

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
June 26, 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".

Members Present: Mr. Shrewsberry Ms. Commins Mrs. Petrillo
Mr. Nikola Mr. Schroeder

Members Absent: Mr. Coleman Mr. Weiglein Mr. Giordano
Ms. Masterson Mr. Blank

Attorney: Mr. Gertner

Minutes: 06/12/2019

A motion to approve was made by Mrs. Petrillo, seconded by Ms. Commins

Roll Call Vote

Ms. Commins- Yes Mrs. Petrillo- Yes Mr. Nikola- Yes

Administrative Approval

09-19- Duncan- Block 7 Lot 27 212 Eastham Road- Administrative Change to previously approved application (7:05-7:09)

Ms. Duncan is looking to change the roofline of her previously approved variance. Changing the roofline will raise the peak by 1' making the height of the structure 16'.

A motion to approve was made by Ms. Commins, seconded by Mrs. Petrillo

Roll Call Vote

Mr. Shrewsberry- Yes Ms. Commins- Yes Mrs. Petrillo- Yes Mr. Nikola- Yes
Mr. Schroeder- Yes

Resolutions

15-19- Quinn- Block 42 Lot 10- 506 River Ave- Building Coverage

16-19- Blessing- 2606 Beech Street- Side Yard, Front Yard, Front Yard Porch & Lot Coverage

A motion to memorialize was made by Mrs. Petrillo, seconded by Ms. Commins

Roll Call Vote

Ms. Commins- Yes Mrs. Petrillo- Yes Mr. Nikola- Yes

17-02A- Hawryluk- Block 275 Lot 4- 736 Howe Street- Amended Resolution

Mr. Gertner explained he drafted an amended resolution for 736 Howe Street. The Board doesn't have the right to deem a street. The four homes have been noticed about this hearing.

Ms. Kim White, 740 Howe St was sworn in.
W-1 was marked into evidence.

Ms. White read the evidence into the records see attachment.

Mr. Robert Hawryluk, 736 Howe St was sworn in. Mr. Hawryluk stated the easement was created with the original subdivision. He stated if the easement is a street he is fine with that decision, if it is not a street he would like to move on and continue with the easement.

Mr. Gertner explained if the four parties involved all agree they can ask the town to dedicate the easement as a street. If not, the easement will continue.

A motion to approve was made by Mrs. Petrillo, seconded by Ms. Commins

A motion to adjourn was made by Mrs. Petrillo, seconded by Ms. Commins. All were in favor.
The meeting adjourned at 7:38pm.

Respectfully submitted,
Sharon Morgan
Zoning Board Secretary

W-7

Kim Mulligan White
740 Howe Street
Point Pleasant, NJ 08742
732-267-0295

June 26, 2019

Reference: Gertner & Gertner Letter dated June 18, 2019
..."there has been a question whether or not the Board determined an access easement abutting your property is a municipal street."

Our addresses are... and always have been: Howe Street... 736, 738, 740 and 742 Howe Street, Point Pleasant, NJ, 08742

Borough Ordinance 19-28.9 Easements:

..."Easements to provide vehicular access from an existing improved municipal street to a lot accessed by a private road or easement are discouraged." Ordinance 19-28.9 is current and authored by Bob Fall. It is not to the benefit of anyone, for our current Zoning Board to perpetuate what is obviously an undesirable situation...a situation clarified as "discouraged" in current Borough Ordinance.

SEE EXHIBIT: A

Zoning concluded in Resolution memorialized June 7, 2017, that access to our four homes "is, in fact, a Street under the definition of the Point Pleasant Borough ordinances." ...and "the board has determined that the easement area is a Street under the definitional sections of the Point Pleasant ordinance."

SEE EXHIBIT: B

Definition of "Definition": "Relating to the exact meaning of a word or concept."

The fact that Zoning chose to use the word "definition" is inherent to the actuality of public use as well as access for our Municipal Services of: Garbage, Recycle, Mail and Municipal Snow Plow.

\$ 10,556.48 (Ten Thousand Five Hundred Fifty Six Dollars) of Borough Taxpayers money has already been spent in determining that the definition of "Street" has been met, according to Borough Ordinance. This has been explored with Judge Goldman in Superior Court as well as with the Zoning Board on April 5, 2017. I have also spent over \$11,000.00 (Eleven Thousand Dollars) in preparation and legal fees in pursuit of that same conclusion. SEE EXHIBIT: C

Three of these four homes were sold by the original owners and are now occupied by 2nd owners. All Homeowners purchased in good faith in Point Pleasant Borough.

To my knowledge, all four homeowners are in agreement, in requesting decision of the Zoning Board and the Borough of Point Pleasant, to take whatever means necessary for the Municipality to vacate our portion to the Town. We are seeking an end to any further discrepancy and intent of use. We are requesting the Municipality to do this without homeowners incurring further monetary expense. Borough of Point Pleasant has received over \$41,000.00 (Forty-one Thousand Dollars) annually, in Real Estate Taxes, from these four homes.

Apparently, no one involved in Zoning, in 1991, followed up on the stipulations cited in the Variance granted by the Zoning Board. Current homeowners are not the responsible party for these oversights.

In conclusion, again... we, the homeowners, are seeking resolution as "street" for all intended purposes within the Borough of Point Pleasant.

Thank you, for all consideration as you reach your decision in tonight's hearing...