

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
November 18, 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	Ms. Thomson (arrived at 7:01)		
Mr. Holman	Mr. Scarpello	Mr. Sutphen	Mr. Sabosik
Mr. Plum	Mr. Schroeder	Mr. Seakan	

Attorney: Mr. Jackson

Members Absent: Mrs. Kasper Mr. Ganim

Mr. Seebald made a motion to accept the minutes of November 4, 2009 seconded by Mr. Sabosik.

Roll Call Vote

Mr. Sabosik- Yes Mr. Sutphen-Yes Mr. Plum- Yes Mr. Holman-Yes
Mr. Scarpello-Yes Mr. Seebald-Yes Mr. Schroeder- Yes

Resolutions

09-35- Christenson- Block 306 Lot 62- 1656 Center Street- Appeal / Interpretation

Mr. Seebald made a motion to memorialize the resolution, seconded by Mr. Sutphen.

Roll Call Vote

Mr. Sutphen- Yes Mr. Seebald- Yes Mr. Plum- Yes Mr. Schroeder- Yes

09-40- DePolo & Obsuth- Block 143 Lot 8- 1223 Bay Avenue- Use Variance

Mr. Seebald made a motion to memorialize the resolution, seconded by Mr. Sutphen.

Roll Call Vote

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

New Business

09-42- Nguyen- Block 299.01 Lot 51- 1418 Beaver Dam Road- Use Variance (7:00-7:08)

Ms. Kim Nguyen 98 Kentwood Blvd., Brick was sworn in.

Mr. Schroeder explained that this is a use variance which requires five affirmative votes. Mr. Schroeder continued that the Board has reviewed the application for the nail salon and questioned how many chairs she intended on having.

Ms. Nguyen replied three nail tables and three pedicure chairs.

Mr. Schroeder asked if she would have six customers at a time.

Ms. Nguyen stated she would only have three customers.

Ms. Thomson arrived.

Mr. Holman asked how many parking spots are at the location.

Ms. Nguyen replied she is not sure but the landlord told her she would have nine spots.

Mr. Schroeder asked how long an average customer would be in the salon.

Ms. Nguyen replied ½ to an hour depending on what services they are receiving.

Mr. Seebald asked if everything is scheduled.

Ms. Nguyen replied yes.

Mr. Scarpello stated he observed the lot and there seems to be a lot of cars parked on the side of the building.

Ms. Nguyen replied she is new to the area. She is not sure about the parking.

Mr. Seakan asked if the front was reserved for her business.

Ms. Nguyen replied she is not sure but the landlord told her she would have nine parking spots for her business.

Mr. Seakan stated that with three nail tables and three pedicure tables she could have more than three customers at a time.

Ms. Nguyen replied she would have appointments.

Ms. Thomson asked how many employees she would have.

Ms. Nguyen replied three.

Mr. Holman questioned how many customers could be there at the same time.

Ms. Nguyen replied she would employ three workers and appointments would be scheduled.

Mr. Jackson questioned what was previously in the space.

Mr. Schroeder replied a video store and then a home decorating store.

Mr. Jackson stated he is not sure if this is an expansion of a non-conforming use. An expansion of a non-conforming use would be increasing the nature and quality of the use. A personal service is arguably less intense than a video store or a home decorating store. Mr. Jackson is not sure if the apartments were there when this went before the Planning Board in 1997.

Mr. Seebald stated the apartment have always been there.

Mr. Sutphen stated the apartments have been there since at least 1968.

Mr. Jackson replied he is not sure if this is an expansion of the use.

Mr. Schroeder opened the meeting for public questions and comments. There were no public comments or questions.

Caucus

Mr. Seebald asked if the applicant needs to be in front of the Board.

Mr. Schroeder replied the applicant is here for a use variance and the Board needs to determine if the business is suitable for the area.

Mr. Sutphen stated the video store was more of an intense use than she is proposing.

Mr. Schroeder stated he would like to see something thrive at this location.

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

Roll Call Vote

Mr. Sutphen- Yes Mr. Sabosik- Yes Ms. Thomson- Yes Mr. Seebald- Yes
Mr. Plum- Yes Mr. Seakan- Yes Mr. Schroeder- Yes

Vouchers

King, Kitrick & Jackson, LLC

Wojciechowski- Russo- \$41.24	Radman- \$41.25
Jennings- \$247.50	Mendez- \$41.25
Broad South, LLC- \$41.25	Cicccone- Hiller-\$247.50
Obsuth & DePolo- \$123.75	Christenson- \$123.75

A motion to pay was made by Mr. Seebald, seconded by Mr. Sabosik. All were in favor.

Mr. Schroeder advised the Board that they will be requesting bids for professionals. He further stated he would be asking for a committee of three people to review the bids.

Mr. Sabosik stated he hoped that current legal representation would be submitting a bid.

Mr. Jackson stated that the municipality adopted a fair and open process and once that is the policy it has to be done for all professionals.

Mr. Sabosik asked if the Board as a whole could discuss the bids, opposed to a committee.

Mr. Jackson replied that can be done but he would want to double check with Mr. Maffei or Mr. Dasti to see if there are any procedures or policies.

Mr. Holman asked if that would be in public or executive session.

Mr. Jackson replied that other towns have gone into executive session without the attorney being present.

Mr. Holman asked when the bids are due.

Mr. Sabosik replied December 8th.

Mr. Seebald asked if this can be done on the commercial night in December.

Mr. Jackson replied that the decision has to be made January during the re-organization meeting. Mr. Jackson doesn't see why there couldn't be a preliminary meeting as long as it is a public meeting.

Mr. Schroeder stated there may be new members in January so a decision can't be made until January. The bids can be discussed during executive session in December and decided on in January.

Mr. Sabosik made a motion to adjourn, seconded by Mr. Seebald. All were in favor. The meeting adjourned at 7:16

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary