

POINT PLEASANT PLANNING BOARD
June 23, 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, Mr. Furmato, Mr. Pannucci, Mr. Vitale, Mr. Faraldi, Mr. Welch, Mr. Preiser, Mr. Potter

Attorney: Ben Montenegro, Esq., Jordan Rizzo, Board Engineer, Sharon Morgan, Board Secretary

Absent: Mayor Sabosik

The May 26, 2022 **Minutes** were approved on a motion by Mr. Potter and seconded by Mr. Preiser, with all in favor.

Chairwoman Bavais stated there is one **Resolution** for review this evening, that of Miriam Kelly regarding property located at 913 Atlantic Avenue, a/k/a Block 115, Lot 13, which was approved at the meeting of May 26, 2022.

A motion was made by Mr. Welch and seconded by Mr. Preiser to approve the Resolution. Roll call: YEAS: Brian Welch, Andy Preiser, Mary Jane Bavais, Frank Pannucci, Jack Vitale, Albert Faraldi, Fred Potter.

New Business

Chairwoman Bavais stated the Board has two **applications** to be heard this evening, the first being that of Thomas & Madeleine Halter and Phyllis Healy for a minor subdivision regarding property located at 1626 Center Street, a/k/a Block 306, Lot 75.

John J. Jackson, III, Esq. of King, Kitrick, Jackson, McWeeney & Wells, LLC, Manasquan, New Jersey came forward. Mr. Jackson stated he represents the applicants who came before the Board for an informal application in January, 2022. Mr. Jackson stated the applicants listened to the Board's comments and have come back with a subdivision proposal, having taken great pains and care to design the houses with a design team so the Board can get a sense of what this application is about.

Mr. Jackson further stated he prepared a Power Point presentation for the Board and caused to have the following documents entered into evidence:

A-1 An eighteen (18) page packet with colored aerial and close-up photographs of the property, colored photographs of sample homes, aerial drawings of proposed homes, both front and rear, proposed subdivision maps and architectural drawings, tax maps, review letter from Board engineer dated June 16, 2022

A-2 Board sheet from A-3 proposed subdivision plans from Paul A. Damiano, Architects, LLC dated June 21, 2022;

A-3 Board sheet from A-5 of proposed subdivision plans from Paul A. Damiano, Architects, LLC dated June 21, 2022.

Mr. Jackson stated the current house is located on one of the larger lots in the neighborhood and what applicants are proposing is within the development pattern and scale of the neighborhood. Mr. Jackson further stated the current home has been in the family for 50 years and what they would like to have is very similar houses for both halves of the family as they plan to reside in them. Mr. Jackson stated the proposed houses are basically the same house and that is what applicants want, further stating the architect took great care to ensure there are different roof elements, different window elements, and different trim elements in order that the houses would not be “cookie cutter”, and they would have a nice aesthetic from the curb.

Mr. Jackson stated one of the things they learned of late based upon the Board engineer’s review letter, is that they thought the height was measured from the design flood elevation and therefore when they originally submitted their application, they did not ask for the required two (2’) foot height variance because the height is measured from the flood elevation and not from the design flood elevation which is another 2 or 3 feet higher. Mr. Jackson further stated they would like to point out some of the features of the houses, and what that extra couple of feet does is it would enable applicants to have more free board and be way above the flood elevation which is important. Mr. Jackson stated it also enables applicants to have full garages and storage areas under the homes, and the homes would have plenty of storage so there would be no need for a shed to increase building coverage.

Mr. Jackson stated the homes only have nine (9’) foot ceilings on the living floor, eight (8’) foot ceilings on the bedroom floor, no third floor. They are not a 2.5 story home, they have true attics. Mr. Jackson further stated the architect set the collar ties in the attic at 6.5 feet, therefore no habitable space, there are no egress windows up there so it cannot be used as bedrooms. Mr. Jackson stated they do have walk-up stairs and his clients want to have a ceiling height of at least six feet to actually use the attic for storage. Mr. Jackson stated they do not meet the criteria for a habitable attic or a third floor due to the egress windows and a required 7.5’ ceiling height.

Chairwoman Bavais requested it be **noted that Mr. McHugh arrived** at 7:17 p.m.

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

Paul A. Damiano, Paul A. Damiano, Architects, LLC, Spring Lake Heights, NJ
Joseph Kociuba, P.E., P.P., KBA Engineering Services, LLC, Manasquan, NJ
John W. Ward, FP&L Associates, Inc., Brick, NJ

After the witnesses gave their testimony, after many questions by the Board and answers by the witnesses, Chairwoman Bavais opened the meeting to the public for questions;

there were no questions. Chairwoman Bavais opened the meeting to the public for comments. The following persons were sworn in by Mr. Montenegro:

Michelle Jegge, 1630 Center Street, next door to the existing house
Justin Marcinkowski, 2215 Glenwood Drive

Seeing there were no other members of the audience wishing to comment, Chairwoman Bavais closed this portion of the application.

Mr. Jackson summed up his clients' application. There were additional comments from Board members particularly with regard to the height so Mr. Damiano returned for questioning. Ms. Bavais suggested a 5 minute break in order that Mr. Jackson and Mr. Damiano could discuss the possibility of plan changes with the applicants.

When the Board reconvened, Mr. Jackson stated they believe they can take two (2') feet out of the height in order to comply with FEMA, to comply with the Ordinance and this way they would not exceed the height variance, further stating the houses' roof pitches might be different than what was presented, and they might not have walk-up attics.

Chairwoman Bavais stated we need to go over what we have. Mr. Montenegro stated it was preferred the architectural will be revised to bring the height into compliance so there is no request for a variance, additional conditions as they went through the application are there will be no additional structures other than what is shown on the plans, demolition of the existing home will occur prior to the filing of the map, pool compliant fencing will be added to the plans, stormwater management plan to be provided subject to the review and approval of the Board engineer, applicants will provide two (2) shade trees per lot - one each in the front and the back, the plans will contain a note to modify the plans so the front yard non-driveway space will be stone as opposed to grass, a condition that applicants are seeking a waiver regarding the sidewalks and will be paying into the Sidewalk Safety Fund, Exhibit A-3 identified as Sheet A-5 of the architectural as the roof and attic plan will be added to the plans provided and the attic will not be habitable once the roof pitches are brought down, based upon the height and non-egress windows – storage and mechanicals only. Chairwoman Bavais added there will be paving curb-to-curb due to the new sanitary lines. Mr. Rizzo added there will be a new curb all along the front of the property to comply with the Ordinance.

After additional comments by Mr. Faraldi, a motion was made by Mr. Potter and seconded by Mr. Faraldi to approve the application with the conditions stated above. Roll call: YEAS: Fred Potter, Albert Faraldi, Mary Jane Bavais, Joseph Furmato, Frank Pannucci. NAYS: John McHugh, Jr., Jack Vitale, Brian Welch, Andy Preiser

Chairwoman Bavais stated the second **application** to be heard this evening is that of Point Pleasant 847 Properties, Inc. for a major preliminary and final site plan regarding property located at 847 Arnold Avenue, a/k/a Block 112, Lots 65 and 65.01.

John J. Jackson, III, Esq. & Alexandra K. Ehrhardt, Esq. of King, Kitrick, Jackson, McWeeney & Wells, LLC, Manasquan, New Jersey came forward. Mr. Jackson stated they represent the applicant who owns Clark's Landing, an iconic location in Point Pleasant for over 100 years. Mr. Jackson stated Executive Assistant Nicole Hoffman is here on behalf of Clark's because Mr. Truesdale is traveling on business. Mr. Jackson further stated what they are seeking to do is take the outdoor area, a ceremony area, and put a building up. Mr. Jackson further stated Clark's is a banquet and wedding facility, first class marina, has a nice little restaurant downstairs, boat sales and stores, truly a multi-faceted waterfront resource for the community.

Chairwoman Bavais stated she needed to recuse herself because the architect's wife works for her. The meeting was turned over to Vice Chair John McHugh, Jr.

Mr. Jackson stated that in order to remain competitive in the wedding arena, the applicant seeks to take what has become an outdoor ceremony area, enclose it and use it strictly for ceremonies, further stating the problems with having an outdoor area are the wind, the rain and the cold. Mr. Jackson stated by enclosing the area, they will not have to scramble at the last minute when they don't know if the storm clouds are going to come over the river and then have to move the ceremony inside last minute. Mr. Jackson stated his client will explain that the current trend is many people have their wedding ceremony at the banquet hall; people use the churches and houses of worship less now. Mr. Jackson further explained that in order to remain competitive, the premier facilities have indoor ceremony rooms dedicated to that and that is what the applicant would like to do – it will be set up as a ceremony room and that is the intended use.

Mr. Jackson stated by virtue of enclosing this area, they will take advantage of having a larger vestibule with room for guests to await their vehicles, and it will have additional storage area for seats and tables, etc. Mr. Jackson stated this does not increase the capacity of Clark's at all because the people attending the wedding ceremony are the same people who will go inside for the wedding reception. Mr. Jackson stated what Mr. Truesdale related to him, and what will be confirmed by Ms. Hoffman, is what has been happening is they have to scramble and they have to have the ceremony in the banquet hall, and that is not consistent with having the "big reveal" when they open the doors and everyone walks into the decorated banquet hall. Mr. Jackson stated they don't like to have the ceremony there because it detracts from the experience of walking into the banquet hall.

Mr. Jackson stated one of the things that came up based upon the Board engineer's review letter is that the applicant does have to ask for a parking variance because parking counts are derived from the square footage of the building and because the square footage is increasing, that technically increases the demand for parking based upon the strict interpretation of the Ordinance. Mr. Jackson stated they did not realize that when they applied, but the testimony will be they are not actually increasing the number of guests by one, and they will abide by all prior requirements.

Mr. Jackson stated there is a little wrinkle in this application in that they have an approval they are currently operating under – he believes it to be from 2008 when he came before this Board and had a site plan exemption when the main banquet hall was built. Mr. Jackson stated there were conditions in there, he believed there was a maximum capacity of 220 guests by which they will abide. Mr. Jackson stated there was a new application Dan Popovitch, Esq. brought to the Board for a new banquet hall which is currently under appeal and Clark’s hopes to build it and expects to build it, and tonight they seek an amendment of the second approval, under Resolution No. 2017-01. Mr. Jackson stated they are asking the Board to evaluate this application with that second banquet hall as if it were fully built, as they seek to get the approval either way. Mr. Jackson stated they will abide by all the conditions from the earlier approval from 2008, and when the second facility is built, they will comply with everything associated with that approval as well.

The following item was marked into evidence:

A-1 A nineteen (19) page Power Point packet containing colored photographs of the property, wedding venue lay-outs, parking and zoning requirements, proposed Preliminary and Final Site Plan, Board Engineer review letter dated June 16, 2022, prior testimony hearing notes from Resolution No. 2017-01 and Resolution No. 2008-05

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

Jeffrey G. Schneider, architect, Bay Head, NJ

Kevin E. Shelly, licensed engineer, owner of Shore Point Engineering, Manasquan, NJ

Mr. Jackson asked the Board to recognize the following representative of applicant, although she did not get sworn in nor testify:

Michelle Hoffman, Executive Assistant Clark’s Landing, Point Pleasant, NJ

After the witnesses gave their testimony, after many questions by the Board and answers by the witnesses, Mr. Jackson gave his summation. Vice Chair McHugh opened the meeting to the public for questions of the applicants and their professionals. The following persons came forward:

Frank Pagano, 845 Arnold Avenue, Unit 14, Point Pleasant

Sylvia Ferrie, 845 Arnold Avenue, Unit 14, Point Pleasant

This part of the meeting was closed, and then Vice Chair McHugh opened the meeting to the public for comments. The following person was sworn in by Mr. Montenegro:

Frank Pagano, 845 Arnold Avenue, Unit 14, Point Pleasant

Seeing there were no other members of the audience wishing to comment, Vice Chair McHugh closed this portion of the application.

Mr. McHugh asked Mr. Montenegro to recap the conditions. Mr. Montenegro stated the special conditions are the plan will be amended to show the proposed signage and the details which will be subject to the review and approval of the Board engineer for compliance with the Ordinance, they will provide an updated parking calculation on the plans, another condition is applicant agrees to comply with the requirement for EV parking spaces. Mr. Jackson mentioned the parking variance and number of parking spaces, to which Mr. Montenegro stated “325 required, 283 proposed”. ‘After concerns from several Board members as to using the facility for something other than a chapel and ceremony, Mr. Montenegro stated one of the special conditions will be “ceremony room only, not additional...”. Mr. Jackson stated they would abide by the maximum number of patrons. Mr. McHugh stated so long as applicant agrees they will not exceed or change prior Resolution approvals and conditions. Mr. Montenegro said it is contained in the 2008 Resolution that no banquet facility event will exceed the capacity of 220 people.

Thereafter a motion was made by Mr. Pannucci and seconded by Mr. Welch to approve the application with the conditions stated above. Roll call: YEAS: Frank Pannucci, Brian Welch, John McHugh, Jr., Joseph Furmato, Jack Vitale, Albert Faraldi, Fred Potter, Andy Preiser. NAYS: None.

Exempt Site Plan Committee

Mr. Potter stated there was a meeting regarding the Shore House. They would like to put fencing around the perimeter. Mr. Potter stated they are almost done with the site plan to be submitted.

Environmental Commission

Mr. Faraldi stated the Environmental Commission members met with the Mayor to try to put together a tree Ordinance.

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. Pannucci and seconded by Mr. Preiser. All were in favor.

Respectfully submitted,

Claire S. Hense