# BOROUGH OF POINT PLEASANT

**ZONING BOARD OF ADJUSTMENT**

 **January 9, 2019**

## The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to

Order by Chairman 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. Shrewsberry Mrs. Petrillo Mr. Coleman Mr. Weiglein Mr. Giordano Ms. Masterson Mr. Nikola Mr. Schroeder

Members Absent: Mr. Marshall Mr. Blank Ms. Commins

Attorney: Mr. Gertner

**Re-Organization**

**Chairman:** A motion was made to appoint Mr. Schroeder as Chairman by Mr. Coleman, seconded by Mr. Nikola. All were in favor.

**Vice- Chairman:** A motion was made to appoint Ms. Coleman as Vice-Chairman by Mrs. Petrillo, seconded by Ms. Commins. All were in favor.

**Secretary:** A motion to appoint Sharon Morgan as Board Secretary was made by Mr. Nikola, seconded by Mr. Shrewsberry. All were in favor.

**Attorney:**

Mr. Schroeder stated there was only one attorney proposal:

Gertner & Gertner- Sean Gertner

A motion was made to appoint Mr. Sean Gertner (Gertner & Gertner) as the Board Attorney by Mr. Giordano seconded by Mr. Coleman. All were in favor.

**Engineer:**

Mr. Schroeder stated the following engineers submitted proposals:

T & M Associates

Najarian

A motion to appoint Mr. Raymond Savacool (T & M Associates) was made by Mrs. Petrillo seconded by Mr. Weiglein. All were in favor.

**Meeting time and dates & official newspaper**

Mr. Coleman made a motion to hold residential applications on the second Wednesday and commercial applications on the fourth Wednesday of each month at 7:00pm, seconded by Mr. Giordano. No meetings will be conducts November 27, 2019 or December 25, 2019. All were in favor.

**Minutes: November 28, 2018**

 **December 12, 2018**

**A motion to approve was made by Mr. Coleman, seconed by Mr. Nikola.**

**Roll Call Vote**

Mr. Coleman- Ye Mr. Weiglein- Yes Mr. Nikola- Yes Mr. Schroeder- Yes

**Resolutions**

**16-18 Best- Block 145.01 Lot 8- 1304 Nersita Drive- Side Yard Setback- Approved**

A motion to memorialize was made by Mrs. Petrillo, seconded by Mr. Weiglein

**Roll Call Vote:** Mrs. Petrillo- Yes Mr. Giordano- Yes Mr. Weiglein- Yes

Mr. Nikola- Yes Mr. Schroeder- Yes

**18-18 Buletza- Block 64 Lot 7- 503 Adelaide Road- Shed in front yard- Denied (amended)**

**A motion to memorialize was made by Mrs. Petrillo, seconded by Mr. Coleman**

**Roll Call Vote**

Mr. Shrewsberry- Yes Mrs. Petrilllo- Yes Mr. Coleman- Yes Mr. Weiglein- Yes Mr. Schroeder- Yes

**New/ Unfinished Business**

**18-19- Weshnak- Block 386 Lot 43- 1512 Bel Aire Court West- Side Yard Setback for shed and Set Back from principal structure(7:09-9:30)**

The applicant is looking to leave an existing shed in its present location. The minimum setback for an accessory structure is 2ft, where 0.92ft is proposed. The required setback from the principal structure is 10ft, where 4ft is proposed.

Mr. John Jackson, attorney, for the applicant.

Mr. Michael Weshnak, applicant, was sworn in.

Mr. Bernard Riley, attorney for The Ritotas objector

Dr. & Mrs. Ritotas, objectors, were sworn in.

Mr. Riley raised an objection to the notice.

The Board determined the notice was adequate.

Mr. Jackson stated this is an irregular lot, due to the topography of the land. The current location of the shed is the best location. If the shed was in the rear it would impair the rear views.

A-1 Photo Packet

Mr. Weshnak testified he has resided in the home for three years. He is a real estate agent. There is a 73ft bulkhead with a jet-ski dock. He believes the shed is aesthetically pleasing in the current location. There is a place in the rear of the property that would conform, but the ground isn’t level and it would require fill. He would be willing to fireproof the wall of the shed closest to the primary structure.

Mr. Riley questioned how emergency vehicles would access rear the yard with the shed in its current location? How would the shed be maintained or weeds pulled?

Mr. Weshnak replied emergency vehicles would not need to drive in the backyard. He would power wash the side of the shed.

Dr. Ritotas 1510 Bel Aire Court West, objector. Dr. Ritotas testified he didn’t come down to his house much last summer, due to an illness. When he came down he was surprised to see the shed and the size of the shed. He didn’t like the location of the shed and he had called the town.

O-1- Photo

O-2- Photo

O-3- Photo

O-4- Photo

O-5 A,B,C,D and E - Photo

O-6 A, B, C- Photo

O-7- Photo

It’s an unattractive addition. The shed is creating wind and now there is mold on that side of the fence.

Mr. Jackson cross-examined Dr. Ritots. Mr. Jackson questioned how many times he came to his home last summer.

Dr. Ritots replied approximately six times.

Mr. Jackson referenced picture O-5B showing mold on the fence. Mr. Jackson asked if he would prefer a chain link fence so the sun can shine through.

Mrs. Ritots testified they pulled up to their home and saw the shed. Immediately, she stated she didn’t like the way it looked. The yard isn’t as open and it’s not really a good place for a shed. It is blocking the sunlight, the fence is moldy and it’s just different now.

**Public Comment**

Chester Jarzabek, 1513 Bel Aire Court West was sworn in. Mr. Jarzabek testified he lives directly across the street. He was a member of the Hackensack Planning Board for 18 years. He is in favor of the application. He feels it blends with the neighborhood. The shed doesn’t disturb open air, light and space.

Chris Amato, 1516 Bel Aire Court West was sworn in. Mr. Amato is also in favor of the application. Mr. Amato believes it is a good fit. It’s not much different than a garage on the side of a house.

The Board mention there is also a violation of lot coverage.

Mr. Jackson replied they are not seeking a variance for lot coverage and they will comply.

Mr. Riley surmised that the criteria was not met for C-1 or C-2 variance relief. There wasn’t any planning testimony and no personal circumstances. The structure looks unsafe in its current location and it will become an eyesore overtime for his clients. It doesn’t meet the side yard setbacks or setback from the principal structure. It was placed illegally and should be removed.

Mr. Jackson questioned when was the last time someone saw a police, fire or emergency vehicle in a backyard. It is also common to have mold on the north side of property. It is better zoning to have a shed in the front of water front home, opposed to the rear. They can build a fire proof wall. The positives substantially outweigh the negatives.

**Caucus**

Mr. Coleman replied it is a beautiful shed in a horrible location

Ms. Petrillo agrees with Mr. Coleman.

Mr. Nikola also agrees. It was done nice, but it’s too big.

Mr. Giordano stated it is too close to the house. The shed belongs in the rear.

Mr. Schroeder stated it is too big and too close to the property line. It is in a bad place and it does impact the neighbor and the neighborhood.

A motion to deny the application was made by Mr. Coleman, seconded by Mrs. Petrillo

**Roll Call Vote**

Mr. Shrewsberry-Yes Mrs. Petrillo- Yes Mr. Coleman- Yes Mr. Weiglein- Yes Mr. Giordano- Yes Mr. Nikola- Yes Mr. Schroeder- Yes

**18-26- Schaffer- Block 340 Lot 4- 1506 Treeneedle Road- Lot Coverage (9:40-9:58)**

**The applicant is requesting relief to construct an in-ground pool**

The applicant is looking to construct an in-ground pool with a concrete apron and a paver

patio. Relief is needed for impervious coverage, 56.4% is required, where 50% is allowed.

James Schaffer, applicant was sworn in.

Mr. Schroeder questioned why he needed so much coverage.

Mr. Schaffer explained he is looking to construct an in-ground pool with a 3ft concrete apron.

Mr. Giordano questioned if he would be willing to put pavers around the pool.

Mrs. Petrillo would like to see a concrete apron around the pool, opposed to pavers.

Mr. Schaffer stated he could remove some concrete in his yard. However, his father resides with him and he is permanently disabled, double amputee.

The Board agreed to approve the application with the following conditions:

 Removal of 323 square feet of concrete and replace with pavers.

The 3ft apron around the pool is to be concrete.

A motion to approve the application was made by Mrs. Petrillo, seconded by Mr. Coleman

**Roll Call Vote:**

Mr. Shrewsberry- Yes Mrs. Petrillo- Yes Mr. Coleman- Yes Mr. Weiglein- Yes Mr.Giordano- Yes Mr. Nikola- Yes Mr. Schroeder- Yes

A motion to adjourn was made by Mrs. Petrillo, seconded by Mr. Coleman. All were in favor. The meeting adjourned at 9:58pm.

Respectfully submitted,

Sharon Morgan

Zoning Board Secretary