

POINT PLEASANT PLANNING BOARD
January 23, 2025

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, Mr. Pannucci, Mr. Welch, Mr. Sestito, Mr. Potter, Mr. Archer, Mr. Stevenson
Attorney: Ben Montenegro, Esq., Engineer: Laura Neumann, P.E., P.P., Board
Secretary: Claire Hense
Absent: Councilman Furrato

Chairwoman Bavais welcomed back Board member Frank Pannucci as a Class II and welcomed new Board member William F. Stevenson as Alternate 1. Mr. Montenegro stated the Oath of Office was already administered to Messrs. Pannucci, McHugh, Welch, Sestito and Stevenson.

The Board elected the following **Officers** for 2025:

A motion was made by Mayor Sabosik and seconded by Fred Potter to elect Mary Jane Bavais as Chairperson, with all in favor and none opposed.

A motion was made by Jack McHugh, Jr. and seconded by Mayor Sabosik to elect Brian Welch as Vice Chairperson; all were in favor and none opposed.

A motion was made by Mr. Potter and seconded by Mr. Archer to elect John McHugh, Jr. as 2nd Vice Chairman; all were in favor and none opposed.

The Board made the following **appointments** for 2025:

A motion was made by Mayor Sabosik and seconded by Vice Chair Welch to elect Ben Montenegro, Esq. of Montenegro, Thompson, Montenegro & Genz, P.C. as attorney, with all in favor and none opposed. Mr. Montenegro thanked everyone for their support.

A motion was made by Mr. Potter and seconded by 2nd Vice Chair McHugh to elect Laura Neumann, P.E., P.P./CME Associates as engineer, with all in favor and none opposed. Ms. Neumann thanked the Board and stated she enjoys the Board and will do her best.

A motion was made by Vice Chair Welch and seconded by Mr. Archer to elect Claire S. Hense as secretary, with all in favor and none opposed. Ms. Hense thanked the Board.

A motion was made by Mr. Potter and seconded by Vice Chairman Welch to approve the **meeting dates and time** as Thursday, February 27, 2025 at 7 p.m. and thereafter on the fourth Thursday of each month, with the exception of the October, November and December meetings which shall occur on the second Thursday of those months, namely, October 9, November 13 and December 11, 2025. All meetings will commence at 7 p.m. All were in favor, none opposed.

A motion was made by Mayor Sabosik and seconded by 2nd Vice Chairman McHugh to designate the Ocean Star and Asbury Park Press as the **official newspapers**, with all in favor and none opposed.

A motion was made by Chairwoman Bavais and seconded by Vice Chairman Welch as follows to appoint the following members to **the Exempt Site Plan Committee**:

Mr. McHugh as Chairman

Mr. Potter as Vice Chairperson

Mayor Sabosik

Mr. Sestito

All were in favor, none opposed.

The December 12, 2024 **Minutes** were approved on a motion by Vice Chairman Welch and seconded by Mr. Potter; all were in favor.

Chairwoman Bavais stated there is one **Resolution** for review this evening, that of Ocean Express Car Wash, LLC regarding property located at 600 Ocean Road, a/k/a Block 136, Lot 15., which was approved at the meeting of December 12, 2024.

A motion was made by 2nd Vice Chairman McHugh and seconded by Mayor Sabosik to approve the Resolution.

Roll call: YEAS: John McHugh, Jr., Robert Sabosik, Jim Sestito, Fred Potter, Russ Archer.

New Business

Chairwoman Bavais stated the Board has a couple of **applications** to be heard this evening, and the order is being switched up so that the first is that of **ACI Contracting, LLC** regarding the property located at 1035 Old Farm Road a/k/a Block 160, Lot 5.

David Burns, Esq. of the JJJ Law Firm, Manasquan, came forward. Mr. Burns thanked Mr. Shea for allowing him to proceed first.

Mr. Burns stated the firm's client is here to request reapproval of a minor subdivision and an extension of time to file his subdivision map. Mr. Burns stated the applicant's Resolution was memorialized on May 23, 2024 and the time to file the map expired on November 9, 2024. Mr. Burns stated there were delays for approvals from other government entities and requested an extension for a period of one year. Mayor Sabosik wanted to know why they wanted an entire year, to which Mr. Burns stated they will be

able to get all the signatures within that time, and indicated John J. Jackson, III, Esq. asked the Board attorney, Ben Montenegro, Esq. for a ninety day extension as they expect to file the map immediately.

Mr. Montenegro stated he prepared a Resolution in anticipation of the Board's approval for this extension. Ms. Neumann stated she had no issue with a ninety day extension. Mayor Sabosik indicated trailers were already parked at the property and there was fencing around the lot to stop soil erosion.

Mr. Montenegro swore in the following witness:

James Bobowski, principal in ACI Contracting, LLC, Point Pleasant

Mayor Sabosik asked Mr. Bobowski if he had any problems with what was presented this evening, to which Mr. Bobowski stated he did not. Mayor Sabosik asked Mr. Bobowski when he anticipates breaking ground, to which Mr. Bobowski responded he intends to do so as soon as the map is filed with the County and indicated he would like to construct both homes on the two lots at the same time. Mr. Montenegro stated all the conditions of the original application, including the tree ordinance, remain the same.

Chairwoman Bavais opened the meeting to the public for any questions; there were no questions so she closed that portion of the meeting. Chairwoman Bavais opened the meeting to the public for any comments; there were none so she closed that portion of the meeting and turned the matter over to the Board.

A motion was made by Vice Chairman Welch and seconded by Mr. Archer to approve the Resolution permitting applicant until April 23, 2025 to file the subdivision map. Roll call: YEAS: Brian Welch, Russ Archer, Mary Jane Bavais, John McHugh, Jr., Robert Sabosik, Frank Pannucci, Jim Sestito, Fred Potter, William Stevenson.

A motion was made by Vice Chairman Welch and seconded by 2nd Vice Chairman McHugh to approve the Resolution.

Roll call: YEAS: Brian Welch, John McHugh, Jr., Mary Jane Bavais, Robert Sabosik, Frank Pannucci, Jim Sestito, Fred Potter, Russ Archer, William Stevenson.

Chairwoman Bavais stated the next **application** to be heard this evening is that of **Thomas Blackley** regarding the property located at 817 Ocean Road and 1130 Borden Avenue, a/k/a Block 128, Lots 48 and 49.

Mr. Montenegro swore in the following witnesses:

Thomas Edward Blackley

Christopher P. Rosati, P.E., P.P. of FWH Associates, P.A., Toms River

Mr. Rosati thanked Mr. Shea for permitted them to proceed ahead of him.

Mr. Rosati stated his client received approval from the Board to reconfigure lot lines of the two properties in July, 2024 which expires on January 31, 2025. Mr. Burns stated that because they are in an NJDOT right-of-way, there have been delays. Mr. Rosati stated they applied in August, 2024 and it took 110 days for the DOT to say they intend to approve the matter but they needed another application and additional monies. Mr. Rosati stated in light of this, they are requesting a 190-day extension but hopefully this will be resolved sooner.

Mayor Sabosik asked the Board engineer her thoughts regarding a minor subdivision approval along a right-of-way. Ms. Neumann stated she takes no exception to a 190-day or 6 month extension, stating nothing has changed and applicant is still subject to all conditions of the original Resolution.

Chairwoman Bavais opened the meeting to the public for any questions; there were no questions so she closed that portion of the meeting. Chairwoman Bavais opened the meeting to the public for any comments; there were none so she closed that portion of the meeting and turned the matter over to the Board.

A motion was made by Vice Chairman Welch and seconded by 2nd Vice Chairman McHugh to approve the Resolution.

Roll call: YEAS: Brian Welch, John McHugh, Jr., Mary Jane Bavais, Robert Sabosik, Frank Pannucci, Jim Sestito, Fred Potter, Russ Archer, William Stevenson.

Mr. Montenegro stated he prepared a Resolution in anticipation of the Board's approval for this extension.

A motion was made by Vice Chairman Welch and seconded by Mayor Sabosik to approve the Resolution.

Roll call: YEAS: Brian Welch, Robert Sabosik, Mary Jane Bavais, John McHugh, Jr., Frank Pannucci, Jim Sestito, Fred Potter, Russ Archer, William Stevenson.

Chairwoman Bavais thanked Mr. Shea for his patience and announced the third **application** to be heard this evening is that of **729 Mount Place, LLC** regarding the property located at 729 Mount Place, a/k/a Block 275, Lot 7.03.

Robert C. Shea, II, Esq., Toms River came forward.

Mr. Shea congratulated the new Board members on their appointments, as well as the other Board members.

Mr. Shea stated he represents the applicants, further stating this application stems from Board approval for a subdivision just over two years ago. Mr. Shea stated the applicants at that time, Gerald and Katherine Malanga, requested a subdivision of two lots and his client is the purchaser of the one lot. Mr. Shea further stated that as part of the Resolution at that time, it was required that any purchaser had to come before the Board for administrative approval.

Mr. Montenegro swore in the following witness:

Jason M. Marciano, P.E., P.P., East Coast Engineering, Inc., Toms River.

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

A-1 Plot Plan from East Coast Engineering, Inc. dated September 12, 2024

Mr. Marciano stated this shows new lot 7.03 which was originally part of one lot. Mr. Marciano stated the applicant desires to construct a two-story home with a garage underneath. He further detailed the proposed setbacks and coverages and stated there are two garages as well as three parking spots in the driveway. Mr. Marciano there are wood ties proposed for the east and west property lines, the property has a high water table and all of this will be submitted to the Building Department and the Borough engineer.

Ms. Neumann wanted to know if he had looked at the average front setback, and the Mayor questioned with regards to the setback, why do they propose an additional ten feet because they have 83 feet in the back and they can change that? Mr. Marciano stated yes there is and that can be changed. Ms. Neumann stated the stormwater management needs to be fully compliant with the Borough's ordinance and if it deviates, they must come back before the Board. Mr. Shea stipulated they will comply.

Mr. Montenegro asked if the proposed new home creates any new or additional variances, to which Mr. Marciano replied it does not, that it meets all the criteria. Mr. Montenegro confirmed there are 5 off-street parking spots and Mr. Marciano stated they are RSI compliant. Ms. Neumann wanted to know if all the homes on the street were set back 35 feet, indicating her notes say they were going to look at that, it is not in the ordinance but the Board can certainly ask for that. Ms. Neumann stated most of the homes are set back further.

Chairwoman Bavais asked the Board how they feel about that. Mr. Shea stated his client has no problem bringing the front back an additional eight to ten feet. Mr. McHugh stated the other houses vary but they all appear to be set back. Ms. Neumann observed if they back to 43 feet, that is an additional 8 feet. Mayor Sabosik added that is good in case someone is driving a pick-up truck.

Mr. Montenegro swore in the following witness:

Dario L. Pasquariello, R.A., A.I.A., Dario Architecture & Design, Beachwood.

Mr. Pasquariello stated he is a licensed architect in New Jersey, New York and Pennsylvania.

Mr. Pasquariello stated he has designed an elevated home with a garage underneath, it contains four bedrooms, has four and one-half bathrooms, it has coastal charm and fits all the criteria for the zone. Mr. Pasquariello stated the lower level has storage and the garage, the main floor living area is next, and the next level contains three bedrooms

including the master bedroom with porch space in the front. Mr. Pasquariello stated the home is 3,400 square feet and indicated the mechanicals will be elevated.

Mr. Welch asked where the condensers will be located, to which Mr. Pasquariello stated they will be in the left rear. Mr. McHugh wanted to know how close they will be to the property next door, to which Mr. Pasquariello replied there is a five foot setback on the left side which is an eight foot setback. Ms. Neumann stated they are raised and shown at 13 so call it just under five. Mr. Pasquariello stated they are eight feet off the ground. Mr. McHugh stated he is trying to see what the neighbor will see. Mr. Welch stated they need to take the neighbor into account and check to see where their windows are located.

Mr. Stevenson said the plans show an elevator and he wanted to know if it was pneumatic or hydraulic. Mr. Pasquariello stated it is electric. Mr. Stevenson asked if there would be a back-up generator for it, to which Mr. Pasquariello replied not at this time.

Chairwoman Bavais opened the meeting to the public for any questions. Mr. Montenegro added the questions are for these witnesses only. The following persons came forward:

Michelle and Neil Williams, 727 Mount Place

There were no additional questions, so Chairwoman Bavais closed that portion of the meeting. Chairwoman Bavais opened the meeting to the public for any comments. The following persons came forward:

Michelle and Neil Williams, 727 Mount Place

Mr. Montenegro marked the following items into evidence:

- O-1 Aerial view of Mount Place
- O-2 Colored picture of an aerial view of Mount Place
- O-3 Colored photo of the house and evergreen trees
- O-4 Another colored photo of the house and evergreen trees
- O-5 Another aerial view of the property

The applicant agreed to keeping the hedgerow of trees abutting the properties to remain until the property is sold, and stated they will have to comply with the town requirements. Chairwoman Bavais stated these trees about the neighbor's property.

Mr. Pannucci wanted to know the average setbacks of the other homes in the vicinity. Ms. Neumann stated that was not addressed as it was fully compliant. Mr. Montenegro stated they needed a variance for the lot width. Mr. Pannucci wanted to know if they could "ballpark" the neighbor's setbacks using Google Earth. Mr. Shea stated 70 feet was thrown around a lot this evening, it is currently at 43 feet and applicant has agreed

to add an additional 8 feet. Mr. Marciano stated if you look from the street line, it is 56 feet from the curb to the proposed house and the house will be 56 feet from the curb.

Mr. Montenegro stated the applicant originally proposed 35 feet , they are 48 feet from the curb line and have agreed to push it back another 8 feet which brings it to 56 feet. Mr. Pannucci stated if the average houses on the street are 60 feet, he suggested they move it to 60 feet from the curb. Mr. Montenegro stated that right now we are talking about where the other houses are, but if they sell the house tomorrow and the new owner takes down and rebuilds, it can be 25 feet and make the new house fully conforming.

Mayor Sabosik stated with regards to the hedgerow of trees, he looked at the pictures and applicant's engineer and our engineer can come up with a plan for the trees, adding some good points were brought up and the applicant has made some concessions.

Chairwoman Bavais asked if there were any additional comments from the public; there were none so she closed that portion of the meeting.

Mr. Montenegro stated there are three conditions for the Resolution, and they are that applicant must comply with the Borough's tree ordinance, applicant will modify the plan to slide back so they are 60 feet from the curb line, and the plot must comply with the ordinance as to stormwater management.

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

Roll call: YEAS: Fred Potter, Mary Jane Bavais, Brian Welch, John McHugh, Jr., Robert Sabosik, Frank Pannucci, Jim Sestito, Russ Archer, William Stevenson.

Mr. Montenegro stated he prepared a Resolution in anticipation of the Board's approval for this extension which will be updated to include the new conditions.

A motion was made by Mr. Pannucci and seconded by Mayor Sabosik to approve the Resolution, as amended.

Roll call: YEAS: Frank Pannucci, Robert Sabosik, Mary Jane Bavais, Brian Welch, John McHugh, Jr., Jim Sestito, Fred Potter, Russ Archer, William Stevenson.

Exempt Site Plan Committee

Mr. Potter read his reports into the record from December 17, 2024 and January 21, 2025.

Environmental Committee

Mr. Potter read his January 14, 2025 report into the record.

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 Mr. Potter and seconded by Vice Chairman Welch. All were in favor.

Respectfully submitted,

Claire S. Hense