

POINT PLEASANT PLANNING BOARD
February 22, 2024

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, Councilman Furrato, Mr. Walker, Mr. Welch, Mr. Potter, Mr. Archer

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

Absent: Messrs. Vitale and Sestito

Chairwoman Bavais requested everyone in the audience please turn off their cell phones.

New Business

Chairwoman Bavais stated the Board has several **applications** to be heard this evening, and that there is a change in the agenda in that the first application will be that of a Whispering Woods public hearing on an amended subdivision plan for **AEM Revocable Trust/Matuschat** regarding the property located at 650 Delaware Avenue, a/k/a Block 142, Lot 10.

Mr. Montenegro stated he wanted to remind the Board that this is a little different from its normal cases, further stating a Whispering Woods hearing for AEM was before the Board for approval in March, 2023 for a two lot subdivision. Mr. Montenegro stated the neighbors to the rear of the property appealed, and during the course of litigation, the applicant and objectors reached a settlement.

Mr. Montenegro stated there are no changes to the lot lines, pools, houses, driveways or layouts. Mr. Montenegro stated that in New Jersey, if the parties can reach a settlement, they must return to the Board to present at a hearing so the Board can hear about it, that the public has an opportunity to hear about the settlement plan, and further adding we don't run into this very often.

John J. Jackson, III, Esq., Manasquan came forward. Mr. Jackson stated he is here on behalf of the applicant, AEM Revocable Trust/Matuschat, and that the Forsells (objectors) and their attorney are present. Mr. Jackson stated the engineers for both parties worked together and as a result, there will be additional drainage provided.

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

A-1 A seven-page Power Point presentation

Mr. Jackson stated that the Board Engineer, Ms. Neumann, had questions in her review letter, further stating this is an opportunity for the Board to ratify their agreement, and mentioned that he had sent out notices to everyone within 200 feet of the property. Mr. Jackson stated he hopes the Board will accept their Settlement Agreement and the revised drainage plans.

Chairwoman Bavais asked the Board if they had any questions; there were none. Chairwoman Bavais then opened the meeting to the public to see if they had any questions or comments; there were none.

C. Michael Gan, Esq., from the firm of Lieberman, Blecher & Sinkevich, LLC, Princeton, came forward. Mr. Gan thanked the Board for their consideration, and the applicant for being willing to meet with him and his clients. Mr. Jackson thanked Mr. Gan as well.

A motion was made by Mr. Potter and seconded by Councilman Furfato to approve the application. Roll call: YEAS: Fred Potter, Joseph Furfato, Mary Jane Bavais, John McHugh, Jr., Robert Sabosik, Jude Walker, Brian Welch, Russ Archer.

Chairwoman Bavais stated the Amended Minor Subdivision **application** for Stephen and Kristen **Smith** regarding the property located at 825 Trenton Avenue, a/k/a Block 13, Lot 23.02 has been postponed and the applicants will resubmit paperwork.

Chairwoman Bavais stated the next **application** to be heard this evening is the continuation of a minor subdivision application of **Lombardi Residential, LLC** regarding the property located at 2113 River Road, a/k/a Block 13, Lot 6.

John J. Jackson, III, Esq., Manasquan, came forward. Mr. Jackson stated this is quite the process. Mr. Jackson further stated the Board and the public made some comments at the first meeting, and some of the comments were a request for greater room between the roadway and the development, so applicant returns with what they believe to be better aesthetics and a reconfiguration. Mr. Jackson stated they have already had all of the testimony, and that the engineer and planners for applicant are here tonight. Mr. Jackson asked Mr. Lombardi to come forward.

Mr. Montenegro reminded everyone this matter originally came before the Board on December 14, 2023 and mentioned there are 5 Board members here tonight who are eligible to vote.

Matthew Lombardi, a principal in Lombardi Residential, LLC came forward.

Mr. Montenegro marked the following item into evidence:

A-2 A 21-page Power Point presentation

Mr. Lombardi stated he and his brothers purchased the property in 2017 and made some changes along the way. Mr. Lombardi stated they met with the neighbors and

tweaked some things, further adding that everyone seems to be happy with what they came up with in the end. Mr. Lombardi stated the largest change is in the staggering of the units starting with the first building on the left. Mr. Lombardi stated they shortened all of the units by 1 foot and maintained the 2 car garages. Mr. Lombardi stated the first unit was pushed back to 39 feet from the curb and the last one is 59 feet from the curb, adding each gradually increases the setbacks. Mr. Lombardi stated they will be planting nine (9) trees over 20 feet tall, adding that 7 of them will be installed at the front of the property. Mr. Lombardi stated there will be piers, fencing and bushes along the front for privacy, adding there will be more bushes along the walkways, which is 60 trees/bushes around the perimeter. Mr. Lombardi stated they did a rear rendering which shows the covered patios, added that all of the units are one foot smaller, and that the trash bins will be located within each of the garages in a designated area, adding they kept the width due to the garages and staircases.

Mr. Montenegro wanted to know if they changed the rear decks, to which Mr. Lombardi responded there will be roofs over them and a wall between the units. Mr. Lombardi stated they are “way over” on the required parking, the impervious coverage has gone down some, the height came down 40’6” to 38 feet, and there is a truss design to the roofs. Mayor Sabosik asked if they took 1’ off of each unit, how big will each unit now be, to which Mr. Lombardi responded the end units will contain 2,400 square feet and the 3 units in the middle will be 2,700 square feet. The Mayor wanted to know if the footprint of the building was any larger, to which Mr. Lombardi responded the patios with the roofs do not add to the building area at all. Ms. Neumann stated they were at 5,633 square feet and are now down to 4,617 square feet.

Mr. Welch wanted to know where the mechanicals were being installed; Mr. Lombardi stated they are going to be installed on the 3rd floor. Trash and recycling were discussed. Chairwoman Bavais questioned the signage, to which Mr. Lombardi stated there would be none except for a placard with the street address and common lighting along the piers. Councilman Furmato stated it was previously discussed about the pole in the middle of the sidewalk; Mr. Lombardi stated the units are being set back more than previous. Mr. Montenegro wanted to know if they revised the plans for the fencing in the rear; Mr. Lombardi stated the front will have 36” aluminum fencing, the sides will step up to 6 feet, and the rear will have cedar fencing for privacy.

Mayor Sabosik asked about the first unit in the left corner to the end of the property – was there ten feet to the back of the property line, to which Mr. Lombardi stated it is 10 feet from the corner of the patio. Chairwoman Bavais questioned if the air conditioning condensers would be located in the rear of the property, to which Mr. Lombardi stated yes, they would add that into the plans. Mr. Montenegro stated that paragraph 6 of Ms. Neumann’s review letter asked about technical revisions; Mr. Lombardi stated there were no changes. Mayor Sabosik asked if there would be sidewalks throughout, to which Mr. Lombardi responded “yes”.

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

Michelle Viggos, 626 Delaware Avenue

Mayor Sabosik wanted to know if applicant was looking to sell the units or rent them, to which Mr. Lombardi stated they are looking to sell them.

Helene Boedart, 2201 River Road

Mr. Lombardi stated they will have paver driveways for residents and guests.

Chairwoman Bavais closed the meeting to the public for questions, then opened the meeting to the public for comments. There were none.

Mr. Jackson stated in his closing that the Board had astute comments, as did the public. Mr. Jackson stated he hopes the Board sees this as another beautiful group of homes for Point Pleasant.

Mr. Potter asked if there were any changes in the types of trees since the December meeting, to which Mr. Lombardi stated the town has provisions for street trees, that the London Plane trees will be 22 feet at the time of planting; there will be 7 of them and 2 in the back. Applicant agreed the final planting schedule will be reviewed by the Board engineer. Mayor Sabosik asked what the total time of construction would be, to which Mr. Lombardi responded approximately 12 to 18 months.

Mayor Sabosik stated that in looking at the newly revised Tree Ordinance, he questioned whether or not applicant would have to change to the new Ordinance, to which Mr. Montenegro stated they are subject to it right now. Mr. McHugh stated there was a great tree loss at Riverfront Park in the front pavilion and there are only 3 remaining London Plane trees because there is too much salt in the air. Mr. McHugh added that Red Buds and Willow Oaks do well, and there is a very long list, adding applicant can talk about that subject with the Board Engineer. Mr. McHugh stated the northeast wind off the river contains salt which is damaging the trees. Mr. McHugh commented these are great changes to the plans.

A motion was made by Councilman Furfato and seconded by Mayor Sabosik to approve the application. Roll call: YEAS: Joseph Furfato, Robert Sabosik, Mary Jane Bavais, John McHugh, Jr., Fred Potter.

Chairwoman Bavais stated the next **application** to be heard this evening is the for a minor subdivision application of **Point Pleasant Properties, LLC** regarding the property located at 1039 and 1029 Ocean Road, a/k/a Block 123, Lots 10 and 12.

John J. Jackson, III, Esq., Manasquan, came forward. Mr. Jackson stated he is here on behalf of Mr. Atul Patel and the Dunkin' Donuts application. Mr. Jackson stated applicant wishes to upgrade and improve one of the more prominent intersections in the Borough. Mr. Jackson stated Mr. Patel has been before the Board previously and has worked with an engineer and an architect for this project. Mr. Jackson added that it is essential to have a drive-through and in order to assist in this process, he has purchased

the adjacent property formerly known as Broadway Signs as this will provide a greater convenience. Mr. Jackson stated the flow will remain the same; patrons will come in off of Arnold Avenue and the County and the State are on board with that Arnold Avenue flow.

Mr. Jackson stated they will get rid of the old buildings and everything will be brand new. Mr. Jackson added that the drive-through queue has a bypass so that if a patron is in line for too long, they have the opportunity to recirculate, or park and go inside as this has to be fast and convenient for customers. Mr. Jackson stated a key feature is the menu board is not too close to any of the residences in the area and it has sound deadening qualities and the volume is adjustable.

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

A-1 A 20-page Power Point presentation

Mr. Montenegro swore in the following witness:

Joseph Kociuba, P.E., P.P. of KBA Engineering Services, Manasquan.

Mr. Kociuba stated this is a .71 acre odd-shaped corner lot, that it was originally .53 acre so the applicant purchased the former Broadway Sign building and increased it by .183 acres. Mr. Kociuba stated they plan to remove the original Dunkin' Donuts building and the Broadway Sign building as well as all of the pavement, and they will save the 2 large trees on the property.

Mr. Kociuba stated they are trying to construct a new, contemporary 1,786 square foot 1 story building and will elevate to the road in order to improve drainage. Mr. Kociuba added there will be an awning overhang above the pick-up window which is non-conforming so they will need a variance for that, but that the building itself fully conforms. Mr. Kociuba stated they worked on several different layouts and stated the new building will have double the setback of the current building and stated that if you push the building back 1.8 feet, the circulation is impacted.

Mr. Neumann stated the variance is not driven by the front yard setback. Mayor Sabosik wanted to know why the new building is 500 feet larger, to which Mr. Kociuba replied it is to allow for the drive-through and for proper access. Mayor Sabosik wanted to know the number of parking spots, to which Mr. Kociuba replied there will be 12 parking spots plus 1 for an electric vehicle, stating they are asking for a variance for relief for the drive-through.

Chairwoman Bavais asked if there would be inside seating, to which Mr. Kociuba responded in the affirmative. Thereafter, the parking lot was discussed and the safety for pedestrians in the lot. Councilman Furmato questioned how they were allowed a turn from Route 88 (Ocean Road) into the lot, to which Mr. Kociuba stated the DOT is allowing the turn, adding that they applied to the County and the County is agreeable to a full access driveway. Mr. Jackson commented that the school is past there, more to

the east. Mr. Kociuba stated there are two possibilities for conflicts and the County required flexible delineators, e.g. bollards. Mr. Kociuba added they will improve the drainage systems, there will be landscaping improvements as they are trying to clean up the sites and have nice landscaping, and they will install a six (6') foot vinyl privacy fence on the right side of the property.

Mr. Welch wanted to know if they would have in-box access, to which Mr. Kociuba replied they will have it from the inside. Mr. Kociuba stated there is no sight triangle, they have amended the lighting and they require buffering. Mayor Sabosik observed they are asking for relief from the size of the parking stalls. Mr. Kociuba stated 9 x 18 stalls are standard and they are asking for relief of the 10 x 20 requirement because they are over on impervious coverage and they can increase it to 10 feet wide.

Mr. Walker questioned the topography, stating if they fill in the "hole" there will be more of a stormwater runoff issue, especially for the church, as the surrounding roads are significantly higher than the proposed plans. Mr. Walker stated he was shocked the State was allowing a left turn into the property from vehicles headed eastbound on Route 88, and more so that they would allow vehicles to exit the property from the Route 88 entrance/exit and turn left as they headed east towards the ocean. He stated that was his biggest concern as the grade of the proposed entrance/exit, the proximity to both the Benedict Street mid-block school crosswalk, the width of Route 88 at that location, and the line-of-sight issue are huge safety issues. Mr. Walker added there is a school there – an elementary school – with ingoing and outgoing traffic. Chairwoman Bavais requested a five-minute break.

Upon resuming the meeting, Mr. Jackson stated they have heard the Board's concerns, and they would like to get questions and comments to make changes to the plans. Chairwoman Bavais stated she will open the meeting to the public for questions seeing as how applicant is willing to make changes. Mr. Montenegro advised the audience if they have any questions for Mr. Kociuba, he will swear them in.

Mr. Montenegro swore in the following persons:

Christine Martin, 1009 Ocean Road

Chairwoman Bavais questioned the hours of operation for the business, to which Mr. Kociuba responded they will be from 4:30 am until 9 pm., and the loading will be via box truck one time per week, further adding that the donuts come in every morning by Sprinter van as they are baked off-site. Mr. Kociuba stated there is no backing up so there are no beepers and he pointed out the loading zone on the north side of the property. Mayor Sabosik asked how wide the loading zone is proposed to be, to which Mr. Kociuba stated it will be 11 feet wide, after which Mr. Jackson added the loading is always during the off hours. Mayor Sabosik asked how often the trash would be picked up; Mr. Kociuba stated it will be picked up one time per week.

Thomas Watters, 1407 Jackson Street

Devon Evertz, 1154 Lockhart Lane

Elizabeth Titmas, 1117 Benedict Street

Mayor Sabosik suggested to applicant, his attorney and professionals that they listen to what the town wants as opposed to what corporate wants. Mr. Potter stated that where corporate is concerned, most of the Dunkin' Donuts sites are located on streets where people are commuting, but with this particular site, it is located within a community and very near a school.

Kathleen Haber, 1203 Dorsett Dock Road

Mr. Walker stated they can take the pad and dumpster enclosure and move it to between the 2nd and 3rd trees. Chairwoman Bavais stated it is unsightly to have it in front of a building by the fire lane, but the Board is not here to design. Ms. Neumann stated it would change the circulation problem.

Mike Jordan, 1137 Lockhart Lane

Helene Boedart, 2201 River Road

Sarah Jordan, 1137 Lockhart Lane

Mel Russen, 1022 Philadelphia Avenue

Michelle Viggos, 626 Delaware Avenue

Ms. Neumann stated Arnold Avenue and Route 88 (Ocean Road) intersections are not under the Borough's jurisdiction, and stated she would like to see the comments from the State and County. Ms. Neumann further stated that a lot of what is driving this circulation is the queue and added the Board should see the comments of the State and County. Mayor Sabosik stated the angled parking is a good idea and wanted to know if a smaller building would be beneficial. Ms. Neumann stated a smaller building would help in general as well as the number of seats within the restaurant. Ms. Neumann stated that better-defined pedestrian access would also be beneficial and in looking at the orientation of the building, applicant should consider a cross walk within the lot for 2 driving aisles.

Chairwoman Bavais stated the traffic studies were only done during the months of March and December when the bridge is not up and said the Board needs better traffic studies.

Chairwoman Bavais stated applicant will return with new plans and studies, and advised the audience this matter will be carried to the April 25, 2024 Board meeting. Mr. Montenegro advised the audience there will be no further notice by mail, and this matter will be first on the agenda that evening.

Exempt Site Plan Committee

Mr. Potter reported stated there was no meeting this month.

Environmental Committee

Mr. Potter read his report dated February 20, 2024 into the record. Mr. Walker confirmed they have enough trees for Slade Dale. Mr. Walker stated with regards to last month's report, he followed up on the plastic bag recycling and couldn't find anything. Mr. Potter stated he would find the article for him.

Councilman Furrato commented there was a meeting regarding the Nellie Bennett project and that people were confused as they thought it was about dredging. Mr. Potter stated he was told the presenters confused the public and got too technical. Mayor Sabosik stated there are different stages, with the first stage to stabilize, research how much soil is needed and then a light soil test. Mayor Sabosik stated the town is looking at alternatives if that doesn't work. Mr. Potter stated it takes a minimum of 3 years, and added that people like the idea of restoring the marsh. Mayor Sabosik added this is funded by the State.

A motion was made by Mayor Sabosik and seconded by Mr. Potter to approve the **vouchers**. All were in favor.

The meeting **adjourned** on a motion by Mayor Sabosik and seconded by Councilman Furrato. All were in favor.

Respectfully submitted,

Claire S. Hense