

POINT PLEASANT PLANNING BOARD
October 12, 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, Vice Chair McHugh, Mr. Vitale, Mr. Welch, Mr. Preiser, Mr. Potter, Mr. Sestito

Attorney: Ryan Amberger, Esq., Engineer: Laura Neumann, P.E., Board Secretary: Claire Hense

Absent: Mayor Sabosik, Messrs. Furmato and Pannucci

The September 28, 2023 **Minutes** were approved on a motion by Mr. Potter and seconded by Mr. Preiser. Roll call: YEAS: Fred Potter, Andy Preiser, John McHugh, Jr., Jack Vitale, Jim Sestito. NAYS: None

The August 24, 2023 Executive Board **Minutes** were approved on a motion by Mr. Potter and seconded by Mr. Welch. Roll call: YEAS: Fred Potter, Brian Welch, Mary Jane Bavais, Andy Preiser, Jim Sestito. NAYS: None

Chairwoman Bavais stated there was one **Resolution** for review this evening, that of John Hurler, III for administrative approval regarding his property located at 827 Trenton Avenue, a/k/a Block 113, Lot 23.01, which was approved at the meeting of September 28, 2023.

A motion was made by Mr. McHugh and seconded by Mr. Potter to approve the Resolution. Roll call: YEAS: Jack McHugh, Jr., Fred Potter, Jack Vitale, Andy Preiser, Jim Sestito

New Business

Chairwoman Bavais stated the Board has two **applications** to be heard this evening. John J. Jackson, III, Esq. and Adam J. Steuerman, Esq. came forward and stated although Mr. Jackson's matter is listed first on the agenda, they agreed Mr. Steuerman could proceed with his application first as Mr. Steuerman believes his matter will be a quicker application. Thereafter, Chairwoman Bavais stated the first application to be heard this evening will be for a minor subdivision by **TFM Builders, LLC** regarding their property located at 909 Leighton Avenue, a/k/a Block 126, Lot 18.

Mr. Potter recused himself, stating he has a conflict.

Adam J. Steuerman, Esq., Point Pleasant, came forward. Ms. Steuerman stated he is here on behalf of the applicant, TFM Builders, LLC and its principals, Thomas

McLaughlin and Aaron McLaughlin, who own the property. Mr. Steuerman stated the lot is located in the R1A zone, is 50 x 150, and applicant would like to subdivide same in order to create two lots but they will require a variance for the frontage of both lots, further stating they will otherwise conform.

Mr. Amberger swore in the following witness:

Kevin E. Shelly, P.E. of Shore Point Engineering, Manasquan.

Mr. Shelly gave an overview of the property stating it is 100 feet wide and 150 feet deep, is located in the R1A zone, and applicant would like to create two 50 foot wide lots. Mr. Shelly stated 75 feet frontage is required and 50 feet is proposed. Mr. Shelly caused to have the following item marked into evidence:

A-3 Tax map of subject property and surrounding lots, most of which are 50 x 150.

Mr. Shelly stated if the Board approves the frontage, it will be consistent with the majority of homes in the neighborhood, further adding applicant will comply with all other requirements. Mr. Shelly stated they are requesting a design waiver for curbs and sidewalks as the neighborhood does not have any curbs or sidewalks, and applicant will make a contribution to the Borough's Pedestrian Safety Fund. When asked by the Board engineer about her review letter comments, Mr. Shelly stated they will comply with two shade trees for each lot, and agreed to provide the number, types and species on the property. Mr. Shelly stated they plan to remove all existing improvements on the site, will remove trees in the front yard which are in the way of construction or which are diseased, and as to trees in the rear yard, they will remain unless they are diseased or in the way of construction, the same as the front yard. Mr. Shelly stated as to section 7 of the review letter as to plan revisions requested, they have no issue and will comply, and will file the subdivision under plat.

Mr. Vitale wanted to know if the backs of the houses were similar, to which Mr. Shelly replied they are different colored houses. Mr. Welch asked about the location of the air conditioning units, wanting to be sure they were located in the rears of the homes, to which Mr. Shelly responded they are located by landings and stairs in the rear.

Ms. Neumann wanted to know who would be addressing the height of the homes as the Borough only permits two stories. Mr. Shelly responded they will provide the calculations and if the attic rooflines need to be adjusted, they would do so as they will not be requesting 2.5 stories. Chairwoman Bavais stated the Board likes to approve or disapprove the plans in front of them. Mr. Preiser stated he did not like the stairs going to the attic; Mr. Vitale stated there were no egress windows in the attic, they were on the platform of the staircase. Mr. Shelly asked if in the final plans, they should only have pull-down stairs to the attic, to which Mr. Vitale responded if they can afford regular staircases, that is the way to go. Mr. Vitale stated the Board is looking for the air conditioning condensers in the rear of the houses and he didn't see the whole plans with elevations. Mr. Vitale further stated the rear views of the houses looked the same and

asked if there would be decks off the backs of each house, to which Mr. Shelly replied in the affirmative.

Mr. Vitale opined that a 20 foot wide concrete driveway is not wide enough by today's standards as cars and mirrors are larger and it will be tight, and suggested that nowadays they try to get up to 26 feet. Mr. Shelly stated they already have 5 feet on one side and can't get any closer.

Mr. Preiser wanted to know the number of parking spaces, to which Mr. Shelly stated there is 1 in each of the garages and 2 in each of the driveways. Mr. Sestito stated the driveways only scale 4 feet from the property line, to which Mr. Shelly stated they will adjust them to 5 feet. Mr. Vitale asked about trees and shrubs; Chairwoman Bavais stated she would like to see a full plan as the ones supplied are a little "sketchy", and wanted to know whose double fencing was located in the rear yards. Mr. Shelly stated the existing fencing is located on the adjacent properties and stated applicant is willing to take down one side of the fencing, the one that is nearest their property line. Mr. Vitale stated that other than the width variance, everything appeared to be in order but he would like to speak with the property owners.

Mr. Amberger swore in the following witness:

Aaron McLaughlin of TFM Builders, LLC, Manasquan

Mr. McLaughlin stated he is one of the owners of TFM Builders, LLC and they plan to develop and sell the properties. Mr. McLaughlin stated the landscaping plan will provide sod, sprinklers, a few trees in front and if the purchasers want additional landscaping, they will do that. Mr. McLaughlin further added that if the Board wants shrubs in the front, they will add them. Mr. Vitale stated it was nice they are providing sod.

Chairwoman Bavais stated if the purchasers do not like the proposed houses, they will need to return to the Board.

Mr. McLaughlin stated the driveways will be concrete, and stated he is currently building at 910 Ellison Avenue which is "right around the corner".

Ms. Neumann stated they are still obligated to comply with the stormwater management, to which Mr. McLaughlin replied "absolutely". Mr. Steuerman asked Mr. McLaughlin to describe the condition of the property, to which Mr. McLaughlin replied it was an absolute disaster to clean up and after they were done, the former owner showed up with a camper and left beer cans behind. Chairwoman Bavais asked if they were the contract buyer or owner, to which Mr. McLaughlin responded that they own the property and their first goal is to clean up the property.

Mr. Steuerman stated he wanted to ask Mr. Shelly for his opinion as to the variances, to which Mr. Shelly reiterated these lots would be consistent with all the other lots in the

neighborhood. Ms. Neumann stated she had nothing to add, other than that she concurred.

Mr. Amberger wanted to know if there were any conditions attached to the attics, to which Ms. Neumann responded the houses could only be 2 stories each, and they could have conforming attics per Code. Mr. Vitale added they had to be less than 7 feet in height.

Chairwoman Bavais opened the meeting to the public for any questions of the experts. Mr. Amberger swore in the following witness:

Michael Harris

Mr. Preiser stated he visited the property and opined it has one tree unkept, further stating the Board likes to keep as many trees as possible.

Chairwoman Bavais closed the meeting to the public for any questions of the experts and opened the meeting to any comments by the public.

Mr. Amberger swore in the following witnesses:

Jim Dalcanton

Kathleen Dalcanton

Chairwoman Bavais brought the meeting back to the Board and stated she would like to see the chain link fencing removed.

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

After a 5 minute recess, Chairwoman Bavais stated the Board has a second **application** to be heard this evening for another minor subdivision, this one by **1623 Northstream Parkway, L.L.C.** regarding their property located at 1623 Northstream Parkway, a/k/a Block 342, Lot 47.01.

Mr. McHugh recused himself due to a conflict. Mr. Potter returned to the dais to re-join the meeting.

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

Mr. Jackson stated he is here on behalf of Jamie Paradise, the property developer. Mr. Jackson stated he prepared an 18 page power point and caused to have same marked into evidence as exhibit A-3.

Mr. Jackson stated Mr. Paradise purchased the property and proposes to subdivide same into 2 separate lots and to build 2 homes, 1 on each lot. Mr. Jackson further stated

the lot in question is 24,240 square feet and the lots proposed are 1.5 times the size required but lack width. Chairwoman Bavais asked for the depth of the lot, to which Mr. Jackson responded it is between 230 to 240 feet deep. Mr. Jackson stated the lots would fit within the scale of the neighborhood, that the current lot was previously two lots prior to 2016 at which time the former owner filed a Deed of consolidation and whether or not that was for tax purposes, he could not say. Mr. Jackson further stated the plan of the neighborhood is 50 foot wide lots.

Mr. Jackson caused to have the following item marked into evidence:

A-4 Deed of consolidation dated February 26, 2016

Mr. Jackson stated the current house is run down and permits will be going into the DEP for the dock.

Mr. Amberger swore in the following witness:

Andrew R. Stockton, P.L.S., P.E., Scope Engineering, Forked River.

Mr. Stockton stated for the record, lot 47.01 in block 342 is located on the western side of Northstream Parkway and contains water frontage along the Beaver Dam Creek. Mr. Stockton stated until 2016, it was 2 separate lots known as lot 46 and lot 47 in block 342 which were consolidated into lot 47.01. Mr. Stockton further stated the lot currently contains a 1 story house with a basement and is located close to the front left corner, has a 3-season patio room, a concrete patio, Bilco door cellar access, and a driveway. Mr. Stockton stated the property is located in the R1A residential zone which requires a 7,500 minimum area with 75 foot lot frontage. Mr. Stockton added applicant would like to subdivide the property into 2 separate lots following the old lot line, adding that all existing structures would be demolished.

Mr. Stockton stated their exhibit shows the lot line layout and roadway layout from the tax information, further stating that of the 30 lots along Northstream Parkway and Littlehill Road, 24 or 25 of them are built out at 50 foot frontage. Mr. Stockton stated that on page 5 of the power point in the back right hand corner along the waterfront, it has a wood dock in disrepair and part of the work proposed is for the dock to be replaced. Mr. Stockton stated they have applications into or to be submitted shortly to the DEP or to the State, depending upon the outcome of tonight's meeting. Mr. Stockton stated they would like to put in some gabion baskets for the shoreline to be protected on both lots.

Chairwoman Bavais asked if there was a bulkhead, to which Mr. Stockton responded "no". Mr. Stockton stated the property is located in a FEMA flood hazard area and needs a CAFRA permit. Mr. Jackson stated the public access requirements come from the DEP. Mr. Stockton added the DEP requires public access points at the end of Northstream Parkway, that one already exists and they are asking the DEP to use that one. Mr. Jackson added they will contribute to the Borough.

Mr. Stockton stated each home will comply with setback criteria, and will provide driveway connections, decks, patios and pool areas, further stating they are at 30-35% in total lot coverage while they are allowed to go to 50% coverage. Mr. Stockton went over the drainage plans. Mr. Stockton stated the reasons for the variance were they were two 50 foot lots which is not out of character within the neighborhood as almost all the other lots are at 50 foot width. Mr. Stockton stated they meet all other setbacks and bulk criteria.

Mr. Welch asked about the third floor. Ms. Neumann stated the Borough's Ordinance requires how to calculate storage and roofs. Chairwoman Bavais stated she was concerned about the drainage, especially with pools as there is a tendency to raise the grade and that results in them running into each other but also to the neighbors. Chairwoman Bavais added the area is wet all the time and she doesn't want to add to that, and this needs a more specific drainage plan. Mr. Vitale stated with houses on the water, a recharge system is tough. Mr. Vitale stated they could run a pipe out to the water and with the pool location, depending upon the height, they could end up putting a retaining wall around the property which would cause it to absorb some of the water.

Mr. Vitale stated it is his understanding they could install a bathroom on the ground level, suggested putting a float next to it and putting in an injection pump. Mr. Welch stated that is not in the plumbing code. Ms. Neumann stated for the purpose of this application, it could preclude a basement.

Mr. Jackson asked Mr. Stockton if there was enough room to make drainage swales, etc., to which Mr. Stockton replied he is concerned with the run-off. Mr. Stockton stated the plan now shows grading to the street in the front, rear drains to the river, and the side areas are meant to swale. Mr. Stockton added they have the ability to put a re-charge trench to direct towards the back, not to the neighbors, and they could put in a French drain or pipe. Ms. Neumann stated she is concerned that does not comply with our Ordinance, to which Mr. Stockton stated the intent is to comply per her review letter, adding it should need 3 to 4 chambers per lot so they would not need a variance. Mr. Amberger stated he will put that into the Resolution as one of the conditions should this variance be approved.

Ms. Neumann wanted to know if they were necessarily building pools, to which Mr. Stockton stated the intent is to construct them. Mr. Stockton stated there is plenty of room for recharge or a management system and they will pipe that to the backyard area. Ms. Neumann stated the pools would not be higher, and they can rely upon the plans.

Mr. Sestito asked about the concrete walk from the front of the houses to the fences behind. Ms. Neumann stated the sidewalk does not exist and there is a short curb on the frontage. Ms. Neumann asked should the Board act favorably, would applicant be contributing to the Pedestrian Safety Fund, to which Mr. Stockton replied "yes".

Ms. Neumann asked if they would be providing 2 shade trees per lot, to which Mr. Stockton stated "yes". Ms. Neumann asked about the removal of existing trees on the lot. Mr. Stockton stated there are a handful of trees which will require removal – in the

front right side, off the back and to the left of the dwelling which are sporadically disbursed. Mr. Stockton stated they agree to comply with items 7A through 7J in the review letter.

Mr. Amberger swore in the following witness:

Jonathan Wolfe, AIA, owner of Jonathan Wolfe Architecture & Design, Ocean Township.

Mr. Jackson stated Mr. Wolfe designed 2 houses with similar facades, and asked Mr. Wolfe to address the top floor. Mr. Wolfe stated he intended to add a 1/2 story but can certainly modify the plans to stay within the allowable height and area and comply with egress, further stating it will not be a living floor and he will eliminate the bathroom. Mr. Vitale commented that the storage area is very large. Mr. Wolfe stated a good portion of it is under the eaves, and stated they need to compress the plan to comply with the size of the space to decrease it.

Mr. Jackson asked Mr. Wolfe to address the height and elevation. Mr. Wolfe stated they are not seeking a height variance as they are 3" under what is allowed. Mr. Wolfe stated the mechanical platforms are on the inside face of each house facing each other. Mr. Wolfe stated each house contains 5 bedrooms and 4 bathrooms with just under 3,000 square feet each. Mr. Wolfe stated as to the garage areas, one house has a double overhead door while the other house has two single garage doors and each garage accommodates two cars. Mr. Wolfe stated there are two living areas, and stated most of the bedrooms are on the second floor and there is one bedroom on the first floor. Mr. Vitale questioned if both floor plans were the same, and commended Mr. Wolfe on the design of each house. Mr. Wolfe stated that was correct, both houses' floor plans are the same. Mr. Wolfe stated the plans do not show a door onto the deck, and added the door will come from the primary bedroom.

Mr. Amberger swore in the following witness:

Jamie Paradise, a proprietor of the application.

Mr. Paradise stated he is in real estate sales and has been an investor for over 20 years. Mr. Paradise stated he has built over half a dozen homes, that he loves this property and the setting, and is mindful of the neighbors in the community. Mr. Paradise stated he came up with what he believes are two very good house plans and added that he will be in charge of the construction and marketing.

Mr. Paradise stated they are looking for a higher end market, and stated he worked closely with the architect and attempted to break up the materials for the differences with the properties, further adding they upscaled the roofs and accent dormers, and had changes in the sidings.

Mr. Vitale asked Mr. Paradise if he had heard anything about putting a bathroom on a ground floor, to which Mr. Paradise responded that Point Pleasant Beach was making

someone remove one. Mr. Vitale stated he heard today that was approved so long as you could stop the water from going into the sewer. Mr. Paradise responded it was problematic but makes sense. Mr. Paradise stated that with regards to parking, they tried to create as much as possible without impacting the neighbors.

Chairwoman Bavais opened the meeting to the public for questions of the witnesses. The following persons came forward and were sworn in by Mr. Amberger:

Catherine Russell, 1619 Northstream Parkway

Matthew Gray, 1619 Northstream Parkway

John Marcondes, 1619 and 1633 Northstream Parkway

Peter Scaringella, 1606 Northstream Parkway

Kristen Landfried, 1513 Northstream Parkway

Responding to a couple of the questions asked, Mr. Jackson stated the DEP decides on the type of public access, and the Mayor and Council determine what type of funding goes to the town.

Ms. Neumann summarized the variances requested, e.g. lot width, building height, and a design waiver for the sidewalk along the frontage.

Chairwoman Bavais closed the public questions portion of the meeting and brought the meeting back to the Board.

Chairwoman Bavais stated she had concerns with the attic space, that it should not be habitable and should only be an attic. Mr. Jackson stated they will meet that.

Chairwoman Bavais stated the drainage is an issue and they will have to provide a drainage plan. Ms. Neumann recommended that the Board condition approval upon the grading shown on the plot plan. Mr. Jackson stated they will build the pools with the houses, and grading will be addressed at the outset. Ms. Neumann stated Ocean County Fire Marshal approval is required. Chairwoman Bavais stated they must keep some of the trees. Mr. Preiser stated drainage is a concern but if applicant can provide drainage plans that satisfy the requirements, he was fine with that. Ms. Neumann stated it will not change any tidal impacts, and the proposal must be consistent with the Borough requirements for a single-family dwelling.

Mr. Paradise stated he understands the concerns, adding that he wanted to take advantage of the views. Mr. Paradise stated the layouts are customized, there are similarities, and they worked with the facades.

Mr. Jackson stated in summary, on behalf of Mr. Paradise he thanked the Board for their time and attention. Mr. Jackson stated these are good homes with good designs, adding that the property calls for two lots, and they are replacing with new, modern housing.

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, Andy Preiser, Jim Sestito NAYS: Mr. Welch

Old Business - None

Exempt Site Plan Committee

Mr. Potter stated there was no meeting this month.

Environmental Committee

Mr. Potter stated this month's Board meeting was scheduled ahead of his Environmental Committee meeting so he will have a full report at next month's meeting.

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

Respectfully submitted,

Claire S. Hense