

POINT PLEASANT PLANNING BOARD
May 22, 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, Councilman Furmato, Mr. Pannucci, Mr. Sestito, Mr. Potter, Mr. Stevenson
Attorney: Ben Montenegro, Esq., Engineer: Laura J. Neumann, P.E., P.P.
Absent: Mr. Archer

Approval of Minutes

Motion: Made by Mr. Welch, seconded by Mr. Stevenson, to approve the minutes from the meeting of April 24, 2025. The motion passed.

Resolutions

The board considered the following resolutions for memorialization:

- **Resolution 2025-13:** An application for a minor subdivision at Block 29, Lot 12 (209 Hall Avenue) by applicant TFM Contracting LLC, which was previously approved.
- **Resolution 2025-14:** An application for an administrative approval and extension of a prior approval at Block 115, Lot 13.2 (913 Atlantic Avenue) by applicant Miriam Kelly, which was previously approved.
- **Resolution 2025-15:** An application for an administrative approval at Block 160, Lot 5 (1035 Old Farm Road) by applicant ACI Contracting LLC, which was previously approved.

Motion: A motion was made and seconded to accept Resolution 2025-13. The motion passed

Motion: A motion was made and seconded to accept Resolution 2025-14. The motion passed.

Motion: A motion was made and seconded to accept Resolution 2025-15. The motion passed.

Old Business: Preliminary and Final Site Plan, Block 123, Lots 10 & 12

The board continued the hearing for a preliminary and final site plan for the property at 1039 and 1029 Ocean Road, applicant **Point Pleasant Properties, LLC**. Mr. Montenegro confirmed that all board members present had listened to recordings of prior meetings and were eligible to vote. The following items were marked as exhibits:

Exhibit A6 (PowerPoint presentation),
Exhibit A7 (NJDOT document dated 4-30-25), and
Exhibit A8 (Ocean County Planning Board document from 5-7-25).

The applicant's attorney, **John J. Jackson, III, Esq.**, introduced the applicant's engineer, **Joseph Kociuba, P.E., P.P.**, who remained under oath. Mr. Jackson stated that the applicant had received approvals from the Ocean County Planning Board and the New Jersey Department of Transportation (NJDOT) for the proposed entrances.

Mr. Kociuba presented the revised site plan. The northern side yard buffer was increased to five feet, an increase from the previously existing zero feet. The eastern rear buffer is proposed at five feet, where ten feet is required. The building dimensions were adjusted to be slightly wider and shorter to improve circulation, though the total square footage of 1614 remains the same. The only remaining variance requested is for the five-foot rear buffer. Mr. Kociuba stated that the plan now complies with other requirements, including front yard setback and parking stall count.

A discussion followed between the board and the applicant's team. Mayor Sabosik raised concerns about the vehicle queue, noting the plan shows eleven cars at a length of 168 inches each, while many top-selling vehicles are significantly longer. Mr. Kociuba responded that the plan uses a standard 20-foot spacing for each vehicle in the queue and the vehicle icons are representational. Mayor Sabosik also questioned the NJDOT permit condition limiting traffic to 108 peak hour trips, asking if this accounts for promotional days. The applicant's team stated the number is based on I.T.E. (Institute of Transportation Engineers) averages for the approved use and building size, not daily fluctuations. Mayor Sabosik further questioned the lack of a dedicated loading zone. Mr. Kociuba explained that for this type of use, deliveries occur off-peak, and a dedicated zone would eliminate parking stalls and be an inefficient use of impervious surface.

Board members also asked about the refuse enclosure's proximity to a turning lane, lighting, signage, and stormwater drainage, which the applicant's engineer stated would be directed into the state system. In response to questions about deliveries, Mr. Kociuba clarified that a daily donut delivery arrives in a van that fits in a standard parking stall, and a weekly delivery, which currently uses a tractor-trailer, could be changed to a box truck and would occur during off-peak hours or after hours.

The following experts also appeared on behalf of applicant, namely, **Michael Elkin, R.A.**, applicant's architect and **Scott Kennel**, traffic consultant.

Public Questions and Comment

The floor was opened for public questions to the applicant's engineer. Members of the public asked about the amount of bicycle parking, whether vehicles could enter and exit from both driveways, the date of the traffic study, the distance to nearby crosswalks, and the basis for the hardship claim. Mr. Kociuba explained the hardship claim relates to the property's irregular shape and pre-existing non-conforming

conditions, and also argued the plan meets C2 variance criteria as a "better planning" alternative. A resident questioned the engineer's experience designing similar drive-thrus in small residential towns near schools and beaches.

Following questions, the floor was opened for public comment under oath. Multiple residents spoke, raising significant concerns about public safety. Speakers stated that the intersection is already dangerous and that the proposed high-volume drive-thru would exacerbate risks for pedestrians and children, particularly given its proximity to an elementary school. Concerns were raised about increased traffic, unsafe left turns onto and off of Route 88, and potential traffic backups when the nearby bridge is open. Several speakers argued that the proposal was inconsistent with the town's small-town character and that the applicant's hardship claim was not justified when weighed against the potential negative impact on the community. One resident noted that the eastbound lane on Route 88 measures 19 feet 6 inches, which is less than the 20 feet they believed was required, potentially making it unsafe for cars to pass a vehicle waiting to turn left into the site.

Applicant's Summation

Mr. Jackson provided a summation on behalf of the applicant. He argued that a drive-thru is a permitted use in the zone and that the application should be evaluated on that basis. He stated that the NJDOT and Ocean County, the agencies with jurisdiction over traffic, have approved the access points. He asserted that the property's unique configuration creates a legal hardship under state law, and that the only variance sought is for a buffer, which has not been a point of public concern and therefore does not create a substantial detriment. Mr. Jackson concluded that the board has a duty to the applicant, who has invested in developing a plan that complies with zoning regulations, and requested the board grant the application.

Board Deliberation and Decision

The board members began deliberations. Mayor Sabosik stated that the plan represented "a little too much in a too little of a lot" and that the well-being of the neighborhood superseded the proposed improvements. Mr. Stevenson agreed, expressing concern that the circulation was too intense and the left turns were unsafe. Other board members echoed these sentiments, citing the existing dangers of the intersection and the potential for the project to worsen them. One member noted that while traffic experts may have approved the plan, their analysis is based on information paid for by the applicant.

Motion: A motion was made by Mayor Sabosik and seconded by Mr. Welch to deny the application for the preliminary and final site plan for Point Pleasant Properties, LLC.

A roll call vote was taken. The motion to deny the application passed unanimously.

Adjournment of Other Business

The Chairwoman announced that the application for a minor subdivision for applicant **Ernest F. Keer, V** (Block 145.02/Lots 11 & 14) would not be heard due to time constraints. The matter was adjourned to the June 26, 2025 meeting with the

applicant's consent. No further public notice will be required for the adjourned matter.

Exempt Site Plan Committee

Mr. Potter said there is no report this month.

Environmental Committee

Mr. Potter stated there was a report dated May 20, 2025 which was not included in the packets this evening but will be in next month's packets.

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

Adjournment

The meeting concluded.

Respectfully submitted,

Claire S. Hense