

POINT PLEASANT PLANNING BOARD
February 24, 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, Mr. McHugh, Mayor Sabosik, Mr. Furrato, Mr. Pannucci, Mr. Vitale, Mr. Welch, Mr. Potter
Attorney: Ben Montenegro, Esq., Engineer: Jordan Rizzo, P.E., Board Secretary: Claire Hense
Absent: Messrs. Faraldi and Preiser

The January 27, 2022 **Minutes** were approved on a motion by Mr. Welch and seconded by Mr. Potter, with all in favor.

Chairwoman Bavais stated the Board has several **Resolutions** for review this evening, the first being a Resolution awarding a professional contract to CME Associates for engineering services for a period of one year.

A motion was made by Mayor Sabosik and seconded by Mr. Furrato to approve the Resolution. Roll call: YEAS: Robert Sabosik, Joseph Furrato, Mary Jane Bavais, John McHugh, Jr., Frank Pannucci, Jack Vitale, Brian Welch, Fred Potter.

Chairwoman Bavais stated the next **Resolution** for review is that awarding a professional contract to Montenegro, Thompson, Montenegro & Genz, P.A. for legal services for a period of one year.

A motion was made by Mayor Sabosik and seconded by Vice Chairman McHugh to approve the Resolution. Roll call: YEAS: Robert Sabosik, John McHugh, Jr., Mary Jane Bavais, Joseph Furrato, Frank Pannucci, Jack Vitale, Brian Welch, Fred Potter.

New Business

Chairwoman Bavais stated the Board has one informal application to be heard this evening, that of **1117 Sampson, LLC** regarding property located at 1117 Sampson Road, a/k/a Block 112, Lot 7.

Thomas J. Hirsch, Esq, came forward. Mr. Hirsch stated Mr. Aikins had a conflict this evening so he is here in his stead representing the applicant. Mr. Hirsch further stated the property is the largest lot in the neighborhood, almost four times the size for the zone, and it is a flag lot with 40 foot wide frontage.

Mayor Sabosik wanted to know if the client is a contract purchaser, to which Mr. Hirsch responded an LLC owns it and Mr. And Mrs. Magrone will be building their house there.

Mr. Hirsch stated the applicants would like to see if there were any concerns or issues the Board might have.

Mr. Vitale asked if the homeowners were present; Mr. Hirsch responded they were not. Mr. Vitale asked if the homeowners live there now; Mr. Hirsch responded they do not. Mr. Hirsch stated the applicants plan to come before the Board, and all existing structures will be removed.

Patrick R. Ward, P.E., P.P. of InSite Engineering, LLC, Wall, New Jersey came forward. Mr. Ward stated the applicants may develop the second lot and sell it. Mr. Furmato questioned how long the applicants have owned the property, to which Mr. Ward stated since the end of 2021. Mr. Ward stated they are working with an architect now and plan on keeping the largest lot of 20,000 square feet for themselves. Mr. Ward further stated this is not the applicants' primary home.

Mr. Ward stated the property is located in the R1A zone which requires 7,500 square feet minimum and a 75 foot width, that the proposed 7,500 square foot lot on Sampson Road will have a 45 foot width at the front.

Mayor Sabosik discussed the uniqueness of the road and wanted to know if Mr. Ward had measured the width of the road. Mayor Sabosik stated Sampson Road is wider at the bend, approximately 13 to 15 feet, and this would be substandard in the summer with two homes. Mayor Sabosik wanted to know if applicants intend to keep the front lot as overflow parking.

Mr. Welch stated most people would try for three lots, further stating although it is one of the largest lots in the neighborhood, access to get to the property is practically nil.

Mr. Hirsch stated that access coming in is simple, it is wide for emergency vehicle access, and the 40 feet frontage is the only issue on a flag lot.

Mr. Ward stated the driveway would line up with Phillips Road, the largest portion of the flat lot where the applicants would build their home is the waterfront lot, and this section of the lot would have enough parking for visitors and similar with the front/2nd lot, further stating the application will improve the frontage.

Mr. Vitale stated he drove by but could not find a mailbox for 1117 Sampson Road, he had a tough time backing up and difficulty making a turn, further stating any improvement to the street by the applicants would be a generosity. Mr. Vitale stated you cannot park on the street at all so there is definitely an issue on vehicle movement. Mr. Vitale stated they should widen the road to help the situation, which will move the smaller lot back as this would be a benefit, but there would still be no parking on applicants' side of the road. Mr. Vitale stated when applicants return for a formal hearing, they will need architectural for both proposed pieces of the lot and because this is a small neighborhood, he would not be o.k. with 7 1/2 foot setbacks as he is afraid of the size of the house and the number of required parking spaces. Mr. Vitale stated a 25 foot setback is not enough as that would only fit 2 cars in the driveway. Mr. Vitale

also questioned if applicants had given any thought to the placement of a house on the larger lot.

Mr. Ward stated the lot is relatively flat across and the new home would be centrally situated in the rear yard as governed by CAFRA.

Mayor Sabosik wanted to know if Mr. Ward's clients had given a certain square footage of each house on the lot as the Board is trying to get a feel for what the applicants want to build, further stating that without knowing their intentions and without them being before the Board, the Board is at a disadvantage without enough information to provide an informed opinion.

Mr. Hirsch responded they are trying to get the Board's feelings as to a two-lot subdivision.

Mayor Sabosik questioned Mr. Rizzo, the Board engineer, regarding the location of the lot on the street specifically regarding any foreseeable problems with parking during the summer. Mr. Rizzo stated applicant would need to meet the RSI for parking spots and suggested turning around the space and overflow parking on the lot. Mr. Rizzo stated applicants should provide car circulation especially for the smaller lot, that applicants know they can't park on the street.

Chairwoman Bavais stated she would want a letter from the Ocean County Fire Marshal stating they can get to it. Mr. Ward offered that the intensity of use is less intense use according to the Borough's Ordinance.

Mayor Sabosik stated the road is a unique formation and questioned the benefit for the Board to approve two homes on the lot. Mr. Welch stated by not showing the Board the sizes of the proposed houses, applicants could theoretically run out of parking spaces.

Mr. Ward stated they will bring all the information back to the applicants. Mr. Hirsch stated seemingly the Board needs the footprints, sizes and number of bedrooms. Mr. Hirsch further stated based on the zoning of a 7,500 square foot lot minimum, a waterfront lot, even if there are 10 bedrooms, he is confident there will be enough parking spots.

Mr. Montenegro stated that without so much as seeing a design, it is about the sizing and layout, the parking is a significant issue, there is definitely enough room on the back lot but the front lot might have an issue as they could exceed the RSI on the front/smaller lot.

Mr. Vitale asked Mr. Montenegro if the Board could ask the applicants to donate five feet (5') across the front of the property for the neighborhood, to which Mr. Montenegro agreed that yes, they could. Mr. Vitale stated the 5' could best be answered by the Board engineer, and suggested also looking down Sampson Road. Mayor Sabosik stated this would make the front lot larger for more parking. Mr. Vitale stated if applicants build

the house within the setbacks, it could be a big house and they could move the property line back five feet.

Councilman Furmato stated the town will not pay for the widening of the road. Mr. Vitale stated 25' for front on what applicants are calling curbs and sidewalks are required in town, or applicants can donate to the town, even in 7 1/2' setbacks, and hopefully they can increase on the sides as that would be better for the neighborhood.

Mr. Hirsch stated they were just looking at the requirements and will possibly start moving things around. Mr. Vitale stated the Board will require landscaping and questioned a masonry wall across the front and possibly down the side a retaining wall, to which Mr. Ward stated "No".

Mr. Welch asked for the BFE, to which Mr. Ward stated he thinks it is 10 on the water. Councilman Furmato questioned the R1A zone, stating he believes because it is riverfront, it is in the R-1 zone. Mr. Ward stated he thought it was R1A and Councilman Furmato stated it could change the square footage on the lot. Mr. Welch stated he thinks it is 9,000 square feet instead of 7,500 square feet. Councilman Furmato suggested they change it to a 100 foot deep for additional setback. Mr. Ward stated they could provide an off-street turn-around, and that applicants' goal is not intended to go up.

Chairwoman Bavais questioned if a family member would reside on the front piece of property to which Mr. Ward responded "No". Mayor Sabosik asked Mr. Ward his opinion on what he thought the front and rear houses should be size-wise. Mr. Ward responded he would start at the building coverage percent for the waterfront and stated possibly 3,000 to 4,000 square feet. Mr. Vitale stated if the front house has a 10 foot elevation, it could be 3,600 square feet, that the houses increase in size based on the flood zone and it is unusual to have a car parked in the garage, further reiterating the Board would need architecturals for both homes.

Mr. Hirsch stated the real issue is the setbacks, the number of bedrooms, and the number of required parking spaces. Vice Chairman McHugh stated the Board never approved a non-conforming subdivision without architecturals.

Mr. Welch stated he would like to know if applicants have any intention of installing a pool; Chairwoman Bavais stated she had questions regarding trees and fencing; Mr. Rizzo stated he had questions regarding storm water.

Mr. Hirsch stated applicants will do what they have to do, that they will try to give architecturals on the front lot regarding coverage, setbacks and parking. Mayor Sabosik stated architecturals are very important to the Board.

Chairwoman Bavais stated the Board has for review Ordinance No. 2022-04 regarding amending and supplementing Chapter 19 entitled "Land Use".

Mr. Vitale questioned why the number was increasing, to which Mayor Sabosik stated it is increasing because of a few applications in front of the Zoning Board and due to the advice of counsel. Mayor Sabosik further stated developers are winning arguments on the Mt. Laurel fair share housing saying it is not financially fair and that by going from 8 units per acre to 12 units per acre, it shows the Borough understands. Mayor Sabosik stated further that Judges are starting to rule favorably with the developers, and 12 units means the developers can secure a profit. Councilman Furfato stated most are now rentals.

Mr. Montenegro stated he has no special case in mind, and the planning recommendation is that is a reasonable number with today's market. Mayor Sabosik stated all the experts recommend we do this. Mr. Potter questioned where in town there is located an acre of land, to which Mayor Sabosik responded there were very few. Mr. Montenegro stated that procedurally, the Board needs to review the proposed Ordinance and report back to Council if the Board is in agreement. Mayor Sabosik stated the density factor goes in accordance with the size of the lot, and 20% COAH is for the benefit of the town.

Chairwoman Bavais read aloud the proposed Ordinance. A motion was made by Vice Chairman McHugh and seconded by Mr. Welch to approve the **Resolution**. Roll call: YEAS: John McHugh, Jr., Brian Welch, Mary Jane Bavais, Robert Sabosik, Joseph Furfato, Frank Pannucci, Jack Vitale, Fred Potter.

Exempt Site Plan Committee

Mr. Welch reported there is nothing.

Environmental Committee

No comments.

A motion was made by Mayor Sabosik and seconded by Chairwoman Bavais to go into Executive Session. Roll call: YEAS: Robert Sabosik, Mary Jane Bavais, John McHugh, Jr., Joseph Furfato, Frank Pannucci, Jack Vitale, Brian Welch, Fred Potter.

When the Board returned, a motion was made by Mayor Sabosik and seconded by Mr. Pannucci to approve the vouchers. All were in favor.

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

Respectfully submitted,

Claire S. Hense