

**BOROUGH OF POINT PLEASANT  
ZONING BOARD OF ADJUSTMENT  
May 6, 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. Ganim	Mrs. Kasper
Mr. Holman	Mr. Seakan	Mr. Scarpello
Mr. Schroeder	Mr. Sutphen	Mr. Sabosik

Attorney: John Jackson

Members Absent: Mr. Plum Ms. Thomson

Mr. Seebald made a motion to accept the minutes of April 15, 2009 seconded by Mr. Sabosik.

All were in favor.

**New Business:**

**09-19- Kingman- Block 127 Lot 17- 903 Ocean Road (7:02-7:10) R-3 Zone  
Application for Lot Width 53ft where 75 is required**

Mr. Daniel Popovitch, attorney, represented the applicants Mr. and Mrs. Kingman. Mr. Popovitch stated this a simple application in an R-3 zone. Mr. Popovitch called his first witness Robert Martin from Dolphin Homes.

Mr. Robert Martin 613 Turkey Point Road was sworn in.

Mr. Popovitch asked Mr. Martin if he has been working with the applicants on their home.

Mr. Martin replied yes.

Mr. Popovitch asked Mr. Martin if the home was within all other setbacks.

Mr. Martin replied yes.

Mr. Popovitch questioned if the addition will match the existing home.

Mr. Martin replied yes.

Mr. Schroeder questioned if the siding of the addition will match the existing house.

Mr. Martin replied yes.

Mr. Ganim questioned if the windows will all match.

Mr. Martin replied yes Anderson windows would be installed to match the existing home.

Mr. Popovitch called Mr. Kingman as his next witness.

Mr. Kingman was sworn in.

Mr. Popovitch asked Mr. Kingman how many bedrooms the home has.

Mr. Kingman replied 3.

Mr. Popovitch asked if the reason for the addition was due to and expanded family.

Mr. Kingman replied yes.

Mr. Popovitch questioned if there was any comments for the neighbors.

Mr. Kingman replied no.

Mr. Popovitch has no further witness. Mr. Popovitch continued that this lot has existed without the proper frontage for many years. The architect was consisted with the existing home and this will be an improvement.

Mr. Ganim questioned if the height, rear and side yard setbacks will be met.

Mr. Popovitch stated everything meets the requirements.

Mrs. Kasper questioned if the lot was subdivided.

Mr. Kingman replied no.

Mr. Schroeder opened the meeting to the public.

#### **Caucus**

Mr. Schroeder stated this is pre-existing frontage. The addition meets all setbacks.

Mr. Sabosik stated it would match the existing house.

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

#### **Roll Call Vote**

Mr. Sabosik- Yes      Mr. Sutphen- Yes      Mr. Seebald- Yes      Mr. Ganim- Yes

                         Mrs. Kasper- Yes      Mr. Seakan- Yes      Mr. Schroeder- Yes

#### **Unfinished Business:**

##### **09-07 Nolan- Block 171 Lot 2- 821 Beaver Dam Road (7:11-8:02) Use Variance**

Mr. Schroeder stated that the applicants are returning to the Board because the Board requested more detailed plans.

Mr. Robert and Mrs. Jennifer Nolan were sworn in.

Mrs. Nolan explained that when they built the addition the architect focused on the addition not the existing structure in order to save money.

Mr. Schroeder explained that the Board needs the detail. Two family homes are a big subject.

Mr. Sabosik questioned what was in the kitchen area at this time.

Mrs. Nolan explained a wet bar.

Mr. Sabosik asked if there was an exhaust fan.

Mr. Nolan replied no.

Mr. Ganim questioned the need for the second kitchen.

Mrs. Nolan explained the second kitchen is for her parents. Her parents live with them due to financial and medical reasons.

Mr. Ganim asked where the parents sleep.

Mrs. Nolan replied upstairs above the existing dining area.

Mrs. Kasper questioned why there was a second staircase.

Mrs. Nolan replied for access to the bedroom.

Mr. Jackson questioned what would prevent a partition from being installed.

Mrs. Nolan replied that there is communal living. Everyone uses the same front door.

Mr. Jackson asked if there was one driveway.

Mr. Nolan replied yes.

Mrs. Kasper understands the living situation but has a problem with the door between the living areas.

Mrs. Nolan stated the door is in place for noise reasons only.

Mrs. Kasper stated that there is ability for it to become a separate unit.

Mrs. Nolan replied that would never be done. Her parents are young but had a financial hardship.

Mr. Ganim asked if the stove was installed after construction was complete.

Mr. Nolan replied yes.

Mrs. Kasper questioned if everything was built already.

Mrs. Nolan replied yes. The door just for a little bit of privacy. Her husband works nights and it keeps out some of the noise.

Mr. Holman questioned the entrance on the back deck.

Mr. Nolan replied there is an entrance to both areas on the deck. The deck is shared.

Mr. Sabosik questioned what was in the kitchen.

Mr. Nolan submitted A-1 – A-11 into evidence, pictures of the interior and exterior of the home.

Mr. Sabosik questioned the size of the second stove.

Mr. Nolan replied 30 in.

Mrs. Nolan state she would be willing to sign an affidavit stating that the area would never be rented out.

Mr. Jackson stated that the Board is looking into the possible future of the home.

Mr. Sabosik questioned the linear feet of the cabinets.

Mr. Nolan replied he is not sure but there is no counter space.

Mr. Sabosik stated this is a full kitchen not a wet bar.

Mr. Nolan replied it could be.

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

Mrs. Nolan stated it is not an eating area everyone eats in the main kitchen.

Mr. Sabosik questioned what the kitchen is used for.

Mrs. Nolan stated breakfast and lunch for her parents and her son.

Mr. Ganim questioned how many cars are at the house.

Mrs. Nolan replied three.

Mr. Ganim questioned if there was parking on the street.

Mrs. Nolan replied yes.

Mr. Schroeder opened the meeting to the public

### **Caucus**

Mr. Schroeder stated that the configuration doesn't lend itself to be a two family home. With no mother daughter clause in the ordinance there is the threat of a different owner. Mr. Jackson stated it meets the criteria for a single-family mother – daughter configuration.

Mr. Ganim stated it looks like a two-family home.

Mrs. Kasper would like something to be done to the wall in order to prevent a door being installed.

Mr. Seebald stated a door could always be installed.

Mrs. Kasper stated that all they would need to do is install a lock on each side of the door and it is a separate unit.

Mr. Ganim stated that 1000sq ft is rentable.

Mr. Holman stated it is a full kitchen.

Mr. Sabosik feels it is a unique configuration.

Mr. Schroeder stated that taking out the stove may be an inconvenience for the family but they would still be able to live together.

Mr. Sutphen asked if the house was completed.

Mr. Ganim replied yes.

Mr. Sutphen stated he has reservation about the stove and kitchen but it is all built.

Mrs. Kasper stated that the parents could cook breakfast in the existing kitchen.

Mr. Schroeder stated that would be an inconvenience for the parents.

Mr. Holman stated yes but they stated it was not used for eating.

Mr. Ganim stated that 11 x 14 is big enough for a table.

Mr. Seebald stated the stairs are taking up a good part of the room.

Mr. Ganim is having a problem about what the next buyer would do. Mr. Ganim also feels that the house can be enjoyed as is.

Mr. Sabosik questioned if they have proved their hardship.

Mr. Schroeder stated that hardship has not been proven.

Mrs. Kasper questioned the separate entrance.

Mr. Holman stated that the entrance is already there.

Mr. Schroeder reminded the Board that if there is still some apprehension they could make the applicants come back again.

Mr. Seakan questioned how much of the existing kitchen would need to be removed.

Mr. Schroeder replied the stove.

Mr. Sabosik would like to ask the applicants a few more questions.

Mr. Sabosik questioned how often the second stove is used.

Mrs. Nolan replied every morning and every afternoon.

Mr. Nolan stated that he could hear everything from the existing kitchen.

Mrs. Nolan stated that she eats dinner with her parents every night.

Mr. Sutphen questioned if the morning and afternoon use of the kitchen was for the child as well.

Mrs. Nolan replied yes.

Mr. Sutphen feels this home was custom designed for their family and he is comfortable voting.

Mr. Jackson stated that they could approve the application as a single family dwelling with conditions.

Mrs. Kasper stated that the application was for a two family dwelling.

Mr. Jackson stated that the Board has the right to grant all or some relief.

Mr. Ganim made a motion to deny the application. There was no second on the motion.

Mr. Schroeder made a motion to approve the application with the following conditions  
Single-family social unit with two kitchens.

All doors must be keyed the same.

One set of utilities.

One mailbox

Everyone must have rights to the full house.

The door between the two living areas must be removed.

Seconded by Mr. Seebald

#### **Roll Call Vote**

Mr. Sabosik-Yes      Mr. Sutphen-Yes      Mr. Seebald-Yes      Mr. Gamin-No

Mrs. Kasper-No      Mr. Seakan-No      Mr. Schroeder-Yes

#### **New Business**

**09-17-Gilmore- Block 376 Lot 4- 2205 Christine Court (8:03-8:11) R1-A Zone Rear Yard Setback 11ft where 25ft is required and Building Coverage 33.76% where 30% is required.**

Mr. Edward Gilmore was sworn in.

Mr. Schroeder asked Mr. Gilmore why he needed a roof over his deck.

Mr. Gilmore stated it is very windy area. The neighbors have an awning and it needs to be replaced every few years due to wind damage. His wife takes medication for arthritis and cannot be in the sun. Currently two umbrellas are set up over the deck.

Mr. Schroeder asked the size of the roof.

Mr. Gilmore stated 16 x 22.

Mr. Schroeder questioned if the roof shingles would match the rest of the home.

Mr. Gilmore replied yes.

Mr. Ganim questioned if skylights were being installed.

Mr. Gilmore replied yes.

Mr. Holman questioned if the area would be screened in.

Mr. Gilmore replied no.

Mr. Jackson questioned if there would be screens, heat or utilities.

Mr. Gilmore replied no.

Mr. Schroeder questioned what the pillars would look like.

Mr. Gilmore replied 6x6.

Mr. Ganim questioned what would cover the roof joists.

Mr. Gilmore replied bead board.

Mr. Kasper questioned the age of the deck.

Mr. Gilmore stated he was not sure he has only owned the home for 18 months.

Mr. Ganim questioned if gutters would be installed.

Mr. Gilmore replied yes.

Mr. Schroeder opened the meeting the public.

Mr. Allan 2232 Laguna Court stated that he looked at the plans and there are no changes to the roofline. There is just a problem with wind. An awning would rip off the house. There is no shade and it is hot. Mr. Allan feels there would be no negative impact.

### **Caucus**

Mr. Schroeder stated he doesn't see a problem with the roof.

Mr. Sabosik stated he didn't have any problems and with the medication issue they need the roof.

Mrs. Kasper stated as long as it is not enclosed.

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

### **Roll Call Vote**

Mr. Sabosik- Yes    Mr. Sutphen- Yes    Mr. Seebald- Yes    Mr. Ganim- Yes  
Mrs. Kasper- Yes    Mr. Seakan- Yes    Mr. Schroeder- Yes

### **09-18- Chris Hall Construction Specialties, Inc.- Block 128 Lot 13-1153 Ridgefield Drive (8:12-8:17) Front Yard Setback 14.5ft where 19ft is required and Floor Space of a dwelling is 880 where 936 is required.**

Ms. Jeannette Kellington represented Mr. Chris Hall on his application.

Mr. Christopher Hall was sworn in.

Mr. Hall stated that the existing house had a porch, which he converted into living space now there is a need for the platform. The platform would be 5 x 4 with stairs and no overhang. Mr. Hall stated that he would be using Trex decking and vinyl rails.

Ms. Kellington asked if other homes have the same type of stoop.

Mr. Hall replied yes.

Mr. Sabosik questioned if the front porch would match the side of the house.

Mr. Hall replied yes.

Mr. Ganim asked if this was a spec house or if Mr. Hall was going to live in it.

Mr. Hall stated he would like to rent the house.

Mr. Ganim questioned if the front porch was made into living space.

Mr. Hall replied yes.

Mr. Schroeder stated basically it is a front stoop.

Mr. Sabosik stated he needs it for building code.

Mr. Schroeder opened the meeting to the public.

**Caucus**

Mr. Schroeder stated he doesn't see any problems with the application.

Mr. Holman stated he needs it and it is required.

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

**Roll Call Vote**

Mr. Sabosik- Yes      Mr. Sutphen- Yes      Mr. Seebald- Yes      Mr. Ganim- Yes  
Mrs. Kasper- Yes      Mr. Seakan- Yes      Mr. Schroeder- Yes

**09-20- Benol- Block 139 Lot 8- 1212 Lister Street (8:18-8:23)  
R1-A Zone Lot Area 4591 where 5000 is required.**

Mr. Michael Benol was sworn in.

Mr. Schroeder stated the lot size is too small and the applicant is looking to put an addition on his bi-level home.

Mr. Benol stated that Point Pleasant offers a lot and he would like to stay in town. He has two children 7 and 3. He looked for a larger home within walking distance to the beach and couldn't find one. The family is in need of another bedroom. This is a great design and this will be a brand new home when completed.

Mrs. Kasper asked if the addition would encroach any other setbacks.

Mr. Benol replied no if he had an extra 500ft he wouldn't be here.

Mr. Schroeder opened the meeting to the public.

**Caucus**

Mr. Schroeder really liked the plans.

Mr. Seebald stated this application was cut and dry.

Mr. Sabosik stated we want to keep people in the town.

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

**Roll Call Vote**

Mr. Sabosik- Yes      Mr. Sutphen- Yes      Mr. Seebald- Yes      Mr. Ganim- Yes  
Mrs. Kasper- Yes      Mr. Seakan- Yes      Mr. Schroeder- Yes

**Resolutions**

09-05-Sullivan- Block 14 Lot 5- 207 Jaehnel Parkway

A motion to memorialize was made by Mr. Seebald, seconded by Mr. Sutphen

**Roll Call Vote**

Mr. Sabosik- Yes      Mr. Sutphen-Yes      Mr. Seebald-Yes      Mr. Schroeder-Yes

09-12- Sislian-Block 16 Lot 8- 213 Passaic Avenue

09-13- Silva- Block 16 Lot 35- 307 Barbara Drive

A motion to memorialize was made by Mr. Seebald, seconded by Mr. Sutphen

**Roll Call Vote**

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

09-08-O & G LLC- Block 319 Lot 8-1547 Dorsett Dock Road

09-14- Johnson- Block 356 Lot 28- 1869 Northwest Drive

09-15- McKeever- Block 285 Lot 18-1837 Beach Blvd

A motion to memorialize was made by Mr. Seebald, seconded by Mrs. Kasper

**Roll Call Vote**

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

09-16-Taverner- Block 279 Lot 155-1702 Certainty Drive

A motion to memorialize was made by Mrs. Kasper, seconded by Mr. Sabosik

**Roll Call Vote**

Mr. Sabosik-Yes      Mr. Sutphen-Yes      Mrs. Kasper-Yes      Mr. Seakan-Yes  
Mr. Schroeder-Yes

**Vouchers**

**King, Kitrick & Jackson, LLC**

Hoffman-\$288.75                      Murray- \$371.25

**Starkey, Kelly, Bauer, Kenneally & Cunningham**

Omnipoint Communications, Inc.- \$2475

**Remington, Vernick & Vena Engineers, Inc.**

Omnipoint Communications, Inc.

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

Mr. Seebald made a motion to adjourn, seconded by Mr. Sabosik All were in favor. The meeting adjourned at 8:25P.M.

Respectfully submitted,

Sharon Bestine  
Zoning Board Secretary

