

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
December 14, 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. Nikola Mrs. Petrillo Mr. Giordano Mr. Veni
Mr. Nagy Mr. Frisina Mr. Coleman
Members Absent: Mr. Shrewsbury Mrs. Masterson Mrs. Schlapfer
Mr. Guetzlaff
Attorney: Mr. Steuerman
Engineer: Mr. Savacool

Minutes

09/26/2022

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

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mr. Giordano- Yes Mr. Veni- Yes
Mr. Frisina- Yes Mr. Coleman- Yes

10/12/2022

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

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mr. Veni- Yes Mr. Nagy-Yes
Mr. Frisina- Yes Mr. Coleman- Yes

Administrative Approval

20-24- 604 Ocean Shores, LLC- Block 136 Lot 1.01- 604 Ocean Road- Use Variance, Site Plan, Minor Subdivision and Bulk Variances- Resolution Compliance

Resolutions

22-16- Ocean Bay Developers, LLC- Block 113 Lot 41- 842 Arnold Avenue- Bulk Variance, Use Variance & Site Plan Approval

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

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mr. Giordano- Yes Mr. Veni- Yes
Mr. Frisina- Yes

20- 20 Life Chapel Assembly of God, Inc- Block 347 Lot 6.01 & 8- 3118 Bridge Ave & 3209 Kickapoo Ave- Site Plan, Use Variance

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

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mr. Giordano- Yes
Mr. Veni- Yes Mr. Coleman- Yes

22-19- Tokarski- Block 356 Lot 34- 1880 Northwest Drive- Rear Yard Setback
A motion to memorialize was made by Mrs. Petrillo, Mr. Nikola.

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mr. Nagy- Yes Mr. Coleman- Yes

22-22- Goode- Block 363 Lot 10- 1607 Osprey Court- Side Yard Setback
A motion to memorialize was made by Mrs. Petrillo, seconded by Mr. Nikola.

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mr. Veni- Yes Mr. Nagy- Yes
Mr. Coleman- Yes

Unfinished Business/New Business

22-22-Canal View Apartments, LLC-1407 Johnson Avenue- Front Yard Setback

The applicant is looking to construct a shed within the front yard setback.

Mr. Shaw, attorney for the applicant. Mr. Shaw explained his client is looking to looking to hire her own employees for landscaping and snow removal., she will need a storage shed for the equipment. The maximum size for a shed is two-hundred square feet they are proposing two-hundred and eighty, with a height of fourteen and a half feet.

A-1 photo board was marked into evidence

Ms. Margaret Mathis 4 Dunham Lane, owner of Canal View Apartments, LLC. Ms. Mathis testified she purchased the apartments over ten years ago. There are twelve units, all one bedroom. She is proposing the shed for landscaping and snow removal equipment.

Mr. Giordano asked why there is no landscaping proposed around the shed.

Ms. Mathis stated she can install buffer landscaping.

Mr. Robert Burdick, Professional Engineer was sworn in.

TESTIMONY
CANAL VIEW APARTMENTS
1407 JOHNSON AVE.
LOT 9, BLOCK 164
BOROUGH OF POINT PLEASANT
DECEMBER 14, 2022

This application is for the construction of a 12' x 24' storage shed for the Canal View Apartments at 1407 Johnson Ave. The complex 12 rental apartments, parking facilities and other infrastructure supporting the residents. The site has preexisting nonconformities for area, side yard setback and parking which will not be affected by this application.

The zoning officer has determined that the shed located in the front yard, so a variance is requested for that. The shed is 288 sf vs. an allowable 200 sf and the maximum height of a shed is 10' where we are proposing 14.9'.

Perhaps the label of shed is somewhat exaggerated in this application. The structure is more of a storage building for maintenance equipment which will be used to support the apartment complex. A normal shed would be for a single-family home, and they are usually small and located in rear yards. In this case, the complex has very limited rear yard areas and since the building will house equipment for snow removal as well as other site maintenance equipment, it is more appropriately located adjacent to the parking area.

Regarding the placement of the shed in a front yard, we draw the board's attention to the borough ordinance definition of the term front yard which states "an open, unoccupied space extending the full width of the lot and situated between the setback line and the street right of way line of the lot. The term "setback line" shall be synonymous with the rear most limit of the required front yard area".

The zoning of this lot requires a front yard setback of 25'. The proposed building is setback 30' from the front right of way line. We believe that it is not in the front yard but will defer to the board's interpretation regarding the need for a variance here.

Regarding the area of the building, while a 200-sf limit for sheds is reasonable for single family homes, for an apartment complex it is small. We point out that a normal garage can be well over 200 sf, and we believe that the proposed size is well under most garages and is appropriate for the site. It will the applicant to provide storage for their equipment and to better maintain the complex. The size and height of the structure couples with the modern design is aesthetically pleasing and the structure will not be a small wood or aluminum shed but a larger building with siding and roofing appropriate for the scale of the property.

The location of the shed will not adversely affect any neighbors nor obstruct any sight lines for vehicles entering the property or using the Burnt Tavern/Johnson Ave. intersection. We believe it will be attractive and hence there are no disadvantages associated with it. The owner will not be conducting excessive repairs of equipment at the site and the noise related to it will be consistent with normal residential uses. Mowing of the lawn, blowing of the snow, moving leaves, etc.

The shed will not be used for habitable space nor for vehicle storage. We believe that it is appropriate for the storage of equipment needed to maintain the complex and that it will have minimal impact on adjacent properties.

The advantages are that the building will allow the owner to better maintain their property while providing an attractive structure upgrading the property. We believe that the building is in an appropriate area where the owner will have easy access to equipment required to respond to problems which may occur in the units.

As such I believe that the plan complies with the MLUL by providing an aesthetic improvement to the property and providing much needed storage area in an appropriate

location at the site. I believe that the structure complies with the master plan by adding a much-needed amenity to a multifamily complex within a multifamily zone and that it an appropriate accessory building for the lot. I also believe that advantages of allowing any deviation from the ordinance far outweigh any disadvantages. As such the building can be constructed in compliance the MLUL and Master plan and will not adversely affect the public.

Joyce Cowen, 1039 Burnt Tavern Objector
Eric Swanson 1407 Johnson Avenue, Objector
Clifford Cowen, Burnt Tavern, Objector C-1 -C-3 was marked into evidence
Susan Paviluk, Johnson Avenue, objector
Caroline Cowen, 1412 Johnson Avenue, Objector

Mr. Shaw stated his client would like to come back with revised plans on January 11, 2023.

The Board agreed the meeting will be continued on January 11, 2023; no further notice will be given.

22-25- 601A Hardenbergh, LLC- 601A Hardenbergh Avenue- Lot Width, Distance of accessory to principal structure and maximum square footage of shed

Mr. Shaw, attorney for the applicant. Mr. Shaw explained the applicant constructed a shed, which is over the maximum allowed square footage. They are also proposing an inground pool.

A-1 Photos were marked into evidence.

Mrs. Lynda Berge, applicant was sworn in. She stated the shed is for storage. They believe it is in the best possible place.

Ray Carpenter, PE was sworn in. Mr. Carpenter testified the location of the shed complies, they are seeking relief for the size of the shed, two hundred feet is allowed, where two hundred and thirty-six feet is proposed. They are also proposing an inground pool, which complies with all the setbacks.

Mr. Shaw had no further questions. They are also proposing a pool.

No Public comment or questions

The Board was in favor of this application.

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

Roll Call Vote

Mr. Nikola- Yes	Mrs. Petrillo- Yes	Mr. Giordano- Yes	Mr. Veni- Yes	Mr. Nagy- Yes
		Mr. Frisina- Yes	Mr. Coleman- Yes	

22-18- Lombardi Residential, LLC- Block 36 Lot 1.01- 2113 River Road- Bulk Variances, Preliminary & Final Site Plan

This is a continuation from a hearing on October 26th, 2022.

Mr. Jackson, attorney for the applicant, stated they have staggered the units, reduced the height by two feet, improved impervious coverage and removed one unit. There is now room for an outdoor amenity.

Mr. Matthew Lombardi, applicant was sworn in. In 2017 the application before the Board was for eighteen units, down to fifteen, which was not successful. The current application was for seven townhouses, now reduced to six units. They listened to the neighbors' concerns and reduced the height, reduced the number of units, and staggered the units.

Mr. Giordano questioned if the gas and electric meters would be buffered.

Mr. Lombardi replied yes.

Public

Mr. Pruntz, Barbara Rd- objector
sr. Boedart 2201 River Rd unit 4304, objector
Mr. Barth 218 River Road, objector
Mr. Ron Bogert, objector
Mr. Hoffmaster, Osborne Avenue, objector
Mr. Ensmann, 206 Barton Avenue, objector
Dan Toth, 1111 Roberts Drive, in favor
Mr. Huck, 212 Hall Avenue, objector

Mr. Jackson surmised showing the old aerial view of the whole zone. There was a vision, a park was created and a residential multifamily zone. The site is an ½ acre and is zoned for multifamily. They are proposing just over what is allowed. Mr. Jackson asked the Board to keep in mind the height allowed in this zone is seventy five feet. They are proposing four stories, where five stories are permitted. It is really only two stories over a garage.

Caucus

Mr. Coleman stated they denied the original application in 2017. They are coming because they need relief. The applicants through the ringier. They have compromised.
Mr. Nikola, they did improve greatly. The concerns of the neighbors always bother him. There has always been a parking problem. The renderings look nice, he worries about the neighbors
Mrs. Petrillo respects Mr. Lombardi, but it is so out of character for this size unit. They made tremendous really concerned with the magnitude on the lot. She feels once this is framed you would see the mass.
Mr. Nagy beautiful project. He hears the concerns, and he is torn. He respects the opinions of the community.
Mr. Giordano let's not forget what this is zoned for. It is zoned multi family. They really worked with the Board. They did really this application is much better than what they started with He thinks they got the best.
Mr. Frisina is tougher he would like to see the density reduced.
Mr. Veni is torn as well.
Mr. Giordano you need a variance no matter what is on the lot.
Mrs. Petrillo front yard, side yard, density lot area.
Mr. Coleman zoned multifamily, sought compromise received compromise. They have taken steps to meet the Boards concerns.

A motion to approve the application was made by Mr. Giordano with all previously discussed condition along with the meters being screened, seconded by Mr. Nikola

Roll Call Vote

Mr. Nikola- No Mrs. Petrillo- No Mr. Giordano- Yes Mr. Veni- Yes Mr. Frisina- No
Mr. Coleman-No

The meeting adjourned at 10:16PM, all were in favor.

Respectfully submitted,

Sharon Morgan
Board Secretary