

POINT PLEASANT PLANNING BOARD
July 27, 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, Mr. Vitale, Mr. Welch, Mr. Preiser, Mr. Potter, Mr. Sestito

Attorney: Ben Montenegro, Esq., Engineer: Laura Neumann, P.E, P.P., Claire Hense, Board Secretary

Absent: Mayor Sabosik. Councilman Furmato, Mr. Pannucci

The May 25, 2023 **Minutes** were approved on a motion by Mr. Potter and seconded by Mr. Welch, with all in favor.

The June 22, 2023 **Minutes** were approved on a motion by Mr. McHugh and seconded by Mr. Preiser, with all in favor.

Chairwoman Bavais stated there was one **Resolution** for review this evening, that of 1104 Arnold Avenue Properties, LLC for administrative approval to amend the site plan for their property located at 1104 Arnold Avenue, a/k/a Block 123, Lot 3, which was approved at the meeting of June 22, 2023.

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., Jack Vitale, Jim Sestito

New Business

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

Ronald S. Gasiorowski, Esq. came forward. Mr. Gasiorowski stated he is assured by Mr. Jackson that his application, which is listed second on the agenda, will be shorter and he has requested to go first. Mr. Gasiorowski indicated he acquiesced to same.

Therefore, the first **application** being heard is that of **Crest Pointe Property, LLC** for amended minor site plan approval regarding property located at 1515 Hulse Road, a/k/a Block 256, Lot 15.

John J. Jackson, III, Esq. came forward.

Mr. Jackson stated he represents the applicant who returns to the Board for amended minor site plan approval from a previous application and Resolution in order to eliminate a special condition which required a sidewalk be provided along the entire length of the frontage. Mr. Jackson stated there are mature trees located on both sides of the road which applicant would like to leave as is and not remove them in order to install sidewalks. Mr. Jackson caused to have the following item entered into evidence:

A-1 An eleven (11) page Power Point

Mr. Jackson stated the applicant is willing to pay into the Pedestrian Safety Fund as a better alternative since the sidewalks would require tree removal and do not connect to anything.

Ms. Neumann stated in the past, the applicant sought a waiver for the sidewalks and the trees would need to be removed in order to facilitate that. Mr. Montenegro stated he is looking at the 2019 Resolution from the original application.

The following professional witness came forward and was sworn in by Mr. Montenegro:

Jeffrey J. Carr P.E. a principal of Lindstrom, Diessner & Carr, 136 Drum Point Road, Brick, NJ.

Mr. Carr stated there are a lot of trees located in a courtyard area and they are limited in scope. He stated he looked at the site and frontage, and already curbed parking goes right to the property line and there is no room to weave in and out of the trees. Mr. Carr further stated there are walkways on site and the site would be better served to preserve the 8 mature trees and some shrubs.

Mr. Welch stated when applicant was last before the Board, the parking was discussed at length, the applicant agreed to the conditions, and he seemed to recall the applicant did not want to expend the cost of two utility poles and he still feels there should be sidewalks. Mr. Preiser stated he was at the last meeting and he recalled about the 2 utility poles as well.

Mr. Vitale questioned if the sidewalks were to the north, and stated if so, they would dead end. Mr. Carr stated parking is at the property line and there is a narrow strip between the parking and curb. Mr. Carr stated they could still put a grass strip between the curb and sidewalk but they would have to cut down 8 trees in order to do so.

Ms. Neumann stated this was discussed at length at the past meeting, yet applicant is back seeking a waiver. Ms. Neumann stated this is up to the Board to decide if they meet the burden of proof to not install the sidewalks.

Mr. Jackson stated he hopes the Board sees this is a better alternative. Mr. Carr stated utility poles would not be required to be relocated, and this is not a matter of the cost of relocating the poles. Mr. McHugh stated now that the money in the Pedestrian Safety Fund is getting "legs", getting more money in there is better. Mr. McHugh further stated

the staff will not be pushing people around in wheelchairs on the sidewalks. Ms. Neumann stated it is a policy decision and should be exclusive to the user of the site. Mr. Preiser questioned the fan of trees on the street, and Mr. Vitale wanted to know on whose property the trees were located. Mr. Carr responded they are within the right of way. Another member wanted to know if the applicant will maintain the trees, to which Mr. Jackson responded in the affirmative.

Chairwoman Bavais opened the meeting to the public for questions; no one responded. Chairwoman Bavais opened the meeting to the public for comments; no one responded, so she brought it back to the Board. Mr. Potter stated he would like to save the trees.

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

Chairwoman Bavais stated the second application to be heard this evening is that of **Shirley Gasiorowski** for the continuation of a minor subdivision application regarding property located at 213 Ida Drive, a/k/a Block 123, Lot 6.

Ronald S. Gasiorowski, Esq. of Red Bank came forward and thanked the Board for the patience shown to him over the past several months.

Mr. Montenegro stated for the record that there were a couple of members who missed meetings, but they have listened to the tapes and signed Certifications to that effect.

Mr. Montenegro swore in the following expert witness:

Donna Bullock, P.E., a licensed engineer in New Jersey who is employed by Morgan Engineering & Surveying, Island Heights.

Mr. Gasiorowski caused to have the following item entered into evidence:

A-1 Poster Board of Minor Subdivision Plan dated 3/14/22 and last revised 6/27/23, showing both lots are 62' wide and are required to be 75' wide.

Ms. Bullock caused to have the following item entered into evidence:

A-2 Poster Board of plan from Morgan Engineering dated 4/3/23, showing the average size of lots in the area which, per Ms. Bullock, have an average setback of 19.69 feet.

Ms. Bullock highlighted the lot in question.

Chairwoman Bavais questioned how many of the houses averaged have four bedrooms, to which Ms. Bullock stated she had no idea. Mr. Welch wanted to know if there was a pool house on the property. Mr. Gasiorowski stated there was a pool, and all existing structures will be removed. Ms. Neumann pointed out there is no zone in the Borough that has smaller lots – there is R1 and R1A. Ms. Neumann stated they were supposed to

provide dry wells, further stating they are fully compliant with RSIS parking. Ms. Neumann questioned the tree removal associated with the proposal. Ms. Bullock stated she could not answer that, but applicant will provide 2 shade trees for each lot.

Ms. Neumann stated the minimum rear yard is at 25 feet, and that both are set: 1 is at 25' and 1 is at 25.3', they butt right to the line and she wants them staked. Sidewalks were questioned, to which Mr. Gasiorowski stated if the Board requires sidewalks, they would be provided but in the alternative, if sidewalks could be put in at a later point in time, they will contribute to the Pedestrian Safety Fund. Ms. Neumann wanted to know if applicant would comply with item #6 in her report, to which Ms. Bullock stated yes, she would.

Mr. Sestito wanted to know why there was only a concrete apron on one lot; Ms. Bullock stated that was an error, the pavement goes to the edge of the road and if they do sidewalks, they will provide aprons. Mr. Preiser stated he did not believe there were any curbs. Mr. Preiser said he was concerned with the limited space in the backyards, to which Ms. Bullock stated there is 25' from the rear setback.

Mr. Vitale questioned if the recharge systems for both houses would be located in the rear yards, to which it was replied they would like to put them in the front yards in case any purchaser wants to put in a pool at a later date. Mr. Vitale asked if soil borings were performed yet, to which Ms. Bullock stated no but they will do so. Mr. Vitale questioned if there would be recharge systems with full basements, to which Ms. Bullock responded a linear trench is typically what they do 10' from the foundation, and they will base it upon the soil results. Mr. Gasiorowski stated soil borings were done; Ms. Neumann responded they were not submitted and this was her 4th review letter and he had agreed at the first meeting to supply drywell information. Mr. Montenegro stated neither Ms. Neumann nor Ms. Bullock will design recharge systems tonight, and that would be subject to review by the Board engineer.

Mr. Gasiorowski stated one of the issues for one of the lots was that that it was a little closer to the roadway, and that he needed to be sure the houses were not identical.

Mr. Montenegro swore in the following witness:

Joseph F. Adamson, AIA, a principal of Adamson, Riva & Lepley Architects, Forked River.

Mr. Adamson stated lot 6.02 is on the left side of the property and for lot 6.02 they came up with a completely different house, further stating they removed the stairs to the attics. Mr. Adamson stated they still need two feet in front for lot 6.01, lot 6.02 meets all of the setbacks and coverages, and both were lowered to meet the height requirements.

Mr. Adamson caused to have the following item entered into evidence:

A-3 Colored photograph of side-by-side of the two houses

Mr. Adamson stated both houses have 4 bedrooms, 2 1/2 bathrooms and basements, neither have access via stairs to the attics, lot 6.01's house contains 2,534 square feet, while lot 6.02's house contains 2,210 square feet.

Ms. Neumann wanted to know the height of the decks, to which Mr. Adamson replied they were two' maximum off the back of each house and the landings will be one step down. Miss Neumann stated they cannot exceed 24 inches and each landing can be 6x4. Mr. Vitale questioned what would happen if a new owner wanted to make the landing larger, to which Mr. Adamson replied they would need to come back to the Board. Miss Neumann stated they would need a rear yard setback variance. Mr. Vitale stated there is a minimum of a 3x3 landing. Ms. Neumann stated these are 3x7. Mr. Vitale stated if there is a 6' sliding door, they would need a variance for a rear deck on each property. Ms. Bullock stated she looked at the plans, there is a 4' differential on lot 6.02, a 4' difference between the garage slab and the finished floor and they can lower that.

Mr. Adamson stated they could take the first floor lower to meet the requirement for the back deck, to which Mr. Vitale responded he understands that – they could increase the height of the basement and dig deeper, but now the soil borings come back into play.

Mr. Gasiorowski requested a 5 minute break.

Chairwoman Bavais called the meeting back to order.

Mr. Montenegro swore in the following witness:

Andrew Thomas, P.P., of Thomas Planning Associates, Brielle. Mr. Thomas stated he has a masters in planning and is a licensed professional planner with 25+ years of experience.

Mr. Thomas caused to have the following item entered into evidence:

A-4 A series of 8 colored photographs of the site and surrounding area taken in February, 2023 by him.

Mr. Thomas stated the lot in question is the largest lot on Ida drive and is 36% larger than the minimum. He stated the house was built in 1947 and was foreclosed upon, that it is in poor condition. He further stated the pool collapsed on one side and is caving in on the other period, further stating the inside is dilapidated and in poor condition. Mr. Thomas stated the lot in question was previously two lots known as lot 53 and lot 54. Mr. Thomas stated as the neighborhood is being updated, typically they are building two-story houses.

Mr. Welch, in referring to the pictures, stated it shows a fourth structure which is the pool house. Mr. Thomas stated he thought it was a shed. Ms. Neumann stated if the property is dilapidated, it is more of a property maintenance issue, not a reason for a subdivision. Mr. Thomas stated if they need to shorten the houses to make them conforming, they will do that. Ms. Neumann deferred to the Board for questions.

Mr. Vitale wanted to know from the architect whether there was a bathroom in the basement and stated he saw windows there. Mr. Adamson stated there is no exterior door to the basement. Mr. Vitale wanted to know who owns the fence in the rear of the property and wanted to know if they were putting in a new one and whether one would be put around the sides and rear of the property. Ms. Neumann stated that per the survey, the fences are on adjoining lots and this property only had one piece of fencing. Mr. Vitale stated the lots are 87 feet deep and they have to max out to the property line. Mr. McHugh stated the air conditioning condensers are in the side setbacks, and the Board has consistently asked they be installed in the rear yard only. Mr. Adamson stated that is not a problem and they can be moved.

Chairwoman Bavais opened the meeting to the public for questions; no one responded. Chairwoman Bavais opened the meeting to the public for comments; no one responded.

Mr. Gasiorowski stated these two houses can be a complement to the neighborhood. Mr. Gasiorowski pointed out that there were no neighbors present at the meeting to contest the application and further stated this could encourage more updates to the neighborhood. Chairwoman Bavais brought the matter back to the Board.

Mr. Preiser stated he agreed as to #6 regarding the shade trees, further stating he does not like all the variances being requested. Mr. Vitale asked for a recap of the variances requested to which Ms. Neumann listed all 5 of them. Mr. Welch stated in that area, when anyone is doing any work, most require 5 to 6 variances for just one house and in this case, there are two houses. Mr. Welch further stated if a new homeowner wishes to install a pool, that homeowner would have to return to the Board for approval. Mr. Vitale stated there are no landscape plans, to which Chairwoman Bavais stated applicant has agreed to install two trees on each lot.

Mr. Montenegro stated if a waiver is granted, they agree to pay into the sidewalk fund. Ms. Neumann stated the permitted building coverage is 30% and both lots come very close. Mr. Vitale pointed out they made changes to both houses and both conform to the street.

A motion was made by Mr. Vitale and seconded by Mr. Sestito to approve the application. Roll call: YAYS: Jack Vitale, Jim Sestito NAYS: Mary Jane Bavais, John McHugh, Jr., Brian Welch, Andy Preiser, Fred Potter

Exempt Site Plan Committee

Mr. Potter stated there was no meeting this month.

Environmental Committee

Mr. Potter stated a report was included in each packet.

Mr. Potter stated the Mayor is applying for a \$15,000.00 grant for the lanternfly situation, and that Night Out is scheduled for August 1, 2023 in Community Park. Mr. Potter stated with regards to the Point Pleasant Canal, Mr. Bill Young put in a preliminary draft of invasive species and will modify the list and send it to the Mayor. Mr. Potter stated with regards to Nellie Bennett, they received the first \$500,000.00 grant and have applied for a second grant.

Mr. Potter stated algae blooms seem not to be here which could be due to the weather but they are still looking at floating islands. Mr. Potter explained these are large plastic squares – some are 10 feet and some are larger, plants are planted into them and they suck the nitrogen out of the water. Mr. Potter further stated once the plants grow, the squares are not visible.

Mr. Potter stated there is an August 5, 2023 10 a.m. ribbon cutting ceremony at the Pollinator Garden, further stating this is a terrific job for the community. Regarding Riverfront Park, Mr. Potter stated that for years they have been looking into beachfront erosion solutions. One suggestion is 300 feet of concrete balls to create a habitat to keep the sand. Mr. Potter stated this project will take one year to restore the whole shoreline and requires a permit at an estimate of \$20,000. Mr. Potter further stated it is up to the Mayor and Council, but there are grants out there for this.

A motion was made by Mr. Preiser and seconded by Mr. Potter 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