

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
July 22, 2020**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Chairman Coleman at 7:00 P.M. Mr. Coleman 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. Nikola Mrs. Masterson Mrs. Coulson
Mrs. Petrillo Mr. Veni Mr. Coleman Mr. Shrewsberry
Mr. Hutchinson Mr. Giordano
Attorney: Mr. Gertner
Engineer: Mr. Savacool

Minutes

06/24/2020

A motion to approve the minutes was made by Mrs. Coulson, seconded by Mr. Nikola

Roll Call Vote

Mr. Nikola- Yes Mr. Giordano- Yes Mrs. Masterson- Yes
Ms. Coulson- Yes Mr. Veni- Yes Mr. Coleman- Yes

Resolutions

- 19-15- Quinn- Block 42 Lot 10- 506 River Avenue- Building Coverage * Amended***
- 20-08- Manzo- Block 327 Lot 19 1503 Wildwood Ave- Front Yard Setback- Approved with conditions**
- 20-09- Piga- 824 Donna Drive- Rear Yard Setback- Approved with Conditions**

A motion to memorialize was made by Ms. Coulson, seconded by Mr. Giordano.

Roll Call Vote

Mr. Nikola- Yes Mr. Giordano- Yes Mrs. Masterson- Yes Ms. Coulson- Yes
Mr. Veni- Yes Mr. Coleman- Yes

New Business

20-10 Block 131 Lot 4- Schneider- 633 Manetta Drive- Use Variance

Mr. Savacool recapped the applicant has been before the Board previously. He was granted an addition, an attached garage and a pool. The pool was to be deed restricted for use by applicant only and garage storage space only, not commercial use or living space. There was also a second driveway granted, however it is encroaching onto the neighbor's property.

Was the deed restriction filed? A condition of approval for the attached garage was the shed was to be removed, which it has not.

Mr. Adam Steurman, attorney for the applicant.

Mr. Coleman questioned why resolution compliance wasn't met.

Mr. Schneider was sworn in.

Mr. Steuerman stated the applicant was represented by Mr. Popovitch for the previous applications. Mr. Burke, Zoning Officer issued notice of violation against the property. Mr. Schneider was advised that the issues at hand could be resolved administratively. The applicant is looking for the shed to remain, additional pavers in the rear yard, expansion of driveway and deed restrictions.

Mr. Coleman questioned the applicant why the shed hasn't been removed? It has been 5 years.

Mr. Schneider is looking to keep the shed for his son to fix/store bicycles and surf boards. His son has a mental illness and the hobbies occupy his time. Even with the garage there is a lack of storage.

Mr. Steuerman stated the additional pavers were installed to fill a gap after they were installed. They do comply with lot coverage.

Mr. Schneider has owned this property since 2011. His son and daughter reside in the home.

A-1 7 pictures

Mr. Steuerman went through the photos.

Mrs. Masterson questioned if someone lives in the apartment.

Mr. Schneider replied yes.

Mrs. Petrillo questioned if there is basement.

Mr. Schneider replied yes, not fully finished.

A-2 photo of garage and shed

Mr. Schneider stated he moved the shed to the back corner of the property.

Mr. Gertner stated the letter from Mr. Popovitch from 2019 asking for administrative relief was only for pavers, there was no mention of the shed remaining.

Mr. Coleman wanted to talk about the driveway.

Mr. Schneider stated the surveyor told him the driveway was his property and the neighbor didn't have a driveway.

Mr. Savacool stated the neighbor does have a driveway. A previous application showed the driveway in question, it was gravel prior to the pavers. The some of the pavers for the driveway are on the neighbor's property.

Mr. Steuerman questioned the material of the driveway.

Mr. Schneider stated the driveway is pavers, which he installed last year.

Mr. Gertner stated an option for the driveway to remain would be an easement.

Mrs. Petrillo stated or remove the pavers.

Mr. Steuerman went through the deed restrictions: garage only for personal use of the owner only, not commercial or living space. The pool is only to be used by the applicant.

Mr. Schneider agreed.

Mr. Savacool commented according to the plans the shed is 12ft tall there is a maximum for 10ft

Mr. Schneider replied it is on blocks.

Mr. Gertner stated if the shed was to remain would it comply with the height variance and bulk variances.

Mr. Schneider replied yes.

Mr. Steuerman stated they do comply with impervious coverage. Tonight they are looking for approval of minor issues several pavers and a shed to remain. The approval can be made without detriment to the public good. The driveway benefits the neighbor, she has utilized it for a long time.

Mr. Schneider apologized for not complying with the previous resolutions. He is a law abiding citizen.

Public questions/comments:

Mr. Arthur Penrose, he reside at 635 N Manetta Drive, to the west of the applicant. Mr. Penrose is concerned about the continuing expansions on this property. He put his driveway on the neighbor's property. The shed was not moved and it is a new shed. Mr. Penrose now gets water in his basement.

O-1 photo of the shed.

Mr. Penrose stated the picture is from approximately 2015. Mr. Penrose stated the Board did have him remove the loft at one of the previous hearings. There is a tenet upstairs and his son lives in the basement apartment. Mr. Penrose has live in the town for 64 years.

Mr. Giordano questioned the testimony of a basement apartment.

Mr. Penrose replied yes, there is an apartment.

Mrs. Petrillo questioned when he was in the basement

Mr. Penrose stated not since Mr. Schneider has owned the home.

Mr. Schneider stated the previous owner finished it.

Mr. Cortland questioned if the son lives in the basement.

Mrs. Petrillo asked Mr. Schneider what is in the basement.

Mr. Schneider replied three rooms, a bathroom and a kitchen, but he wouldn't live down there.

Mrs. Petrillo stated she questioned earlier if the basement was finished and the response was no.

Mr. Gertner stated the Board is Quasi-Judicial Board and they can make a determination about the creditability of the witness.

Mr. Schneider replied the shed is the same, the doors are falling off.

Mr. Steuerman questions if there he gets water in his basement

Mr. Schneider replied no he was required to install a French Drain.

Mr. Steuerman surmised they came before the Board to clean up a five year old issue. The shed was supposed to be removed, but Mr. Schneider is asking to keep it. The deed restrictions will be filed and brought in to compliance. Also, he would like the pavers in the rear yard and the driveway to remain. If a driveway easement is required, they would comply. The backyard is aesthetically pleasing, causing no detriment to the public good. Mr. Steuerman understands Mr. Penrose's concerns, stating that any improvements to the property are subject to town inspections.

Caucus

Mr. Coleman is fine with the rear yard pavers and deed restrictions will be filed. He does have some concerns that the shed was not removed, but he doesn't mind the location or the use for the shed. The driveway is a mess and needs to be addressed.

Mr. Nikola doesn't like the fact that there is an apartment in the basement, three family

Mr. Gertner advised Mr. Nikola it is more about creditability of the witness.

Mr. Hutchinson sees this as a total disregard for any previous approvals. He is concerned about the creditably of the witness.

Mrs. Petrillo sat on the Board when the garage was approved. It was to make the home tidy and more organized, the shed needs to go. The garage may have not been approved if the shed was

to remain. She is fine with the pavers in the rear yard. She has a problem with the driveway, needs to comply.

Mrs. Masterson doesn't feel there is enough evidence for the necessity of the shed, needs to be removed. The driveway needs to be on his property only. The pavers in the backyard are fine. She would also like a time restriction, due to the applicant's history.

Mr. Shrewsberry believes the driveway needs to comply and the shed needs to be removed. He is fine with the pavers in the rear yard.

Mr. Giordano is concerned with the shed just because of the previous resolution. The driveway needs to be brought into compliance. The rear yard pavers can remain.

Mr. Veni is fine with the pavers in the rear yard. The shed needs to be removed and the driveway has to be brought into compliance.

Mrs. Coulson is ok with the pavers in the rear yard. The driveway needs to be brought into compliance and the shed needs to be removed.

Mrs. Petrillo questioned the finished basement.

Mr. Gertner stated it can be used as a basis to not reverse the Boards determination that the shed has to be removed, creditability. Basically, they are looking to clean up the previous resolutions.

Mr. Steuerman asked for sufficient time to file the deed restrictions.

Mr. Gertner felt that was a fair request, due to COVID-19.

Mr. Savacool stated the applicant was granted a relief for his driveway, but not to go over his property line. The previous approval for the garage was personal use for only by the applicant, not for commercial use or living space.

Mr. Gertner stated the applicant has testified that his son has a disability and no commercial activity will be in the garage.

Mr. Coleman is making a recommending to split the vote, pavers and the driveway one motion and shed a separate motion

Mr. Petrillo made a motion to approve the rear yard pavers, the driveway must comply to the property line and file the required deed restrictions as listed above. As work must be completed within 90 days. Seconded by, Mr. Giordano. Also, the curb cut has to be reconfigured.

Roll Call Vote

Mr. Shrewsberry- Yes	Mr. Hutchinson- Yes	Mr. Nikola- Yes	Mrs. Petrillo- Yes
Mr. Giordano- Yes	Mrs. Masterson- Yes	Mr. Coleman- Yes	

Mr. Giordano made a motion to approve the shed in its current location, seconded by Mrs. Masterson.

Roll Call Vote

Mr. Shrewsberry- No	Mr. Hutchinson- No	Mr. Nikola- No
Mr. Giordano- Yes	Mrs. Petrillo- No	Mrs. Masterson- No
Mr. Coleman- Yes		

Mr. Coleman briefly reminded the Board that the next meeting August 12th will have a slightly different setup. Please do not respond to any social media posts.

A motion to adjourn was made by Mrs. Petrillo, all were in favor. The meeting adjourned at 9:15pm.

Respectfully submitted,

Sharon Morgan
Zoning Board Secretary