

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
April 1, 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	Mrs. Kasper	Mr. Sabosik
Mr. Holman	Mr. Seakan	Ms. Thomson
Mr. Schroeder	Mr. Sutphen	

Attorney: John Jackson

Members Absent: Mr. Plum Mr. Ganim

Mr. Seebald made a motion to accept the minutes of March 18, 2009 seconded by Mr. Sabosik. All were in favor.

New Business

09-14- Johnson- Block 356 Lot 28- 1869 Northwest Drive (7:06-7:13)

Mr. Daniel Popovitch presented the application on behalf of Mr. & Mrs. Johnson. Mr. Popovitch explained that the Johnson's were sited with a denial letter from the zoning officer due to their side yard setback.

Mr. Popovitch called his first witness Mr. Tom Petersen, Architect.

Mr. Petersen was sworn in and accepted as an expert witness by the Board.

Mr. Popovitch asked Mr. Petersen if the applicants were adding anything additional to the side yard setback.

Mr. Petersen replied no. It is currently a single story home and they are looking to add a second story to the existing setback.

Mr. Jackson questioned if he felt the proposed addition would be a detriment to the neighborhood.

Mr. Petersen replied no.

Mr. Jackson asked if it would compromise the air, light and open space.

Mr. Petersen replied no. Mr. Petersen stated it is a cohesive plan; the rooflines have been changed to make the house look as if no additions have been made.

Mr. Popovitch questioned if the rest of the home is in compliance with all other set backs.

Mr. Petersen replied yes.

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Schroeder feels this would not be creating any problems.

Mr. Seebald stated it is preexisting.

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

Roll Call Vote

Mr. Sabosik- Yes	Mr. Sutphen- Yes	Ms. Thomson- Yes	Mr. Seebald- Yes
Mrs. Kasper- Yes	Mr. Seakan- Yes	Mr. Schroeder- Yes	

09-05-Sullivan- Block14 Lot 5- 207 Jaehnel Parkway (7:13-7:34)

This application was carried from the March 4, 2009.

Mr. Sullivan was sworn in.

Mr. Schroeder explained that the board was looking for more defined plans and an accurate survey. Mr. Schroeder further explained that Mr. Sullivan needs three bulk variances.

Mrs. Kasper stated that the board asked Mr. Sullivan to redesign the plans.

A-1 was marked into evidence, Mr. Sullivan submitted revised plans.

Mr. Jackson questioned Mr. Sullivan if any additions have been made to the site since the new survey.

Mr. Sullivan replied no.

Mr. Seebald questioned the original length.

Mr. Sullivan replied 10ft. Mr. Sullivan further testified he would like to install a wood front door.

Mr. Holman questioned what room is in front of the proposed area.

Mr. Sullivan replied a 6 x 4 telephone booth.

Mr. Holman questioned what the area would be used for.

Mr. Sullivan stated it would be an entry room for coats and shoes.

Mr. Schroeder stated you walk in the door, then into a vestibule and continue into the living room.

Mr. Sullivan replied yes.

Mr. Jackson asked if there was a floor plan submitted.

Mr. Sullivan replied yes.

Mr. Holman questioned the purpose of the wood door.

Mr. Sullivan replied aesthetics.

Mrs. Kasper questioned why the same design was submitted with no other changes.

Mr. Sullivan stated the room is now 4.6 x 8 opposed to 5 x 10 and there was also a change to the roofline.

Mr. Holman questioned if there is a concrete pad under the over hang.

Mr. Sullivan replied no pavers.

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Sutphen stated he trimmed it down and he does not see a problem with it.

Mr. Sabosik would like the resolution to add that the garage cannot be used as living space.

Mr. Schroeder questioned if that can be done.

Mr. Jackson stated that the ordinance change but if it is in the resolution he would have to come in front of the Board.

Ms. Thomson feels it is impeding too much on the setback. The only thing changing her mind is the fact that no neighbors are present to complain. She feels it is far into the setback.

Mrs. Kasper stated the homes across the street are new and no one is impeding as much.

Mr. Seebald stated he didn't like it in the beginning but the encroaching has been shortened.

Mrs. Kasper feels it is not going to fit in the neighborhood and she does not see the hardship in the application.

Mr. Holman does not have a problem with the vestibule but has a problem with the additional 4 ½ ft covered area.

Mr. Seakan stated the appearance of the house is it is getting closer to the street and he doesn't want it to appear to be on the road.

Mr. Schroeder questioned if an eve type structure could be built.

Mr. Holman replied yes.

Mr. Schroeder questioned how far it could come out.

Mr. Holman replied 2ft.

Mrs. Kasper stated the door could be moved.

Mr. Seebald stated it could be cantilevered out.

Mr. Sabosik stated he already has a back and side door in the same configuration. This is an older home that he is trying to upgrade. Mr. Sabosik feels if you change the architectural configuration it will be more of a negative impact to his home.

Mrs. Kasper stated she is just trying to think about the rest of the neighborhood.

Mr. Sabosik feels the street is a mix and the Board needs to consider the older and newer homes. This is a nice little country house, with nice porches around it and he doesn't want this to become an economic hardship for the applicant.

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

Roll Call

Mr. Sabosik- Yes Mr. Sutphen- Yes Ms. Thomson- No Mr. Seebald- Yes
Mrs. Kasper- No Mr. Seakan- No Mr. Schroeder- Yes

09-08- O & G LLC- Block 319 Lot 8- 1623 Dorsett Dock Road (7:35-7:41)

Mr. Holman stepped down.

Mr. Kim Pascarella, attorney for the applicant, submitted the following evidence to the board.

A-1-A-7 was marked into evidence.

A-1, a construction permits application from 1987.

A-2, property record card from 1971.

A-3, Ocean County Tax record.

A-4, a letter from JCP&L stating that two meter was installed on 4/20/1989.

A-5, survey from 1991

A-6, a water bill from the Borough of Point Pleasant.

A-7, Ordinance 2001-19

Mr. Jackson stated this case is straightforward. The evidence provided to the Board shows that this home was built in a zone that allowed two family dwellings prior to 2001.

Mr. Jackson asked Mr. Pascarella, attorney for the applicant, to introduce his case.

Mr. Pascarella stated that prior to 2001 the property was in a zone that allowed two-family dwellings. In 2001 the area was changed to one a family zone, ordinance 2001-19. Mr. Casperelle stated that his clients purchased the home in 2002 as a two family home. The home has multiple utilities, two entrances along with separate tenants.

Mr. Jackson stated that a survey has been submitted from 1991 showing the home as a two family dwelling prior to 2001.

Mr. Pascarella called Mr. Robert Obsuth, owner of the property, as a witness.

Mr. Obsuth was sworn in.

Mr. Jackson asked Mr. Obsuth if there are two driveways on the property.

Mr. Obsuth replied yes.

Mr. Jackson questioned if the principal use of the dwelling was for a two family home.

Mr. Obsuth replied yes.

Mr. Schroeder stated there are tax records back to 1971 showing the home as a two family dwelling.

Mr. Schroeder opened the meeting to the public. There was no public input.

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

Roll Call Vote

Mr. Sabosik- Yes Mr. Sutphen- Yes Ms. Thomson- Yes Mr. Seebald- Yes
Mrs. Kasper- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

Mr. Holman returned.

09-12- Sislian- Block 12 Lot 8- 213 Passaic Ave (7:42-7:52)

Mr. Sabosik stepped down.

Robert and Jennifer Sislian were sworn in.

Ms. Mary Hern was sworn in, Architect.

Mr. Schroeder questioned why the second floor was needed.

Mrs. Sislian stated that they are looking for the second floor to have the same amount of living space as the first floor. They are also newly weds considering to have a family.

Mr. Schroeder asked if they were following the footprint of the existing home but cantilevering into the set back.

A-1 was marked into evidence, a color rendition of the home.

Ms. Hern stated that the existing lot is only 71ft deep and the existing home is already sits in the setback. The addition has been designed with a portion of the front to cantilever 2ft and a portion of the back to cantilever 2 ft. Ms. Hern feels this makes the home a little more aesthetically pleasing.

Mrs. Kasper questioned why the rear cantilever is necessary.

Ms. Hern explained that the existing home is a cape cod, the stairs go straight up and it is tight. The Sislisians would like to put a decent size bathroom upstairs and that is the need for the cantilever.

Mr. Seebald stated that some older homes are only 24ft wide.

Mr. Jackson questioned if they are encroaching on the rear yard set back.

Ms. Hern replied yes they are asking for a 4-½ ft. variance.

Mr. Jackson confirmed 2 ½ is existing looking for 2 ft more.

Mr. Schroeder stated it is already over using the main footprint.

Ms. Hern replied yes.

A-2 was marked into evidence, site plan.

Ms. Hern stated the existing home is already in the setback.

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Seebald stated it is minor and it breaks up a flat surface. With a 70 ft lot they are already in trouble. Mr. Seebald does not see a problem with the application.

Ms. Thomson likes the design.

Mr. Sutphen stated it is preexisting.

Mr. Holman stated it is a short lot.

Mrs. Kasper likes the front but has a problem with the back. The homes are already on top of each other. She does like the look of the house.

Mr. Schroeder stated it is a nice plan.

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

Roll Call Vote

Mr. Holman- Yes Mr. Sutphen- Yes Ms. Thomson- Yes Mr. Seebald- Yes
Mrs. Kasper- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

Mr. Sabosik returned.

09-13- Silva- Block 16 Lot 35- 307 Barbara Drive (7:53-7:59)

Mr. Sabosik stepped down.

Phillip and Kristi Silva were sworn in.

Ms. Mary Hern was sworn in, Architect.

Mr. Schroeder stated that this is a preexisting front yard set back.

Ms. Hern stated that the Silva's have two young sons with two bedrooms and one bathroom. So they are looking to increase the size of their home.

A-1 was marked into evidence, a color rendition of the home.

A-2 was marked into evidence, a site plan.

Ms. Hern testified that they would be going straight up over the existing footprint. Some homes in the area are forward but the majority are set back.

Mrs. Kasper asked if they are keeping the existing walls.

Ms. Hern replied they are keeping the front and rear walls. The roof is coming off.

Mr. Jackson questioned if the existing foundation will be used.

Ms. Hern replied yes.

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Schroeder feels it is a beautiful design and a positive impact on the neighborhood.

Mr. Holman stated it is a great design.

Mrs. Kasper likes the design but not he encroaching.

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

Roll Call Vote

Mr. Holman- Yes Mr. Sutphen- Yes Ms. Thomson- Yes Mr. Seebald- Yes
Mrs. Kasper- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

Mr. Sabosik returned.

09-15- McKeever- Block 285 Lot 18- 1837 Beach Blvd (8:00-8:05)

Ms. Katherine McKeever 14 Juno Court, Tinton Falls was sworn in.

Mr. Richard Treherne was sworn in.

Mr. Schroeder questioned who Carrie Gavriloft was.

Ms. McKeever replied her mother and she is the owner of the property.

Mr. Jackson asked if Ms. McKeever was a contract purchaser for the home.

Ms. McKeever replied yes.

Mr. Schroeder stated that it is a 40 x 100 lot. Mr. Schroeder continued that the applicant was looking to raise the home and start from scratch. The rest of the home meets all of the setbacks. Mr. Schroeder asked why she wanted to raise the home.

Ms. McKeever stated that the homes current state is in complete disrepair. The home was not maintained and there are mold issues.

Mrs. Kasper asked if the proposed home is a modular.

Ms. McKeever replied yes.

Mrs. Kasper questioned the height of the home.

Ms. McKeever replied 29.5ft.

Mr. Schroeder opened the meeting to the public. There was no public input.

Caucus

Mr. Schroeder feels it is a very nice design.

Mr. Seebald stated it is a 40ft lot.

Mr. Holman stated there is not much you can do on a 40ft lot.

Mr. Schroeder stated it is a very attractive house.

Mr. Sabosik also stated it is very attractive and a definite improvement.

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

Roll Call Vote

Mr. Sabosik- Yes Mr. Sutphen- Yes Ms. Thomson- Yes Mr. Seebald- Yes
Mrs. Kasper- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

09-16- Taverner- Block 279 Lot 155- 1702 Certainty Drive (8:06-8:37)

Mr. Charles Taverner was sworn in.

Mr. Schroeder asked Mr. Taverner if he changed his mind from the last hearing about not having access to the observation area.

Mr. Taverner replied yes that when the door was taken out of the plans he didn't realize that the stairs came out along with that. He spoke with Kevin Burke and Kevin stated it shouldn't be a problem. Mr. Taverner stated that access is needed in order to clean windows and for storage.

Mr. Jackson stated that he spoke with Mr. Burke and that is not what Mr. Burke stated to him.

Mr. Taverner stated that Mr. Burke called him after that conversation and stated he would have to look into the issue to see if it was OK for him to have access to the attic.

Mrs. Kasper stated attic yes but not open stairs.

Mr. Taverner stated it is for maintenance and storage.

Mr. Jackson stated there are a few issues. With stairs it would be hard to enforce the safety issue and is it an observation area or a cupola?

Mr. Schroeder stated that this was discussed the 1st time Mr. Taverner was in front of the board.

Mr. Taverner stated yes but he was unaware that the stairs were taken out.

Mr. Schroeder recalled going over this issue with a lot of detail.

Mr. Taverner stated that pull down stairs are very dangerous.

Mr. Schroeder questioned if there was no room in the rest of the house for storage.

Mr. Taverner stated they would like the space for things they don't use such as Christmas decorations.

Mr. Sabosik questioned the height of the attic where the door is.

Mr. Taverner stated 5 ½ft.

Mr. Jackson questioned the height of the observation tower.

Mr. Taverner replied 8 ½ - 9ft.

Mr. Seebald stated it is a widow's peak.

Mr. Sabosik questioned the access to the decking in front of the cupola.

Mr. Taverner stated it is a 6 x 4 false deck.

Mr. Jackson questioned the need for the access to the area.

Mr. Taverner stated for storage. The heating unit and ductwork is everywhere else.

Mr. Sabosik questioned the existing storage above the garage.

Mr. Taverner stated there is a big heating unit with 18 coils and the storage over the master bedroom has the same issue.

Mrs. Kasper stated that she has spiral stairs at work and it is very difficult to carry things up and down the spiral staircase. She also questioned why pull down stairs couldn't be used.

Mr. Taverner stated that spiral stairs are made for tight spaces and pull down stairs are dangerous.

Mr. Holman questioned if there was attic space above the bedrooms.

Mr. Taverner stated there is no other attic space.

Mr. Schroeder opened the meeting to the public.

Mr. Richard Rushforth 1701 Bay Isle Drive was sworn in.

Mr. Rushforth stated that this home is a monstrosity.

Mr. Schroeder asked if he was noticed for the first hearing about the variance for the home.

Mr. Rushforth said probably.

Mr. Schroeder asked Mr. Rushforth if access to the third floor would be an invasion his privacy.

Mr. Rushforth stated yes.

Mr. Sabosik asked if he was concerned about the possibility of noise or people in the proposed area.

Mr. Rushforth replied no. He is concerned about the house that is being built.

Mr. Schroeder wished that Mr. Rushforth came to the original hearing. This application is for the staircase and the potential use of the third floor.

Mr. Sabosik questioned if Mr. Taverner was living in the home.

Mr. Taverner replied no. Mr. Taverner reiterated that pull down stairs are very dangerous.

Caucus

Mr. Sutphen stated he is confused. At the two prior meetings it was determined not to be living area and now the applicant is asking to change it. Mr. Sutphen feels that you can't carry anything up a spiral staircase and the area needs to be closed off with a door or something in order to prevent heat loss. Mr. Sutphen is against this application.

Mr. Schroeder stated if denied it will still be a nice open-air cupola.

Mr. Sabosik is concerned about egress how would someone get out.

Mr. Seebald stated there are decorative ladders that can be used. They are steep but still just a ladder. Mr. Seebald has no problem with the access it is a widow's peak.

Mrs. Kasper stated that someone is here to complain and they need to listen to the people. If granted access they can look into homes and yards of neighbors.

Mr. Seebald stated that could be done from the second floor. Aesthetically it looks great.

Mr. Schroeder stated he would like to see it remain as a cupola without access.

Otherwise could be opening a huge problem.

Mr. Holman stated that if you give access to one the whole neighborhood will be on the third floor. Mr. Holman feels the board let enough go on the house.

Mrs. Kasper feels a cupola with a chandelier will be beautiful.

Mr. Schroeder feels it is not needed.

Ms. Thomson made a motion to deny the application, seconded by Mr. Sutphen.

Roll Call

Mr. Sabosik- Yes Mr. Sutphen- Yes Ms. Thomson- Yes Mr. Seebald- No
Mrs. Kasper- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

Requisitions

All Cuts- Refund Application Fee- \$200
Refund Escrow- \$400

Motion to refund was made by Ms. Thomson, seconded by Mr. Sutphen. All were in favor.

Ms. Thomson made a motion to adjourn, seconded by Mr. Seebald. All were in favor.
The meeting adjourned at 8:38P.M.

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary