

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
February 3, 2010**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Chairman Jeffrey 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. Scarpello	Mr. Plum
Mr. Schroeder		

Attorney: Mr. Jackson

Members Absent: Mr. Seakan Ms. Thomson Mr. Sabosik Mr. Sutphen

Mr. Seebald made a motion to accept the minutes of January 6, 2010 seconded by Mr. Ganim.

Roll Call Vote

Mr. Seebald - Yes Mr. Plum-Yes Mr. Scarpello-Yes Mr. Ganim-Yes
Mrs. Kasper- Yes Mr. Holman- Yes Mr. Schroeder- Yes

New Business

10-01- Whittaker- Block 24 Lot 5- 2409 Herbertsville Road- Fence Height 7:20-7:40

Mr. Jackson explained that there was a noticing situation. While Mrs. Whittaker properly noticed the Ocean Star the newspaper made an error in the legal notice. It was advertised that the hearing was going to be held at 2233 Bridge Avenue. The newspaper did properly notice on January 29, 2010. A notice was also placed on the court room door. Mr. Jackson recommends that the Board go forward with the application.

Mr. Ganim suggested that the Board wait ten minutes due to the parking situation.

Mr .Schroeder stated it is now 7:10.

Vouchers

King, Kitrick & Jackson, LLC

Manning- \$330.00

Nguyen- \$206.25

Chin- \$453.75

Obsuth & DePolo- \$288.75

Christenson- \$577.50

General- \$412.50

Silva- \$247.50

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

Ocean Star

Wojciechowski- \$3.90

Radman- \$3.90

Broad South, LLC- \$3.90

Mendez- \$3.91

Nguyen- \$3.91

Motion to pay was made by Mr. Seebald, seconded by Mrs. Kasper. All were in favor

Requisitions:

Nguyen- \$189.81

Wojciechowski- \$66.10

Broad South, LLC- \$183.60

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

10-01- Whittaker- Block 24 Lot 5- 2409 Herbertsville Road- Fence Height
Continued.

Mrs. Rachael Whittaker was sworn in.

Mr. Schroeder stated that the Board has reviewed the application and asked the applicant to explain her application.

Mrs. Whittaker explained she is looking for relief to construct a six foot fence across the front of her home where a three foot fence is allowed. She further explained that she only has six feet of back yard and her home is located at the corner of River Avenue and Herbertsville Road.

Mr. Schroeder asked if there were other homes in the area with a similar set up.

Mrs. Whittaker replied yes. She had submitted pictures showing 6ft fences along Herbertsville Road.

Mr. Jackson asked if she took the photos and if they had been tampered with in any way.

Mrs. Whittaker stated the one photo is a rendering of the fence.

Mr. Jackson marked the photos into evidence.

A-1 – Rendering of the fence

A-2 – Pictures of the other properties on Herbertsville Road.

Mr. Seebald asked what type of fencing would be used.

Mrs. Whittaker replied a stockade wooden fence.

Mr. Ganim stated the picture shows a white fence and he asked if she had considered vinyl.

Mrs. Whittaker replied vinyl is too expensive.

Mrs. Kasper asked what she was going to do with the existing fence.

Mrs. Whittaker replied it would be removed.

Mrs. Kasper asked if a surveyor looked at the site to make sure it wouldn't be blocking the triangle easement.

Mr. Jackson stated it is set back 55ft it would not be obstructing the site triangle. It may not be an easement.

Mrs. Kasper further stated she has a problem with 6ft fences on Herbertsville Road.

Mr. Holman asked if there was any reason she chose a 6ft fence and not a 5ft fence.

Mrs. Whittaker replied a 6ft fence would provide the most security and privacy for her family. Her son is already the same height as a 3ft fence.

Caucus

Mr. Schroeder stated this application has no negative impact what so ever.

Mr. Ganim has a problem with the stockade fence. If the fence is properly maintained it would not be a problem but vinyl fencing hold color.

Mr. Holman stated if the wood was painted it would last longer.

Mr. Schroeder likes the wood.

Mr. Holman would prefer the fence to be stained opposed to painted. If it is stained it will last at least 10yrs.

Mrs. Kasper thinks it is too close to the property line. She understands the point but still has a hard time with 6ft fences on the front yard.

Mr. Schroeder stated they have no backyard and they deserve the privacy to protect their children.

Mr. Ganim stated the back fence is already a wooden stockade fence.

Mr. Seebald made a motion to approve the application with the condition that the fence must be stained or painted and maintained at all times. The motion was seconded by Mr. Ganim.

Roll Call Vote

Mr. Seebald- Yes Mr. Ganim- Yes Mr. Plum- Yes Mrs. Kasper- Abstain
Mr. Holman- Yes Mr. Scarpello- Yes Mr. Schroeder- Yes

Resolutions

09-02- Whittaker- Block 24 Lot – 2409 Herbertsville Road- Fence Height

Mr. Seebald made a motion to memorialize seconded by Mr. Holman.

Roll Call Vote

Mr. Seebald- Yes Mr. Ganim- Yes Mr. Plum- Yes Mr. Holman- Yes
Mr. Scarpello- Yes Mr. Schroeder- Yes

Mr. Ganim led a discussion concerning the amount of escrow fees collected.

Mr. Schroeder feels this is not the Boards decision. Council receives the annual reports and feels this should be their call.

After further discussing the matter Mr. Schroeder polled the Board how they felt on this matter. Four members agreed to leave the fees as they are and two would like to see the fee schedule revised.

Mr. Schroeder suggested tabling the idea for six months and at that time review the outstanding escrow balances.

The Board agreed.

Mr. Seebald made a motion to adjourn, seconded by Mr. Kasper. All were in favor. The meeting adjourned at 8:21pm

Respectfully submitted,

Sharon Bestine
Zoning Board Secretary