

POINT PLEASANT PLANNING BOARD
March 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. Furmato, Mr. Vitale, Mr. Preiser, Mr. Potter

Attorney: Ben Montenegro, Esq., Engineer: Jordan Rizzo, P.E., Board Secretary: Claire Hense

Absent: Messrs. Pannucci, Welch and Sestito

Chairwoman Bavais stated the Board has four Resolutions for review this evening, the first being a **Resolution** awarding a professional contract to CME Associates as Board Engineers.

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

Chairwoman Bavais stated the second **Resolution** awarding a professional contract to Montenegro, Thompson, Montenegro & Genz, P.A. as Board attorneys.

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

Chairwoman Bavais stated the third **Resolution** for review this evening is for Rare NJ, LLC regarding property located at 2301 Lakewood Road, a/k/a Block 40, Lot 3.

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

Chairwoman Bavais stated the fourth **Resolution** is for First of Day, Inc. regarding their property located at 2114 Lakewood Road, a/k/a Block 169, Lot 34 and Block 39, Lot 1.

Mr. Vitale stated it was discussed today that the fencing along the property line is in the Resolution, but the fence on the town's road does not comply or they will have to apply to the town. Mr. Montenegro stated that is correct, he included that in the Resolution, that there are 3 potential issues and the applicant needs to bring the encroachments into their property, which includes the Borough.

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

New Business

Chairwoman Bavais stated the Board has a couple of **applications** to be heard this evening, the first for a minor subdivision for **Shirley Gasiorowski** regarding her property located at 213 Ida Drive, a/k/a Block 13, Lot 6.

Mayor Sabosik and Council member Joseph Furmato stated they had a conflict and therefore recused themselves from this application.

Ron Gasiorowski, Esq., Red Bank, came forward. Mr. Gasiorowski stated he is here on behalf of the applicant with what he believes is a straightforward application seeking to subdivide the property into two separate lots.

Mr. Gasiorowski marked the following exhibit into evidence:

Exhibit A-1, a board-mounted tax map, pointing out that the lots across from the property are narrower.

Mr. Montenegro swore in the following witness:

Matthew Wilder, P.E., a licensed professional engineer with Morgan Engineering, Island Heights. Mr. Wilder stated he prepared the plans and visited the site. Mr. Wilder marked the following exhibits into evidence:

A-2, poster board with photographs of the existing house, garage and adjacent properties;

A-3, picture of 215 and 217 Ida Drive;

A-4, pictures of 213, 215, 217, 235 and 237 Jaehnel Parkway;

A-5, aerial photograph of the property highlighted in yellow, taken in July, 2022;

A-6, pictures of other homes built by the same builder in other areas.

Mr. Wilder stated the property currently contains a single family home, inground swimming pool, detached garage, shed and driveway. Mr. Wilder stated the home was constructed in approximately the late 1940's and stated applicant desires to demolish the aforementioned in order to construct two separate homes, each 2.5 stories with a half habitable attic, 2 car garage, front porch and rear deck. Mr. Wilder stated they would like a waiver for installation of curbing and sidewalks as there are none in the area, there is no continuity of any type of curbing, and applicant will contribute to the Pedestrian Safety Fund. Mr. Wilder further stated applicant will install drywells, street trees and foundation plantings, and will revise plans to address those items.

Mr. Wilder stated there is an increase in impervious surfaces and as to the drainage patterns , the rear properties will receive less run-off and will discharge to the street.

Mr. Wilder then marked the following exhibits into evidence:

A-7, poster board of survey of the property;

A-8, poster board of plot plan.

Mr. McHugh wanted to know if the pools were treated as pervious coverage, and further asked if in the future the applicant will seek patios and decks to complete the rear yards. Mr. Gasiorowski stated the property is under contract of sale, that the plans drawn were done by the purchaser's professionals, and that if he (the purchaser) wants to come in at a later date to change anything, that will be his choice.

Mr. Wilder stated he is not sure if the subdivision will be recorded by plat or deed. Mr. Wilder also stated they are asking for a building height of 33.5' where 32' is permitted for both of the homes. Mr. Gasiorowski added that any changes will be brought back to the Board before being recorded. Mr. Rizzo added they will need to be approved by the Board engineer. Mr. Gasiorowski stated outside agency approvals have not yet been applied for as they are waiting for the Board.

Thereafter, coverages were discussed. Mr. Vitale stated they were unusually deficient in the front yard setback and wanted to know if they were measuring from the front of the house to the edge of the pavement. Mr. Wilder stated they are 28 feet from the house to the pavement and the adjacent properties are similarly situated. Mr. Vitale stated it appears they are 24.3 feet to the back of the house, to which Mr. Wilder responded that measurement is to the elevated deck. Chairwoman Bavais stated she was concerned with parking, that each house is proposed to have 4 bedrooms with the possibility of a 5th bedroom. Mr. Wilder stated 5 bedrooms equals 3 off street parking spaces and if there were concerns, he would be happy to discuss, further stating the two homes are the same model but have different architectural details.

Mr. Vitale stated the street is very narrow and the houses are close to the street, further adding there is no reason why Wrazen Homes can't come to the Board. Chairwoman Bavais stated they are seeking 7 variances and stated the houses are too big for the neighborhood. Mr. Gasiorowski stated they have come to the Board for a subdivision and then whatever the builder wants to do in the future, he can come back to comport with all. Mr. Montenegro stated that the Board, when considering a lot with lot area variances, always requires to see what applicant intends to construct.

Mr. Preiser stated that with regard to the sizes of the houses being proposed, there are no other houses of that size in the neighborhood. Mr. Gasiorowski stated if they are seeking to subdivide into two lots, they are in complete compliance, to which Mr. Montenegro responded they are not in complete conformity with the Ordinance, that the Board always requires to see architecturals, adding that the lots could work with the right houses. Mr. Gasiorowski stated he understands the comments of the Board, and does not want to create a negative, further stating if the Board wants him to return at a

later date, he had no problem with that and would return at the April 27, 2023 Board meeting. Mr. Montenegro stated there needs to be clear directions from the Board. Mr. McHugh wanted to know if the Board was going to hear subdivision testimony tonight and consider the testimony.

Chairwoman Bavais stated she would like to see smaller houses, not so high, not so wide, further commenting there are a lot of variances being sought. Mr. Gasiorowski stated maybe the builder was a little too optimistic, to which Mr. Montenegro added he was not off by much. Mr. Vitale asked to make sure the houses are a little different, stating they are just too big. Chairwoman Bavais stated the Board will table this application until next month's meeting on April 27, 2023 with no additional notice to be provided. Mr. Rizzo asked Mr. Wilder to address the technical comments when he returns.

Chairwoman Bavais stated the Board has a second **application** to be heard this evening, this one for a minor subdivision which was filed on behalf of **AEM Revocable Living Trust c/o Art Matuschat** regarding property located at 650 Delaware Avenue, a/k/a Block 142, Lot 10.

John J. Jackson, III, Esq. of Manasquan came forward, and marked the following item into evidence:

Exhibit A-1, A 22 page power point presentation.

Mr. Jackson stated they are looking for a single variance for a 100 foot lot which they would like to turn back into two - 50' lots for a dual zone. Mr. Jackson stated filed map F216 from 1927 was originally four lots which are now one lot, adding that the back yard lots are all 50' lots in Bay Head. Mr. Jackson stated he is aware of the zoning change but stated they fit in with the character of the neighborhood, and thereafter went through his power point presentation.

Mr. Montenegro swore in the following witness:

Michael B. Intile, P.E., P.P., a licensed professional engineer and professional planner with Crest Engineering Associates, Inc., Toms River. Mr. Intile did an overview of the application and stated the applicant is proposing a minor subdivision of two lots. Mr. Intile stated looking at the propensity of development in the neighborhood, applicant could build a larger home on the lot but that would not fit in with the neighborhood, further stating that the 2 proposed homes are proportional. Mr. Intile stated they are not located in a flood zone but the basement elevation of the first finished floor will be 13 1/4'. Mr. Jackson stated they will comply with the regulations.

Chairwoman Bavais wanted to know if there was attic space, to which Mr. Intile replied they will have walk-up attics and meet all the criteria for a half story. Mr. Rizzo stated they need a variance for the 1/2 story as they are only allowed two stories. Mr. Rizzo asked about the number of parking spaces noting there was 1 garage spot and 1 space in the driveway so they are deficient. Mr. Intile responded they will bump the driveways

out to 20' from 16' for more parking. Design waivers were discussed. Mr. Intile stated they will record by plat prior to recording, and fencing was discussed. Chairwoman Bavais stated they need shade trees in front. Mr. Vitale stated the houses are close to the beach so 3 parking spaces are not enough. Mr. Jackson stated there is parking right on the street. Mr. Vitale wanted to know the length of the driveways to the curb; Mr. Rizzo responded 35'. Mr. Jackson stated he will have the architect address the layout.

Chairwoman Bavais asked what type of fencing was being used for privacy, to which Mr. Intile responded a 6' wooden fence which will comply with the fence Ordinance and same as to pools. Mr. Intile stated they will reduce the width of the pool walkways and can shift the pools. Mr. Vitale asked about the pool and air conditioning unit pads.

Mr. Montenegro swore in the following witness:

Dario L. Pasquariello, R.A., A.I.A., licensed New Jersey architect and owner of the firm of Dario Architecture Design, Beachwood.

Mr. Pasquariello stated he would address the aesthetics, stating the floor plans are similar but with a 50 square foot difference between the 2 proposed homes. Mr. Pasquariello stated the attics are just for storage, there will be no collar ties, they are at 7' and slope down to 5', there are no closets and the two attics are identical. Mr. Pasquariello further stated the garage widths are 17'1", there are 4 bedrooms on the 2nd floors, the mechanicals are located between the 2 houses and in the rear yards.

Mr. Montenegro swore in the following witnesses:

Art Matuschat, who stated he lives in the existing house. Mr. Matuschat stated his objective is to build two homes, live in one of them and use the proceeds from the sale of the other to bring his mortgage down, further stating that will help his neighbor with his driveway.

Mr. Jackson stated the neighbor behind the house has 10 foot tall arborvitaes, they were installed with a new fence and they also have very high privet hedges, therefore you cannot see the other house. Mr. Matuschat added he are not yet sure what two shade trees he will install on each property.

John Taikina, P.P. Mr. Taikina stated the key to the application is about fitting into the neighborhood and advancing the purposes of zoning. Mr. Taikina added this lot, when subdivided, is substantially consistent with the lots in the area in that they will be the same size and scale of the others in the neighborhood, and that overwhelmingly the lots in the area are 50' x 100' lots. Mr. Taikina opined it outweighs any detriment.

Mr. Preiser added that if approved, they are really asking for ten variances in total, 5 for each lot.

Chairwoman Bavais opened the meeting to the public to ask any questions of the expert witnesses; there were none so she closed that portion of the meeting.

Chairwoman Bavais opened the meeting to the public for any comments. The following witnesses:

Lynn Forsell, 288 Osborne Avenue, Bay Head who was concerned about noise and drainage control.

Mr. Vitale addressed the drainage and stated they could possibly compare topography, stating it is the builder's responsibility to not create that situation. Mr. Jackson stated they are working with the Board engineer regarding this. Chairwoman Bavais added the pool's slope. Mr. Intile stated they will install drywells on each lot, and they could run an inlet pipe system to run to the drywells. Chairwoman Bavais observed the pools are part of the plan and are not scheduled to be built at a later date.

Gerard Bifulco, 641 Delaware Avenue, who stated the street drainage problems are well documented, and that they already have a problem with water flooding on Delaware & Brown, adding it is an ongoing problem. Mr. Vitale stated it is a town issue. Chairwoman Bavais stated they need to call the DPW. Mr. Vitale recommended when it rains and floods, Mr. Bifulco should take photographs and they (neighbors) should get a petition together.

Nadia Guarriello, 1222 Madison Street

Mary Bifulco, 641 Delaware Avenue

Carlos Morais, 646 Delaware Avenue

Chairwoman Bavais closed the meeting to the public for comments. Mr. Jackson stated it is an unusual zoning situation and his client is looking to create two beautiful homes.

Mr. Montenegro read back the conditions for approval, one of which involves providing topography on lots 6 and 7 in Bay Head. Mr. Jackson stated they may or may not include arborvitae in the rear of the property.

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

Roll call: YEAS: Fred Potter, Jack Vitale, Mary Jane Bavais, John McHugh. NAYS: Andy Preiser.

Chairwoman Bavais stated the Board has for review **Ordinance No. 2023-05** entitled "ORDINANCE OF THE BOROUGH COUNCIL, BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 19 OF THE BOROUGH CODE ENTITLED "LAND USE".

Mr. Montenegro stated this concerns the Wenke's Motel property, and stated the town reached a settlement with the owner which reduced the density. There was a question as to whether the Borough's fire apparatus covers it as it is 3 stories or 42' high. Mr. Potter stated he has a problem with 42', as did Chairwoman Bavais. Mr. Montenegro stated it is just for this property, no others. Chairwoman Bavais stated she had concerns

with the setbacks as the lot frontage on Route 88 is 150' off of Route 88 and the property is very dense. Mr. McHugh added it has the same density as Arnold Avenue.

Mr. Montenegro stated the Borough does not meet the Affordable Housing requirements. The Planning Board Secretary was directed to respond to the governing body stating the Board is concerned with the height and setbacks, but supports the governing body's solution to settle the litigation.

Old Business - None

Exempt Site Plan Committee

Mr. Potter reported stated that on March 13, 2023, Mr. McHugh, Mayor Sabosik, Zoning Officer Colleen Malvasio, and he met with the owners of Caldino's Italian Market who want to buy the old White Owl location on Arnold Avenue for food trucks and catering, but who do not intend to purchase the parking lot property across the street. Mr. Potter stated they have a total of 4 trailers and trucks, further adding the problem with the restaurant site is there are only 4 parking spots and 2 are for the tenants upstairs which leaves only 2 spaces for their vehicles. Mr. Potter said Caldino's was advised the Committee did not believe it was a good idea until they can handle the parking, suggesting they rent the parking lot. Mr. Potter stated Caldino's representatives stated they wish to remain in Point Pleasant.

Environmental Committee

Mr. Potter stated Earth Day is scheduled for Saturday, April 22, 2023 and the Committee is working on the plans but it is the same day as National Planting Day for trees. Mr. Potter mentioned the town center micro grid, stating a company approached them about a power grid. Mr. Potter stated the Committee is recommending to the governing body that they look at it as the police department or the high school could use it, further stating it is a separate connection to the power company.

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

Respectfully submitted,

Claire S. Hense