

POINT PLEASANT PLANNING BOARD
March 27, 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, Vice Chair McHugh, Mayor Sabosik, Mr. Pannucci, Mr. Sestito, Mr. Potter, Mr. Archer, Mr. Stevenson
Attorney: Ben Montenegro, Esq., Engineer: Ryan MacNeill, P.E., Board Secretary: Claire Hense
Absent: Mr. Furmato

The January 23, 2025 **Minutes** were approved on a motion by Mr. Potter and seconded by Mayor Sabosik; all were in favor.

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

New Business

Chairwoman Bavais stated the Board has several **applications** to be heard this evening, the first being that of **Christopher & Danielle M. Schlegel** regarding the properties located at 836 Arnold Avenue and 511 Riverwood Park, a/k/a Block 113, Lots 36 and 48.

David J. Burns, Jr., Esq., of the JJJ Law Firm, Manasquan came forward.

Mr. Burns stated he is here on behalf of the applicants who previously received approval from this Board in June, 2024, the Resolution of which was memorialized in July, 2024, to reconfigure the lots. Mr. Burns stated the applicants are requesting a 190 day extension for two reasons, one being because they were delayed as the County was requiring a right-of-way dedication from the owner of the adjacent lot property, the owner had a mortgage and therefore they had to get a mortgage dedication.

Mayor Sabosik asked in addition to the approval from the Ocean County Planning Board, what was the second reason as to why they were delayed. Mr. Schlegel stated they needed five (5') feet of frontage from the neighbor/seller. Mayor Sabosik stated the County approved the matter at the end of October/beginning of November, 2024. Mr. Burns stated the other party was located in Maryland and it took a lot of back and forth before that was settled. Mayor Sabosik wanted to know the reason as to why they were requesting 190 days. Mr. Montenegro stated they requested 60 days in their letter, to which Mr. Schlegel stated he was ok with sixty days.

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

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

A motion was made by Mr. Welch and seconded by Chairwoman Bavais to approve the Resolution. Roll call: YEAS: Brian Welch, Mary Jane Bavais, John McHugh, Jr., Robert Sabosik, 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 **Art Matuschat, c/o AEM Revocable Trust** regarding the property located at 650 Delaware Avenue, a/k/a Block 142, Lot 10.

David J. Burns, Jr., Esq. of the JJJ Law Firm, Manasquan, came forward.

Mr. Burns stated he is here on behalf of the applicant who received a minor subdivision for the property on March 23, 2023. Mr. Burns stated there was a neighbor who filed an objection, which matter was settled on March 28, 2024. Mr. Burns stated one of the conditions of approval was the demolition of the existing property where the applicant resides. Mr. Burns added the applicant will post a bond until he can re-locate as he ran out of time to file his map and is seeking an extension for same. Mr. Burns stated his mylar maps are ready for the Board and he is requesting the usual 190 days for said extension.

Mayor Sabosik stated the Board is trying to work with everyone and move these along. Mr. Burns stated his client will post a bond in lieu of removal of the house right now. Mr. Matuschat stated he had a bad fire with liability upon a refrigerator manufacturer at another of his properties. He stated he had to upgrade the entire building which created a strain on his tenants and the businesses at the location. Mr. Matuschat further stated this project was a "big mess" for him and that it really was a tough year. Mr. Matuschat added he intends to file the mylars as soon as the Board approves this matter.

Mr. Welch stated he is not willing to give him another 190 days because the applicant has since had one year since he is out of the lawsuit within which to do something. Mayor Sabosik asked Mr. Matuschat if he wants to live in the existing home. Mr. Montenegro stated that is if there is a bond in place. Mr. Matuschat stated he intends to build two houses, sell the one and reside in the other. Mr. Montenegro asked applicant how soon the house would be coming down. Mr. Matuschat stated he intends to construct both houses at the same time and will submit the permits right away. Mr. Montenegro stated for the purposes of an extension to file the map and post the bond, sixty (60) days is more than adequate although a special provision could be given of 120 to 150 days. Mayor Sabosik stated 90 to 120 days. Chairwoman Bavais stated 60 days to file all.

Mr. Matuschat stated he would like to go through the summer, get his kids off to college and then start the project. Mayor Sabosik stated he received the approval two years ago, and the lawsuit was one year ago, and he wanted to know why Mr. Matuschat has not done any of the paperwork for this property. Mr. Matuschat stated he will start preparing for cut-offs, etc. in August, 2025. Mayor Sabosik told applicant he has done nothing with regards to the house in the past, and stated he is uncomfortable giving applicant until August. Mayor Sabosik stated this has been a touchy situation with the neighborhood and stated he has received calls about it.

Mr. Matuschat stated he had a tough time with the neighbors with the lawsuit, as well as with his property up north with the fire and with a lawsuit, and stated he has rental properties he can go to, that he can move out right after Labor Day and start with the cut-offs for the demolition. Mr. Matuschat further stated he has a lot of furniture and he has his kids.

Mr. Stevenson asked him if he currently resides in the house, to which Mr. Matuschat stated he does and also his kids. Mayor Sabosik asked the ages of the children, to which Mr. Matuschat replied they are 21 and 19, and indicated he can “hit the ground running” if granted this extension.

Mr. Welch stated waiting until September is too long, and pointed out applicant settled his lawsuit one year ago and he could have come to the Board before this. Mayor Sabosik concurred and said the case ended one year ago and since then, nothing. Mr. Matuschat stated there was some ignorance on his part, that he has never had an approval and not moved ahead right away. Mr. Welch asked Mr. Matuschat if he was asking for personal use to use his house as it has been a very long time and the Board typically does not give that long of an extension. Mr. Matuschat stated he wants to have two houses at once, indicating there is nothing like fighting with an insurance company and having a Whispering Woods hearing.

Mayor Sabosik stated it seems like the town is at the end, further stating the end of the lawsuit was in March, 2024 and adding that he has received calls from people. Mr. Matuschat stated if something happens then he could understand if the town says no at that time. Mr. Burns requested a 5 minute break.

When the hearing resumed, Mr. Burns stated if the Board is requesting the house be demolished in that time frame, the earliest his client can do it is in August for the demolition and be ready to build, further stating the applicant does not want to displace his children – that he cannot do. Mayor Sabosik stated the Board gives conditions to the applicant.

Mr. Matuschat stated he will put up a bond to guarantee the house is demolished, that it can be used for the demolition, and he asked the Board to please consider his family and what he has gone through in the past two years. Mr. Matuschat stated he has made a significant amount of concessions with the Board and with his neighbor, adding he is very appreciative of the Board, but he dropped the ball. Mr. Welch stated he could have

come to the Board three months ago, to which Mr. Matuschat stated he does not know why it was this way. Mayor Sabosik asked the applicant when he obtained the mylars, to which he responded he received them two weeks ago. Mayor Sabosik asked Mr. Montenegro if the applicant loses the subdivision if he does not get an extension of time to file the map. Mr. Matuschat stated he completely understands he dropped the ball – that he was counting on it to be right. Mr. Matuschat stated he is asking for some grace from the Board, adding that at the end there will be two beautiful houses.

Mr. Welch stated applicant has had the time. Chairwoman Bavais stated we are willing to give an extension and work with the applicant, but there is a give and take, and reminded applicant the Board was talking about 120 days. Mayor Sabosik stated 90 to 120 days would be his vote. Mr. Matuschat stated he cannot displace his children with the year they have had and stated he was begging for the extension. Chairwoman Bavais asked applicant if he will have his bond in 60 days, as that will be a condition of approval. Mr. Matuschat stated the house will come down in 190 days. Mayor Sabosik stated they are looking awt the end of August which is 150 days from today. Mr. Montenegro stated someone can make a motion to demo the house on or before September 1, 2025 and applicant has 60 days to post the bond and file the map.

Mr. Burns requested a 5 minute break.

When the meeting resumed, Mayor Sabosik asked the applicant whether or not he owns any apartments in town. Mr. Matuschat replied yes, at 606 Ocean Avenue. Mayor Sabosik asked him how many apartments are in that building, to which the applicant replied there are three.

Mr. Montenegro reiterated the proposed motion, and stated the bond is for the total of the project. Mayor Sabosik stated he is voting to grant this only because of the applicant's children.

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

Chairwoman Bavais stated the Board the next **application** to be heard this evening is that of **Gerald and Katherine Malanga** regarding the property located at 731 Mount Place, a/k/a Block 275, Lot 7.02.

Christopher J. LaMonica, Esq., Brick, came forward.

Mr. LaMonica stated he is here on behalf of his clients, Gerald and Katherine Malanga, who are seeking administrative approval for the home they wish to construct, further indicating that they previously received subdivision approval in October, 2022 under Resolution No. 2022-10. Mr. LaMonica stated they have sold the adjacent lot.

Mr. Montenegro swore in the following witness:

Bruce A. Jacobs, P.E., P.P., Gravatt Consulting Group, Inc., Forked River

Mr. Jacobs described the Plot Plan based upon the approved minor subdivision in October, 2022. Mr. Jacobs stated one of the conditions of approval is applicants were required to return to the Board. Mr. Jacobs stated the proposed home is fully conforming per the original Board approval as the Board members can see from the architectural submitted.

Chairwoman Bavais stated it was a very nice design. Mayor Sabosik stated it is a beautiful home and they are great plans. Chairwoman Bavais opened the matter to the public for comments or questions, there were none so she brought it back to the Board for a motion.

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

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

A motion was made by Mayor Sabosik and seconded by Brian Welch to approve the Resolution. Roll call: YEAS: Robert Sabosik, Brian Welch, Mary Jane Bavais, John McHugh, Jr., 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 **1117 Sampson, LLC** regarding the property located at 1117 Sampson Place, a/k/a Block 112, Lot 7.03.

Mr. Montenegro swore in the following witness:

Patrick R. Ward, P.E., P.P., principal in InSite Engineering, LLC, Manasquan

Mr. Ward stated the subject property was a minor subdivision creating two lots, and that the Resolution reads any deviation has to be resubmitted. Mr. Ward stated the house is the same and in the back yard, there is an inground pool and pavers. Mr. Ward stated this was approved for an at grade wooden deck and in speaking with the Board's engineer, Ms. Neumann said this should be submitted to the Board because applicant does not want to construct the at-grade wooden deck, and in lieu thereof, wants a patio. Mr. Ward added there is less hardscape overall indicating the pool equipment is installed on the east side of the property, and the driveway entrance off of Sampson Place is a little larger because the street is small. Mr. Ward stated the impervious coverage is up a little bit.

Mr. MacNeill stated his office offers no comments on the plan revision.

Chairwoman Bavais opened the meeting to the public for any questions or comments; there were none so she brought the matter back to the Board.

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

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

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

Chairwoman Bavais stated the last **application** to be heard this evening is that of **INF Associates for Weisleder, Inc. c/o All American Ford** regarding the property located at 3306 Bridge Avenue, a/k/a Block 96, Lot 1.

Victoria D. Britton, Esq., of Price, Meese, Shulman & D'Arminio, P.C., Morristown, came forward.

Ms. Britton stated she is here on behalf of the applicant who seeks approval to install six (6) EV charging stations on the property.

Mr. Montenegro swore in the following witness:

Michael Connors, P.E., in the state of New Jersey.

Mr. Connors stated they seek approval for four level 2 electrical vehicle chargers and two level 3 chargers which are fast charging, for a total of 6 chargers on the property.

Mr. Montenegro swore in the following witness:

Daniel Lindsay, who stated he is the sales manager for the entire auto group.

Mayor Sabosik wanted to know if this is part of a mandate from Ford Motor Company, to which Mr. Lindsay responded in the affirmative. Vice Chair Welch wanted to know if they were all going into the same area, to which Mr. Lindsay responded yes, they were going into the back. Mr. Montenegro confirmed two are fast chargers. Mr. Potter wanted to know if they were strictly for the use of the dealer or if they were for public usage. Mr. Lindsay stated they are for both. Mr. Lindsay stated the current "Ford" sign was custom made and it blew off due to high winds but they have ordered a new one.

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

A motion was made by Mayor Sabosik and seconded by Vice Chair Welch to approve the application. Roll call: YEAS: Robert Sabosik, Brian Welch, John McHugh, Jr., Frank Pannucci, Jim Sestito, Russ Archer, William Stevenson.

Chairwoman Bavais stated the Board has been asked to review the proposed updated **Municipal Stormwater Management Plan**.

Mr. MacNeill stated Ocean County has reviewed and conditionally approved the Plan, and the Board would be approving the Municipal Stormwater Management Plan which is one of the County's conditions and is an administrative sign-off.

Mr. Pannucci wanted to know if there were any changes, to which Mr. MacNeill stated there were not. Mr. Pannucci stated the stormwater gets reviewed, and this all falls under Tier 1 Stormwater Discharge. Mr. MacNeill stated once adopted, it needs to be posted to the website and the Borough needs to notify the DEP, to which Mr. Pannucci stated he would make sure the person who needs to do that will do so.

Chairwoman Bavais stated she had a meeting with the new Fire Marshal and stated the Board secretary needs to send Chief Fire Marshal Dennis Allen a hard copy set of plans for anything involving the County as they are now dealing with engineers. Chairwoman Bavais stated it should come from the Board and they will review it with us in mind, and we need to ask them to give their recommendations.

Mr. Montenegro wanted to know if this applies to every site plan application, to which Chairwoman Bavais stated it applies to anything. They would like input as well but are more concerned with commercial, condominiums or multi-family buildings.

Exempt Site Plan Committee

Mr. Potter stated there was no meeting.

Environmental Committee

Mr. Potter read his report dated March 18, 2025 into the record, and stated the next meeting is April 26, 2025.

Vice Chairman Welch stated he wanted to thank the Mayor and Council for adopting the Project Labor Agreement (PLA) for the town.

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

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

Respectfully submitted,

Claire S. Hense