

POINT PLEASANT PLANNING BOARD

July 17, 2008

The regular meeting of the Point Pleasant Planning Board was called to order by Vice-Chairman Feltz at 7:05 p.m. Mr. Feltz read the Notice of Compliance which states that adequate notice of the meeting had been given.

Mr. Feltz stated that board member, Mr. Vitale was on his way to the meeting and the board members would go to new business until his arrival.

Roll Call:

Present: Mr. Feltz Ms. Bavais Mr. Kosinski Mr. O'Rourke Mr. Wills
Mr. Venturi Mr. Vitale arrived at 7:15 p.m.

Absent: Mr. Maffei Mr. DeJong Mayor Konkus Mr. Giordano

Attorney: Ben Montenegro Secretary: Catherine Kelly Engineer: Robert Forsyth
Engineer: Alan J. Hilla, Jr. for Point Ice Cream Delights, Inc.

MINUTES: Mr. Kosinski made a motion to approve the minutes of June 19, 2008; seconded by Mr. O'Rourke. All were in favor, no one was opposed – Mr. Wills abstained.

RESOLUTIONS:

Res. 2008-14 – Administrative Approval – Block 94 Lots 1 & 2 – 3161 & 3165 Lakewood Rd., Applicant: Cornerstone Group (Walgreens) Mr. Kosinski made a motion to memorialize the resolution; seconded by Ms. Bavais. All were in favor, no one was opposed – Mr. Wills abstained.

NEW BUSINESS:

Informal Hearing – Block 128 Lot 46 – 805-807-809 Ocean Rd., Applicant: First Baptist Church of Point Pleasant (7:05 – 7:10):

Robert C. Burdick, P.E., P.P. appeared before the board. He stated that the church would like to purchase the property. He stated there is a rear building at the northwest corner which is presently used for vintage cars. They would use that building as the church while a new church is constructed. They do not have architectural drawings as of this date.

Mr. Montenegro stated there is an issue of jurisdiction. He stated there is an ordinance presently being considered by the Council for churches. However, a use variance would be required. Mr. Montenegro stated it is his recommendation that the board should not overstep their bounds, as this matter belongs before the Zoning Board of Adjustment.

Mr. Burdick thanked the board for their time.

Administrative Approval – Block 193 Lot 1 – 2612 Lakewood Rd., Applicant: Keith Malinowski (7:10 – 7:15):

Mr. Montenegro stepped down from the board due to conflict; Mr. Pardes appeared as Counsel for the board.

Keith Malinowski, Madison St. was sworn in. Mr. Malinowski stated he would like to install a freestanding sign, as outlined in his drawings for the property. The sign would be located ten feet from the property line, but eight feet from the sidewalk. The height would be 24" – 30" from the bottom of sign. Another sign would be on the left side of the building.

Mr. Venturi stated since he is presently the only tenant in the building, would there be enough room for a second tenant on the sign or would he be back before the board. Mr. Malinowski stated he believes the sign would be able to accommodate both, but if not, would return to the board.

Ms. Bavais asked about the lights for the sign. He stated it was for exposure only; flood lighting from under. The board stated they would like photo metrics. Mr. Malinowski stated he would eliminate the lights from the sign as it would hold up the approval.

Ms. Bavais asked about plantings – the area is stone; he will be placing mulch and plantings in the area of the sign. There will be no signs in the windows.

PUBLIC – None

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

Roll Call Vote:

Ms. Bavais: Yes Mr. Kosinski: Yes Mr. O'Rourke: Yes Mr. Wills: Yes
Mr. Venturi: Yes Mr. Feltz: Yes

UNFINISHED BUSINESS:

**Amended Final Site Plan – Block 332 Lot 14 – 2506 Bridge Ave., Applicant:
Point Ice Cream Delights, Inc. (7:15 – 8:00):**

Mr. O'Rourke and Mr. Wills left the dais due to conflict.

Ron Gasiorowski, attorney, appeared before the board.

Mr. Feltz stated the board did not receive the as-builts, as requested, from the last meeting. He did not feel the board could move forward without the proper drawings from the applicant.

Mr. Gasiorowski stated surveys were presented to the board at the January meeting. He stated he is ready to proceed with testimony from the surveyor and engineer, who are present at this evenings meeting. He stated he received a review letter this evening from Birdsall Engineering. Previously, the board had review letters prepared by Robert Forsyth and Remington & Vernick. He stated three engineers from the board have been at the property and feels his client is under no obligation to pay for his engineers to return to the site.

Mr. Gasiorowski discussed with the board the procedure for obtaining a certificate of occupancy and that Mr. Forsyth had stated the certificate could be issued. Mr. Montenegro informed the board that Judge Grasso had rejected the argument and that the site was to be brought into full compliance or apply for an amended site plan and request any design waivers and variances.

In response to the board's questions, Mr. Gasiorowski stated he is familiar with the discussions at the January 24, 2008 meeting. However, he had requested copies of the transcripts from the board secretary but did not receive them. Ms. Kelly stated neither Mr. Gasiorowski nor his transcriber who came to the office, asked for the January meeting, only the June 6 and July 8, 2008 meetings.

Mr. Montenegro stated the applicant is applying for an amended site plan. Mr. Feltz stated he was not prepared to continue with the application as the applicant did not submit the required plans. He suggested that the application be carried to the special meeting date of August 7, 2008.

Mr. Gasiorowski stated his professionals are ready to testify this evening, as well as the owner, Mr. Viecelli.

Mr. Gasiorowski challenged Mr. Kosinski as to if he should be sitting on the board for the application and he felt he could not impartial towards the applicant after reading the transcripts. Mr. Montenegro read the Municipal Land Use Law pertaining to board

members being objective and impartial; he asked Mr. Kosinski if he could be objective; Mr. Kosinski stated yes.

Mr. Feltz asked that an advertisement Mr. Viecelli placed in the Ocean Star regarding the application be marked as an exhibit, which was marked as A-1 by Mr. Montenegro.

The board members discussed with Mr. Gasiorowski the specifics they wanted to see on the plans. Mr. Feltz stated the board is not asking for anything more than they ask other applicants. The board discussed the two special meeting dates they set for the applicant; Mr. Gasiorowski stated the applicant would return on August 13, 2008.

Mr. Barbieri stated it was noted in the transcripts that Mr. Feltz had gone to the site and had his own measurements. Mr. Feltz yes – Mr. Montenegro stated Mr. Feltz could not share that information with the applicant.

Mr. Kosinski made a motion to carry the application to the special meeting date of Wednesday, August 13, 2008; seconded by Mr. Venturi. All were in favor, no one was opposed.

RECESS

Minor Subdivision – Block 279 Lots 132 & 133 – 1400 & 1406 Rue Mirador, Applicant: Mirador Partners, LLC (8:10 – 10:15):

Steven Pardes, attorney for the applicant, appeared before the board. He stated the applicant has revised the plans, now showing a three lot subdivision with three single family homes.

Robert C. Burdick P.E., P.P. stated the previous application was for four lots with one variance for lot frontage. The revisions show three lots and no variances. The footprint of the architectural plans are on the improvement plans

Mr. Burdick gave the following testimony relating to the application:

There are no existing easements or deed restrictions on the property. The applicant is proposing two easements; the first for a sight triangle at the intersection of Riviera Pkwy. and Rue Mirador to the Borough for safety reasons. The second is a public access easement to the waterfront adjacent to Rue Mirador, as required by NJDEP for a CAFRA permit. Mr. Burdick stated, as requested by the board chairman, public access is being shown on the improvement plans.

The applicant is seeking a waiver for 1% grading where 2% is required. The site is quite flat with the exception of the area around the existing dwelling and the provision of 2% slopes would interrupt current drainage patterns, cause additional disturbance to existing vegetation and would not be a benefit to the site.

The applicant is requesting a waiver from the requirement to provide curbs and sidewalks along the Rue Mirador frontage. The nearest existing sidewalks are approximately 1000 ft. west along Riviera Pkwy. If curbs were constructed they would disturb existing and proposed drainage patterns and now allow storm water to discharge into permeable areas at the shoulder the roadway. This would require direct discharge of storm water into the adjacent lagoon which is a negative toward water quality standards.

It is anticipated that each home will be provided with a two car garage and a driveway which will be adequate for two additional cars. This exceeds the NJRSIS standards for off street parking and provides sufficient parking for the subdivision.

Each of the driveways will have adequate sight distance exceeding 150 feet. No obstructions exist or are proposed which would preclude this safety feature.

The plan will be send to the Borough's Public Works for their comment on water and sewer service and will comply with their requirements.

The plan has been designed to channel storm water for the site toward the southeast of the property and to the adjacent roadways. No storm water will be released towards the adjacent houses and all storm water coming from the adjacent property will be directed to onsite yard drains, which will recharge storm water and overflow into Rue Mirador.

All homes to be constructed comply with all bulk requirements of the ordinance. Mr. Burdick reminded the board that due to CAFRA requirements, impervious coverage on the site must be no greater than 30%, which will guarantee the homes and infrastructure constructed would be than the Borough ordinance requirements.

Regarding building height, calculations are provided on the plan showing conformance with the ordinance.

Mr. Burdick added Note #7, requiring all air conditioning units be located outside of the side and rear yard setbacks for all properties.

All homes will be constructed in accordance with FEMA requirements.

The plan calls for six shade trees to be planted and an additional four shade trees will be maintained. In addition, a buffer planting of twelve pines will be planted at the rear of the properties. Mr. Burdick stated he believes this will satisfy the Borough's shade tree requirements.

Mr. Burdick stated that items 16 thru 20 of the engineering review letter have been revised on the plans.

The applicant will comply with the Borough's affordable housing requirements.

In response to questions, Mr. Burdick stated the area is a flood zone. The roof leaders will be directed to the recharge system. He stated he cannot do anything when the area is inundated with rain. There will be ponding on the corner lot and the lot adjacent to the lagoon. The property is slightly lower than the road, as it exists today.

Mr. Vitale stated the property should be raised higher for drainage. Mr. Burdick stated that would not be advisable as it would cause flooding to the adjacent property in the rear.

The board discussed grade elevations; Mr. Burdick and Mr. Forsyth explained the elevation and gutter grade along Riviera Pkwy. To protect the rear neighbor more, a keystone block, approximately six inches high will be installed instead of the berm on Lot 133.

Mr. Burdick stated any homeowner on the three properties cannot remove the storm water system or the retaining wall as it is a condition of the approval.

John Pussholtz, licensed architect was sworn in. Mr. Pussholtz described the three homes to be constructed:

Two, two story, 3 bdrms., 2 car attached garage. Home will be total conformance with grading from the applicant's engineer. He stated some minor adjustments might have to be made. The board informed concerns of the past with minor changes after the approval from the board. They want to be assured the plan matches the home to be constructed.

The home closest to the lagoon will be six bedrooms with a set of stairs to an unfinished attic. There will be no windows in the attic; convenience for heating unit access. The home will be approximately 5900 sq. ft. Mr. Pardes stated a deed restriction can be filed for the attic area.

Mr. Burdick stated the RSI standards for a five or more bedroom house is three parking spaces; the applicant is providing four.

Board members discussed the parking area for the homes and if they would be sufficient. Mr. Burdick again stated the applicant exceeds the requirement of RSI.

Mr. Venturi felt curbs and sidewalks should be installed for safety. The applicant will withdraw the design waiver for curbs and sidewalks.

Mr. Pardes pointed out to the board the applicant originally applied for a four lot subdivision. The plans have been revised for three totally conforming lots and architectural plans are not required.

PUBLIC

The following persons appeared before the board with their objections to the application:

Robert Sabosik, 1415 Rue Mirador
Claudio Ripoll, 1767 Bay Isle Dr.
Raymond Seakan, 1401 Rue Mirador
Tyra Cardoso, 1816 Riviera Pkwy.
Thomas Rodes, 1803 Riviera Pkwy.
Alfredo Dinten, 1741 Certainty Dr.
Mary Ellen Ripoll, 1767 Bay Isle Dr.
Gina Seakan, 1401 Rue Mirador
Thomas Pelech, 1737 Certainty Dr.
Juliana Pace, 1840 Northwest Dr.
John McCann, 1816 Riviera Pkwy.

Residents complained of safety issues with the width of Rue Mirador and adding more vehicles from three homes. It was explained that the property owners would maintain the inlets of the storm water system and the CAFRA requirements for lot coverage. Residents complained of the flooding problems in the area; they felt three homes were negatively impacting the neighborhood; their concern with the public access requirement from CAFRA; concern of children in the neighborhood with bus stop at the corner; the probability of flooding to the adjacent neighbor

CLOSED TO PUBLIC

Mr. Feltz stated the six bedroom house is not sitting well with him. He stated more parking for that lot is needed and the house needs to be reduced. The majority of the board members felt that six bedrooms was too much. They also had safety and traffic concerns.

Mr. Pardes requested that the board carry the application, however, Mr. Burdick would not be able to attend the August meeting. Mr. Montenegro stated that the board had scheduled two special meeting dates for another applicant, and would give the date of August 7, 2008 to the applicant. All members of the public were advised the meeting would be carried to the 8/7/08 meeting without further notice.

OPEN SPACE PLAN:

Mr. O'Rourke stated that the sub-committee met and there has been wording added to have compatibility with the master plan.

Leah Yasenchak, Brownfield Redevelopment Solutions, appeared before the board. She discussed the revisions to the plan and distributed final changes of the plan to the board members.

Mr. Kosinski made a motion to recommend to Mayor & Council adoption of the open space with the amendments; seconded by Mr. O'Rourke. All were in favor, no one was opposed.

Mr. O'Rourke stated he received this evening, a copy of the proposed tree ordinance and asked the board secretary to distribute them to the board members for the next meeting.

VOUCHERS:

Montenegro, Thompson, Montenegro & Genz: \$235.00 (Cornerstone Group), \$160.00 (Zahorsky), \$160.00 (Farinacci), \$80.00 (Johnson), \$160.00 (PBK Land – dance studio), \$1600.00 (Dairy Queen litigation), \$672.00 (General Board), \$400.00 (Affordable Housing)

Remington, Vernick & Vena: \$90.00 (Cornerstone Group)

Ocean/Coast Star: \$3.74 (Farinacci), \$3.74 (PBK Land – dance studio), \$3.74 (Malinowski), \$8.58 (Zahorsky)

Asbury Park Press: \$43.72 (General Board)

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

Mr. O'Rourke made a motion to refund all application/escrow fees to the First Baptist Church of Point Pleasant as they should not have been before the board.

Mr. Kosinski seconded the motion – all were in favor, no one was opposed.

There being no further business, Mr. Vitale made a motion to adjourn. The regular meeting of the Planning Board adjourned at 10:30 p.m.

Respectfully submitted,

Catherine Kelly
Planning Board Secretary