

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
February 4, 2009**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Chairman Jeff Schroeder at 7:00 P.M. Mr. Schroeder led the Salute to the Flag. He proceeded to open the meeting in compliance with the "Open Public Meetings Act".

Roll Call Vote

Members Present: Mr. Seebald Mr. Sutphen Mrs. Kasper Mr. Holman
Mr. Seakan Mr. Schroeder

Attorney: John Jackson

Members Absent: Mr. Sabosik Mr. Ganim Ms. Thomson Mr. Plum

Mr. Seebald made a motion to accept the minutes of January 21, 2009 seconded by Mr. Sutphen.

All were in favor.

NEW BUSINESS

09-03 - Valente- Block 130 Lot 9- 1122 Gowdy Ave (7:10-7:35)

Mr. Robert Valente was sworn in.

Mrs. Deborah Valente was sworn in.

Mrs. Valente testified that she would like to finish the existing 2nd floor of her home into living space for her parents. She stated her parents would like to move back to Point Pleasant, but they are unable to purchase their own home. Mrs. Valente continued to testify that this would not have a negative impact on the neighborhood. There would not be a second entrance, no additional meters would be installed and it would never be a rental.

Mr. Schroeder asked if there would be any petitions to seal the upstairs off from the home.

Mr. Valente replied there is a pre-existing door to the attic.

Mrs. Kasper questioned there is no other entrance.

Mr. Valente stated no, but when he built the home he installed egress windows upstairs.

Mr. Seebald questioned the need for such a large garage.

Mr. Valente replied a two car garage is needed for his in-laws to have a place to park a car and for storage. There will no longer be an attic for storage.

Mrs. Valente stated they also have two small children with bicycles.

Mr. Seebald asked if the height of the garage would meet the requirements.

Mr. Valente responded yes.

Mr. Seebald asked if the siding will match the house.

Mr. Valente replied yes and the garage will be a salt box design.

Mr. Jackson asked if the living unit operates as one household.

Mr. Valente replied yes.

Mr. Jackson questioned if they would be sharing living space and laundry area.

Mrs. Valente stated no. There would be an open living space area, a bedroom, bathroom, and a laundry room.

Mr. Jackson asked how the board and municipality can be assured that this would not become a rental situation.

Mrs. Valente stated there is no exterior entrance.

Mr. Valente stated the access stairs are in the center of the home.

Mr. Schroeder opened the meeting to the public.

No public input.

Caucus

Mr. Sutphen stated he is happy with the egress windows and the staircase. They have total access to the upstairs.

Mr. Schroeder stated it is basically a single family home.

Mrs. Kasper stated that two family homes are erected separately from each other.

Mr. Schroeder stated the ordinance needs to be tweaked. There is nothing in the ordinance about mother-daughters and it can be interpreted differently.

Mr. Jackson stated that the zoning officer is concerned it could become a separate unit down the road and get out of control with tenants. The application is for a use variance and that is where concern arose. A use variance for a duplex, yet a duplex has to be separated by a wall or something.

Mr. Seebald stated if there was an outside entrance he would have a different outlook.

Mr. Holman questioned what justifies a kitchen.

Mr. Schroeder and Mr. Seebald stated a stove.

Mr. Schroeder stated council needs to address the ordinance.

Mr. Jackson read two similar court cases from New Jersey concerning mother-daughter homes with two different outcomes.

Mr. Seebald stated every application is separate.

Mrs. Kasper feels the lot is double sized and there is plenty of room for the garage.

Mr. Schroeder feels there is nothing negative on application. There are no changes to the structure.

Mr. Seebald stated it is a single family home.

Mr. Schroeder stated we need to take the application as it is presented.

Mr. Holman questioned if it would be labeled as a two family house.

Mr. Seebald would like to approve a kitchen.

Mr. Schroeder stated that the applicant came before the board for a two family home. They were sited by the zoning officer.

Mr. Seakan asked if we could enforce the intent to dismantle kitchen when no longer needed.

Mr. Jackson stated it is dangerous doing it that way.

Mr. Schroeder feels we should take the application as presented.

The Board left caucus.

Mr. Seebald made a motion to approve the application, seconded by Mr. Sutphen.

Roll Call Vote

Mr. Seebald – Yes	Mr. Sutphen- Yes	Mrs. Kasper- Yes	Mr. Seakan- Yes
Mr. Holman- Yes	Mr. Schroeder – Yes		

Councilmember Rogers and Councilmember Kaklamanis were present.

Mr. Schroeder asked council to come forward. Mr. Schroeder stated the current ordinance does not address mother-daughter dwellings and the board has denied applications in the past. Contemporary America is changing this issue needs to be addressed. Mr. Schroeder continued that he can have no input on the ordinance.

Mr. Jackson stated that if you walk into a duplex or a mother-daughter you know the difference.

Mr. Schroeder feels this is something council needs to think about. If the ordinance is worded properly it will be very easy to determine.

Councilmember Rogers stated that it could be addressed by a subcommittee at the next council meeting.

Councilmember Kaklamanis would like Mr. Jackson to prepare an outlined summary.

Resolutions

09-02 First Baptist Church- Block 128- Lot 46 -805-809 Ocean Road

Motion to memorialize made by Mr. Seebald, seconded by Mr. Sutphen

Roll Call Vote

Mr. Seebald – Yes

Mr. Sutphen- Yes

Mr. Schroeder – Yes

Vouchers

Citta, Holzapfel, & Zabarsky - JES, LLC \$528

Remington, Vernick, and Vena Engineers- JES, LLC \$210

Motion to pay made by Mr. Seebald, seconded by Mr. Holman . All were in favor.

Mr. Seebald made a motion to adjourn, seconded by Mr. Sutphen. All were in favor. The meeting adjourned at 7:50P.M.

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary