

POINT PLEASANT PLANNING BOARD
February 21, 2008

The regular meeting of the Point Pleasant Planning Board was called to order by Chairman Giordano at 7:00 p.m. Mr. Giordano read the Notice of Compliance which states that adequate notice of the meeting had been given.

Roll Call:

Present: Mr. Feltz Ms. Bavais Mr. Vitale Mr. Wills Mr. DeJong Mr. Venturi
Mayor Konkus Mr. Giordano

Mr. Maffei arrived at 7:03 p.m., Mr. Kosinski arrived at 7:05 p.m. and left the meeting at 8:45 p.m.

Absent: Mr. O'Rourke

Attorney: Ben Montenegro Engineer: Robert Forsyth Secretary: Catherine Kelly

MINUTES: Mr. Feltz made a motion to approved the minutes of January 10, 2008; seconded by Ms. Bavais. All were in favor, no one was opposed.

RESOLUTIONS:

Res. 2008-01 – Administrative Approval – Block 40 Lot 6 – 2307 Lakewood Rd., Applicant: Manasquan Savings Bank. Mr. Feltz made a motion to memorialize the resolution; seconded by Ms. Bavais. All were in favor, no one was opposed.

Res. 2008-02 – Administrative Approval – Block 176 Lot 3 – 2402 Lakewood Rd., Applicant: Linda M. Rehrer. Ms. Bavais made a motion to memorialize the resolution; seconded by Mr. Venturi. All were in favor, no one was opposed – Mr. Feltz, Mr. Vitale and Mr. Wills abstained.

Res. 2008-03 – Contract of Professional Services – Remington, Vernick & Vena (Board Engineer). Mr. Feltz made a motion to confirm the appointment; seconded by Ms. Bavais. All were in favor, no one was opposed.

Res. 2008-04 – Contract of Professional Services – Montenegro, Thompson, Montenegro & Genz (Board Attorney). Mr. Feltz made a motion to confirm the appointment; seconded by Mr. Wills. All were in favor, no one was opposed.

UNFINISHED BUSINESS:

Mr. Giordano announced that the application for amended final site plan for Block 332 Lot 14, 2506 Bridge Ave., Alex Viecegli has been carried to the meeting of 3/20/08 and no further notices will be given.

NEW BUSINESS:

Mr. Giordano stated that the application for an exempt site plan, Block 221 Lot 1 & 3, 2309 Bridge Ave., Applicant: Helen Hsu has been withdrawn.

Exempt Site Plan – Block 112 Lot 65 – 847 Arnold Ave., ,Applicant: George Truesdale (7:05 – 7:50):

Mr. Feltz stepped down from the board due to conflict.

John Jackson, attorney for the applicant, appeared before the board. Mr. Jackson stated that Clark's Landing is one of the longest standing landmarks in the Borough. He explained there is currently a restaurant and marina. The applicant is seeking to have catering in the existing restaurant, adding a stairway and elevators at the front of the building.

Mr. Jackson explained that he and the applicant had met with Kevin Burke, Zoning Officer who felt that the application meets the criteria for an exempt site plan.

The downstairs area will be a cocktail lounge/reception area. At the dirt level of the property is the Ship Chandler area and a restaurant will be built for the public. The marina area was improved with concrete docks.

Mr. Venturi asked if both the public restaurant and the catering would be available at the same time; Mr. Jackson stated yes. Mr. Jackson stated that the Truesdale family have been in the restaurant business for years, including the Crystal Point and the Chateau Grand.

George Truesdale & David Owen, P.E., Little Assoc. were sworn in.

Mr. Truesdale stated the existing restaurant holds 220 people; the catering section of the building will also be limited to 220 people. The a-la-carte restaurant will be an additional 96 seats. There are 200 boat slips; the ordinance requires one space per slip. After constructing the concrete docks, he has 105 slips for the larger boats and gained parking spaces on site. In response to questions, he stated that the bar seats were included in the calculations.

Mr. Venturi asked about the tiki bar area. Mr. Truesdale stated the tiki bar will be used for the catering aspect for cocktail hour. He stated at the present time it will not be opened to the public, however, did not want to be precluded from using it. He stated he might have people using the tiki bar area, however, it would not be at the same time as a catered affair.

Mr. Truesdale explained a restaurant he saw in Florida called the Food Shack. It was a diner concept with a counter and stools. Patrons watched the chef cook food. He would possibly have the restaurant opened for breakfast and lunch. The restaurant would have a service bar and the drinks would be made by the wait staff.

Mr. Truesdale stated his family owns several restaurants and banquet facilities, including the Crystal Point, Channel Club, Vanity Fair and the Chateau Grand. The Chateau Grand was recently sold and condos will be constructed.

The application contains no variances; the parking requirements are 280 spaces and the site has 282 spaces. There will be no winter boat storage on the upper level in the future. Mr. Truesdale explained the boats occupy the slip parking during the winter months.

Mr. Venturi stated there is gravel on the lower parking area and asked if it could be delineated. Mr. Truesdale stated he would like to use blacktop, however, can't because of the storm water runoff. He stated that on the lower level, he uses pilings and curbs. He stated he must satisfy his customers and it is in his best interest to control the parking.

Mr. Truesdale stated his dock was revised (approved by DEP) and has 105 rental boat slips and gained 59 parking spaces.

Exhibit A-1 – Preliminary/Final Site Plan dated 1/28/08 – Winter Boat Storage Plan.

Mr. Truesdale stated the larger boats will remain on the lower level; he will have fewer boats and gaining parking spaces.

The board members and Mr. Jackson discussed the exempt site plan ordinance. Mr. Jackson stated less than 500 sq. ft. will be added to the footprint. They discussed the interpretation of the ordinance; Mr. Jackson stated there were no variances or parking changes. The restaurant would not be handling more people than already approved.

The addition on the ground floor will include an elevator, two stairways and changing the front of the building. The board questioned whether adding 7,738 sq. ft. to the second floor are part of the calculations for the exempt site plan.

Mr. Giordano polled the board members as to whether they would treat this application as an exempt site plan or should be a final site plan. All board members agreed it would be an exempt site plan except for Mayor Konkus who felt this was not the intent of the ordinance.

Parking calculations: 282 spaces; the applicant will maintain 223 spaces all year; 105 of those spaces for boat slip customers.

PUBLIC- None

Mr. Kosinski made a motion to approve the application; seconded by Mr. Venturi.

The motion included restrictions that no boat storage will be on the upper level parking area and the catering facility will be for the maximum of 220 people.

Roll Call Vote:

Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes Mr. Maffei: Yes Mr. Wills: Yes Mr. DeJong: Yes Mr. Venturi: Yes Mayor Konkus: Yes Mr. Giordano: Yes

Administrative Approval – Block 308 Lot 110 – 1521 Beaver Dam Rd., Applicant: Harrison Associates:

Mr. Giordano stated that the applicant is not present, however, submitted a letter requesting approval to change the front of their building from stucco to cedar impressions.

Mr. Feltz made a motion to approve the application; seconded by Mr. Kosinski

Roll Call Vote:

Mr. Feltz: Yes Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes Mr. Maffei: Yes Mr. Wills: Yes Mr. DeJong: Yes Mayor Konkus: Yes Mr. Giordano: Yes

Mr. Giordano stated that the board attorney should change the wording in the resolution for the architectural to loosen the language.

Administrative Approval - Block 269.02 Lot 18.01 – 808 Fay Ct., Applicant: Kevin & Maria Doyle (7:50 – 8:05):

Mr. Feltz stepped down from the board due to conflict

Kevin & Maria Doyle were sworn in. Mr. Doyle stated the original application had the house sitting in the center of the lot. He stated people interested in the property wanted more of a play area and shifted the house. He stated there would be a 10 ft. side yard setback on the east side and 19.4 ft. side yard setback on the west side where 7.5 feet is required. He stated they also removed the bilco door and reduced the size of the house 84 sq. feet.

In response to questions, Mr. Doyle stated there is 15 feet between the two homes. Mr. Montenegro stated he believes the original setbacks of 16 feet was approved to offset the five feet on the existing non-conforming setback. Mr. Doyle stated his house is non-conforming due to the setback requirements being changed after he constructed his house.

Mr. Giordano asked if the architectural plans were changed. Mr. Doyle stated yes, the bilco door was removed, which reduced the foundation size by three feet, the kitchen was reduced in size, and reduced the size of the second floor bathroom. He stated the approved house was 3100 sq. ft. and has been reduced to 3050 sq. feet.

PUBLIC – None

Mr. Vitale made a motion to approve the application; seconded by Mr. Venturi.

Roll Call Vote:

Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes Mr. Maffei: Yes Mr. Wills: Yes
Mr. DeJong: Yes Mr. Venturi: Yes Mayor Konkus: Yes Mr. Giordano: Yes

**Administrative Approval – Block 127 Lot 8 – 910 Leighton Ave., Applicant:
David Ribeck (8:05 – 8:35):**

Daniel Popovitch, attorney for the applicant, appeared before the board. He stated a revised plan was submitted to the Building Department for the house on this particular lot. Apparently, there was a mix up in the office and Kevin Burke did not review the plan. A construction permit was issued and the house is under construction. When the error was discovered, Mr. Ribeck was advised to apply to the Planning Board for an administrative approval.

Mr. Popovitch stated it was not done intentionally and was a mishap in the Building Department. He stated the builder had discussed the change, a three bedroom home with a sitting room. It is not a bedroom, which was confirmed by Mr. Gardner, the construction official.

David Ribeck and James Garrigan were sworn in. Mr. Garrigan stated the architect was at another board meeting and was unable to attend this meeting.

Mr. Giordano asked if there was a deed restriction attached to this application from the original approval; Mr. Popovitch stated yes, for a three bedroom home.

Mr. Garrigan stated the buyer had asked for added space in the bedroom. The architect had a similar plan for a home he designed on Jaehnel Pkwy., and they used that plan. Mr. Popovitch stated this plan is still in keeping with the resolution and deed restriction.

Mr. Giordano stated he could see how this plan was designed with the restriction on the three bedroom. The original plan showed a double open space over the living room. The revised plan shows a sitting room area and open hallway adjoining a bedroom.

The board members discussed the original application and the change of plans. Several board members did not feel that the room could be converted to fourth bedroom.

Justin & Jennifer Motzenbecker were sworn. They stated they are the contract purchasers for the property. Mrs. Motzenbecker stated they were under the impression the plan was approved by the board for the changes made. They stated they knew the zoning officer had to review the plans.

Mrs. Motzenbecker stated they live around the block from the house Quartaro Builders constructed on Jaehnel Pkwy. and liked the house. They had asked Mr. Garrigan if the plan could be revised for the sitting room on the second floor and the balcony.

Board members asked why the date on the plan submitted with the application is dated 11/1/2007. Both the builder and Mrs. Motzenberger did not know. Mr. Popovitch stated he had the field plans issued through the Building Department and are dated by the inspectors as 8/13/2007 & 8/14/2007. He said possibly the 11/1/07 date was on the plan when it was duplicated, but did not know.

Mr. Feltz asked if there were changes made to the second house on the lot; Mr. Popovitch stated no. Mr. Feltz said if the second house were to come in for revisions, he personally would deny the request and if the house was constructed, would vote to tear the house down.

PUBLIC – None

Mr. Feltz made a motion to approve the application; seconded by Mr. Kosinski.

Roll Call Vote:

Mr. Feltz: Yes Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes Mr. Maffei: Yes
Mr. Wills: Yes Mr. DeJong: Yes Mayor Konkus,: Yes Mr. Giordano: Yes

Condition of Approval: Architect of record must submit a sealed letter to the Board engineer explaining the revision date of 11/1/07 and the board engineer will determine if a substantial change was made to the plan.

**Exempt Site Plan – Block 349 Lot 3.01 – 3242 Bridge Ave., Applicant:
Andy Phan (8:40 – 8:45):**

Lanah Nugyn and Philip Mara were sworn in. Mr. Mara stated if it were permissible with the board, he would be testifying on behalf of Mrs. Nugyn.

Mr. Mara stated Mr. Burke, Zoning Officer, referred Mr. Phan & Ms. Nugyn to the board for an exempt site plan for a change of use. The prior use was retail and they will be doing nails, so it is a professional service.

Mr. Mara stated Mr. Phan has a shop in Rt. 88 in Brick – 88 Nails. He stated he had submitted a plan to the board showing the floor layout. The plan is the same as 88 Nails, however, will be three less tables. The total square footage in the store is 1890 sq. feet.

Mr. Mara stated the area was broken off from the video store and was formerly an ice cream store.

Ms. Nugyn stated it is a small operation. There will be six pedicure chairs and a back room used for waxing.

After a discussion, Mr. Forsyth researched the zoning regulations and found there is no criteria for parking of a nail salon.

Hours of operation will be 9:30 a.m. – 7:00 or 7:30 p.m., and Sundays possibly 11:00 a.m. – 4:00 p.m. The board members felt there would not be an impact for noise levels for the exhaust fans in the shopping center.

PUBLIC – None

Mr. Kosinski moved for approval of the application; seconded by Mr. Feltz.

Roll Call Vote:

Mr. Feltz: Yes Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes Mr. Maffei: Yes
Mr. Wills: Yes Mr. DeJong: Yes Mayor Konkus: Yes Mr. Giordano: Yes

**Minor Subdivision & Variance – Block 234 Lot 21 – 2233 Edgar Rd., Applicant:
Glen Kelly (8:45 – 9:45):**

Daniel Popovitch, attorney for the applicant, appeared before the board. He stated the application is for a minor subdivision on Edgar Rd., almost directly behind the Municipal building. He stated the existing house is a raised ranch and, if the application is approved, will be moved to the second lot with a garage constructed underneath. There will be one new home constructed with substantial spacing between both homes.

Robert C. Burdick, P.E., P.P was sworn in.

The proposal is for a two lot subdivision; the existing home to be relocated and repositioned, removal of two existing sheds, with no variances being requested for setback issues.

Variance being requested are two for lot frontage and two for lot area.

Mr. Burdick discussed his analysis of 33 lots within 200 ft. of the property, of which two lots belong to the municipality of fire companies and are in different zones. One lot (Block 232 Lot 5) is in the R-3 zone and appears to comply with the Borough requirements but it fronts on Beaver Dam Rd. and is pretty well removed from the site.

Of the remaining 30 lots, 7 are on the south side of Edgar Rd., and all but one are 50 ft. wide consistent with the proposed design but they meet area requirements. Three of the lots are in block 232, west of Roberts Dr. and do not meet the ordinance requirements in one of the lot width or lot area requirements. Six of the lots are on the north side of Kenneth Rd. and only one of those lots comply with the ordinance; the other five are 50' x 100' similar to the proposed lot. Of the 14 lots, all of them are identical to the proposed lots. Overall of the lots within 200 ft. of the property, 17 are identical to the proposed lots, 6 of the additional lots are 50 ft. wide, three other lots do not conform to the ordinance is one of the area or width requirements, two are public lots and three lots actually do conform to the zoning requirements.

Based on the analysis, the proposed lots are in substantial conformance with the neighborhood and are consistent with most of the properties in the area.

The advantage of approving the plan are that it will result in a significant upgrade of the buildings to current building codes and will provide an aesthetic improvement at the site. Of the 33 lots within 200 ft. of the site, if they were held to the current zoning standards, one five of them would be considered to comply with the ordinance and two of them are public use.

Design Waivers: The applicant is requesting a design waiver from 1% site grading vs. 2% required basically due to the flatness of the property.

Mr. Giordano stated he has concerns with the drainage plan. He stated the recharge system is close to the house and there is not much of a grade. He felt that a more positive grade is needed. After a discussion, Mr. Burdick will work with the Board engineer on the recharge system in the middle of the property with roof drains to the system.

The applicant is requesting a design waiver to provide curbs and sidewalks since none exist along the roadway and their construction would add little in the way of pedestrian convenience. It would also have a detrimental effect on site drainage by trapping water on the site and forcing it onto adjacent properties.

Design Comments: The existing home is a 24' x 45' home with an attached garage. It is the applicant's plan to remove the garage area, construct a new garage and basement/family room area with the same 24' x 45' footprint and then to place the existing home over that foundation. There will no changes to the exiting structure's footprint and the home will conform to the zoning regulations.

Mr. Popovitch was asked if there were architectural for the home to be relocated. He stated his client has not received the plans yet, but could submit them within the next several weeks to the board for their review. He stated there would be a garage and family room on the first floor and then the existing house will be placed on top. There will be a total of three bedrooms and stairs along the side of the house to the second floor entrance.

Glen Kelly was sworn in. He stated he is in the real estate business and will occupy the house. He stated there would be a slab for the garage and crawl space under the family room. It will be three bedrooms with a loft, no closets in the loft and a railing.

Mr. Popovitch stated if the board so desires, a deed restriction could be prepared to ensure the home will remain three bedrooms.

Mr. Giordano had concerns with parking on smaller lots. Mayor Konkus stated he also has concerns. He stated with the density of the town, he does receive complaints from people who get upset over neighbors parking on the streets. Mr. Burdick stated each house would have a two car garage and 18 ft. width driveway for four parking spaces.

Mr. Kelly asked if there was any way a resolution of approval could be prepared for the next meeting. He stated the height would be below the requirements. Mr. Montenegro stated he could prepare a resolution for the next meeting based on the review of the plans.

PUBLIC - QUESTIONS

Gary Gowsky, 2236 Edgar Rd. He stated the applicant would be turning the gable end of the house towards his house and it would not be improving aesthetics. Mr. Burdick stated the house will be upgraded, new siding and street trees will be planted.

Mr. Gowsky stated there is a parking problem in the neighborhood. He stated the police officers use Edgar Rd. for their personal vehicles and there is especially a problem when court is in session.

Mr. Forsyth stated there is a pending capital improvement project for parking at the Borough Hall.

Mr. Burdick stated that the proposed parking for the two homes exceeds the Borough requirements.

Robert Picton, 2229 Edgar Rd. asked if there considerations for emergency vehicles and detours, or the municipal parking. He stated the town has approved homes being demolished and new homes constructed. He stated it is changing the style of the neighborhood and will continue if this application is approved.

Mr. Burdick stated there will be temporary disruption in the neighborhood during construction.

PUBLIC – COMMENTS

Gary Gowsky, 2236 Edgar Rd. was sworn in. Mr. Gowsky stated Edgar Rd. was much different three to four years ago. There were many 100 ft. lots and they are slowly disappearing. He stated the neighborhood is harder to live in.

Mr. Feltz asked if Mr. Gowsky received notice for the other subdivision. Mr. Gowsky stated the construction was at the other end of the street. He stated he has lived in the neighborhood for 30 years and the neighborhood is changing to larger homes.

Robert Picton, 2229 Edgar Rd. was sworn in. Mr. Picton stated Edgar Rd. is based in a community of smaller homes. He stated enough is enough with the larger lots disappearing and larger homes being constructed. After being asked, Mr. Picton stated he lives on a 50 ft. lot.

Mr. Feltz explained that he did not believe the board approved subdivisions for the homes he is speaking about. He stated the existing homes were probably demolished and new homes constructed. If the homes are on 50 ft. lots they have five foot setbacks, but if the lots are 75 ft. they have 7 ½ ft. setbacks, which will make the homes appear smaller.

CLOSED TO PUBLIC

The board carried the application to the March 20, 2008 meeting in order for Mr. Kelly to submit architectural plans for the home to be relocated for their review. The public was informed there will be no further notice.

CORRESPONDENCE:

The board reviewed correspondence received from the Borough attorney relating to a proposed tree ordinance. Mayor Konkus stated the Council had received complaints relating to trees being removed on Dorsett Dock Rd. The contractor had cleared the lot and the residents of the area had suggested a tree ordinance.

Mr. Feltz stated he felt that the Environmental Commission should review tree permits.

Mr. Giordano asked the board members to review the ordinance and to submit comments at the March meeting.

The board members reviewed the Town Center plan submitted by Jamie Sunyak, CMX Engineering. The board members felt that the plan covered the aspects suggested by the board.

VOUCHERS:

Schoor DePalma (CMX) Engineering: \$1917.50 & \$96.75 (MGM Homes), \$129.00 (Harrison Assoc), \$967.50 (Cornerstone Group), \$218.25 (General Board), \$193.50 (Pillsbury), \$193.50 (Benedetti)

Montenegro, Thompson, Montenegro & Genz: \$313.50 (Batitsas), \$25.00 (Cornerstone Group), \$48.00 (Manasquan Savings), \$64.00 (MGM Homes), \$32.00 (Kelly), \$1730.00 (Dairy Queen litigation), \$112.00 (Affordable Housing), \$123.00 (General Board), \$32.00 (JVH Ventures), \$345.00 (Montesano), \$675.00 (Ribeck)

Asbury Park Press: \$50.92 (General Board)

Ocean Star: \$8.25 (General Board), \$3.47 (PBK – Anytime Fitness), \$3.47 (Batitsas), \$3.47 (SJ Hospitality), \$3.47 (Montesano), \$3.47 (Pillsbury), \$3.44 (Benedetti)

Mr. Feltz made a motion for payment of the vouchers; seconded by Mr. Wills. All were in favor, no one was opposed.

The board discussed exempt applications coming before the board. Mr. Burke, Zoning Officer, will be asked to write a letter of referral for exempt site plan applications. Mr. Feltz made a motion; seconded by Ms. Bavais. All were in favor, no one was opposed.

Mr. Giordano stated he had spoken with Mr. Burke him using his discretion with referrals to the board or possibly two board members being able to assist him. Mr. Montenegro felt it would be a conflict for the board members.

Mr. Giordano stated that possibly the resolutions are getting too specific.

Mr. Montenegro stated there is a clause in each resolutions stating if there are changes to the architectural, the applicant must reapply to the board. Board felt that possibly the resolution could indicate cosmetic or structural changes in order to assist the zoning officer. Mr. Feltz stated that everything is not in black or white. Mr. Maffei stated he would speak with Mr. Burke.

The board members asked the board secretary the procedure for filing a building permit, especially when board approval is granted, which was explained. Ms. Kelly was asked if the zoning officer reviews the planning board file to ensure the same home was being constructed as was approved; she believed so but referred the question to the zoning officer.

There being no further business, Mr. Vitale made a motion to adjourn; all were in favor, no one was opposed. The regular meeting of the Planning Board adjourned at 10:00 p.m.

Respectfully submitted,

Catherine Kelly
Planning Board Secretary