

**POINT PLEASANT PLANNING BOARD**  
**March 28, 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: Ben Montenegro, Esq., Engineer: Laura Neumann, P.E., Board Secretary: Claire Hense

Absent: Messrs. McHugh and Furmato

Chairwoman Bavais stated there are a couple of **Resolutions** for review this evening, the first being that of Lombardi Residential, LLC regarding property located at 2113 River Road, a/k/a Block 36, Lot 1.01, which was approved at the meeting of February 22, 2023.

A motion was made by Mayor Sabosik and seconded by Mr. Potter to approve the Resolution.

Roll call: YEAS: Robert Sabosik, Fred Potter, Mary Jane Bavais

Chairwoman Bavais stated the next **Resolution** for review this evening is that of AEM Revocable Trust c/o Matuschat regarding property located at 650 Delaware Avenue, a/k/a Block 142, Lot 10, which was approved at the meeting of February 22, 2023.

A motion was made by Mr. Potter and seconded by Chairwoman Bavais to approve the Resolution.

Roll call: YEAS: Fred Potter, Mary Jane Bavais, Robert Sabosik, Jude Walker, Brian Welch, Russ Archer.

**New Business**

Chairwoman Bavais stated the Board has several **applications** to be heard this evening, and indicated there is a change in the agenda in that the first application will be that of **Elizabeth Meyer** regarding the property located at 1215 Dorsett Dock Road, a/k/a Block 228.01, Lot 9.

**John J. Jackson, III, Esq.**, Manasquan came forward. Mr. Jackson stated he is here on behalf of the applicant, Elizabeth Meyer, who is 99 years young. Mr. Jackson stated that Mr. Morris is familiar with the property. Mr. Jackson also stated Mr. Fred Meyer is in attendance and added that both his father and grandfather built the house themselves. Mr. Jackson stated the lot to the side of the house was intended as a supplement to be sold in the future as needed. Mr. Jackson stated the lot was originally part of the Morris estate (no relation to Mr. Morris) and was set up for 2 lots, it is

materially conforming but is slightly deficient in lot area, and that the house will have a 13 foot setback.

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

A-1 A four-page Power Point presentation

Mr. Montenegro sworn in the following witness:

**Robert H. Morris, P.E., P.P.**, 1123 Morris Avenue, Point Pleasant.

Mr. Morris stated this is the remaining parcel of the farm by William Morris and when Mr. & Mrs. Meyer bought it, Hemlock Lane was not there. Mr. Morris stated this is a 14,794 square foot lot versus the required 15,000 square feet, further stating none of the lines of the property are parallel which is why they need to ask for a variance. Mr. Morris further stated Mr. Meyer asked him to subdivide the property which was thought to have a 75 foot setback, that the new house will contain 7,387 square feet and the existing house has 7,407 square feet. Mr. Morris stated the house was built and the road was put in later, adding there is enough room on the sides and in the front.

Mr. Vitale wanted to know if the existing house will stay, to which Mr. Morris stated yes, they are selling the subdivided lot to aid Mrs. Meyer in her coming years. Mr. Morris asked for a waiver for the sidewalks and curbs as there are no other sidewalks or curbs on the street, adding there are mature evergreen trees which would need to be cut back. Mayor Sabosik stated the existing house has a sidewalk in front, and Hemlock Lane will be getting sidewalks. Mr. Jackson stated they will install sidewalks if they have to. Mr. Morris added they will file by map if that is the Board's preference, to which Ms. Neumann stated that would be her preference. Mayor Sabosik stated the State is mandating shade trees as of May 1, 2024, adding that this application will be adhering to that mandate, and further stated this was a vacant lot in 1954.

Chairwoman Bavais opened the meeting to the public to see if they had any questions or comments; there were none, so she brought it back to the Board for a vote.

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 **Lisa Arms** regarding the property located at 1311 Treeneedle Road, a/k/a Block 344, Lot 2.

Mayor Sabosik recused himself.

**John J. Jackson, III, Esq.**, Manasquan, came forward. Mr. Jackson stated he represents Lisa Arms, and stated the subdivision is a small portion of her property.

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

A-1 A five-page Power Point presentation

Mr. Jackson stated both Mossbank Road and Treeneedle Road are one-way, that parking is a scarce commodity, and they currently have a dirt lot. Mr. Jackson stated Ms. Arms has agreed to subdivide and donate a portion of her property to the Borough, and the remainder of the property will have no development, no building and nothing changing, adding that her property is a little smaller.

Mr. Montenegro swore in the following witness:

**Robert H. Morris, P.E., P.P.**, 1123 Morris Avenue, Point Pleasant

Mr. Morris stated Ms. Arms asked him to subdivide her lot and leave it conforming so the remaining portion of the lot will contain 7,506 square feet, adding they are doing a subdivision to convey part of the lot to the Borough for parking.

Ms. Neumann questioned if this would be perfected by map, to which Mr. Morris agreed. Ms. Neumann asked about a contribution to the sidewalk fund, to which Mr. Jackson stated they would not be contributing to the sidewalk and curb fund, adding that he had not yet spoken with the Mayor about this, but he would like to bring this up with Mr. Pannucci, the Borough Administrator, since this seems like a kick as his client is giving the property to the Borough for one dollar. Mr. Vitale stated the town should be responsible for all the paving. Mr. Montenegro stated he would put in a design waiver for the curbs and sidewalks to be waived to contribute to the Pedestrian Safety Fund unless it is waived by the Borough. Chairwoman Bavais added this is a very old plan for having complete streets.

Mr. Jackson stated he has a Lenny's Power Point, wherein they have eliminated the parking lot on Bridge Avenue and the expansion to the building. Mr. Potter wanted to know where the tenants of the apartments would park, to which Mr. Jackson stated they will park in the back lot behind Lenny's. Mr. Welch stated they delineated the parking lot behind Lenny's, and wanted to know if the house was behind Lenny's, to which Mr. Jackson responded in the affirmative. Mr. Walker stated he agrees this is by far the best plan he has seen in a long time, it's a great addition to the neighborhood, and is a great design.

Chairwoman Bavais opened the meeting to the public to see if they had any questions or comments; there were none, so she brought it back to the Board for a vote.

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

Mayor Sabosik returned to the meeting.

Chairwoman Bavais stated the last **application** to be heard this evening is that of **ACI Contracting, LLC** regarding the property located at 1035 Old Farm Road, a/k/a Block 160, Lot 5.

**John J. Jackson, III, Esq.**, Manasquan, came forward. Mr. Jackson stated he is here on behalf of ACI Contracting, LLC, a corporate entity for Jim Bobowski who has built a lot of homes in town. Mr. Jackson stated this is a fully conforming subdivision, and that Mr. Bobowski proposes to build two houses, the same as those he built on Barnegat Boulevard.

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

A-1 A fifteen-page Power Point presentation

Mr. Montenegro swore in the following witness:

**James Bobowski**, River Edge Drive.

Mr. Jackson added that the houses in the renderings are the same house with different elevations.

Mr. Bobowski stated they are 2148 Barnegat Boulevard and 2153 Barnegat Boulevard which is down the street on the opposite side. Mr. Bobowski stated he also constructed 2150 Barnegat Boulevard, all of which are aesthetically pleasing.

Mayor Sabosik wanted to know why he was not proposing cedar impressions siding, and asked if there was a price differential, to which Mr. Bobowski stated the cedar impressions siding is four times the price. Mr. Jackson pointed to a picture of 1035 Old Farm Road which is on the corner of Benedict Street and stated it is not located in a flood zone.

Mayor Sabosik stated the State of New Jersey has a new mandate as of May 1, 2024, that the Borough is enacting a Tree Ordinance, and asked how many trees were down and across the property. Mr. Bobowski stated there could be 13 to 15 trees and he is planning on taking down those marked in purple and leaving the ones marked in yellow.

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

A-2 A colored map of the property

Ms. Neumann stated they have to plant two trees per lot as per the Shade Tree Commission, and added they will need to replace seven trees per the State, in that it is driven by the size. Mayor Sabosik stated they are introducing this on Monday so he will get the Board to comply with the new Ordinance, but it is not in effect as of yet. Mr. Jackson stated the rules are not in effect right now and the lot is fully conforming for a subdivision. Mayor Sabosik stated our hands are tied and it would be in the best interests and there should be no taking down of trees until after the Ordinance goes into

effect. Mr. Jackson stated they reserve the right to abide by the rules, but reiterated they have a fully conforming subdivision. Mr. Bobowski stated he understands the concerns of the Board, adding that the property has a lot of trees, the canopies are large in the shade, and asked if he could do the four trees required plus two additional. Ms. Neumann stated she defers to the Board, that if the Ordinance cannot be put in here, we have replacement trees or the fee can be paid to dedicate to tree replacement alternatives. Mayor Sabosik stated this is coming from Trenton, adding we are trying to satisfy the Board and the Borough as well as a new homeowner if the trees die.

Mr. Jackson said his thought is he is not sure they can work through an Ordinance which is not yet in place, but whatever the rules are, they will abide by that. Mayor Sabosik stated some towns are using a certified tree expert (arborist) to witness the removal of each tree. Mr. Welch added the Board has heard so many times that the builders want to save the trees, but then they take them down for construction. Mayor Sabosik stated that Mr. Potter is on the Environmental Commission and they are working on a tree ordinance. Mr. Welch thanked the applicant for delineating the trees he plans to take down.

Ms. Neumann stated this is all tied to the stormwater and all municipalities have to comply, adding that tree removal lends towards stormwater run-off. Chairwoman Bavais stated she was personally affected by the clearing of trees by one of her neighbors who removed every single tree on their lot, stating the drainage into her yard is now causing a lake in her yard. Chairwoman Bavais stated that Old Farm Road is low lying, and stated that shade trees are part of the replacement. Mr. Jackson stated his client would like to save the cluster of trees on Old Farm Road.

Mr. Montenegro stated that so as not to create a problem after the fact, if he puts that into the Resolution as a condition, the Borough will not issue a building permit, but he can put in a condition that says a couple of trees are required unless the applicant applies or receives waivers from the State. Mayor Sabosik stated the engineer should take a look at it. Mr. Jackson stated they will work with Ms. Neumann, and that based on the information provided, they can estimate the sizes of the trees. Mr. Montenegro asked if the tree plan would be subject to the review and approval of the Board engineer, Mr. Jackson stated that will be part of the Resolution compliance.

Ms. Neumann stated a waiver for the sidewalk and curbs is existing and is the only relief. Mayor Sabosik stated one of the streets going to the school will have plans for sidewalks and curbs. Mr. Jackson stated Mr. Bobowski can install sidewalks at his expense. Mr. Walker stated per the Safe Streets from Trenton, we have plans for sidewalks to all of the schools. Ms. Neumann stated she would like the subdivision map perfected by plat.

Mr. Montenegro swore in the following witness:

**William Merunka, P.E., P.P.**, of RC Associates, Manasquan.

Mr. Merunka said the shed will be removed and added they can comply with the terms of the building height in that they will do a 2.5 story with a habitable attic, and the Code allows for that because it is fully compliant. Chairwoman Bavais stated it cannot contain a bedroom. Mr. Merunka stated with regards to the driveway locations, they will adjust them for a 5 yard setback. Mr. Walker asked what was the radius of the driveway from Old Farm Road, to which Mr. Merunka stated it is 62 feet. Mr. Walker stated he is concerned because of the thoroughfare for the school buses.

Chairwoman Bavais opened the meeting to the public to see if they had any questions or comments; there were none, so she brought it back to the Board for a vote.

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.

### **Exempt Site Plan Committee**

Mr. Potter read his March 7, 2024 report into the record.

Mr. Vitale brought up the subdivision at the intersection of Rue Mirador and Riviera Parkway and stated there are still no sidewalks and pointed out they were part of the subdivision. Mayor Sabosik stated they need to check with the Zoning Officer regarding the bond for the three-house subdivision, adding the sidewalks were to be installed when the third house was constructed, which has been accomplished, and further mentioned there was to be public access or something at the end of the lagoon and he believes they paid the Borough for that. Mayor Sabosik stated the last house constructed only has a TCO because the sidewalks have not been done.

In other business from the meeting, Mayor Sabosik stated the proposed Woodshed Pizza is purchasing a pizza oven from a family company in Italy.

### **Environmental Committee**

Mr. Potter read his report dated March 19, 2024 into the record.

Mayor Sabosik stated he would like to discuss the tree ordinance that they are introducing for a first reading. Mayor Sabosik added the Environmental Commission provided samples from other towns, some of which were very restrictive, adding that one town had a provision that if a tree was taken down without a permit, the fine was \$5,000 and ten (10) days in jail.

Mr. Vitale wanted to know if everyone in town would be notified and stated it will have to be published in the newspaper. Mr. Potter stated most trees are removed by tree companies, not residents, and stated they can remove a tree by getting a permit for it and replacing the tree. Mayor Sabosik stated we waited to see what the State would do, further stating he believes this is a good ordinance and the Environmental Commission

agrees. Ms. Neumann added that other towns give exceptions for dead, dying or diseased trees.

Mayor Sabosik stated that as of now, the start time for hours of construction is 8 am until 6 pm Monday through Friday, 9 am until 6 pm on Saturday, and no work on Sunday by contractors.

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

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

Respectfully submitted,

Claire S. Hense