

**POINT PLEASANT PLANNING BOARD**  
**February 23, 2023**

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. Pannucci, Mr. Vitale, Mr. Welch, Mr. Preiser, Mr. Potter, Mr. Sestito  
Attorney: Ben Montenegro, Esq., Engineer: Laura Neumann, P.E., Board Secretary: Claire Hense  
Absent: Mr. Furmato

The January 26, 2023 **Minutes** were approved on a motion by Mr. Preiser and seconded by Mr. Welch, with all in favor.

Chairwoman Bavais stated the Board has two **Resolutions** for review this evening, the first being a Resolution permitting an extension of approval for Thomas & Madeleine Halter and Phyllis Healy regarding their property located at 1626 Center Street, a/k/a Block 306, Lot 75.

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

Chairwoman Bavais stated the second **Resolution** is for administrative approval for Point Pleasant 847 Properties, Inc. regarding their property located at 847 Arnold Avenue, a/k/a Block 112, Lots 65 & 65.01.

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, John McHugh, Jr., Robert Sabosik, Frank Pannucci, Jack Vitale, Fred Potter, Jim Sestito.

**New Business**

Chairwoman Bavais stated the Board has several **applications** to be heard this evening, the first being that of **Rare NJ, LLC** regarding property located at 2301 Lakewood Road, a/k/a Block 40, Lot 3.

Mr. Sestito recused himself from this application.

**Alexandra Ehrhardt, Esq.**, came forward. Ms. Ehrhardt stated she is with the firm of King, Kitrick, Jackson, McWeeney & Wells, Manasquan, N.J. and is here on behalf of the applicant who desires to open a smoke shop at the premises and is seeking site plan approval for a change of use to occupy as a retail shop. Ms. Ehrhardt stated the second

floor of the building contains apartments, and that there are no variations or waivers being requested Chairwoman Bavais asked if the upstairs apartment was currently rented, to which Ms. Ehrhardt stated the one apartment as 3 people residing there. Ms. Ehrhardt stated Mr. Steffens will testify as to the intensity of the site.

Mr. Montenegro marked Exhibit A-1 which contains a total of four double-sided pages and includes colored photographs of the site, photographs of their current West Long Branch location, a survey of the property, and the Board engineer's January 27, 2023 review letter. Mr. Montenegro swore in the following witness:

**Robert Steffens**, who stated he is a partner in Rare NJ, LLC along with Connor Diamond.

Mr. Steffens stated they would like to stay open as late as possible because The Shore House is located right down the street and they are open late, as is QuickChek which is on the other side of them. He stated QuickChek is open 24 hours a day so they would like to be open from 9 am until 12 am.

Mr. Welch questioned the hours assigned to the other shops in town to which Ms. Neumann responded it corresponds with the noise Ordinance. Mayor Sabosik stated it is 10 p.m. Mr. Vitale wanted to know the age requirement for someone to enter the shop, to which Mr. Steffens replied they need to be a minimum of 21 years of age, and they do ID patrons. Mr. Steffens stated they have 3 employees at their current location and would probably have 2 employees at this location.

Mr. Vitale asked how they dispose of vapors, to which Mr. Steffens replied they trash them. Mr. Vitale observed that the West Long Branch location sign shown in the Power Point states it is also an art gallery and wanted to know if they handle trade-ins, to which Mr. Steffens responded yes, if they are unique. Mr. Vitale wanted to know for how long they had been in business, to which Mr. Steffens responded a little over 2 years, adding their hours in West Long Branch are 9 am until 12 am. Chairwoman Bavais asked for their average busiest hours, to which Mr. Steffens responded they typically have anywhere from 30-50 customers a day and there are usually 2 customers at a time.

Mayor Sabosik wanted to know if there is a dumpster on site, to which Mr. Steffens responded not currently at this location but yes in their West Long Branch location. Chairwoman Bavais wanted to know where the trash is located and asked if the owner of the building was in the audience, to which Mr. Steffens responded no, he was not as he is away right now but stated he is willing to do whatever the Board desires insofar as the trash is concerned.

Mr. McHugh stated this applicant came before the Exempt Site Plan Committee, further stating the tenants use the regular trash but commercial use will require some type of corral if they have more than the normal amount of trash. Chairwoman Bavais stated they cannot put their trash in with the town trash and will need to make other arrangements. Ms. Ehrhardt stated if this application is approved, they will agree to enclose a trash area and arrange for pick up.

Mr. Vitale stated parking is a problem due to the limited number of parking spaces and they cannot use a space for the trash enclosure. Mr. McHugh stated there are currently four spots for the business and two spots for tenants for a total of six spots and they will need to “stripe them out”. Mr. Steffens stated their high-end glass art customers like to browse, but others are in and out in about 2 minutes. Chairwoman Bavais asked if there will be a lounge area, to which Mr. Steffens replied in the negative; Mr. Vitale asked the number of trash cans they average per week, to which Mr. Steffens replied just one. Mr. McHugh stated the Code requires an enclosure with a gate, a garbage corral. Ms. Ehrhardt stated they will speak with the landlord about the parking, and will coordinate with him about the tenant and business spots as well as the trash enclosure.

Signage and lighting were discussed. Mr. Steffens stated the back room would be used for storage. Ms. Neumann stated the parking does not meet Code for retail use and recommended the Board act favorably to this request and that retail be limited to 800 square feet, not 1,200 square feet. Mr. Vitale stated the land in front of the building belongs to the State and produces 4-5 parking spaces for overflow which cannot be counted in, but could possibly in the future. Mayor Sabosik stated the State is vacating property in the area and wanted to know if the State was vacating a portion to extend to this area, the old roadway to the bridge, and further mentioning he would look into it.

Chairwoman Bavais opened the meeting to the public for comments and/or questions. The following persons came forth:

**Carolyn Malanga**

**Chief Adam Pica** who stated he is fine with the application so long as the applicant abides by the Borough Ordinances. Captain Pica mentioned a lot of teens go to QuickChek during their lunch hour and he doesn’t want any problems.

The meeting was closed to the public and brought back to the Board. Mr. Pannucci stated he was fine with the application, stating there are 2 other such stores in town and he would like to keep it uniform so they are permitted to be open from 9 am until 9 pm. Mr. Montenegro repeated the conditions being approved. Ms. Ehrhardt stated they will work with the landlord regarding signage and getting the parking situated, further stating should more parking become available in the future, they reserve the right to return.

A motion was made by Mr. Potter and seconded by Mr. McHugh to approve the application, with conditions.

Roll call: YEAS: Fred Potter, John McHugh, Jr., Mary Jane Bavais, Robert Sabosik, Frank Pannucci, Jack Vitale, Brian Welch, Andy Preiser. NAYS: None.

Chairwoman Bavais stated the Board has a second **application** to be heard this evening, this one for preliminary and final site plan approval which was filed on behalf of **First of Day, Inc.** regarding property located at 2114 Lakewood Road, a/k/a Block 169.01, Lot 34 and Block 39/Lot 1.

**Christopher L. Beekman, Esq.** of The Beekman Law Firm, LLC, Ocean Grove, came forward. Mr. Beekman stated he is here on behalf of his client whose property contains The Shore House and Kelly's Pet Grooming. Mr. Beekman stated they are here for preliminary and final site plan approval along with variances for a 670 square foot expansion of the dining room, a 650 square foot expansion of the kitchen, a deck for outdoor dining, and some landscaping. Mr. Beekman further stated his client has received approval for the use of the right-of-way from the State.

Mr. Montenegro marked the following as Exhibit A-1: An Agreement dated January 30, 2023 among the State, County and Borough.

Mr. Montenegro swore in the following witness:

**Frank Gullace** - Mr. Gullace stated he is the owner and operator of The Shore House which he has owned since 2009 and operates as a bar and restaurant. Mr. Gullace stated when they first opened, it was a rougher crowd and had the reputation of being a "dive bar". Mr. Gullace further stated that due to Covid-19, it was a favorable experience in that they were able to transform from a bar and grill to a restaurant with outdoor dining. Mr. Gullace stated that during Covid, they were able to completely renovate the interior.

Mr. Gullace stated they would like to expand with a kitchen addition, a dining/party room addition and an outdoor deck for dining. Mr. Gullace stated they are currently open from 10 am until 2 pm and they would like to continue to expand the family business. Referring to the Agreement marked as Exhibit A-1 wherein the State vacated the right-of-way, Mr. Gullace stated this is with regards to the property located on the left side of Route 88 but that the State would not release the grass part in the dividing line down the road. Mr. Gullace stated they plan to consolidate the lots into one property, with Mr. Beekman commenting they will have to do a lot consolidation in Deed and that can be made as a condition of the Resolution.

Mr. Vitale questioned the hours of operation, to which Mr. Gullace stated they are agreeable with whatever the Borough requires, further commenting there will be no exterior bands. Chairwoman Bavais stated no amplified music and no outside bar. Mr. Vitale stated the outside dining contains tables with umbrellas. Mr. Gullace stated the outside dining is weather-dependent. Mayor Sabosik stated it can be used in 3 of the seasons using outside heaters if necessary. Mr. Gullace stated two fireplaces are out of the plan, that they would like to use temporary heaters and a fire pit and will submit to the Fire Marshal again, further stating they would mark the spots after paving now that the State has turned over the property.

Mr. Preiser asked if they are now good with the parking, to which Ms. Neumann responded 41 spots are required, 42 are proposed. Mr. Gullace stated the pet groomer is open 4 days per week and never past 3 pm. Mr. Vitale commended them on the improvements and referred to the "nice trash corral". Mr. Welch wanted to know if the trailers behind the dog groomer were being removed, to which Mr. Gullace replied "yes".

Chairwoman Bavais asked how many outside events are scheduled, to which Mr. Gullace responded they are permitted twelve and they try to use them all.

Mr. Montenegro swore in the following experts:

**James Giordano, P.E, P.P.**, professional engineer and professional planner, owner of TEC Engineering, Point Pleasant since 1994.

Mr. Giordano stated he read through the Agreement among the State, County and Borough which released land to the applicant, and stated he is developing a map of consolidation. Mr. Giordano caused to have Exhibit A-2 marked into evidence, which is a Preliminary and Final Site Plan with site improvements for The Shore House dated August 28, 2022.

Mr. Vitale wanted to know if the metes and bounds were changing, to which Mr. Giordano responded they were not. Mr. Montenegro wanted to know if the County had effectuated the remaining property, to which Mr. Giordano stated the final map is being developed and will then be recorded. Chairwoman Bavais stated they will need to move forward with this.

Mr. Giordano stated the purpose of the plan is in anticipation of re-doing the parking lot, and they have eliminated all impervious surfaces to promote environmental issues which will improve drainage. Mr. Giordano stated the refuse/garbage corral will be relocated to the end of the new parking lot corralled by a masonry wall, and that sheds on the site will be removed.

Chairwoman Bavais wanted to know if there were any trees on the property and if any were planned, to which Mr. Giordano stated there are none and that the landscape architect would address the remainder of the question. Bollards were discussed. Mr. Montenegro wanted to know how far off the property line for the garbage dumpster, to which Mr. Giordano responded the wall for the enclosure is on the property line for the Route 88 turn-around.

Mr. McHugh wanted to know if there were any changes to the existing drainage, to which Mr. Giordano stated it will be maintained exactly the way it is now, that currently the site is 94% impervious coverage and it will be at 69%. Ms. Neumann stated she flagged the design waiver relief; they will mitigate stormwater runoff by reducing coverage. Mr. Giordano stated he went through the Board engineer's review letter, and added that if the rear ramp does not comply as being ADA compliant, they will make it that way.

Mr. Montenegro wanted to know if they have an easement for the encroachment, to which Mr. Giordano replied he will look into that. Ms. Neumann stated a lot of the proposed landscaping falls into the easement, to which Mr. Giordano stated the Route 88 turnaround application will get approval from the State and if there is a problem with that, the landscape plan will stand.

Mr. Vitale stated the fence is not on the property line and protrudes onto Borough property on Osborne Avenue, and that there needs to be a walking area on Herbertsville Road. Mr. Gullace stated they have a permit from the town, to which Mr. Vitale stated they can't have a fence two feet from the road, that he saw the permit which showed fencing on the property but not on the property line. Mr. Giordano stated his client will move the fencing onto the property line. Mr. Gullace stated the fence was placed where they originally thought it would be released, but they will make it right and readjust it. Thereafter a discussion ensued regarding increased quality of life and decrease of the number of people walking into the neighborhood. Mr. Vitale reiterated the fencing should be on the property line as they have to maintain a walkway along Herbertsville Road for pedestrians. Mayor Sabosik added that the opposite side of Herbertsville Road will have sidewalks. Mr. Giordano stated the Florence Avenue right-of-way fencing should be where it is right now. Mr. Gullace commented he would entertain a lease agreement with the County as well. Mr. Giordano stated they have conditional County Planning Board approval and will seek approval for landscaping and a ramp.

Mr. Montenegro swore in the following witness:

**Cristina Reis, LLA**, licensed landscape architect with the firm of Melillo/Bauer/Carman, Brielle. Ms. Reis stated there is currently minimal landscaping on the site and lighting is utilitarian, further indicating they have worked closely with the State.

Mr. Montenegro marked the following items into evidence:

Exhibit A-3, board-mounted "Existing Conditions" dated February 23, 2023  
Exhibit A-4, board-mounted "Proposed Landscape Plan" dated February 23, 2023

Mr. Vitale wanted to know if there was a flagpole on the property, to which Ms. Reis stated yes there is and it will make a nice presentation. Ms. Reis went on to describe the proposed lighting fixtures. Mr. Gullace added they already have lights across the front of the building to illuminate the dining area, and that the staircase already has a light that goes up to the rooftop HVAC.

Mr. Montenegro swore in the following witness:

**Brian Berzinskis, R.A.**, registered architect and owner and operator of Grasso Design Group, Manasquan.

Mr. Berzinskis caused to have the following marked into evidence:

Exhibit A-4 which is Page A-1 of proposed first floor and elevation dated September 8, 2022.

Mr. Berzinskis stated they would like to expand the existing building on the right side as well as the existing kitchen which is undersized, further adding that the new kitchen expands outside the footprint. Mr. Berzinskis added the second component is outdoor

dining with a deck. Mr. Berzinskis stated the flat roof with mansard-style roofing will hide some of the mechanicals. Mr. Montenegro asked about the existing second story and attic to which Mr. Berzinskis stated the second floor contains offices and the 1/2 story attic is used for storage. Mr. Berzinskis broke down the square footage of the first, second and 1/2 story floors.

Mr. Gullace stated the building was constructed in the 1800's and was used for boarding, further stating there are no customers allowed upstairs which consists of his and his father's offices, the manager's office and an employee bathroom which still contain the original doors and hinges. Chairwoman Bavais asked if the exterior staircase is blocked off to the public, to which Mr. Berzinskis stated yes and that they are only used for maintenance.

Ms. Neumann went through the variances requested/required; Mr. Montenegro stated he wanted to be sure the parking space count was correct in case applicant needs a variance for that as well. Mr. Preiser wanted to know how the current loading zone works, to which Mr. Giordano responded they have formalized it, and it is located in the back by the dumpsters. Mr. Giordano stated deliveries are made mostly before the restaurant opens, adding there is no place to put a separate loading zone on the site. Mr. Welch wanted to know the purpose of the gate onto Herbertsville Road. Mr. Gullace responded it is locked with a padlock and is for emergency use only.

Chairwoman Bavais opened the meeting to the public for questions. The following persons came forth:

**Adam Pica, Chief of Police, Borough of Point Pleasant -**

Chief Pica stated he has concerns as to the overflow and noise, mostly regarding music permeating out of the business especially as it gets late.

Regarding Chief Pica's comments, Ms. Neumann stated she didn't think the parking count can be based upon a restaurant, and that she had not heard testimony about DJ nights. Ms. Neumann stated applicant needs to be clearer about the use based upon the testimony, as it needs to be parked appropriately. Chairwoman Bavais wanted to know if the additional dining/party room is a part of the bar area, to which Mr. Gullace stated no, that their goal now is to change the business model and that he would like people to think "restaurant" first. Mayor Sabosik wanted to know if the business is in transition now, stating that the ticket price will be higher than for a younger crowd. Mayor Sabosik stated if the fine dining increases, he would like applicant to come to an agreement of a lower decibel, further stating this is a neighborhood quality of life issue.

Mr. Gullace stated the main purpose of the new room is to increase private events which are quieter than the bar and indicated these plans will elevate his business and get them where they need to be. Mr. Welch defended the application for working with requests to lower the noise level, and stated adding baffles and fencing were helping with that; the Mayor agreed. Mr. Preiser referenced large Super Bowl parties, and asked about the overflow parking for such large events, to which Mr. Gullace replied they provide a

complimentary shuttle service to patrons' houses 7 nights per week and encourage people to utilize Uber.

Ms. Neumann stated she wants to quantify what the requirement is if they need relief, that it is not a huge differential, maybe 3-4 spots. Mr. Beekman stated they concede to being a bar/restaurant and wanted to know if the Board would be amenable to a variance for the spots.

Chairwoman Bavais mentioned the meeting is still open to the public for questions. The following person came forward:

**Maura Brennan**, Osborne Avenue

Chairwoman Bavais closed the meeting to the public for comments, and then opened it to the public for questions. The following persons came forward:

**Carolyn Malanga**

**Linda Cinotti**, 706 Albert E. Clifton Avenue

The meeting was closed to the public and brought back to the Board. Mr. Montenegro read the conditions to the Board members. Mr. Preiser reminded him to add the parking variance, and Mr. Pannucci stated no one should be on the deck after 10 pm and no loitering after said time either.

Thereafter a motion was made by Mr. Welch and seconded by Mr. Vitale to approve the application, with the stated conditions.

Roll call: YEAS: Brian Welch, Jack Vitale, Mary Jane Bavais, John McHugh, Jr., Robert Sabosik, Frank Pannucci, Andy Preiser, Fred Potter, Jim Sestito. NAYS: None.

Chairwoman Bavais stated the next **application** on the agenda is that of Shirley **Gasiorowski** regarding property located at 213 Ida Drive, a/k/a Block 13/Lot 6. **Ronald S. Gasiorowski, Esq.**, attorney for the applicant came forward. Due to the late hour, Chairwoman Bavais announced that the Board would carry this matter to the next Board meeting, namely Thursday, March 23, 2023 at 7 p.m. without further notice being required, and this matter would be placed first on the agenda for said meeting. Mr. Gasiorowski's witness indicated he was not available for the March meeting, at which point Mr. Gasiorowski stated if he had to secure another engineer for the meeting, he would do so.

**Old Business** - None

**Exempt Site Plan Committee**

Mr. Potter reported there was no meeting.

**Environmental Committee**



Mr. Potter stated their first meeting of the year was this past Tuesday. Mr. Potter stated the biggest issue discussed was Earth Day and getting sponsors. Mr. Potter reported the Nellie F. Bennett marsh status was done by Ceili Pestalozzi, Wetland & Watershed Specialist of Barnegat Bay Partnership, regarding mud intrusion. The first step, he stated, is to get plans for full restoration and to build back to the bird sanctuary and plant indigenous plants. Mr. Potter stated the State requires a tree ordinance be re-approved and there are currently discussions among Bob Forsyth, the Mayor, Council and Jerry Dasti, Esq., the Borough attorney.

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

Respectfully submitted,

Claire S. Hense