

**POINT PLEASANT PLANNING BOARD**  
**May 26, 2022**

The regular meeting of the Planning Board was called to order by Chairwoman Bavais who 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: Ben Montenegro, Esq., Laura Neumann, Board Engineer, Claire Hense, Board Secretary

Absent: Messrs. McHugh and Furmato

The April 28, 2022 **Minutes** were approved on a motion by Mr. Potter and seconded by Mr. Preiser, with all in favor.

Mr. Montenegro announced that the application by FNDZ Realty, LLC with regard to 2419 Bridge Avenue, a/k/a Block 228.01, Lot 19 has been carried without further notice to the July 28, 2022 Board meeting.

**Old Business**

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, which is in continuance of the meeting of January 27, 2022.

**Michael D. Henderson, Esq.** of Henderson & Henderson, P.C., Manasquan, New Jersey came forward. Mr. Henderson stated he represents the applicant whose property is located in the R1A zone and who is here requesting a minor subdivision with bulk variances.

Mr. Henderson further stated his client would like to retain the current lot 13 on the left side of the property with its house for her sister, and construct a new home on proposed Lot 14 on the right side of the property for herself. Mr. Henderson stated they re-noticed everyone within a 200 foot radius about this meeting, and the necessary documents were provided to the Board Secretary.

Mr. Henderson wanted to confirm this Board still maintains jurisdiction of this property, to which Mr. Montenegro responded in the affirmative.

Mr. Henderson then caused to have the following documents entered into evidence:

A-4 A seven (7) page packet with colored photographs of the proposed homes for the property, a floor lay-out for the proposed new home, colored tax map showing surrounding properties, and plans;

A-5 Board-mounted colored rendering of page 4 from A-4;  
A-6 Deed of Consolidation dated September 26, 2003;  
A-7 Amended Site Plan from FP&L Associates, Inc. last revised April 8, 2022;  
A-8 Development Plan from KBA Engineering Services dated 4/18/22;  
A-9 Page 6 in A-4 which is a colored map of the non-conforming width lots in the surrounding area.

Mr. Henderson called the following witnesses, who were sworn in by Mr. Montenegro:

**Joseph Kociuba, P.E., P.P.**, KBA Engineering Services, LLC, Manasquan  
**Miriam Kelly**, Atlantic Avenue, Point Pleasant

Ms. Kelly stated she came before this Board in January, 2022 and at that time there was a discussion with the Board about renderings and pictures. Ms. Kelly stated the proposed new home on proposed Lot 14 will have two stories with an attic, three bedrooms with the master bedroom on the first floor, and a detached garage.

Chairwoman Bavais requested the square footage, Mr. Welch stated the home is subject to change per the plans. Mr. Henderson added it will be conforming and offered that the colored drawings and plans were done by Chris Muraglia of James Architectural Art. Mr. Kociuba stated Mr. Muraglia is a designer.

Mr. Henderson asked Ms. Kelly if she was able to determine who owns the encroaching fence on the east side of the property, as the Board had questioned that in January, to which Ms. Kelly responded it belongs to her neighbor and it is on his property.

Mr. Henderson stated the property is one tax lot, and asked Ms. Kelly to expound on that. Ms. Kelly stated when she investigated the property through records in Ocean County, she discovered a 2004 drawing showed it was formerly two lots but was consolidated by a prior owner which she surmised was for tax purposes. Mr. Henderson stated the Deed of Consolidation shows both Lot 13 and proposed Lot 14 existed not too long ago, and the single lot was created by the former owner.

Mayor Sabosik asked if the attic in the proposed new home would be habitable, to which Ms. Kelly responded it would just be storage space with pull-down stairs. Ms. Neumann wanted to confirm the proposed home is just 2 stories, not 2.5 stories, to which Mr. Kociuba stated it would just be 2 stories.

There were additional questions regarding the square footage from the side setbacks, including the driveway, whether the height would be in compliance with the 32 feet allowed, whether the existing garage on the property would be demolished. Mr. Kociuba confirmed the development plan provided for more than 45 feet between the properties, the height would be in compliance, and the existing garage would be either moved or demolished. Mr. Kociuba stated they are proposing a 20 x 20 detached garage, Mr. Henderson stated the current garage has to either be moved to the other lot or it "has to go".

Mayor Sabosik questioned the white vinyl fencing as depicted in the pictures, wanting to know if the applicant intended to take down the existing fence. Ms. Kelly stated if the Board desired that, she would replace it with the white vinyl but that the existing fencing in the back and on the sides is very pretty and she will match the fencing going down the left side. Mr. Vitale asked if applicant intends to put the garage on the left side of the property, to which Mr. Henderson responded if she can demolish it, then no, but if it can be lifted, it will be moved to the lot. Mr. Kociuba stated the driveway will be 65 feet long which is RSI compliant for the existing home with 2 bedrooms. Mr. Montenegro stated the Board should address the garage as part of the subdivision, that if the proposal includes an otherwise compliant garage, the Board should consider it and it should be spelled out in the Resolution of approval.

Mr. Kociuba stated if in the future applicant or whomever owns the property is doing an addition or proposing anything in the setback, they should come back before the Board but if they do an accessory structure that meets the setbacks, they should only need zoning approval, and not have to return to the Board. In referring to A-9, Mr. Kociuba stated many of the lots in the surrounding area are non-conforming lots containing mostly 50 or 50.2 feet by 100, not the required 75 feet, and there are plenty of detached garages/accessory structures in the neighborhood. Mr. Kociuba stated he is not sure it is cost-effective to move the garage to the other lot, but the applicant would need to determine that, that it would probably be less expensive and easier to build a new garage.

Mayor Sabosik questioned whether or not the existing house would have any storage, to which Mr. Henderson responded there is an existing shed in the yard. Mr. Vitale asked for the size of the existing garage. Mr. Kociuba stated it is 19 x 25, approximately 475 square feet, a standard 2-car garage. Mr. Vitale asked the Board engineer whether the Borough limits the size of an accessory garage, to which Ms. Neumann responded she would check on that. Chairwoman Bavais asked if the garage were moved from the existing home site, would they keep the shed as in January it was stated the shed would be removed. Mr. Kociuba stated the shed is 10x12 and the intention is to keep it. Mayor Sabosik opined that the shed should be kept so applicant's sister has some storage.

Chairwoman Bavais wanted to know if sidewalks and curbs would be installed; Mr. Henderson stated they would stipulate to that. Mr. Kociuba stated there was some discussion as to the front setbacks and referred to A-9 saying they were very much in line with the neighboring properties and that the new house will conform in every fashion. Mr. Vitale stated the new house has a proposed new garage and the older house has a garage in question, further stating if applicant moves the garage, she will have to extend the driveway and Board members need to have a handle on the coverage. Mayor Sabosik asked the age of the garage, to which Mr. Kociuba stated he believes it was rebuilt in 2004. The Mayor asked about macadam driveways to which Mr. Kociuba responded in the affirmative. Chairwoman Bavais asked about the proposed closet in the "study", to which Ms. Kelly stated there will be no closet in the study and it will only be a 3 bedroom home.

Ms. Neumann informed Mr. Vitale that per his earlier question regarding the size of an accessory garage, there is nothing in the Ordinance other than total building coverage, and a maximum of 15 feet in height for a garage.

Mr. Henderson requested Mr. Kociuba address the tree removal. Mr. Kociuba stated trees identified to be removed included a small Japanese maple but the applicant will provide new shade trees in front of both properties which will include 2 trees by the street and they will plant one more. Ms. Neumann requested 2 new shade trees per lot and after discussion, it was agreed applicant will plant 2 additional shade trees per lot, their location subject to the approval of the Board engineer.

After a 5 minute break, the Board resumed this application. Mr. Henderson requested Mr. Kociuba go through the Board Engineer's review letter dated May 18, 2022. Mr. Kociuba stated they will provide a drywall system, sidewalks and curbing along the street, they will replace any curbing in disrepair and provide 2 new shade trees on each lot. Mr. Kociuba clarified there will be a new curb across the new lot across the driveway, that they are trying to limit the expense, to which Mayor Sabosik stated the Borough has a Pedestrian and Safety Fund. Mr. Kociuba stated he understood and in that case it would all be new. Ms. Neumann requested this be filed by map, to which Mr. Kociuba agreed. Ms. Neumann asked if they would agree in totality, to which Mr. Kociuba agreed. Ms. Neumann stated the lot numbers will need to change – probably to lots 13.01 and 13.02.

Mr. Henderson stated the lots are deficient and asked Mr. Kociuba how they add up in total area. Mr. Kociuba stated lot 13 is 7,574 square feet and proposed lot 14 is 7,552 square feet, that they are fully conforming in area but not in lot width. Mr. Kociuba stated the existing porch and home are in line with others on the street, and then spoke as to the variances requested.

Mr. Vitale commented to the applicant and Mr. Kociuba that he likes the space between the houses, the trees and the shrubs, but mentioned there is nothing on the plan other than the trees. Mr. Vitale stated if the Board decides to approve this application, he would like to see exactly what is planned for shrubs and trees.

Chairwoman Bavais asked about what appeared to be an existing sidewalk between the houses, asking if they were pavers and if there were plans to remove them. Mr. Kociuba stated they were pavers, and there are plans to remove them. Ms. Neumann wanted to know if they would be removed in their entirety, to which Ms. Kelly replied she might keep some of them.

Mr. Welch wanted to know the square footage of the house to which Mr. Kociuba responded it would be approximately 3,400 square feet; there would be approximately 26% of coverage whereby 30% is permitted.

Mayor Sabosik asked why the applicant did not use a licensed architect, to which Mr. Henderson stated it was not cost-effective. Ms. Kelly stated there is no architect on board as of yet but she will be looking at them soon. Ms. Neumann stated the Board can

ask the applicant to come back with proposed plans when she has them in order to ensure they conform with the design pictures provided this evening. Mr. Montenegro added the applicant would need to come for administrative review only and it would not require any new notice, just a one-page letter with architectural plans. Mr. Vitale stated the new paperwork should comply with the plot plan and architectural design provided this evening, showing the same floor plans to show Ms. Kelly's intentions are correct.

Mayor Sabosik stated he likes the look of the houses - they blend in nicely, stating he likes the greenery and informing applicant she did a great job, further adding the Board needs something to approve that is licensed. Mr. Welch wanted to know how soon the garage could come down, to which Mr. Montenegro responded they cannot file the map with the garage still standing, and that the map has to be filed 190 days from the date of the Resolution. Mr. Vitale wanted to know if the topography was consistent with the neighborhood to which Mr. Kociuba answered in the affirmative.

Chairwoman Bavais closed this portion of the application as there was no one in attendance in the audience.

Mr. Montenegro confirmed the conditions in that if approved, the applicant needs to return with architectural plans consistent to that which was presented this evening; a landscape plan needs to be provided to the Board engineer; 2 additional shade trees will be planted, per lot, their location subject to the Board engineer's approval; any garage – either existing or new for Lot 13 – must be fully compliant; architectural plans will be revised to remove the closet from the library/study; new curbs and sidewalks; final architectural plans will be reviewed by the Board engineer. Mayor Sabosik added that the new fencing on the right side of the new lot can be white vinyl or shadow box in order to match the existing, at the applicant's choice.

A motion was made by Mr. Welch and seconded by Mr. Potter to approve the application with the conditions stated. Roll call: YEAS: Fred Potter, Brian Welch, Mary Jane Bavais, Robert Sabosik, Jack Vitale, Frank Pannucci, Albert Faraldi, Andy Preiser. NAYS: None

### **Exempt Site Plan Committee**

No report.

### **Environmental Commission**

Mr. Faraldi stated they are involved with NJAC to obtain points to do certain things.

Mr. Faraldi further stated with regards to hazardous waste, if residents have paint cans or anything hazardous in their homes such as oil, it can be taken to the Ocean County landfill site in Lakewood where it will be discarded and the cans returned to the owners.

Mr. Faraldi mentioned they are looking at a production entitled "Drift" put together by the Save Barnegat Bay members. Chairwoman Bavais asked if that was the one

pertaining to soil with Matthew McConaughey because it was great. Mr. Faraldi stated they are looking to show the film somewhere.

### **Old Business**

Mr. Welch questioned Mr. Borowski's site plan regarding the Nature's Reward property on Bridge Avenue, asking if the Board could get him to finalize that site plan, put some pressure on him to comply. Mr. Vitale stated it would look a lot better if the paper were taken off the windows. Mayor Sabosik stated he will speak with the Code Enforcement Officer about that.

Mr. Vitale stated the Gerard's Liquors site is still not fixed – there is a rod on the ground and no plantings. Further mention was made regarding some wood on the lot across the street from the Fire Company on Beaver Dam Road.

Mayor Sabosik stated the good part is people are complying – Finest Kitchens is being worked on, Oakwood Pizza has been issued permits to do their work, 604 Ocean Road is taking time, and as to the Shore House, the State vacated the property so they will be coming before the Board. Mr. Vitale stated they will come with a full-blown site plan.

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

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

Respectfully submitted,

Claire S. Hense