

## **POINT PLEASANT PLANNING BOARD**

**May 15, 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. Kosinski Mr. Vitale Mr. O'Rourke Mr. Maffei  
Mr. DeJong Mr. Venturi (left meeting @ 8:35pm) Mayor Konkus  
Mr. Giordano

Absent: Mr. Wills

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

**MINUTES:** Mr. Feltz made a motion to approve the minutes of April 17, 2008; seconded by Ms. Bavais. All were in favor, no one was opposed – Mr. Venturi, Mayor Konkus and Mr. Giordano abstained.

### **RESOLUTIONS:**

Res. 2008-10 – Extension of Approval – Block 121 Lots 3 & 4 – 1006 Clayton Ave., Applicant: Matthew Zahorsky. Mr. Feltz made a motion to memorialize the resolution; seconded by Mr. Kosinski. All were in favor, no one was opposed – Mr. Venturi, Mayor Konkus and Mr. Giordano abstained.

### **UNFINISHED BUSINESS:**

Mr. Giordano announced two applications would be carried to the June 19, 2008 meeting without further notice: Amended Site Plan for Block 332 Lot 14 and Minor Subdivision and Variance for Block 234 Lot 21.

### **NEW BUSINESS:**

Administrative Approval – Block 193 Lot 1 – 2612 Lakewood Rd., Applicant Carolyn Malinowski:

Mr. Montenegro stepped down from the board due to a conflict with the original applicant, Kristy Shay Construction, and the current applicant. Mr. Popovitch stepped to the dais as conflict counsel. Mr. Feltz stepped down due to conflict.

Ken Malinowski and Carolyn Malinowski were sworn in. Mrs. Malinowski stated they are prospective tenants for the first floor for a chiropractors office. She stated the original resolution of approval indicates there would be no medical offices in the building.

The board members discussed the parking requirements for the building with the board engineer. He stated that ratio for parking at professional offices is one space per 200 sq. ft.

Mr. Popovitch stated he was the conflict counsel for the original application and believes there was not a variance for the parking but a design waiver. Board remembers recalled discussions relating to the parking issues and that was the reason for the restriction on the medical uses.

Mr. Giordano took a poll of the board members if they felt the applicant should come back to the board with an amended site plan or if the matter could be handled administratively. The board felt the parking issue was a design waiver and should be an administration approval.

The board discussed the resolution wording for parking (medical) and the use was not prohibited in the district. The parking can be determined as a design waiver.

Mayor Konkus stated an internist would see more patients in an hour than a chiropractor and did not see it as an intense use.

Mr. O'Rourke made a motion to approve the application; seconded by Mr. Maffei.

**Roll Call Vote:**

Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes Mr. O'Rourke: Yes  
Mr. Maffei: Yes Mr. DeJong: Yes Mr. Venturi: Yes Mayor Konkus: Yes  
Mr. Giordano: Yes

Mrs. Malinowski apologized that she forgot to mention a freestanding sign for the property. She stated she spoke with the landlord who did not have an objection and brought a letter from him. The original resolution had approval for a sign on the building but not a freestanding sign.

The board members informed the applicant they would need to see the location of the sign on the site plan in addition to the sign design with dimensions. Mr. Giordano stated they could not approve the sign this evening, but the applicant could come back to the June meeting. He also suggested they bring the plan for the sign to the zoning officer to ensure the sign would comply with the Borough's sign ordinance.

Exempt Site Plan – Block 208 Lot 7 – 3000 Lakewood Rd., Applicant:  
Alfred J. Canale (7:20 – 7:35):

Mr. Feltz, Mr. Vitale and Mr. Giordano stepped down from the board due to conflict. Ms. Bavais chaired the application.

Alfred J. Canale and Maryjo Garmen were sworn in. Mr. Canale stated he originally approved approval (exempt site plan) for a karate store and then a pool company, who has since left the property. He stated that Ms. Garmen wishes to rent the space for his dance studio.

Ms. Bavais asked for the hours of the dance studio: Mon. – Fri. for three hours 9:30 a.m. – 12:30 p.m. (6 students in each class); and Mon. – Fri. 4:00 p.m. – 10:00 p.m. with eight per class.

Ms. Garmen stated parking should not be a problem; parents usually drop off the students. There are a total of four employees, including herself. There is one teacher and one student teacher at all times in the classrooms.

She presently has a studio across the street from this property and one on Bridge Ave. She will be closing the Bridge Ave. studio and using two stores at this location. She will remain at the second location on Lakewood Rd.

There will be no changes to the existing signs.

Mr. Kosinski made a motion to approve the application; seconded by Mr. O'Rourke.

**Roll Call Vote:**

Mr. Kosinski: Yes Mr. O'Rourke: Yes Mr. Maffei: Yes Mr. DeJong: Yes  
Mr. Venturi: Yes Mayor Konkus: Yes Ms. Bavais: Yes

Exempt Site Plan – Block 316 Lot 10 – 2428 Bridge Ave., Applicant:  
Anthony Farinacci (7:25 – 7:35):

Anthony Farinacci, Ben Fortunato and Corbett McCarthy were sworn in.

Mr. Fortunato stated the space was formerly occupied by a chiropractor. He stated that Mr. McCarthy wishes to open an art studio. The hours of operation will be 10:00 a.m. to 6:00 p.m.

Mr. McCarthy described the types of art in the studio, being paintings and sculptures. He will be holding art exhibits from well known artists from over the world. There will no auctions, art classes or framing.

Mr. Vitale asked about deliveries. Mr. McCarthy stated the artwork would be delivered by truck, accompanied by security. He formerly had a location in Manasquan for three years and likes this location.

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

Roll Call Vote:

Mr. Feltz: Yes Ms. Bavais: Yes Mr. Kosinski: Yes Mr. Vitale: Yes  
Mr. O'Rourke: Yes Mr. Maffei: Yes Mr. DeJong: Yes Mayor Konkus: Yes  
Mr. Giordano: Yes

Mr. Forsyth stated he has a clarification of an issue in the earlier application for Malinowski. When he looked in the ordinance book and design standards, he found the parking ratio was one space per 200 sq. ft. However, he has ordinance which have not been codified in the book and just found the correct ratio is ten spaces per 1000 sq. ft. He also stated that the professional office was not eliminated.

Mr. O'Rourke stated that the Borough attorney has been working on the book. The board suggested Mr. Montenegro write a letter to Mr. Dasti asking that the codification being expedited.

Open Space Plan Presentation:

Leah Yasenchak, Brownfield Redevelopment Solutions, Inc., Manasquan appeared before the board.

Ms. Yasenchak stated the plan was partially funded by grant obtained by Councilwoman Rogers. She explained how the open space survey was conducted and how the survey will qualify the Borough for open space grants with significant benefits to the Borough.

Ms. Yasenchak stated one of the requirements of the open space plan was that it needs to be adopted by Council in conjunction with the Borough's master plan. She stated this plan is independent of the master plan. Mr. O'Rourke asked if the master plan was reviewed prior to conducting this study; Ms. Yasenchak stated no.

Mr. Kosinski stated the master plan contains open space inventory and does not specifically go into specifics of the location of open space. This plan has more recommendations.

Mr. O'Rourke and Mr. Feltz that the master plan should have been reviewed.  
Mr. Kosinski stated the point of the study was to look at open space/recreations resources.

Ms. Yasenchak stated her firm did start with the inventory from the master plan. She pointed out that the Community Park was not listed in the master plan. Mayor Konkus stated the action plan appears to be in conflict with the master plan. Mr. O'Rourke asked what the definitions are of active and passive recreation. Ms. Yasenchak stated the definitions are on page #3 of the report. The board members and Ms. Yasenchak discussed the uses for active and passive. Mr. Feltz had concerns with eminent domain.

Ms. Yasenchak stated that the formality of the adoption allows for the Borough to acquire more monies for grants.

The board members and Ms. Yasenchak discussed wetlands and the purchase/maintenance of obtaining properties.

Mr. O'Rourke stated there are major economic areas, submerged lands, not included in the inventory. Water access should also be included. The description of the rankings of land is located on page #21 of the report.

Mr. Maffei pointed out that the Riverfront Park was listed as passive recreation, however, it meets both passive and active recreation. Ms. Yassenchak stated she was told that Council recommended the property be listed as passive. Beaver Dam Park is also listed as passive. Mr. Maffei and Mr. O'Rourke stated that the list on page #6 has many inconsistencies. The board members discussed the discrepancies which need to be addressed and changed.

The board secretary was asked to set aside time on the July agenda for another presentation.

#### **CORRESPONDENCE:**

The board members discussed a proposed land use ordinance introduced by Council relating to permitting churches in the R-3 zone without variances. All churches in the Borough are non-conforming and after the ordinance is adopted, they will be located in a zone specifically designated.

When the ordinance is enacted, the planning/zoning board would have guidelines which are listed in the ordinance.

Mr. Kosinski made a motion to recommend adoption of the ordinance to Council; seconded by Ms. Bavais.

At last month's meeting, the board members discussed ordinances and the need to either update certain ordinances or to adopt ordinances. Mr. Forsyth submitted sample ordinances to the board members. The board secretary was asked to place it on the agenda for the June meeting.

#### **VOUCHERS:**

**Remington, Vernick & Vena:** \$600.00 (MGM Homes), \$90.00 (Cornerstone Group), \$60.00 (Doyle), \$66.50 (Montesano), \$120.00 (Mirador Partners), \$480.00 (Riback), \$120.00 (General Services)

**Schoor DePalma (CMX) Engineering:** \$161.25 & \$345.00 (Montesano), \$199.50 (Harrison Assoc)

**Montenegro, Thompson, Montenegro & Genz:** \$137.00 (Harrison Assoc), \$272.00 & \$144.00 (Doyle), \$272.00 (Obaranec), \$128.00 (Cornerstone Group), \$675.00 (Ribeck), \$288.00 (Truesdale), \$112.00 (Zahorsky), \$320.00 (Ribeck), \$75.00 (Affordable Housing), \$974.00 (Dairy Queen litigation), \$931.00 (General Services)

**Ocean/Coast Star:** \$3.12 (Truesdale), \$3.14 (Doyle), \$3.13 (Ribeck), \$3.13 (Phan)

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

Mr. Kosinski made a motion to enter Executive Session. Mayor Konkus, Mr. O'Rourke, Mr. Maffei and Mr. Forsyth left the meeting due to conflict.

The board returned from Executive Session. There being no further business, Mr. Vitale made a motion to adjourn. The regular meeting of the Planning Board adjourned at 9:50 p.m. All were in favor, no one was opposed.

Respectfully submitted,

Catherine Kelly  
Planning Board Secretary