

POINT PLEASANT PLANNING BOARD
April 24, 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, Vice Chair Welch, Mayor Sabosik, Mr. Pannucci, Mr. Sestito, Mr. Potter, Mr. Archer, Mr. Stevenson
Attorney: Ben Montenegro, Esq., Engineer: Laura J. Neumann, P.E., P.P., Board Secretary: Claire Hense
Absent: Messrs. McHugh and Furmato

The March 27, 2025 **Minutes** were approved on a motion by Mr. Potter and seconded by Mr. Stevenson; all were in favor.

Chairwoman Bavais stated the Board has two **Resolutions** for review this evening, the first being that of AEM Revocable Trust c/o Matuschat regarding property located at 650 Delaware Avenue, a/k/a Block 142, Lot 10.

A motion was made by Vice Chairman Welch and seconded by Mr. Potter to approve the Resolution. Roll call: YEAS: Brian Welch, Fred Potter, Mary Jane Bavais, Robert Sabosik, Frank Pannucci, Jim Sestito, William Stevenson. NAYS: Russ Archer

Chairwoman Bavais stated the second **Resolution** is that of INF Associates for Weisleder, Inc., c/o All American Ford regarding property located at 3306 Bridge Avenue a/k/a Block 96, Lot 1.

A motion was made by Vice Chairman Welch and seconded by Mr. Stevenson to approve the Resolution. Roll call: YEAS: Brian Welch, William Stevenson, Robert Sabosik, Frank Pannucci, Jim Sestito, Fred Potter, Russ Archer. ABSTAINING: Mary Jane Bavais

New Business

Chairwoman Bavais stated William T. Gage, Esq., Bay Head, is here on behalf of **Ernest F. Keer, V** regarding property located at 830 Old Farm Road a/k/a Block 145.02, Lots 11 and 14.

William T. Gage, Esq. came forward and stated he represents Ernest F. Keer, V, the contract purchaser of the property located at 830 Old Farm Road. Mr. Gage stated he provided notice to the public on the offhand chance the Board engineer would deem this

subdivision application complete in time for tonight's meeting. Mr. Gage requested this matter be carried to the Board's next meeting on May 22, 2025 without further notice.

Mayor Sabosik stated that if this matter cannot be heard at the Board's next meeting on May 22, 2025, he would like Mr. Gage to re-notify everyone on the 200 foot list and advertise it in the newspaper again. Mr. Montenegro asked if there was anyone in the audience in attendance for this particular matter; one gentleman raised his hand. Mr. Montenegro informed him he would get no further notice in the mail for next month's meeting.

A motion was made by Mayor Sabosik with the caveat about re-noticing if not heard next month, seconded by Mr. Potter, to carry this matter to the Board's next meeting date on May 22, 2025 without further notice. Roll call: YEAS: Robert Sabosik, Fred Potter, Mary Jane Bavais, Brian Welch, Frank Pannucci, Jim Sestito, Russ Archer, William Stevenson.

Chairwoman Bavais stated the Board has several **applications** to be heard this evening, the first being that of **TFM Builders, LLC** regarding the property located at 209 Hall Avenue, a/k/a Block 29, Lot 12.

Mr. Potter and Mr. Stevenson recused themselves.

Adam J. Steuerman, Esq., member of the firm of Sinn, Cantoli, Bogan & Steuerman, P.C., Point Pleasant Beach, came forward.

Mr. Steuerman stated he is here on behalf of the applicant TFM Builders, LLC (comprised of Thomas and Aaron McLaughlin), who is the contract purchaser of the property located at 209 Hall Avenue. Mr. Steuerman stated the property is 100 feet wide by 150 feet deep and located in the R1-A zone, and his client is seeking approval to subdivide the property. Mr. Steuerman stated his client will construct one house on each lot, each of which would be conforming, and they are seeking two variances, one for frontage of 50 feet for each lot, and the other for 2.5 stories as reflected on the plans, whereas only 2 stories are permitted in the zone.

Mr. Montenegro swore in the following witness:

Kevin Shelly, P.E., owner of Shore Point Engineering, Wall Township

Mr. Shelly stated he prepared the subdivision plan for two new homes so each will be on 7,500 square foot lots, with both of them being 50 x 150. Mr. Shelly stated they meet the RSIS parking requirements, the air conditioning units will be located behind each property, and they are not asking for a variance for the 1/2 story, just for 2 stories. Mr. Shelly stated these homes will conform with others in the neighborhood. Mr. Kelly stated they are requesting a design waiver for the curbs and sidewalks, and will contribute to the Pedestrian Safety Sidewalk Fund.

Mr. Shelly stated they would like a design waiver for the location of the recharge systems in the front yards, offered that the subdivision plan will be filed by map, they have no issues with anything else required per the Board engineer's letter, and they will comply with everything.

Mayor Sabosik wanted to know if they plan to remove the trees currently located in the rear of the property, to which Mr. Shelly responded the trees along the back of the property line will stay. Mr. Welch wanted to know if Mr. Shelly and the applicant were aware of the new tree ordinance which provides that any trees that come own will be replaced. Mr. Montenegro stated he will have that in the Resolution. Chairwoman Bavais asked if the applicant will be installing new fencing, to which Mr. Shelly responded that the existing fencing will remain and any needing replacement will be replaced.

Mayor Sabosik stated the trees are 20 feet in, and there are a lot in the back. Mr. Shelly stated the trees at 20 feet will remain. Mayor Sabosik wanted to know if the applicant figured out what the cost would be to install sidewalks, to which Mr. Shelly stated the applicant will comply. Mr. Steurman added that the house next door has trees sporadically throughout the yard and applicant will make theirs more uniform. Mayor Sabosik stated the new ordinance is pretty strict regarding the size and number of trees and if they are not diseased, they are to remain. Ms. Neumann recommended a tree and replacement plan before the maps are signed and filed, and stated the preference is to plant on site. Mr. Shelly stated applicant will provide a supplemental plan and that is not a problem. Ms. Neumann asked if Mr. Shelly is a planner, to which Mr. Shelly responded he is not a planner, he is an engineer.

Chairwoman Bavais asked if any Board members had additional questions of the witness. Chairwoman Bavais asked if there was any area to park in front of the house, to which Mr. Shelly responded in the affirmative. Mayor Sabosik stated the road is approximately 60 feet wide. Mr. Montenegro asked for the location of the mechanicals, to which Mr. Shelly responded they will be behind the houses. Chairwoman Bavais asked if they will have any screening, to which Mr. Shelly responded they will not.

Chairwoman Bavais stated these are two different houses, to which Mr. Archer stated he disagrees as they look the same to him. Chairwoman Bavais stated the roof lines look different. Ms. Neumann stated we should hear from the architect.

Mr. Montenegro swore in the following witness:

Brian Berzinskis, R.A., owner of Grasso Design Group, Manasquan.

Mr. Berzinskis stated he prepared the proposed architectural plans which are displayed on the board for presentation. Mr. Berzinskis gave a brief overview of the design and mentioned the attic does not have a ton of height or space, and mentioned there would be no walk-up attics, they are now proposed to be just two story homes. Mayor Sabosik asked the height for the basements. Mr. Berzinskis stated they are 7.8'.

Mr. Berzinskis stated that with regards to the aesthetic features, the houses have varying roof lines in that one has a gable peak and the other has a peak from the left to the right with gable peaks, and added both are very good projects and are custom builds. Mayor Sabosik added there is a change to the front doors and garage doors, and then asked about the attics. Mr. Berzinskis stated they are just attics with pull-down stairs so there is no walk-up for either.

Mayor Sabosik asked what the water table is at the site. Mr. Shelly stated it is 12 feet deep. Mayor Sabosik asked about a recharge system in front of the houses and Chairwoman Bavais wanted to know why the front of the houses. Mr. Shelly stated they are attempting to put them into the front in case the future homeowners want to install pools so it does not impact the rear yards. Mr. Archer wanted to know the depth from the garage to the street because he wanted to know if a car could fit in the driveway, to which Mr. Shelly responded yes, they could be parked side by side. Ms. Neumann stated she had no comments other than her concern with the tree removal, stating the applicant is asking for two variances and she had no issue with the proposal.

Chairwoman Bavais opened the meeting to the public for any questions of the witnesses.

Mr. Montenegro swore in the following:

Mike Pisani, 208 Maxson Avenue

Gary Schnakenberg, 211 Osborn Avenue

Beau Huch, 212 Hall Avenue

Chairwoman Bavais brought the meeting back to the Board.

Mayor Sabosik stated that since one person mentioned some of the fencing is damaged, he wanted to know if the applicant had any objection to installing new fencing. Mr. Steuerman said some of the fencing may be the neighbor's to the right so applicant will coordinate with the neighbor to replace the fencing.

Mr. Montenegro went over the conditions for the Resolution. Chairwoman Bavais said the contract purchasers of each home should return to the Board. Vice Chairman Welch said he would rescind his approval unless the contract purchaser of each home comes back to the Board if they want to install a pool. Both Ms. Neumann and Mr. Montenegro stated those were not typical conditions for a subdivision. Mr. Steuerman stated that would be overly burdensome for any owner. Mayor Sabosik stated with the cost of properties now, the cost is inconsequential. Chairwoman Bavais stated the applicant is asking for a variance and mentioned it is a long lot. Mr. Montenegro stated a condition for the rear yard improvements is the homeowner would have to return to the Board for administrative approval assuming no new variances are required. Mr. Steuerman said that sounded fair. Mayor Sabosik stated he likes that the applicant is willing to comply with the ordinance and give up the third floor.

Chairwoman Bavais brought the matter back to the Board.

Mr. Steuerman asked for a caveat for the fencing so applicant does not have to do. Ms. Neumann stated the fencing should be shown on the plan.

A motion was made by Vice Chairman Welch to approve the application, and seconded by Mr. Sestito. Roll call: YEAS: Brian Welch, Jim Sestito, Mary Jane Bavais, Robert Sabosik, Frank Pannucci, Russ Archer

Chairwoman Bavais announced the Board would take a 5 minute break.

When the meeting reconvened, Chairwoman Bavais stated the next application on tonight's agenda is that of **Miriam Kelly** regarding the property located at 913 Atlantic Avenue, a/k/a Block 29, Lot 13.

Michael D. Henderson, Esq., member of the firm Henderson & Henderson, P.C., Manasquan came forward.

Mr. Henderson stated he represents the applicant whose property is located in the R1A zone. Mr. Henderson stated they appeared before the Board approximately one year ago for minor subdivision approval, adding they have two different Resolutions. Mayor Sabosik stated they had 180 days in April, 2024. Mr. Henderson stated the applicant perfected the subdivision and filed the map, and she is now seeking an extension to the variance for relief.

Mr. Henderson stated Lot 13.01 contains a pre-existing dwelling and applicant obtained Resolution compliance but needed County road approval. Mr. Henderson stated his client intends to construct a new home per her plans at the last meeting, she plans to construct her home on Lot 13.02 and she has a prospective purchaser for the existing home on Lot 13.01. Mr. Montenegro stated this is an application for an extension of reapproval of a variance, and our ordinance states a variance lapses if construction is not started within one (1) year of the approval.

Mayor Sabosik questioned what the applicant is selling, and what she is keeping. Mr. Henderson stated she is selling lot 13.01 and stated the Board said she could move the garage on Lot 13.02 to Lot 13.01, to which the prospective buyer agreed to during the attorney review. Chairwoman Bavais wanted to know when applicant anticipates starting her construction, to which Mr. Henderson stated within the next year – 365 days from now. Mr. Henderson said the applicant would like to ask for two years because if the current deal goes south, she will have to go back on the market. Mr. Henderson added that out of an abundance of caution, applicant cannot commence construction until the garage is moved.

Vice Chairman Welch stated what applicant is seeking will be 4 years from the date of the original approval, which is ridiculous. Mr. Montenegro stated if the Board is inclined to extend it one year, it would not preclude the applicant from coming back to the Board if the deal falls through. Mayor Sabosik stated applicant keeps asking the town for an extension and is presenting negatives.

Mr. Montenegro swore in the following witness:

Miriam Kelly

Ms. Kelly stated the plot plan was filed in August, 2024 and as it is on a County line, the County wanted additional documents, explaining it was just circumstances which impeded everything. Ms. Kelly stated it took her over one year to sell this house. She indicated the purchaser does want the garage and will move it. She stated she really wants to build this house, and that she has been trying to get a builder and the cost of materials is so high right now due to the tariffs. Mayor Sabosik stated she has not been dealing with tariffs all this time, and asked Ms. Kelly how long ago she received County approval. Ms. Kelly stated she wasn't sure. Chairwoman Bavais stated applicant has a contract on the house so that is good. Ms. Kelly said she already moved out of the house. Mayor Sabosik asked the applicant to come back in six months to give the Board a status report. Mr. Henderson said they will agree to one year. Mayor Sabosik stated he is uncomfortable with one year, and stated the zoning runs out on May 1, 2025. Vice Chairman Welch stated applicant is coming in at the last minute asking for an extension.

Ms. Kelly stated three months ago she did not have a buyer. Mayor Sabosik stated he understands applicant is upset, but the Board has a job to do and did give approval to her. He then requested how long it took for the County to approve, possibly 180 days?

Ms. Neumann stated the Board seems more comfortable with that and she recommended six months and if and when applicant needs six more months, she can document the timeline and everything involved. Mayor Sabosik stated that yes, the Board wants documentation; Chairwoman Bavais agreed and said the applicant can come back in six months.

Mr. Montenegro told applicant if she sells in May, she could start construction within six months and may not need to return to the Board. Ms. Kelly said the engineer will take 1.5 months just to do the garage. Mayor Sabosik asked Ms. Kelly when her prospective buyer entered into a contract with her, to which Mr. Henderson responded probably about 3 weeks ago. Ms. Neumann stated the Board feels comfortable with six months and reiterated that is her recommendation.

Mr. Pannucci asked if the potential purchaser of the property potentially put up money with an engineer in order to move the garage, to which Ms. Kelly responded "yes". Ms. Neumann stated 2 separate lots have been created and if it lapses, applicant would come back before the Board for her lot. Vice Chairman Welch stated it is the applicant's responsibility, that the garage should have been removed by now, and he is willing to give her a six month extension, adding that the lot should have been empty by now.

Chairwoman Bavais polled the Board. Thereafter, a motion was made by Vice Chairman Welch to approve the application, and seconded by Mayor Sabosik. Roll call: YEAS: Brian Welch, Robert Sabosik, Mary Jane Bavais, Frank Pannucci, Jim Sestito, Fred Potter, Russ Archer, William Stevenson.

Chairwoman Bavais stated the Board the next **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., principal of the JJJ Law Firm, Manasquan, came forward.

Mr. Jackson stated he is here on behalf of the applicant for an administrative change. Mr. Jackson stated the applicant went to the County after Board approval, and the County indicated they wanted a five foot dedication. Mr. Jackson stated that the applicant has a filed subdivision, and the Borough's Zoning Officer advised him he needs to return to the Board for the changes.

Mr. Montenegro swore in the following witness:

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

Mr. Bobowski stated the original home plans were wider and shallower, that he changed the corner lot in size by 5 feet due to the County request. Mr. Bobowski stated the square footage was originally 2,938 feet and the new square footage is almost 3,300 feet. Mr. Bobowski stated the footprint is almost exactly the same, that the footprint is less but the square footage is more. Mr. Bobowski added that the new model is smaller on the first floor and larger on the second floor.

Mr. Montenegro stated the square footage on the interior footprint is what matters. Mayor Sabosik wanted to know if the second proposed home is still at 2,900 square feet, to which Mr. Bobowski responded "yes". Mr. Stevenson asked where he picked up 300 square feet. Mr. Bobowski stated he was not required to notice. Ms. Neumann stated that so long as this is a fully conforming subdivision, applicant was not required to notice. Mr. Jackson stated that the applicant meets all the requirements. Mayor Sabosik asked where it now stands with the tree ordinance. Ms. Neumann stated the number of replacements required was 20, that applicant agreed to 16 and will contribute to the tree fund, adding it is not an 8 and 8 split with the lots. Mr. Bobowski stated he thought he had the answer regarding the 300 square feet he picked up, and he asked Mr. Jackson to bring up the plans on the television monitor. Mr. Bobowski stated he will go to 500 feet in the attic.

Returning to the matter with the trees, Mr. Bobowski stated he will be replacing the trees using the list, but they need to survive and unfortunately there is a lot of shade due to the neighbor's mature trees. Mr. Bobowski stated he will walk through when the time comes, and asked why plant if they will die? Mr. Bobowski stated there is a lot more sun on the corner lot, and he will work with the engineer. Mr. Potter wanted to know how many trees were removed, to which Mr. Bobowski replied he believes they removed eight large trees but asked not to be held to that as it was a year ago. Mr. Potter then asked where the trees get planted when the money goes into the tree fund. Mayor Sabosik stated they are planted on Borough (public) property.

Chairwoman Bavais asked if any one had any questions of the witnesses; there were none and Chairwoman Bavais asked the record to reflect there was no one from the public in the audience. She then asked if the Board had any additional questions; there were none. Mr. Montenegro went over the conditions. Mr. Bobowski asked if the tree plan had been approved yet by Ms. Neumann, the Board engineer.

A motion was made by Mr. Pannucci and seconded by Mr. Potter to approve the application with the conditions discussed. Roll call: YEAS: Frank Pannucci, Fred Potter, Mary Jane Bavais, Brian Welch, Robert Sabosik, Jim Sestito, Russ Archer, William Stevenson.

Exempt Site Plan Committee

Mr. Potter stated there was no meeting.

Environmental Committee

Mr. Potter did not read his report dated April 15, 2025 into the record. Mr. Potter reminded everyone Earth Day is this coming Saturday with a rain date of Sunday. Chairwoman Bavais added it had already been rescheduled to Sunday, April 27, 2025.

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

The meeting **adjourned** on a motion by Mr. Archer and seconded by Vice Chairman Welch. All were in favor.

Respectfully submitted,

Claire S. Hense