

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
January 12, 2022**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Chairman Coleman at 7:00PM. 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. Shrewsberry Mr. Giordano Mr. Nikola
Mr. Veni Mrs. Schlapfer Mr. Nagy Mr. Frisina Mr. Guetzlaff
Mr. Coleman
Members Absent: Mrs. Petrillo Mrs. Masterson
Attorney: Mr. Gertner

Re-organization:

Select: Chairman	Vice-Chairman	Secretary
Attorney	Engineer	Meeting time and dates
Official Newspapers		

A motion to appoint Cortland Coleman as the Chairman was made by Mr. Nikola, seconded by Mr. Veni. All were in favor.

A motion to appoint Robert Nikola as the Vice-Chairman was made by Mr. Veni, seconded by Mr. Schlapfer. All were in favor.

A motion to appoint Sharon Morgan as the Board Secretary was made by Mr. Giordano, seconded by Mr. Veni. All were in favor.

A motion to appoint Sean Gertner with Gertner & Gertner, LLC as the Board Attorney was made by Mr. Nikola, seconded by Mr. Veni. All were in favor.

A motion to appoint Raymond Savacool with T & M Associates, as the Board Engineer was made by Mr. Veni, seconded by Mr. Shrewsberry. All were in favor.

A motion to hold meeting the 2nd and 4th Wednesday of every month at 7:00pm was made by Mr. Nikola, seconded by Mr. Shrewsberry. All were in favor.

A motion for the Official Newspapers, The Ocean Star and The Asbury Park Press, was made by Mr. Giordano, seconded by Mr. Veni. All were in favor.

Minutes

11/09/2021 Carried

12/08/20221

A motion to memorialize was made by Mr. Nikola, seconded by Mr. Guetzlaff.

Roll Call Vote

Mr. Nikola- Yes Mr. Veni- Yes Mr. Nagy- Yes Mr. Guetzlaff Mr. Coleman

Resolutions

21-33- Plescia- 2409 Beech St- Block 182 Lot 10- Front Yard Set Back

21-34- Nelson- 211 Passaic Ave- Lot Area, Front Yard Setback, Side yard Setback

A motion to memorialize was made by Mr. Nikola, seconded by Mr. Nagy.

Roll Call Vote

Mr. Nikola- Yes Mr. Veni- Yes Mr. Nagy- Yes Mr. Guetzlaff- Yes Mr. Coleman- Yes

Unfinished Business/ New Business

21-31- Roe Ventures, LLC- Block 253 Lot 12- 1143-1145 Roe Avenue- Use Variance (7:15-7:25)

Dennis Galvin, attorney for the applicant. Mr. Galvin explained this application was submitted seeking a Use Variance. However, after reading Mr. Savacool’s review letter Mr. Galvin believes a Certificate of Continuance of a Non-Conforming Use can be granted. Mr. Galvin referenced a Borough Ordinance from 1958 allowing for two-family dwellings in this zone. An ariel photo from 1963 shows the home exactly as it is today. In 1967 the ordinance changed, no longer allowing for two-family homes in this zone. Mr. Galvin also presented an ariel photo from 1978. This ariel that shows the applicants dwelling as well as the home across the street, which is the same exact footprint and a two-family structure.

A-1 – A-3- Ariel Photos

Mrs. Christine Nazzaro-Cofone, Planner was sworn in. The applicant has the burden to prove the Continuance of a Non-Conforming Use. They can conclude that the use was permitted based on the 1967 ordinance change. Their home existed prior to the change. If she were arguing the Use Variance, this would be a great transitional use. There are two gas meters, two electric meters. Both units have access to the pool.

Mr. Savacool clarified the applicant is seeking a Certificate for a legal Non-Conforming Use, rather than grant a Use Variance.

Public comment/questions - None

A motion to approve the application was made by Mr. Giordano, seconded by Mr. Nagy.

Roll Call Vote

Mr. Shrewsberry- Yes
Mrs. Schlapfer- Yes

Mr. Nikola- Yes
Mr. Nagy- Yes

Mr. Giordano- Yes
Mr. Coleman- Yes

Mr. Veni- Yes

21-32- Moskowitz- Block 279 Lot 217- 1723 Bay Isle Drive- Lot Coverage

Ms. Jillian McLeer, attorney for the applicant. The applicant is looking to install a new inground pool and paver patio.

Robert Burdick, PP, PE, was sworn in.

TESTIMONY

1723 BAY ISLE DRIVE
LOT 217 BLOCK 279
BOROUGH OF POINT PLEASANT
PROJECT NO. 21-1347
JANUARY 12, 2022

This project is for the construction of an in-ground swimming pool and paver patio in the rear yard of a lagoon front lot within the R-1A zone. The lot is on the north side of Bay Isle Drive and the property is surrounded by single family homes. Each of the adjacent homes also have an in-ground swimming pool for their properties.

We are requesting a variance for impervious coverage for the site. Currently the property is at 61% impervious coverage where 50% is allowed. To try to bring the property into compliance with the ordinance, the existing pavers in the rear of the home will be removed and the concrete walk along the west side of the dwelling will be removed. However, the home, decks, driveway, entry, and AC platform account for about 52% coverage so there is technically no area left after those items. It is likely that the paver driveway was considered 50% impervious when built so would be a preexisting nonconformity.

As the board knows pools and patios are desirable amenities for single family homes. The applicant is reducing coverage from the existing condition to bring the plan closer to compliance with the ordinance. The disadvantages of approving the variance are minimal since the pool is in a location which conforms to the borough ordinance and stormwater runoff will be reduced because of the project. The advantages are that appropriate use of the property will continue and that the project will result in an aesthetic improvement to the property and area while

being consistent with the adjacent lots which also have pool on them. Those advantages are consistent with the goals of the MLUL.

The plan complies with ordinance setback requirements and is consistent with the Borough Master plan by promoting desirable amenities for this single-family home. We believe that the advantages of approving the variance far outweigh the disadvantages and that the variances can be granted without significant impact on the Borough ordinances or master plan or the public good.

About Mr. Savacool's memo of 12/3/21, paragraphs 1 through 4 deal with zoning which we have addressed. Paragraph 5 deals with impacts on the adjacent residential structures and they will be minimal since all stormwater is directed to Bay Isle Dr. or to the Lagoon. The memo notes that the property is within a flood zone. Regarding improvements, as shown some of the existing impervious areas will be removed and a small pool and paver patio will be construction in the rear yard.

Paragraph 8 is the issue of sidewalks as there are none in front of the property. But there are none along Bay Isle Drive either so the applicant requests a waiver from sidewalk construction and considering the scope of the project, a pool and patio we request a waiver for contribution to the pedestrian safety fund as the plan will have no negative impact on pedestrian safety.

The applicant will provide all escrow and professional fees.

Based on this and considering the scope of the project, reduction of impervious coverage and construction of a patio and pool we believe that the variances are warranted and request the board's approval of the project.

Mr. Veni would like the lot coverage to be more in compliance.

Mr. Coleman questioned that the coverage is being reduced from 61% down to 57.8%

Mr. Nikola stated they are about 350sq ft over.

Mr. Burdick stated the pool and patio are desirable amenities for a waterfront home. The proposal is comparable to other homes in the area.

Mr. Giordano stated it is so difficult with these lots and impervious coverage since the ordinance changed making driveways count as 100% of coverage.

Public Comment/questions – None

A motion to approve was made by Mr. Nikola, seconded by Mr. Giordano

Roll Call Vote

Mr. Shrewsberry- Yes Mr. Nikola- Yes Mr. Giordano- Yes Mr. Veni- No
Mrs. Schlapfer- Yes Mr. Nagy- Yes Mr. Coleman- Yes

21-36- Sheryl Raines Executrices of Bassini- Block 16 Lot 78- 2907 Herbertsville Road- Certificate of Continuance of a Non-Conforming Use (7:50-7:55)

Ms. Sheryl Raines was sworn in. Ms. Raines testified her father owned this home. She presented the original building permit and original survey, showing the home was constructed as a two-family dwelling. There are separate entrances through a vestibule and separate electric meters. The owner always paid the water bill. This home is currently vacant and under contract for sale.

Public questions/comments – None

A motion to approve the application was made by Mr. Giordano, seconded by Mr. Veni

Roll Call Vote

Mr. Shrewsberry- Yes Mr. Nikola- Yes Mr. Giordano-Yes Mr. Veni- No
Mrs. Schlapfer- Yes Mr. Nagy- Yes Mr. Coleman- Yes

The meeting adjourned at 7:56PM, all were in favor.

Respectfully submitted,

Sharon Morgan
Board Secretary