has a vested interest, they were asked to step down; Chairwoman Bavais concurred.

Mr. Humeny stated there was an 11 foot difference between where the fence is currently located on the northeast corner. Mr. Montenegro asked Mr. Burdick what was shown when the surveys were re-checked, to which Mr. Burdick responded 11’ feet is an exaggeration. Mr. Burdick further stated that right now there is a 5 foot overlap between the 2 properties but the 1905 map mentioned earlier shows a different right-of-way and there are cross marks in the sidewalk on Arnold Avenue.

Chairwoman Bavais opened the meeting to the public for comments, statements or anything else to be added.

Sarah Scheller and **Robert Humeny**, 1112 Arnold Avenue came forth; Mr. Montenegro indicated they had already been sworn in before the Board.

Mr. Humeny stated they oppose the Application because they believe there is a 30%+ difference in the size of the square footage, and it takes away from the better interests of the town, that it is “absurdly small”. Ms. Scheller stated she had spoken with her surveyor that morning and that no one on behalf of the applicants had contacted them since the last Board meeting regarding the fencing. Mayor Sabosik asked if there had been any communications between the parties, and Mr. Humeny stated the applicants did not want his cell number, when offered, at the last meeting.

Mayor Sabosik stated he would like to resolve some things before the application goes to the Board for a vote, further stating there did not appear to be any hardship, that the Borough has a Master Plan to set standards for the town, and residents are objecting to the density. Chairwoman Bavais asked if there were to be any conditions, at which point Mr. Burdick stated maybe this Application could be carried to a later meeting in order for the applicants to try to work out the matter and make some changes. Mayor Sabosik re-stated his concerns about the size of the lot; Chairwoman Bavais concurred.

Thereafter, a Motion was made by Chairwoman Bavais to carry this matter to the Board’s next meeting on May 27, 2021 where it would be first on the Agenda, which was seconded by Mr. Faraldi. Roll call: YAYS: Mary Jane Bavais, Albert Faraldi, Robert Sabosik, Joseph Furmato, Jack Vitale, Brian Welch, Andy Preiser. NAYS: None

Mr. Vitale asked Mr. Burdick if the surveyors will speak with each other to which Mr. Burdick responded that yes, they would. Mr. Montenegro stated he will reach out to the parties before the May 27, 2021 meeting to see where they are in talks and to remind them of the rules.

Exempt Site Plan Committee – No report

Environmental Commission – No report

A motion was made by Mayor Sabosik and seconded by Mr. Faraldi to approve the vouchers. All were in favor.

The meeting adjourned on a motion by Mayor Sabosik and seconded by Mr. Preiser. All were in favor.

Respectfully submitted,

Claire S. Hense