

POINT PLEASANT PLANNING BOARD
January 27, 2022

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: Chairwoman Bavais, Mayor Sabosik, Mr. Pannucci, Mr. Vitale, Mr. Faraldi, Mr. Welch, Mr. Preiser, Mr. Potter

Attorney: Ryan Amberger, Esq., Engineer: Laura Neumann, P.E., P.P., Board Secretary: Claire Hense

Absent: Messrs. McHugh and Furmato

Mr. Amberger stated the following members were previously sworn in and we have their signed Oaths of Office:

Class II	Frank Pannucci
Class III	Joseph Furmato
Class IV	Albert Faraldi
Class IV	Andy Preiser

Mayor Sabosik welcomed new Board member Fred Potter, welcomed back Board members Albert Faraldi and Andy Preiser, as well as Councilman Joe Furmato who is not here this evening.

Mayor Sabosik stated Vice Chairman Jack McHugh is not here this evening because his better half is ill, and stated everyone's thoughts and prayers are with the both of them.

Mayor Sabosik stated Board attorney Ben Montenegro, Esq. is not here this evening but sent his esteemed colleague in his stead.

The Board **elected the following Officers** for 2022:

A motion was made by Mayor Sabosik and seconded by Andy Preiser to elect Mary Jane Bavais as Chairperson, with all in favor and none opposed.

A motion was made by Mayor Sabosik and seconded by Brian Welch to elect Jack McHugh as Vice Chairperson, with all in favor and none opposed.

The Board made the following **appointments** for 2022:

A motion was made by Mayor Sabosik and seconded by Chairwoman Bavais to elect Ben Montenegro, Esq./Montenegro, Thompson, Montenegro & Genz, P.C. as attorney, with all in favor and none opposed.

A motion was made by Mayor Sabosik and seconded by Chairwoman Bavais to elect Laura Neumann, P.E., P.P./CME Associates as engineer, with all in favor and none opposed.

A motion was made by Jack Vitale and seconded by Mayor Sabosik to elect Claire S. Hense as secretary, with all in favor and none opposed.

A motion was made by Mayor Sabosik and seconded by Mr. Welch to designate the Ocean Star and Asbury Park Press as the official newspapers, with all in favor and none opposed.

New Business

Chairwoman Bavais stated the Board has one informal application to be heard this evening, that of **Thomas & Madeleine Halter and Phyllis F. Healy** regarding property located at 1626 Center Street, a/k/a Block 306/Lot 75.

Mr. Amberger informed the applicants no one is bound by what takes place this evening.

Thomas Halter, Madeleine Halter and Phyllis F. Healy all came forward. Mr. Halter stated the property has been owned by his wife's family since 1972, and he and his wife and his sister-in-law are here this evening because they would like to subdivide the property. Mr. Halter stated they would all like to retire here.

Ms. Neumann stated both lots would require variances, they each need 75' of frontage and there would be two undersized lots which would not meet the required frontage requirements. Ms. Neumann suggested they have their engineer put together a plan per his letter. Ms. Neumann further stated the Borough zoned the property this way and they would need to provide reasons for the Board to grant this subdivision.

Mayor Sabosik wanted to know if they plan on splitting the property in half and tearing down the existing house.

Mr. Halter stated they would like to construct two separate single-family dwellings with 3 to 4 bedrooms each. Mr. Welch stated he would like to see plans for the houses and landscaping, while Chairwoman Bavais stated she would like to see the plans for parking. Mayor Sabosik wanted to know the approximate size of each home, to which Mr. Halter responded they would be approximately 2,500 square feet for each house.

Mrs. Halter stated she was not sure if they would be 3 or 4 bedrooms each.

Mr. Preiser stated it is a beautiful neighborhood, further stating he is concerned about the current density especially in the summer months of July and August, stating it would be difficult to find parking spots. Mrs. Halter stated there is space on the right side of the house, that they currently park in the driveway or in front of the house on the street. Mrs. Halter further stated they desire to retire and move here permanently, they currently live in north Jersey and her son lives in the house year-round.

Chairwoman Bavais questioned if these would be retirement homes for both Mr. and Mrs. Halter as well as Ms. Healy to which both Mrs. Halter and Ms. Healy stated in the affirmative. Chairwoman Bavais then stated it is difficult for the Board to give advice as they would need architectural drawings so the Board can see what exactly is being proposed to be built on the site as it is an undersized lot, further indicating applicants would need to address the off-street parking.

Mr. Vitale stated a 2,500 square foot house is the standard size of a house and that "everyone is building them". Mr. Vitale asked if the applicants have a boat, to which Mr. Halter replied they have kayaks, with Mrs. Halter acknowledging they have a dock. Mr. Preiser stated at the end of the lagoon there is a place for boats and asked if the applicants use same, to which they responded in the negative.

Ms. Neumann stated the Board needs to act upon what could be in the future and suggested applicants consult Mr. Burdick who can point them in the right direction. Ms. Neumann stated curbs and sidewalks are required along frontage, as well as street trees.

Chairwoman Bavais questioned whether or not they intended to install decking, to which Mr. Halter responded they could probably put a small deck on the back. Mr. Preiser stated he was concerned about dividing to create two undersized lots and he would have a hard time voting favorably. Mayor Sabosik stated they would be small 50' x 100' lots and he was concerned with 2,500 square foot houses on each lot, but suggested the applicants speak with Bob Burdick to see what can fit.

Chairwoman Bavais stated the Board has one application to be heard this evening, that of **Miriam Kelly** regarding property located at 913 Atlantic Avenue, a/k/a Block 115/Lot 13.

Michael Henderson, Esq. of the firm Henderson & Henderson, P.C., 52 Abe Voorhees Drive, Manasquan, N.J. came forward. Mr. Henderson stated he represents the owner/applicant, Miriam Kelly who is requesting a minor subdivision and variances.

Miriam Kelly was sworn in by Mr. Amberger. Ms. Kelly stated she purchased the property in February, 2017 and that she would like to subdivide the existing lot into two (2) lots. Ms. Kelly stated she plans to build a new home on the right side of the property and plans to keep the current house on the left side of the property as she would like her sister to move into the house on the left side.

Chairwoman Bavais stated there are no architectural plans for the Board to review and asked for the scale of the new house. Ms. Kelly stated it would be approximately 3,000 square feet and contain three (3) bedrooms.

Mr. Vitale wanted to know what the shape of the existing house is, to which Ms. Kelly replied it was built in approximately 1920 to 1950 and is in good condition. Mr. Vitale asked about the existing driveway to the framed garage and stated the garage would

obviously be coming down, and then asked about the pavers. Chairwoman Bavais pointed out that if Ms. Kelly wants to rip out the driveway, the Board would need plans.

Mr. Welch mentioned the side offset of two (2') feet from the property line, and Mr. Faraldi asked where was the pine tree. Mr. Henderson responded this is a pre-existing, non-conformity and not being made worse. Mr. Preiser asked if the applicant is asking for a variance for frontage, to which Mr. Henderson responded in the affirmative and pointed out both lots conform to the area. Mr. Vitale asked about the front yard setbacks, pointing out it is an older neighborhood. Mr. Vitale asked about the square footage of the shed, stating if it is 200 square feet or under, the setbacks are different. Mr. Kociuba stated it is a 10'x12' shed and conforms. Mr. Vitale pointed out that upon approval, the Board would be approving a non-conformity. Ms. Neumann stated it also violates the front yard setback requirement as 25' is required.

Mayor Sabosik pointed out the Board is at a disadvantage because members only have one piece of paper.

Joseph Kociuba, P.E., P.P., KBA Engineering Services, LLC, Manasquan, was sworn in by Mr. Amberger. Mr. Kociuba explained his licenses. Mr. Kociuba stated he was retained as a planner and engineer, he visited the site, reviewed the plans and is familiar with this matter.

Mr. Kociuba stated the lot is 100 feet wide, containing 15,126 square feet. Mr. Kociuba stated it contains a one-story single-family dwelling which is non-conforming, with an existing garage on the east side and a driveway on the east side, and the surrounding uses are all residential.

Mr. Amberger asked Mr. Kociuba to mark the following documents into evidence:

- A-1 Minor Subdivision plan from William J. Fiore, Inc. dated May 21, 2021
- A-2 Concept Plan from KBA Engineering Services, LLC dated December 27, 2022

Mr. Kociuba stated the garage has to come down or get moved to the primary lot, and if the garage is relocated, it would be submitted to zoning but he does not expect it will be moved due to the cost.

Mayor Sabosik asked counsel why the Board was not supplied with plans. Ms. Neumann stated she did not review the Concept Plan, she had a phone conversation with Mr. Kociuba today but has not reviewed it in detail. Mr. Kociuba stated he just prepared the Concept Plan today.

Ms. Kelly was questioned if she had any affiliation with lot 15 and she responded there is no relation, it is just a coincidence.

Mr. Vitale stated what is being shown now is the relocation of the shed and the location of the garage, and wanted to be provided with the driveway. Mr. Kociuba stated he prepared the Concept Plan to show to the Board, they are not asking for any variances,

and they can fit a driveway. Chairwoman Bavais stated this is incomplete and she is not comfortable going with a "concept". Mr. Welch stated copies should have been provided ahead of time to everyone, and that he couldn't see the exhibit from where he was sitting. Mr. Vitale suggested it could be passed around.

Mayor Sabosik stated he was concerned that the Board engineer had not had a chance to review the plan, to which Mr. Henderson stated he understood, that it was a matter of cost effectiveness. Mr. Henderson suggested maybe they could proceed with testimony and if there were more concerns, they would ask to have the matter carried. Chairwoman Bavais agreed to proceed and to see how it goes.

Mr. Kociuba marked the following item into evidence:

A-3 Print out of a tax map with highlighted non-conforming properties in the area, dated January 27, 2022 furnished by KBA Engineering Services, LLC.

Chairwoman Bavais stated the Board is uncomfortable with not enough information. Ms. Neumann stated she got the conceptual design, doesn't need full blown architectural, but needs the location, footprint, and street trees. Ms. Neumann further stated this puts the Board in a difficult situation to attempt to make a decision.

Mr. Henderson conferred with his client.

Ms. Neumann stated the Board could proceed with a lot width variance, further mentioning the orientation of the homes along Atlantic Avenue. Mr. Faraldi mentioned the lot frontage is 100.04 and stated there were numerous lots up and down the street with 50.01 and 50.02 lot frontage. Mr. Faraldi questioned the fence encroachment coming off the property into Lot 12. Mr. Kociuba stated it is the applicant's. Ms. Neumann stated with regards to the front yard on Atlantic Avenue, she would need more information as to the height of same.

Mr. Henderson requested this matter be carried and they will return with more plans in place.

Mr. Vitale stated applicant needs clear architectural plans in topography, she would be required to install a re-charge system, the Board would like the location of the driveway, what existing trees are coming down and what trees are being installed to replace them. Mr. Vitale further stated he would like to know the other houses' setbacks, fence locations existing and whose fences are whose.

Chairwoman Bavais opened the meeting to the public; no one came forward.

Mr. Vitale stated he would like input from the applicant as to the existing house, with Chairwoman Bavais concurring the Board will need testimony. Mr. Kociuba stated the applicant plans to build a new house and move into it, with her sister moving into the existing home.

Mr. Vitale stated he has questions regarding the front porch and the living space, to which Ms. Kelly stated the roof line is over the front porch. Mr. Preiser stated applicant should request a lot width variance and provide width information regarding the surrounding lots as it is still a non-conformity and will be treated as such, to which both Messrs. Kociuba and Henderson agreed.

A motion was made by Mr. Welch and seconded by Mayor Sabosik to carry this matter to March 24, 2022 without further notice. All were in favor, none opposed.

Chairwoman Bavais requested a 5 minute break.

When the meeting resumed, a motion was made by Mr. Potter and seconded by Mayor Sabosik to designate **meeting dates and time** as Thursday, February 24, 2022 at 7 p.m. and thereafter on the fourth Thursday of each month, with the exception of the November and December meetings which shall occur on the second Thursday of the month, namely, November 10 and December 8. All were in favor, none opposed.

Mr. Pannucci stated all Board members need to use their Point Pleasant Borough e-mail for any correspondence pertaining to Board matters. Mr. Amberger stated anything over a personal e-mail or phone is subject to OPRA and would be a mess with redactions as well as the confidentiality of members' personal e-mail and is not advisable.

A motion was made by Mr. Preiser and seconded by Mr. Potter to appoint the following **members to the Exempt Site Plan Committee**:

Mr. Faraldi as Chairman

Mr. McHugh as Vice Chairperson, with Mr. Welch being his alternate

Mayor Sabosik with Mr. Pannucci as his alternate, or Chairwoman Bavais if necessary

Mr. Potter

The November 15, 2021 **Minutes** were approved on a motion by Mr. Welch and seconded by Mr. Potter, with all in favor.

Exempt Site Plan Committee

Mr. Welch reported the following four applicants:

- Mr. & Mrs. Christensen regarding property on Arnold Avenue. Applicants were advised they need to make application to the Zoning Board of Adjustment depending upon what type of business they would like on the first floor. They are permitted a shop on the first floor for Mrs. Christensen's personal use, but no sales.
- Point Creamery regarding their business property on Route 88. They would like to install a generator outside by the garbage receptacle, the information was sent to Ms. Neumann who mentioned she had comments today and will send them to the Zoning Officer. Mr. Vitale commented we are giving a site plan approval but are sending it

to the engineer and attorney, but applicant cannot change the site plan. Mr. Vitale further stated Mr. Montenegro said they do not need to come before the Board.

- 2409 Bridge Avenue – this was a barber shop and hair salon. Applicant will use it for a construction office, and the Zoning Officer approved same. Mr. Welch could not recall the name of the builder, but he builds residential houses.
- 2301 Route 88 – formerly Pichirillo's Pizza and Salsa. The first applicant wanted to open a tea shop but was informed there is not enough parking. The second applicant was the Arms brothers from Colonial Ranch Market, who would like to use the space for an off-site kitchen and they will be moving in as they got the lease. The Zoning Officer said they fit all the criteria. Mr. Welch stated he will give no official answers, but will let the Zoning Officer make the final decision.

Environmental Committee

Mr. Faraldi stated April 23, 2022 is Earth Day, with a rain date of Sunday, April 24, 2022. Mr. Faraldi further stated he is looking for a trailer, is currently asking businesses to participate as there are usually 80 spots and he is trying to get them all back.

Mr. Faraldi said they are currently "kicking around" a date for Haunts in the Park, Trick or Trunk and Christmas events in Community Park.

Old Business

Mr. Welch brought up site plans currently being worked upon, mentioning we have instituted suits against two prior approvals to protect the integrity of the Board's decisions. Mr. Welch stated Mr. Montenegro is working closely with the Borough attorneys. Mr. Welch stated the Permit Extension Act from Sandy is no longer in effect. Mayor Sabosik stated the zoning officer is "hitting the streets" 6 to 8 hours per week and has sent out a lot of letters.

Mr. Welch brought up a former application from All American Ford and stated the Board apparently did not approve any landscaping as there is none on the final plan. Mayor Sabosik asked Ms. Neumann to look into their paperwork. Ms. Neumann stated they came in for modifications and she believes the Board required some level of screening.

Mr. Welch stated they put up a new chain link fence on the easement that no one seems to know who owns and they took over the easement as if they own it. Mr. Vitale stated the zoning officer does not have the ability to look at the site plan to see if there was landscaping. Ms. Neumann stated she just received a new application from All American Ford for a generator and does not see any landscaping or the fence on same. Ms. Neumann further stated they came to the Board for a 32,000 square foot addition in 2018. Mayor Sabosik wanted to know who drew up the plans, to which Ms. Neumann

responded that Jeff Carr of Lindstrom, Diessner & Carr did so. Mr. Vitale suggested Ms. Neumann look at the original plans to see if there was a site plan approval.

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

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Claire S. Hense". The signature is written in black ink and is positioned above the printed name.

Claire S. Hense