

**POINT PLEASANT PLANNING BOARD**  
**April 25, 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, Mayor Sabosik, Mr. Walker, Mr. Vitale, Mr. Welch, Mr. Potter, Mr. Sestito, Mr. Archer

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

Absent: Messrs. McHugh & Furmato

The December 14, 2023 **Minutes** were approved on a motion by Mr. Welch and seconded by Mr. Potter, with all in favor.

The December 14, 2023 Executive Board **Minutes** were approved on a motion by Mr. Welch and seconded by Mr. Potter, with all in favor.

The January 25, 2024 **Minutes** were approved on a motion by Mr. Archer and seconded by Mr. Welch, with all in favor.

The February 22, 2024 **Minutes** were approved on a motion by Mr. Potter and seconded by Mayor Sabosik, with all in favor.

Chairwoman Bavais stated the Board has two **Resolutions** for review this evening, the first being that of Lisa Arms regarding the property located at 1311 Treeneedle Avenue, a/k/a Block 344, Lot 2.

A motion was made by Mr. Potter and seconded by Mr. Archer to approve the Resolution. Roll call: YEAS: Fred Potter, Russ Archer, Mary Jane Bavais, Jude Walker, Jack Vitale, Brian Welch, Jim Sestito.

Chairwoman Bavais stated the next Resolution for review is that of Elizabeth Meyer regarding property located at 1215 Dorsett Dock Road, a/k/a Block 228.01, Lot 9.

A motion was made by Mr. Welch and seconded by Mr. Potter to approve the Resolution. Roll call: YEAS: Brian Welch, Fred Potter, Mary Jane Bavais, Robert Sabosik, Jude Walker, Jack Vitale, Jim Sestito, Russ Archer.

**New Business**

Chairwoman Bavais stated the Board has several **applications** to be heard this evening, and that the first application will be that of **Stephen & Kristen Smith** regarding the property located at 825 Trenton Avenue, a/k/a Block 113, Lot 23.02.

**Richard J. Pepsny, III, Esq.**, Red Bank, came forward. Mr. Pepsny stated he is here on behalf of the applicants for an amended minor subdivision.

Mr. Amberger swore in the following witnesses:

**Robert Burdick, P.E., P.P.**, Point Pleasant.

Mr. Burdick stated in 2021, the Board approved a subdivision for Block 113, Lot 23, the property was divided into 2 lots with access easement to 2 lots which are now separate. Mr. Burdick stated applicants want to build on the rear lot and wish to change the lot. Mr. Burdick added that at the December, 2023 meeting, applicants discovered the owner of the front property did not agree with their intended plans, so they have since spoken with that owner and have redesigned their plans, adding that the garage is now on the south side of the building and there are no windows in it. Mr. Burdick stated the new plans combine the house and garage, they have reconfigured the driveway, the building height has decreased, the house size has increased by 3 square feet, the impervious coverage has increased but is still within the allowed amount, the front setback has decreased, the rear setback has been increased by 12 feet, and they are proposing installation of a 6 foot vinyl fence along the property's yard between the 2 houses which is the front yard. Mr. Burdick stated if the owner of the front property put a fence up, it would be legal because that is his backyard, adding that the landscaping is the same as previously submitted.

Chairwoman Bavais wanted to know if Mr. Burdick reviewed the March 12, 2024 review letter from the Board Engineer, to which Mr. Burdick stated he did not have that letter. Ms. Neumann stated as testified, there is no further relief outside of the fence, and applicants continue to have no third floor habitable space. Mr. Burdick agreed and stated the stormwater will remain the same. Mr. Burdick stated there was 87 cubic feet previously and with the additional 214 square feet, they need an additional 12 cubic feet of storage, adding the overage was reduced from 84 square feet to 67 square feet. Ms. Neumann wanted to know if there is a pool in the revised plan, to which Mr. Burdick stated that was put in so the applicants do not have to come back to the Board so long as they meet all the setbacks and it conforms, as they may want to add one in the future. Mr. Burdick stated the detached garage has been eliminated and been subsumed by the house. Mayor Sabosik stated the applicants have not requested any waivers. Ms. Neumann stated they noticed within 200 feet and she asked them to have that included on the plan.

Mr. Welch asked about curbs and sidewalks, to which Mr. Burdick responded they already have that and they will be reconstructed at the time of construction. Mr. Welch reminded applicants they are subject to the new tree ordinance; Ms. Neumann concurred. Mr. Potter wanted to know where the pool was, to which Mr. Burdick responded that will be a future project. Ms. Neumann stated there is no relief associated with the pool.

Chairwoman Bavais opened the meeting to the public for questions; there were none. Chairwoman Bavais opened the meeting to the public for comments. The following person came forward and was sworn in by Mr. Amberger:

**John Hurler**, the owner of 827 Trenton Avenue which is the front property.

Chairwoman Bavais thanked him for his comments and returned the meeting to the Board.

A motion was made by Mr. Welch and seconded by Mr. Potter to approve the application. Roll call: YEAS: Brian Welch, Fred Potter, Mary Jane Bavais, Robert Sabosik, Jack Vitale, Jude Walker, Jim Sestito, Russ Archer.

Chairwoman Bavais stated the next **application** to be heard this evening is that of **Miriam Kelly** regarding the property located at 913 Atlantic Avenue, a/k/a Block 115, Lot 13.

**Michael D. Henderson, Esq.**, Manasquan, came forward. Mr. Henderson stated he is here on behalf of the applicant who received approval for a minor subdivision of her property which had originally been two lots and then combined into one lot. Mr. Henderson stated the previous approval was subject to the applicant returning to the Board with house plans. Mr. Henderson stated applicant also seeks an extension of time in order to file her map, adding she needed outside agency approval, that the process was attenuated, and she needed to obtain her architectural plans.

Mr. Amberger swore in the following witnesses:

**Joseph J. Kociuba, P.E., P.P.**, KBA Engineering Services, LLC, Manasquan.

Mr. Kociuba stated there were delays in that first this subdivision required County approval, there was a delay in applicant's surveyor who had to obtain information offsite, and also because there were no other lots to be subdivided and the County wanted a road widening. Mr. Henderson added applicant is substantially past time to file the maps.

Ms. Neumann, Board Engineer, stated applicant received the Board's approval on June 23, 2022 which would make it potentially a two year extension, and the Board can entertain less than that. Mr. Kociuba stated they started with Ocean County three months after the approval and their last correspondence was at the beginning of this year, and added the surveyor also took a while. Mayor Sabosik wanted to know if the County said anything about a short K-turn at lot 13.02. Mr. Kociuba stated there was no comment from the County. Mayor Sabosik stated he is concerned because it is a busy avenue and he believes lot 13.02 is constricted. Mr. Kociuba stated they could extend the K-turn back another 5 feet to allow for a better turning, and then stated that the requirement for two trees on each lot would be met. Ms. Neumann stated this will be subject to the new tree ordinance.

Mayor Sabosik questioned for how long applicant wanted an extension from this date forward, to which Mr. Henderson stated that ideally, they would like six months. Ms. Neumann stated that would be in October, 2024; Mr. Amberger stated it is at the Board's discretion. Ms. Neumann stated it could be done in three months but that an extension to October is fair. Ms. Neumann stated it shall be filed by map. Mr. Walker concurred that six months is reasonable. Mayor Sabosik stated he would like to see the K-turn changed; Chairwoman Bavais agreed. Mr. Henderson stated they will file by map with the County Clerk. Mayor Sabosik asked for the anticipated date of construction, to which Mr. Henderson stated that depended upon tonight's outcome.

**Brian Berzinskis**, licensed architect in New Jersey, owner of Grasso Design Group in Manasquan.

Mr. Berzinskis stated he was brought in after discussions about the subdivision. Mr. Berzinskis stated this application conforms to every zoning regulation for a two story home, that the ground floor consists of living space and one bathroom, and the second floor contains three bedrooms and two bathrooms.

Mr. Potter wanted to know what the setback is from the street, to which Mr. Berzinskis stated it is 30 feet from the front to the garage and from the curb it is 8 feet. Ms. Neumann stated it is 34.45 feet to the covered porch.

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. Chairwoman Bavais returned the matter to the Board.

A motion was made by Mr. Welch and seconded by Mr. Potter to approve the application. Roll call: YEAS: Brian Welch, Fred Potter, Mary Jane Bavais, Robert Sabosik, Jack Vitale, Jude Walker, Jim Sestito, Russ Archer.

Chairwoman Bavais stated the Administrative Approval **application** for Kevin **Curtin** regarding the property located at 1325 Bay Avenue, a/k/a Block 145, Lot 35 has been postponed.

Chairwoman Bavais stated the next **application** to be heard this evening is for administrative approval for **Richard and Maria Skowronski** regarding the property located at 1406 Rue Mirador, a/k/a Block 279, Lot 33.

Mayor Sabosik recused himself as he is a neighbor.

**Richard Skowronski**, 1406 Rue Mirador came forward.

Mr. Skowronski stated the house has been constructed, and in the original Resolution there was a pool depicted on the plans. Mr. Skowronski stated they now have a new plot plan wherein they have added an extra 10 square feet to the pool and they have turned the pool in the opposite direction.

Ms. Neumann stated this new plan includes pavers, and applicants need to make sure the pool does not get any closer to the road. Ms. Neumann stated this is fully compliant and that the paver area gets smaller. Mr. Skowronski stated they reduced the depth of the pool to make it more shallow so as not to infringe on anything. Mr. Vitale stated the landscaping is on the original plan. Chairwoman Bavais asked what type of fencing was planned, to which Mr. Skowronski stated an aluminum fence four feet high, the same as on the original plan. Mr. Archer stated the new design looks nicer.

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. Chairwoman Bavais returned the matter to the Board.

A motion was made by Mr. Potter and seconded by Mr. Welch to approve the application. Roll call: YEAS: Fred Potter, Brian Welch, Mary Jane Bavais, Jack Vitale, Jude Walker, Jim Sestito, Russ Archer.

Mr. Skowronski asked for a short Resolution. Mr. Amberger read the pre-prepared Resolution into the record.

A motion was made by Mr. Potter and seconded by Mr. Welch to approve the Resolution. Roll call: YEAS: Fred Potter, Brian Welch, Mary Jane Bavais, Jack Vitale, Jude Walker, Jim Sestito, Russ Archer.

Ms. Neumann stated she believes there is a problem with the sidewalks from this previous 3 lot subdivision. Mr. Vitale stated it is not an option, that the Board passed the original because of schoolchildren. Ms. Neumann stated they would have to come back before the Board.

Mr. Skowronski stated after living there for six months, there is a storm drain at the end of his driveway and approximately 50 feet is buried underwater, 3 feet of which is on his property. Mr. Skowronski stated the concrete will crack and float away and he would like to consult with the engineer for the town about this. Ms. Neumann stated we would have to have notice of a public hearing, and the applicant would have to come back in order to retain the pool, adding that if someone can't find the bond, the homeowners are not responsible. Chairwoman Bavais stated monies were deposited for the sidewalks in 2018 but were not for Mr. Skowronski's lot. Mr. Vitale stated a bond was submitted for the sidewalks in 2018. Ms. Neumann stated the Board required sidewalks, the owner of the property had to post a bond and that this is not the subject of why we are here this evening.

Chairwoman Bavais stated the next matter to be heard this evening is an **informal application** by **Robert M. Humeny** regarding the property located at 922 Arnold Avenue, a/k/a Block 116, Lot 26.

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

Mr. Jackson stated he represents the applicants Robert and Sarah Humeny, that Mr. Humeny is a retired police officer, and they own the house on Arnold Avenue. Mr. Jackson stated a lot of the houses on Arnold Avenue have two structures on them, adding it is “startling” how large the property is, and that the back lot alone is 8,391 square feet. Mr. Jackson stated applicants would like to build a house for Mr. Humeny’s mother and then eventually for the older children to rent it, that it will have bays for the garage on the ground level and living space above with an elevator for access.

Robert Humeny and his wife Sarah came forward. Mr. Humeny explained that his wife already owned a home in Point Pleasant when they met, and stated they met the woman who formerly owned this particular property. Mr. Humeny stated the property contains over 30,000 square feet, the original house dates back to the 1800’s, and added they will renovate the front house. Mr. Humeny stated they would like to put a garage in the back, that his mother who is 72 and lives in Howell on 2 acres of property would be living in the upstairs of the garage which will have elevator access.

Mr. Jackson stated the property is located in the R3 zone that has a lot of flexibility. He added applicants will comply with all bulk standards except the frontage and asked the Board for feedback.

Mayor Sabosik asked if they were looking to divide the property into two lots, and questioned how one would be able to pull into the garages as it is impossible to do the swing in 25 feet. Mr. Welch suggested they could move the property line. Mr. Humeny said they could move it ten more feet. The Mayor stated the average person would have difficulty pulling into the garages. Mr. Welch asked what the property looks like, to which Mr. Humeny stated he and his wife held their wedding reception in the rear yard, and stated they may create a pie wedge right to the easement. Mr. Humeny stated he would like to add a pool at some point and indicated they are working on blueprints now and working around a sycamore tree, and indicated they will move the line 5 to 10 feet.

Ms. Neumann stated the Board should focus on if this is a subdivided parcel, you would not want to create a lot with no frontage. Ms. Neumann stated the Board needs to think about the issues and look at what variance relief would be required, adding that the applicants need to have a planner here. Mr. Welch wanted to know to where the property backs up, to which Mr. Humeny responded it backs up to the Rue Avenue houses. Chairwoman Bavais stated this would have to be approved by the Ocean County Fire Marshal. Mr. Humeny stated that with regards to fire suppression, there is a fire hydrant there now.

Ms. Neumann stated there is a lot of stone all over and added the Board does not want another curb cut on Arnold Avenue. Mr. Welch stated the property already has two curb cuts. Mr. Humeny stated currently there are 2 driveways to the property, one each on the left and right sides of the house. Ms. Neumann stated the all the stones are impervious coverage and although it is pre-existing, they are making the lot smaller.

Mayor Sabosik suggested turning the building 90 degrees; Ms. Neumann stated there are ways to reconsider. Mr. Jackson asked Mr. Humeny if there are any drainage issues

right now, to which Mr. Humeny answered “no”. Ms. Neumann suggested removing some of the gravel to meet the impervious coverage. Mr. Walker stated there is no issue with the fire trucks and with the hydrant being right there.

Chairwoman Bavais wanted to know if any members of the Board had any questions. Mayor Sabosik stated they have the capability to create a compound. Ms. Neumann stated she would call this an accessory to the principal dwelling, and they would not be able to have a rentable apartment, it would only be for family. Mayor Sabosik stated applicants would have to go before the Board of Adjustment as it is not considered a single family home with one mailbox and one electrical meter. Mr. Jackson stated this would be considered a mother/daughter arrangement. Chairwoman Bavais stated they would need approval whichever way they chose to proceed forward.

Mr. Vitale stated they could subdivide and the property line needs to be moved. Mayor Sabosik suggested turning the structure 90 degrees for better access in and out, but they have a better view by not turning the house. Mr. Vitale stated the lot line has to be moved for the turn-around. Mr. Archer questioned a single electric and single gas meter for the “compound”; Mr. Humeny stated his mother would cover the cost, but if it was his son, his son would have to have his own meters.

Chairwoman Bavais polled the Board.

Mr. Potter stated his concern was the driveway, adding he would prefer it remain a single property as opposed to a subdivision.

Mr. Vitale stated he likes the design of the building as it is not oversized, adding that the livable garage fits. Mr. Vitale stated the property is large enough to get a turning radius. Mr. Welch stated he likes the idea of subdividing the property, and the applicants can return with a better understanding.

Mr. Sestito stated he would like to see the proposed property with a subdivision line, and would like to see the house moved up a little bit.

Mr. Walker wanted to know if the applicants had spoken with their neighbors, adding that most of their properties are not subdivided but rather, set up as compounds. He suggested they see what the layout is, and stated he likes the idea of keeping it one piece.

Mr. Archer stated he agrees with Mr. Walker, adding the building needs to be re-shifted. Mayor Sabosik stated if they personally want to break it into two, he understands. He added that moving the lot line is very important, he likes the design of the garage/house, that it looks good. He added applicants will want to be sure there is plenty of parking.

Chairwoman Bavais stated it is a personal decision for the applicants, adding that either way they will have to go in front of a Board to see that it works. Chairwoman Bavais stated she loves the idea of applicants wanting to keep the trees. Mayor Sabosik added that Chairwoman Bavais is the Director of Parks and Recreation for the County.

Chairwoman Bavais stated applicants should come up with what is best for their family, and that it legitimately looks like they do want to do just that. She stated she hoped the informal helped them.

Mr. Jackson stated that what he is hearing is that the Board is not opposed to what is proposed, and stated they will refine and make the formal application better.

## **Exempt Site Plan Committee**

Mr. Potter read his April 12, 2024 report into the record.

## **Environmental Committee**

Mr. Potter read his report dated April 16, 2024 into the record. Chairwoman Bavais asked how many people were in attendance for Earth Day, to which Mr. Potter responded there were more people this year than last year, but less than the previous year.

## **Old Business**

Mayor Sabosik stated he wanted to give a brief history of the Rue Mirador partnership from back in 2008 when they put up a bond, stating it was discovered the first bond was for the first house constructed, and the second bond was for the second and third houses. Mayor Sabosik stated \$2,950.00 was for 1404 Rue Mirador and \$7,700.00 was for 1400 Rue Mirador, adding that \$7,700.00 should be for 1406 Rue Mirador because 1400 Rue Mirador already has curbs. Mayor Sabosik stated the town attorney and engineer are looking into this and he wants the Board to know the money is still set aside and until we find this... Chairwoman Bavais interjected that this last home should not receive a Certificate of Occupancy as of yet, although the Board approved the pool.

Mr. Vitale stated this is confusing regardless of the sidewalks which have to be completed. Mayor Sabosik stated he thinks they put up a bond for each house and the Borough used part of the first bond for Riviera Parkway, adding it is the town's responsibility to find the money, and that the Sidewalk Fund supersedes the Planning Board approval. Mr. Vitale stated the approval was based upon the sidewalks and curbs for the children.

Mr. Welch stated when Crest Pointe came before the Board, they were told they needed sidewalks and three years later they asked to contribute to the Sidewalk Fund and the Board said that was o.k. but the sidewalks should have been done. Mayor Sabosik stated we have the money to do the sidewalks in Bonds and asked the Board if they wanted sidewalks. Chairwoman Bavais stated she believes it is imperative to complete the sidewalks closest to the schools. Mayor Sabosik stated the County is paving River Road right now and the Borough is doing Dorsett Dock Road, adding that other areas need money more for high intensity use.

Mayor Sabosik asked Mr. Amberger if the Board could repurpose the funds. Mr. Amberger stated he would have to re-acclimate himself with the prior Resolution. Mayor Sabosik stated he will have the town attorney, Jerry Dasti, Esq. speak with Mr. Amberger and they can figure it out. Mr. Welch wanted to know if there would be sidewalks on Herbertsville Road in the future, to which Mayor Sabosik stated yes, but he couldn't say anything more right now, adding that the State has been very receptive.



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

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

Respectfully submitted,

Claire S. Hense