

POINT PLEASANT PLANNING BOARD
July 22, 2021

The regular meeting of the Planning Board was called to order by Vice Chair McHugh. Mr. McHugh read the Notice of Compliance which states that adequate notice of the meeting had been given.

Roll call:

Present: Mayor Sabosik, Councilman Furfato, Vice Chair McHugh, Mr. Forsyth, Mr. Faraldi, Mr. Welch, Mr. Altero, Mr. Preiser
Attorney: Ryan Amberger, Esq., Engineer: Laura Neumann, P.E., P.P.; Board Secretary: Claire Hense
Absent: Chairwoman Bavais, Mr. Vitale

The June 24, 2021 **Minutes** were approved on a motion by Mr. Welch and seconded by Councilman Furfato, with all in favor.

Vice Chair McHugh stated that with regards to the continuance of a minor subdivision scheduled to be heard, there was a possible quorum problem this evening. Vice Chair McHugh requested Mr. Jackson's permission to first proceed with the informal hearing; Mr. Jackson acquiesced.

Informal application

Vice Chair McHugh stated the Board would hear the application of **Jyotsna & Kokila Properties, LLC** regarding property located at 1029 Ocean Road, a/k/a Block 123/Lot 10.

John J. Jackson, III, Esq. of the firm King, Kitrick, Jackson, McWeeney & Wells, LLC, 2329 Highway 34, Manasquan, NJ, who represents the applicant, came forward. Mr. Jackson stated his client owns the Dunkin' Donuts located at the corner of Arnold Avenue and Route 88.

Joseph Kociuba, P.E., P.P., 2517 Route 35, Manasquan, NJ came forth.

Mr. Kociuba stated he prepared the plans for applicant who desires to turn the location at the corner of Arnold Avenue and Route 88 into a drive-through facility only. Mr. Kociuba further stated the building would be shifted back and reduced in size from 1,100 square feet to 800 square feet, and entry would be from either Route 88 or Arnold Avenue. Mr. Kociuba stated there would be no pick-up window, just a drive-through window, the lot coverage is 65%, and the site would be raised slightly. Mr. Kociuba further indicated the parking lot is shared with Broadway Signs and would continue as such.

Board member Jack Vitale joined the meeting.

Mr. Kociuba was questioned as to who owns the parking lot and driveway, and he stated there is no cross agreement. Mayor Sabosik wanted to know the width of the driveway coming in from Bridge Avenue to which Mr. Kociuba responded it would be “made larger to 14 feet”. Mayor Sabosik questioned about the one-site dumpster, to which Mr. Kociuba responded the enclosure would be hidden. Vice Chair McHugh questioned whether there would be a left turn into the parking lot coming west on Route 88. Mr. Kociuba stated they will present to the NJDOT that they would like to retain a left turn off of Route 88. Mayor Sabosik requested Mr. Patel to come forward.

Mr. Vitale questioned the width of the driveway, to which Mr. Kociuba stated it was 24 feet and then Mr. Vitale questioned the property line. Mr. Kociuba stated they do not want Broadway Signs to lose their parking, they have no walk-in business, there is one handicapped stall and two additional stalls.

Atul Patel came forward. Mr. Patel stated he owns both the Dunkin’ Donuts on Bridge Avenue, and at the intersection of Route 88 and Arnold Avenue in the Borough.

Mayor Sabosik asked Mr. Patel with relationship to Mr. Patel’s Dunkin’ Donuts location on Bridge Avenue, did this location at the corner of Route 88 and Arnold Avenue have more or less traffic? Mr. Patel stated the location in question had fifty (50%) percent less traffic than the Bridge Avenue location, which location has 4 employees on weekdays and 5 employees on weekends and in the summer. Additional parking was discussed as well as the number of cars stacking from the driveway entry and the fire lane. Problems at the Bridge Avenue location were discussed such as someone parking in the fire lane, and the broken fencing by the dumpster which is vinyl and after only 2 years is no good. Mr. Patel mentioned replacing it with chain link fencing, but Mayor Sabosik stated per the Resolution, that was not allowed. Mr. Vitale stated there is a strength problem with the gate and it should be strengthened from the rear and then covered with PVC on the front. Mr. Vitale reminded Mr. Patel the Board is trying to maintain a better view of Point Pleasant and he should go back to the site plan to check everything. Mr. Patel indicated he will go back to his contractor to have him solidify the gate, and stated he walked the property with the Zoning Officer a few weeks ago. Mr. Patel assured the Board this would be accomplished within a few months. The non-compliance regarding the parking in a fire lane was again brought up because there is a truck there all the time, and Mr. Patel stated he would send the tenants a notice.

Councilman Furmato stated that on River Avenue there is a Boars Head box truck making deliveries, not for the Dunkin’ Donuts. Mr. Patel stated he would speak with them. Mr. Preiser questioned the number of cars coming through daily, and Mr. Patel explained the truck count per hour. Mr. Vitale asked about the peak hours, Mayor Sabosik asked about the number of cars during the peak hours and the average ticket time, to all of which Mr. Patel provided answers.

Returning to the Route 88/Arnold Avenue site, Mr. Welch asked about the circulation, Mayor Sabosik asked about the truck loading and unloading and questioned whether that would impede the driveway with a 28-foot truck. Mr. Kociuba replied. Mr. Vitale suggested a new site plan with the building down and had questions regarding stacking.

Mr. Altero questioned the chances of more than five cars per line and asked if when departing the parking lot, patrons would be able to make a left turn. Mr. Vitale suggested moving the pick-up window closer to the menu board, to which Mr. Kociuba stated employees needed time to prepare the orders. Mr. Vitale questioned additional employees being on site to deliver quicker and suggested every few years they try to change the equipment layout. Mayor Sabosik questioned the likelihood of getting 7 cars in line in and out in a timely manner so as not to cause a back up, to which Mr. Welch responded they would sit out on Arnold Avenue. Mayor Sabosik stated 5 spots in a line would not be enough and that there are currently lines on Bridge and River Avenues at the other location.

Vice Chair McHugh questioned whether more people currently enter from Arnold Avenue or Route 88, and further questioned if the applicant could utilize additional space to create more stacking and eliminate cars coming in from Route 88. Mr. Vitale stated when coming west from Route 88, there is not a problem to get into the site, and that with the entry from Arnold Avenue, you would lose the site triangle when exiting onto Arnold Avenue, further stating that in the past, the applicant has to change the highway. Mr. Faraldi questioned making a left turn from Arnold Avenue onto Route 88 and stated that would need a grade change and suggested a traffic engineer.

Scott Kennel came forward. Mr. Kennel stated he is employed by McDonough & Rea in Manasquan, NJ, lives in town and this matter would require County approval for Arnold Avenue and from the NJDOT for Route 88. Mr. Kennel stated the left turn lane onto Arnold Avenue for through traffic can bypass on the side.

Board Engineer Laura Neumann stated it should be noted that both roads are under the domain of either the County or State. Ms. Neumann further stated we are site safety at ingress and egress, and that the intensity will change since it will be drive-through only. Ms. Neumann expressed concerns with loading, stating the applicant needs to place the loading where it will actually occur, and stated the applicant will need to go back and come up with a cross access agreement. Ms. Neumann suggested the applicant go to both the County and State before returning to this Board, and stated she and the Board would feel more comfortable with that.

Mr. Welch stated there are too many accidents, especially involving bicycles, with the passing on the right. Mr. Vitale suggested ordering ahead of time to bypass the board. Mayor Sabosik stated Covid changed the traffic, that there are now more year-round residents and he agreed with Ms. Neumann; he is also very concerned there is not enough area for the stacking. Mr. Kociuba suggested the applicant could sacrifice some landscaping. Internet ordering/pick-up only was suggested. Mr. Faraldi questioned what would happen if the bridge was up.

Vice Chair McHugh stated the County could disagree with the entire proposal, and further suggested shifting the intake part to the center, moving the entry to only Arnold Avenue and then exiting onto Route 88, moving the intake further east to the center which should add 3 to 4 more cars coming into the site from Arnold Avenue. Mayor Sabosik stated applicant couldn't encroach upon the neighbor, and Ms. Neumann stated

she would like to see it as far from the intersection as possible, adding applicant would need input from the County and State. Mr. Vitale suggested alternatives to the placement of the building upon the site. Mr. Preiser suggested eliminating the Arnold Avenue entrance and just using Route 88. Mr. Welch stated the neighbors would most likely come out in droves and applicant should be prepared to deal with them. Mr. Vitale commented that the site used to be the location of the old police station. A five minute break ensued.

Unfinished Business

Resuming the meeting, Vice Chair McHugh announced the Board would continue with the application for a minor subdivision and variance for **Charles Peters and Garden State Electric** regarding the property located at 827 Trenton Avenue, a/k/a Block 113, Lot 23.

John J. Jackson, III, Esq. of the firm King, Kitrick, Jackson, McWeeney & Wells, LLC, 2329 Highway 34, Manasquan, N.J. who represents the applicant, stated the applicant made changes based upon the Board's previous comments. Mr. Jackson further stated applicant Charles Peters is out of state as he has family matters he needed to attend to at this time.

The following members again recused themselves because they are members of the Elks Club: Brian Welch and Andy Preiser.

A head count ensued regarding which members of the Board were eligible to vote on this application now that a few members had recused themselves or were absent. The Planning Board Secretary stated that both Mr. Vitale and Mr. Forsyth had already signed Certifications as to having listened to the March 2, 2021 hearing tape.

Brian Collis, licensed architect in NJ, was sworn in by Mr. Amberger.

Mr. Collis explained the biggest difference with both houses was that they previously had garages and now have detached 2-car garages, there are changes to the parking, they reconfigured the house plans so the layout includes a formal living room, den, family room and kitchen on the first floor and 3 bedrooms on the second floor. Mr. Collis stated the houses are bigger and more specious and showed the Board the old versions and compared them with the newly proposed houses.

Mayor Sabosik questioned the use for the attic space. Mr. Collis stated the attics will have pull-down stairs and only be utilized for storage. Mr. Jackson asked the witness if there would be full-sized egress windows, to which Mr. Collis replied in the negative. Mr. Jackson asked about the aesthetic design; Mr. Collis stated they would be seashore dutch colonials with cedar impressions on hardy board.

Robert C. Burdick, P.E. & P.P., Point Pleasant, NJ was sworn in by Mr. Amberger.

Mr. Jackson requested Mr. Burdick explain the changes made in response to the Board's suggestions.

Mr. Burdick stated they redesigned the subdivision, that the new plans have detached garages for both houses. Mr. Burdick further stated as to circulation, there is now a 16-foot driveway to the end of the parking for the front lot, down to 12 feet as the drive continues to the back line, and explained the variances necessary and changes made as a result of the Board Engineer's comments of the need to be moved ten feet from the property line. Mr. Burdick stated they now are in the middle, low area, the previous plans had two driveways coming from each side and they are now on the right side for better egress or ingress. The location of the driveway to the front of the house was discussed, as well as the location of arborvitaes and boxwood shrubs planned to be used as a buffer to the neighbors.

Mayor Sabosik requested the number of the trees on the property to which Mr. Burdick replied there are currently 12 or 13 trees. Mayor Sabosik stated he would like the attorney to indicate the exact number of trees and state they will need to be there before any Certificates of Occupancy can be issued. Mr. Forsyth stated that with the current aerial view, all that can be seen are trees; Mr. Burdick stated they will provide shade trees and if the Board would like them to save some shade trees, they certainly will not remove them from the re-charge area.

Mr. Vitale suggesting placing the recharge area under the driveway but it cannot be within ten feet of the property line and he did not like the idea of trees being removed as some of them are 70 to 80 years old. Ms. Neumann stated the Ordinance specifically states recharge would require relief and Mr. Vitale suggested changing the Ordinance. Ms. Neumann stated we have a variance for lot width and there is supposed to be 7,500 for a new lot with 75 feet width.

Mr. Burdick stated some neighbors have concerns with stormwater on the property which they have as well, and they will install a clay layer of between 3 to 5 feet to the recharge chambers, and this will enhance it. Mr. Burdick stated there are additional neighbor concerns from Riverwood Park as their property is 2 feet above this property and there is nothing to stop their water from coming through.

Mayor Sabosik requested the planned number of trees being removed, to which Mr. Burdick replied 15 to 18 trees would be removed from the property leaving none, but they intended to plant 4. Councilman Furmato stated if they plan to remove them all, that is not good. Mr. Burdick stated they will plant additional trees, further stating the Ordinance requires 2 shade trees per lot. Mayor Sabosik stated the Ordinance may state 2 trees, but the Board has the capability of stating what trees can remain and he is disappointed the plan is to remove them all. Mayor Sabosik wanted to know if they could still retain trees without removing the infrastructure. Mr. Burdick stated if the Board allows recharge movement, they can save the trees in the middle.

Mr. Vitale wanted to know if the lot coverage was maxed out, to which Mr. Burdick responded almost in the front lot but they can fit a small pool, it is 49.3% and the rear

lot is at 39.3%. Mr. Altero wanted to know the location of the nearest fire hydrant on Trenton Avenue; Mr. Forsyth questioned if applicant could make a portion of each driveway pervious, suggesting pavers with spaces between and having a system underneath. Mr. Burdick stated that in order to leave trees in the middle of the property, they would need to rearrange the recharge system under the driveway. Mr. Vitale stated it would need to be serviced. Mr. Jackson stated the recharge needs to be closer than 10 feet to the property and stated the trees along the driveway will stay and they will keep 4 trees in the middle. Mr. Faraldi made mention of a few trees in the rear and wanted to know if the dig for the foundation would cut through their roots. Mr. Burdick state the roots are within 4 to 5 feet of the tree and would not be cut but others would be.

Mayor Sabosik questioned the Board Engineer about moving the recharge system and requested what type of material could be used. Ms. Neumann replied pervious pavers and following the recommendations of the operations and maintenance manual, further stating she would be amenable to a strip in the middle. Mayor Sabosik stated it would be better to have the whole thing constructed of pavers. Mr. Faraldi stated there are environmental pavers. Mr. Vitale stated the issue is what is below the driveway and further stated “no crushed concrete”. Mr. Jackson stated they now have design system pavers; Mr. Burdick commented on the recharge detail for a paver system from town; Mr. Forsyth stated they are 100% pervious but are an approved system; Mr. Burdick stated he had no problem going with pavers. Mr. Burdick and Mr. Vitale discussed the length of the recharge; Mr. Vitale stated the detached garages meant taking down more trees and questioned the parking of 2 in each garage.

Councilman Furmato asked the number of trees being taken down now, to which Mr. Burdick stated they will leave 7 trees and plant 4 trees and are taking 10 trees down in total. Councilman Furmato stated the Board should put the number of trees into the Resolution so that if there are any problems at a later date, it is on record. Councilman Furmato further asked for an increase in the number of trees being planted, stating there is room in the back. Mr. Vitale stated the homeowner would probably want to put in a pool and the Board wouldn't know. Mr. Forsyth stated they would need zoning approval and stated trees could be planted on the property line in the rear. Vice Chair McHugh stated they should “add more trees”, to which Mr. Burdick responded 2 additional trees could be planted in the back towards the rear fence area where the property is 52 feet wider. Mr. Jackson suggested installing a line of arborvitaes. Mr. Burdick stated “7 trees saved, 7 new”.

Vice Chair McHugh asked Board members if they had any more concerns regarding parking in front of the house with 1 space by the garage.

Mayor Sabosik questioned putting another spot to the rear but putting on the other side of the garage. Ms. Neumann stated the Board has to decide if more parking, is this the correct layout? Mr. Jackson stated there is a cemetery across the street from the property and Mr. Burdick stated this would allow for additional parking. There were no more comments from the Board.

Vice Chair McHugh asked the audience if they had any questions of the professionals, and to please reserve their comments until the end.

Irene Conti, 819 W. Laurel Avenue, Point Pleasant Beach, NJ was sworn in by Mr. Amberger.

Mrs. Conti stated fifty feet off the property line, flooding is an issue to the north and east of the property next to the Elks. Mrs. Conti stated there are “torrents of water” and stated she has concerns regarding the recharge system, wanting to know if it could handle that amount of water.

Mr. Burdick stated they are required to provide for roofs and impervious coverage. Mr. Forsyth stated a condition of approval is to have the Fire Marshal look at it. Mrs. Conti wanted to know if the Borough had looked into the flooding at Riverwood yet, to which Mayor Sabosik responded that the Borough Engineer was looking into it now. Mr. Burdick stated they are grading 6 inches to 1 foot of fill by the homes themselves and will be graded so it goes around the homes and to the middle.

Mrs. Conti questioned Mr. Burdick about the sewerage system; Mr. Burdick stated the sewer system is deep. Mrs. Conti referred to an ordinance regarding an easement, 2003-13S. Mr. Burdick stated that is only if they were putting a sanitary sewer main in or a large pipe in the area so the town can maintain it. Mrs. Conti stated the resident to the west will be greatly impacted – that it is damp now.

Mayor Sabosik asked Mr. Burdick if the surrounding properties are higher, to which Mr. Burdick responded in the affirmative and further stated they will not be doing anything to stop the water. Mayor Sabosik stated the water runs from the Elks property and the two adjoining properties, this is a consumer issue and wondered if the town can help the consumer and Elks in another town as they are privately owned properties. Mr. Jackson stated that is a civil matter between neighbors. Vice Chair McHugh questioned whether anything they are doing here will make any existing drain problems off the property worse.

Vice Chair McHugh opened the meeting to the public for any comments.

Irene Conti questioned why, when there are zoning rules and regulations, does the Board go beyond with more housing. Mr. Forsyth replied these lots are oversized but narrow and the Board takes each case on its own merit, but the Board is under no obligation. Mrs. Conti stated she thought it was great that the Board is considering the trees. Mayor Sabosik stated the Board is here to “make the town as best as we can make it”. Mr. Forsyth stated the tree ordinance applies only to commercial properties.

Vice Chair McHugh stated the Board can prevent outsized building and tree removal, further stating the Borough’s Code says this kind of density is o.k. and the Board can have a hand in steering to a greater good. Ms. Neumann stated the Board was able to save trees and have a greater drainage system, that the positives outweigh the detriment, and the Board advanced the goals. Ms. Neumann further stated the

deviations allow the Board to ask for things. Ms. Neumann suggested to Mrs. Conti that she get involved with her town and the Master Plan. Mayor Sabosik stated the Board does follow the Master Plan and some occasions require relief, further stating part of Mrs. Conti's concerns are Point Pleasant Beach-based.

Vice Chair McHugh opined one of the things that make this application nice are they are 3 bedroom houses versus 4, have detached garages, and are "quaint". Vice Chair McHugh further stated if the Board doesn't grant something like this, someone else will come along and build an 8,000 square foot mansion with parking for visitors.

Mr. Jackson delivered a summation, at the end of which he thanked the Board for the time and effort they put into this application. Mr. Jackson further stated the lots are 9,600 square feet and 8,500 square feet, the houses fit perfectly in the neighborhood. will be aesthetically pleasing, contain nice greenery, that applicant is creating houses in a zone where they can have houses, they will keep the character and charm of old Point Pleasant, and improve drainage.

Vice Chair McHugh polled the Board for their comments. Mr. Amberger went over the conditions of the Resolution including removal of the existing building prior to filing the subdivision, the recharge system under the driveway with pavers running the length of the driveway, trees saved are 7 existing and 7 new will be planted, the location and size subject to the Engineer's approval, as well as the approval by the Ocean County Fire Marshal.

Thereafter a motion was made by Mr. Forsyth and seconded by Mr. Altero to approve the Resolution with conditions. Roll call: YEAS: Robert Forsyth, Paul Altero, John McHugh, Jr., Robert Sabosik, Joseph Furmato, Jack Vitale. NAYS: Albert Faraldi.

In **other business** matters, Mayor Sabosik referred to Resolution No. 2021-02 regarding a property located on Bridge Avenue and stated on February 25, 2021, the Board passed a motion to move the electrical equipment off the temporary trailer and the applicant stated it would be removed by summer. Mayor Sabosik stated this has not yet been done and a letter was sent on July 21, 2021 by the town.

Mayor Sabosik stated the application before the Zoning Board for the property located across from Clark's Landing has been pulled and the applicant is not going forward.

Mayor Sabosik stated Ms. Colleen Malvasio has been hired to be the new Zoning Officer, she comes to the town with 18 years of experience, and she received unanimous approval by Council.

Mr. Altero stated his wife, 2 daughters and he are relocating to Naples, Florida. Mr. Altero stated it has been great working with the Board – he has learned more than he has contributed and apologized for not being in attendance as he has been attending graduate school on-line for the past three months. Mr. Altero graciously thanked the Board for their time and patience. He stated he will still be in Point Pleasant 1-2 times per month and wished the Board luck moving forward.

Vice Chair McHugh stated Mr. Altero never hesitated to ask questions, that he was very impressed with him, and stated Mr. Altero was a great asset and contributor to the town. Mayor Sabosik concurred that Mr. Altero has been a great asset to the town, that he voted from his heart and brain, and commended his dedication and quest for knowledge. Mr. Altero thanked Mayor Sabosik for his appointment and said the Mayor is doing a “tremendous job as Mayor”.

Exempt Site Plan Committee – No report

Environmental Commission

Mr. Faraldi reported as follows:

They would look at other towns for recommendations for a Tree Ordinance;
Mentioned the Army Corps and stated sand from the beach offshore traverses ten miles so they would like to correct that and are “kicking it around now”;
Swan Point, south of the Mantoloking Bridge – the American Littoral Society would like to try to have Point Pleasant Beach, Bay Head and Mantoloking expand oysters.

Mr. Vitale wanted to know if one could donate oysters from out-of-state to New Jersey. Mayor Sabosik said some are not compatible.

Ms. Neumann mentioned Crest Pointe approached the Board about modifying the color of the approved bollards from blue to white, that she had reviewed same with Mr. Montenegro and so long as the Board agrees, they will take that back to them. Mr. Vitale mentioned so long as the bollards are a different color than the wall behind them, that would be good.

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

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

Respectfully submitted,

Claire S. Hense