

POINT PLEASANT PLANNING BOARD
March 20, 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. O'Rourke Mr. Maffei Mr. Wills Mr. DeJong
Mayor Konkus Mr. Giordano

Absent: Mr. Vitale Mr. Kosinski Mr. Venturi

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

MINUTES: Mr. Feltz made a motion to approve the minutes of February 21, 2008; seconded by Mr. Wills. All were in favor, no one was opposed – Mr. O'Rourke abstained.

RESOLUTIONS:

Res. 2008-05 – Exempt Site Plan – Block 112 Lot 65 – 847 Arnold Ave., Applicant: George Truesdale. Mr. Wills moved for approval; seconded by Ms. Bavais. All were in favor, no one was opposed – Mr. Feltz & Mr. O'Rourke abstained.

Res. 2008-06 – Administrative Approval – Block 269.02 Lot 18.01 – 808 Fay Ct., Applicant: Kevin & Maria Doyle. Ms. Bavais moved for approval; seconded by Mr. Wills. All were in favor, no one was opposed – Mr. Feltz & Mr. O'Rourke abstained.

Res. 2008-07 – Administrative Approval – Block 127 Lot 8 – 910 Leighton Ave., Applicant: David Ribeck Mr. Wills moved for approval; seconded by Ms. Bavais. All were in favor, no one was opposed – Mr. O'Rourke abstained.

Res. 2008-08 – Exempt Site Plan – Block 349 Lot 3.01 – 3242 Bridge Ave., Applicant: Andy Phan. Mr. Feltz moved for approval; seconded by Ms. Bavais. All were in favor, no one was opposed – Mr. O'Rourke abstained.

UNFINISHED BUSINESS:

Mr. Giordano stated that the amended final site plan for Block 332 Lot 14, 2506 Bridge Ave. – Alex Vicelli – Point Ice Cream Delights, Inc., has been carried to the meeting of 4/17/08.

Minor Subdivision & Variance – Block 234 Lot 21 – 2233 Edgar Rd., Applicant: Glen Kelly (7:10 – 7:35):

Daniel Popovitch, attorney for the applicant, appeared before the board. He stated there is a change to the application. Originally the home was to be relocated, but it has been revised to show a similar home to Lot 21.01 but with a different façade. The existing house is unsound and after the architect and the owner's father, who is a builder for 30 years, looked at the home, did not believe the house would withstand the stress of lifting and moving. He stated the proposed new home would meet all the zoning requirements.

Robert C. Burdick, who was sworn at the previous meeting, stated the new home is a mirror image of Lot 21.01. The driveways will together for a lesser impact to the neighbors. The recharge system is located in the middle of the property and the home will have 8 ft. side yard setbacks.

Under the RSI requirements, the three bedroom homes will have a two car garage and driveways to hold two vehicles. Each unit will have four parking spaces.

Mr. Giordano requested the recharge system maintenance be in the form of a deed that the homeowner in perpetuity will maintain the drainage system. Mr. Popovitch agreed.

The board and Mr. Burdick discussed the drainage system. Mr. Maffei stated there is not a storm drain in the area. He also stated that Roberts Dr. floods when it rains. It was requested that the roof leaders be directed to the drainage system; Mr. Burdick stated yes.

Mr. Popovitch stated that Mr. Kelly's father is in the construction business for 30 years and they went through the house with the architect, Mr. Feldman. They found the house to be unsound and the stress of the house being lifted can cause problems. He also pointed out that an objector had concerns with looking at the gable end of the house after it was moved.

Glen Kelly, who was sworn at the previous meeting, reiterated Mr. Popovitch's explanation of constructing a house instead of moving the existing.

In response to Mr. Feltz's question, Mr. Kelly stated the existing house is 1100 – 1200 sq. ft. and two bedrooms. The proposed home will be 2100 sq. ft. and three bedrooms. Mr. Giordano stated that the homes should be equivalent in size. Mr. Burdick stated 2100 sq. ft. is the total home; the first floor is 1420 sq. ft.

Mr. Giordano stated he was more amendable to the first plan. Mayor Konkus asked Mr. Burdick how many homes in the area are the proposed size and on a 50 x 100 ft. lot. Mr. Burdick believed it was four or five. Mayor Konkus stated at the previous meeting the argument was that the house fit the area; this month that argument is lost. Mr. Burdick stated there are four or five houses on the north side of the street; he is unsure how many are on the south side of Edgar Rd.

Board members stated they were not in favor of the proposed plan. The applicant should have brought the plans for the previous proposal back to the board.

Mr. Kelly stated he felt that the proposal did fit with the neighborhood. He stated someone could demolish the existing home and build a monster home on a 100 x 100 ft. lot.

Mr. Popovitch stated if the board was not satisfied, the applicant could come back with a plan of a smaller scaled home, more like the original proposal. Mr. Giordano stated that a three bedroom home is a big impact, including flooding in a congested neighborhood.

After a discussion with his client, Mr. Popovitch asked that the application be carried to the next meeting. Mr. Montenegro announced the applicant would be heard on 4/17/08 without further notice.

Mr. Feltz asked Mr. Burdick if he could try to pick up additional drainage coming down the sides of the property and get them to the drainage system.

NEW BUSINESS:

Administrative Approval – Block 127 Lot 8.01 – 910 Leighton Ave., Applicant: Myron & Carolyn Obaranec (7:35 – 8:10):

Myron Obaranec & Carolyn Obaranec were sworn in. Mrs. Obaranec stated they are the contract/purchaser of the home. She stated they purchased the home with the understanding they could revise the interior without exceeding three bedrooms.

Mrs. Obaranec stated their son, Andrew, is visually impaired and developmentally delayed. They would like to remove the railing on the second floor to protect their son and expand the master bedroom.

Mrs. Obaranec stated the house would remain three bedrooms. Opposite the master bedroom is the railing and opening. She stated they would change the opened area to extend the master bedroom; access to the master bedroom is through the sitting room.

Mr. Feltz stated this application reminds him of the house on Lot 8. Mrs. Obaranec stated she had her revised plans in November, but the builder requested she not appear before the board until the issues were resolved with the Board on the house at Lot 8.

Mr. Obaranec stated his son does not have depth perception and is concerned with the railings as his son starting climbing. Mr. Feltz suggested a 42" rail to protect their son. Mr. O'Rourke suggested a Plexiglas wall. Mr. Obaranec stated the wall would make a silo out of his living room.

Mr. Giordano felt that since there is a deed restriction limiting the house to three bedroom, the board could approve the application. He personally doesn't feel that the area will be turned into a fourth bedroom.

Mr. Obaranec stated his works at Fort Monmouth. He is close to retirement and will not be moving to Maryland. He further stated the area wouldl not be turned into a fourth bedroom. He would like to extend the area of the master bedroom and use it for an office.

Mr. Montenegro explained the process of the minor subdivision when variances are requested. He stated the board had restricted the size of the homes due to the variances involved.

In response to questions, Mrs. Obarenec stated the house is presently framed and have been waiting since November to appear before the board. Mrs. Obarenec stated she did have the plans earlier, but was told that the builder had other issues with the house on Lot 8.

Mr. Montenegro explained to the board members how they should look at this plan. He stated they should look at the plan if it could be made into the fourth bedroom. They should also decide if this plan had been brought to the board originally if they would have been amendable to approval.

Daniel Popovitch, attorney for David Ribeck, builder of the two homes, stated the lots are 50 ft. in width, however, just under 7500 sq. ft. He also pointed out there is a deed restriction for three bedrooms. If the Obarenec's were to sell the home, the deed has been recorded in the County and the restriction would apply to the next homeowner.

Mr. Giordano stated he could see the applicant's motivation was driven by their son's handicap, however, they probably also started thinking about the extra floor space they could obtain for Mr. Obarenec's office.

PUBLIC – None

Mr. Maffei made a motion to approve the application; seconded by Ms. Bavais.

Roll Call Vote:

Mr. Feltz: No Ms. Bavais: Yes Mr. O'Rourke: No Mr. Maffei: Yes
Mr. Wills: Yes Mr. DeJong: No Mayor Konkus: Yes Mr. Giordano: Yes

Informal Hearing – Block 22 Lots 14 & 16 – 313 & 315 River Ave., Applicant: Peter & Virginia Brennan (8:10 – 8:20):

Mr. O'Rourke and Mayor Konkus stated they are friends with the applicants but feel they could be objective.

Robert H. Morris, P.P. stated the Brennan's live in the house, which faces Allen St. He stated there was a previously approved subdivision, which did not have a street line across the property. A notice was needed in order to go around a porch on Mrs. Brennan's mother's house. Mrs. Brennan's mother has since passed away; they will demolish the house and construct a house to retire.

Mr. Morris stated they wish to reconfigure the lots with both lots having 7500 sq. ft. One lot would be facing Allen St. with dimensions of 75 x 100.

Mr. Morris stated if the board feels they would approve the application, the owners will be back with a formal plan and will have correct configurations for the proposed home.

Mr. Giordano polled the board – members were in agreement of an affirmative action. The board felt the proposed plan had a larger yard than what currently exists. Mr. Morris stated a drainage plan would be submitted.

CORRESPONDENCE:

Mr. Giordano stated he had met with Mr. Montenegro to discuss the proposed tree ordinance. He stated he felt the intent was good, but the definitions don't match. Mr. Montenegro had prepared a letter for Council and will fax it to the board secretary.

Board members like the concept of saving trees. Ms. Bavais stated she had a forester at her office review the ordinance and will get back to her with ideas.

Mr. Feltz made a motion that the Council's Zoning Committee review the ordinance further. Ms. Bavais was asked if she would meet with the Committee; she stated yes. Mr. Wills seconded the motion. All were in favor, no one was opposed.

Mr. Giordano stated he would like a motion for himself, Mr. Feltz, Mayor Konkus, Mr. Montenegro and the Borough Attorney, Jerry Dasti meet to discuss issues relating to churches and religious institutions for the ordinances. Ms. Bavais made a motion; seconded by Mr. Wills. All were in favor, no one was opposed.

Mr. Giordano stated the board received a memo from Kevin Burke, Zoning Officer, requesting authorization to approve sign permits without an applicant appearing before the board for an exempt site plan. Mr. Burke stated all signs would meet the criteria of the ordinance.

After a discussion, the board felt they should retain control and the applicant would need either an exempt site plan or administrative approval.

Mr. Feltz made a motion to enter Executive Session; seconded by Mrs. Bavais. All were in favor, no one was opposed.

The board returned from Executive Session.

VOUCHERS:

Montenegro, Thompson, Montenegro & Genz: \$208.00 & \$112.00 (Canale), \$288.00 (Manasquan Savings), \$208.00 (MGM Homes), \$82.50 (Hsu), \$320.00 (Clark's Landing), \$48.00 (Phan), \$705.00 (Diary Queen litigation), \$1036.00 (General Board)
Schoor DePalma (CMX) Engineering: \$1806.00 (MGM Homes), \$129.00, \$64.50 & \$161.25 (Canale), \$64.50 (Walker)
Ocean/Coast Star: \$8.58 (PBK Land – Anytime Fitness), \$11.22 (General Board)
Remington, Vernick & Vena Engineering: \$1540.00 (Kelly), \$60.00 (Pillsbury)

Mr. Feltz made a motion to approve payment; seconded by Ms. Bavais. All were in favor, no one was opposed.

REQUISITIONS:

Refund application/escrow fees: \$285.00 (Hsu). Mr. Feltz made a motion to approve the refund; seconded by Ms. Bavais. All were in favor, no one was opposed.

There being no further business, Mr. DeJong made a motion to adjourn; all were in favor, no one was opposed. The regular meeting of the Planning Board adjourned at 9:45 p.m.

Respectfully submitted,

Catherine Kelly
Planning Board Secretary