

POINT PLEASANT PLANNING BOARD
June 22, 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, Councilmember Furmato, Mr. Pannucci, Mr. Vitale, Mr. Welch, Mr. Preiser, Mr. Sestito
Attorney: Ben Montenegro, Esq., Engineer: Laura Neumann, P.E., Board Secretary: Claire Hense
Absent: Mr. Potter

Chairwoman Bavais stated the Board has three **Resolutions** for review this evening, the first being that of Kevin Curtin regarding the property located at 1325 Bay Avenue, a/k/a Block 145, Lot 35.

A motion was made by Mr. Welch and seconded by Mr. Furmato to approve the Resolution. Roll call: YEAS: Brian Welch, Joseph Furmato, Frank Pannucci, Jim Sestito

Chairwoman Bavais stated the next Resolution for review is that of Point Pleasant 847 Properties, Inc. regarding 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. Furmato to approve the Resolution. Roll call: YEAS: Brian Welch, Joseph Furmato, Frank Pannucci, Jim Sestito

Chairwoman Bavais stated the final Resolution for review is that of 1117 Sampson, LLC regarding property located at 1117 Sampson Road, a/k/a Block 112, Lot 7.

A motion was made by Mr. Welch and seconded by Mr. Furmato to approve the Resolution. Roll call: YEAS: Brian Welch, Joseph Furmato, Frank Pannucci, Jim Sestito

Mr. Montenegro announced that with regard to the continuation of the minor subdivision application of **Shirley Gasiorowski** regarding her property located at 213 Ida Drive, a/k/a Block 13, Lot 6, the Board received correspondence from Ron Gasiorowski, Esq., applicant's attorney, requesting the matter be carried to the next Board meeting, namely, July 27, 2023. Mr. Montenegro stated it will be carried to said date without further notice being provided.

New Business

Chairwoman Bavais stated the Board has two **applications** to be heard this evening, the first for administrative approval to amend the site plan for **1104 Arnold Avenue Properties, LLC** regarding the property located at 1104 Arnold Avenue, a/k/a Block 123, Lots 3 & 4.

John J. Jackson, III, Esq. of JJJ Law Firm, Manasquan, came forward.

Mr. Jackson stated he represents Dr. Dimitrios Lambrou and 1104 Arnold Avenue Properties. Mr. Jackson stated Dr. Lambrou operates Northeast Spine & Sports Medicine in Point Pleasant and in Wall. Mr. Jackson stated his client wishes to remove an existing ADA compliant ramp on the south side of the building and install a new ADA ramp along the same side of the building along with new landscaping and lighting. Mr. Jackson stated applicant also desires to install exterior building modifications and wall signage/lighting, and to remove several walkway sections on the site to reduce the impervious coverage. Mr. Jackson caused to have the following item marked into evidence:

A1- Twelve-page colored power point packet

Mr. Jackson stated he has applicant's engineer here this evening as well as applicant's architect, Daniel J. Governale, RA, AIA of Barlo Governale Associates, LLC, Brick, should the Board have any questions of Mr. Governale.

Mr. Montenegro swore in the following witnesses:

Joseph Kociuba, P.E., P.P. of KBA Engineering Services, LLC, Manasquan, came forward.

Mr. Kociuba stated the property consists of 2 distinct lots and this proposal concerns lot 3. Mr. Kociuba added there are 8 parking spots located in the rear of the building which exit onto Benedict Street. Mr. Kociuba stated in its existing condition, there is a small handicap ramp which empties into the employee parking lot. Mr. Kociuba stated the applicant would like to clean up the entry to create a new, larger ramp which requires a small 240 square foot variance. Mr. Kociuba, in referencing the architectural, showed the current front and side walkways. He added that most of the impervious coverage will be taken out by removing the front walkway from Arnold Avenue to the stairs which will be filled in with grass, and stated the existing deck, steps and handicap ramp will be removed. Mr. Kociuba stated the main entrance is located on the south side of the building.

Mr. Kociuba stated a ramp is a necessity for a medical building and applicant desires for patients to enter through the main entrance, further adding the proposed new ADA ramp is a significant safety and functional improvement to the site and adds to the aesthetics. Mr. Kociuba confirmed this particular lot complies with the conditions of use in that it contains a 1.5 story mixed-use building with the medical office on the first floor and 1 apartment upstairs with 2 bedrooms, which apartment is currently not occupied.

Mr. Vitale questioned the presence of a cupola over the door with the new ramp. Mr. Governale stated the cupola is an uninhabitable feature. Mr. Governale stated that as to the lighting on the sign, the pole already lights and there will be some gooseneck lights. Mr. Vitale stated this is a simple application. Mr. Welch stated it is an improvement in the area.

Chairwoman Bavais opened the meeting to the public for questions; there were none. Chairwoman Bavais opened the meeting to the public for comments; there were none.

A motion was made by Mr. Welch and seconded by Mr. Preiser to approve the application. Roll call: YEAS: Brian Welch, Andy Preiser, Mary Jane Bavais, John McHugh, Jr., Robert Sabosik, Joseph Furfato, Frank Pannucci, Jack Vitale, Jim Sestito
NAYS: None

Chairwoman Bavais stated the next **application** to be heard this evening is for administrative approval to amend a site plan for **Gerald and Katherine Malanga** regarding their property located at 731 Mount Place, a/k/a Block 275, Lot 7.01.

Christopher J. LaMonica, Esq., Brick, came forward. Mr. LaMonica stated he is here on behalf of the applicants who are requesting administrative relief of their minor subdivision approval from October 20, 2022. Mr. LaMonica stated applicants desire to install a temporary, safe, functioning driveway at the residence where applicants currently reside, until such time as a new asphalt driveway can be constructed.

Mayor Sabosik stated that with the cost of macadam versus stone, he did not see an economic hardship. Mr. Malanga stated they are under contract for the sale of the lot and the current driveway is on that lot. Mr. Vitale stated a 10x40 temporary driveway was approved. Ms. Neumann stated applicants are asking to make that area gravel at this time. Mr. Vitale asked Mr. Malanga when he plans on raising or building a new house, to which Mr. Malanga responded within one year or as soon as possible. Mr. LaMonica indicated applicants are under contract and scheduled to close in August.

Ms. Neumann stated the Borough Code requires a paved driveway and indicated she has concerns there would be no leverage on the Borough's end - that if they do not build for another 2 or 3 years, there is no time frame here. Ms. Neumann stated while this is temporary, the Board is being asked to waive the requirement until applicants build.

Mayor Sabosik stated there is no economic difference because it is such a small area, further stating unless there is a significant economic difference, he does not see the necessity. Mayor Sabosik suggested they install the driveway where the new house will be, to which Mr. LaMonica stated they are not exactly sure where the new house will be but they will return with a new application for the new house. Mayor Sabosik stated stone and gravel will cost approximately the same. Mr. McHugh stated it is a "roll up" curb right now and the driveway could be moved without interfering with the curb. Ms. Neumann stated that even a malleable curb will have the same problem and at a minimum, they will need an apron.

After some back-and-forth among Board members and applicant and his attorney, Mayor Sabosik stated he knows he will get a lot of calls which is why the Ordinance was put into effect 4 years ago so he was not in favor of the request.

Mr. LaMonica stated applicants will put in an asphalt driveway and try to get as close to their new house as possible. Mr. LaMonica then stated they wished to withdraw their application, and thanked the Board for their courtesies and time.

Exempt Site Plan Committee

No report this month.

Old Business

Mr. Welch stated a former application heard by the Board which was approved for a vape shop at the site of the former Salsa restaurant building located on Lakewood Road (Route 88) is apparently not going to go through. Mr. Welch suggested if anyone else wants to meet with the Committee, it should be a requirement that the owner of the building is in attendance so he understands he is required to install any upgrades necessary in order to rent the downstairs space.

Ms. Neumann stated there is due diligence required on the part of applicants and apparently there are construction Code issues which need to be satisfied. Ms. Neumann further stated it would be fair for the Exempt Site Plan Committee to refer any future interested parties to the Construction Department. Mr. Montenegro stated the owner keeps sending interested parties to the Exempt Site Plan Committee but it is between the owner and any potential tenant, further adding the Committee may say there have been several issues with water/electric/gas and they should make sure they speak with the landlord about these issues. Mr. Welch stated there is currently an open permit at the site. Mayor Sabosik stated when people are interested in getting into a building, they don't necessarily look at the cost of getting in the door.

Mr. Preiser noted the Gasiorowski application was extended again this evening, and wondered if there was a limit as to how many times that could occur. Mr. Montenegro stated it is at the Board's discretion. Ms. Neumann added she has seen Boards do this, that there is a time to act upon an application but we have no idea where they are with their timeframe and they can't be forced to come in. Ms. Neumann pointed out there was no quorum last month so it had to be carried again. Mr. Montenegro stated an applicant could be forced to proceed if the Board felt they were really dragging their feet but in fairness to this particular application, the applicant has appeared a few times and the Board has requested changes.

Environmental Committee

Chairwoman Bavais stated everyone has a copy of Mr. Potter's report from the June 20, 2023 Committee meeting and asked if anyone had any comments.

Mr. Vitale stated the algae blooms are going away, and wanted to know who is attending to the property by the Nellie Bennett salt marsh. A Board member responded Barnegat Bay is handling this and that there is a cohesive plan between State environmental groups and the Borough. Mr. Vitale wanted to know who is dredging the dunes in the area, to which Mayor Sabosik stated the intent is to see if soils can be removed from dunes for the marsh.

Mr. Vitale stated there is a subdivision on the corner of Rue Mirador and Riviera Parkway whereby they were required to install sidewalks as well as provide a little area for public access at the end of the property to the south. Mayor Sabosik stated they can install sidewalks or pay into the Pedestrian Safety Fund, adding they already installed a front retention basin and obtained a temporary Certificate of Occupancy. Ms. Neumann stated one has a final and one has a TCO because of the sidewalks.

Mr. Vitale brought up the property where the post office is located. Mayor Sabosik stated he is “already on it”, stating he has spoken with the Postmaster. Mr. Vitale wanted to know if someone has a TCO and they put in a stone driveway, would it come to the Board or zoning. Ms. Neumann stated that from December through March, the concrete plants close down, and Mayor Sabosik stated there is a Bond in place. Ms. Neumann stated she thought it should go to Zoning.

Mr. Vitale stated in the past, the Board had talked about commercial properties in town and how they have not adhered to site plans. Mr. Vitale stated he thinks that as a Board, a Commission should be set up to oversee these requirements. Mayor Sabosik stated the Board does not have that authority, that these matters have to be turned over to the Zoning Officer and it is her job to say they either comply or they have to return to the Board. Mayor Sabosik stated that if Mr. Vitale has a list of the properties, he should go to see the Zoning Officer.

Mr. Vitale stated signs can be no lower than 7 feet so pedestrians/cyclists don’t hit their heads on them. Mayor Sabosik stated that once again, this is something for the Zoning Officer. Chairwoman Bavais suggested Mr. Vitale go to see the Zoning Officer as she will address any non-compliant issues.

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

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

Respectfully submitted,

Claire S. Hense