

Bay Head Planning Board
June 19, 2019

The meeting of the Bay Head Planning Board was held on Wednesday, June 19, 2019 at 7:30 PM.

Mr. Furze read the following statement: "Pursuant to the applicable portions of the NJ Public Meetings Act, adequate notice of this meeting was mailed to the Ocean Star and posted in the corridor of the Borough of Bay Head, and filed with the Bay Head Borough Clerk."

Roll Call: William Furze, Christopher Parlow, Patricia Wojcik, Neil Devesty, Dennis Shaning, Thomas Charlton, Jacqueline Keer, John Henry Morris, Rick McGoey
Absent: Kathleen Tell, William Curtis, Kevin Feehan

The May 15, 2019 **Minutes** were approved on a motion by Neil Devesty and seconded by Thomas Charlton, with all in favor.

Mr. Furze stated the Board had one **Resolution** for review this evening, that of Robert and Suzanne McMinn, regarding property located at 154 Grove Street, a/k/a Block 41, Lot 1, which was approved at the meeting of May 15, 2019.

A motion was made by Rick McGoey and seconded by Thomas Charlton, to approve the Resolution, as amended. Roll call: YEAS: Rick McGoey, Thomas Charlton, William Furze, Neil Devesty, Dennis Shaning, John Henry Morris.

Mr. Furze stated there were two **applications** to be heard this evening, the first being an appeal alleging a zoning officer error brought by Bryan and Florence McFadden, regarding property located at 132 Bridge Avenue, a/k/a Block 16.01, Lot 6.

Roberta Anne Burcz, Esq., 1229 Bay Avenue, Point Pleasant, came forward and stated she represents the party who is appealing decisions made by the Zoning Officer. Ms. Burcz requested 5 minutes so counsel could speak with each other. A short break was taken. The matter resumed, and Ms. Burcz stated she believed the matter was resolved and was waiting for the applicant and the property homeowner to come to an agreement about a timeline. Ms. Burcz stated she wanted to make sure the agreement was signed in the hall. Another short break was taken after which Ms. Burcz returned and stated the applicants wished to withdraw their appeal.

A motion was made by William Furze and seconded by Christopher Parlow to accept the withdrawal of the appeal of Bryan and Florence McFadden. Roll call: YEAS: William Furze, Christopher Parlow, Patricia Wojcik, Neil Devesty, Dennis Shaning, Thomas Charlton, Jacqueline Keer, John Henry Morris, Rick McGoey.

Mr. Furze stated the next **application** to be heard this evening is that of the Bay Head Yacht Club, regarding property located at 111 Metcalf Street and 630 Lake Avenue, a/k/a Block 55, Lots 18, 18.01, 9, and 9.01 through 9.05.

John Paul Doyle, Esq., member of the firm of Carluccio, Leone, Dimon, Doyle, & Sacks, LLC, 9 Robbins Street, Toms River, came forward and stated he represents the applicant of the properties. Mr. Doyle stated what they are here to do tonight is a lot different than after Sandy, what they are doing now is to make some minor relocations in a specific area of the overall site, as well as some lesser building and recreational activity location changes. Mr. Doyle stated they seek no variances, and they need no variances. He further stated all these changes are for the enjoyment of their membership, which is aging, they've tried to maintain high standards of safety for their members, guests and invitees, and have sought to be good neighbors so they are as unintrusive as possible.

Mr. Doyle stated he understands his colleague, Mr. Gasiorowski, has some concerns and he hopes to be able to come to a successful conclusion at the end of the evening.

Mr. Furze stated he needed to recuse both Board members Jacqueline Keer and Douglas Shaning as they are members of the Bay Head Yacht Club.

Mr. Zabarsky reminded Mr. Doyle we are a nine member Board, we have 7 members here tonight who can hear this application, and they would need 4 out of 7 members to vote in favor of the application; Mr. Doyle stated he was prepared to proceed.

The following items were marked into evidence:

- A-1 Development Application
- A-2 Letter from Lindstrom, Diessner & Carr, P.C. dated June 5, 2019
- A-3 Letter from Lindstrom, Diessner & Carr, P.C. dated May 7, 2019
- A-4 Resolution dated May 19, 1999
- A-5 Letter from Bay Pointe Engineering dated October 14, 1999
- A-6 Resolution #2002-08
- A-7 Resolution #2012-09
- A-8 Resolution #2013-11
- A-9 Proposed plans and building section from Rogers McCagg dated March 7, 2019
- A-10 12 pages of colored photographs dated December 7, 2018
- A-11 Partial topographic survey from Lindstrom, Diessner & Carr, P.C. dated 12/6/18
- A-12 Cover sheet and general notes from Lindstrom, Diessner & Carr, P.C. dated 3/12/19
- A-13 Boundary and topographic survey from Lindstrom, Diessner & Carr, P.C. last revised 6/14/19
- A-14 Existing lot coverage calculations from Lindstrom, Diessner & Carr, P.C. dated 6/3/19
- A-15 Proposed lot coverage calculations from Lindstrom, Diessner & Carr, P.C. dated 6/3/19
- A-16 Review letter from Susan S. Brasefield, Board Engineer, dated June 14, 2019
- A-17 Hearing Notice
- A-18 Affidavit of Service

Ronald S. Gasiorowski, Esq., member of the firm of Gasiorowski & Holobinko, 54 Broad Street, Red Bank, came forward and stated he represents Anna Demchick, owner of the property located at 539 Club Drive which is a neighboring property. Mr. Gasiorowski stated his client is most concerned about the impact of the dumpsters, which his client does not view as a minor

change, and further stated the plans are sketchy, and there is no ingress or egress from the site. Mr. Gasiorowski stated that Mr. Doyle says they are trying to be good neighbors, but they do not realize the impact upon his client.

After some back and forth among Mr. Gasiorowski, Mr. Zabarsky and Mr. Doyle as to the Land Use Ordinance, Mr. Zabarsky advised Mr. Doyle to list what is currently on the site in terms of recreational areas, not what is proposed, for purposes of clarity. Mr. Doyle stated he would let Mr. Kellogg do that in his testimony.

Mr. Doyle caused to have the following items marked into evidence:

- A-19 Poster board with aerial photo of site and surrounding area
- A-20 Poster board with colored rendering of part of the Yacht Club site with relocation
- A-21 Colored rendering of a portion of recreation facilities as part of the application
- A-22 Rendering of proposed warming hut and proposed adjacent recreational facilities
- A-23 Two-sided layout plan of site by Lindstrom, Diessner & Carr, P.C. dated 3/12/19 - "Sheet 3 of 5"
- A-24 Reverse side - "Sheet 2"
- A-25 Colored picture of line of leyland cypress trees

Mr. Zabarsky swore in the following witnesses, who gave their testimony:

David Kellogg, 70 Johnson Street, who is the Recreational Activities Director of the Yacht Club, and member of the Yacht Club since 2002. Mr. Kellogg stated he was the Trustee for 10 years, Treasurer for 6 years and on the Long Range Planning Board.

Charles E. Lindstrom, professional engineer and professional planner, principal in the firm of Lindstrom, Diessner & Carr, P.C., 136 Drum Point Road, Brick.

After many questions of both witnesses by members of the Board and some questions of Mr. Lindstrom by Mr. Gasiorowski, Mr. Zabarsky stated the plans do not provide for buffering, as is required, and suggested the applicant may want to add to or amend the plan regarding buffering using an abutting residential area, or request a waiver of design criteria, further stating the Board needs a detailed plan.

Mr. Lindstrom stated they could do a reconfiguration of the site in a more useful manner. Mr. Gasiorowski said throughout these proceedings, there seem to be discrepancies in some of the plans and in the interim, there should be conformities so there is no confusion and there are no issues. Mr. Zabarsky stated they are not considered to be in evidence, they are not in conformance with what is proposed and suggested there be colored renderings depicting exactly what is proposed as the Board agrees they are confusing. Mr. Doyle responded the inconsistencies are relatively modest and they have the benefit of one month to do that which the Board requests.

Mr. Zabarsky informed Mr. Doyle the Board's next regular meeting date for the Board is July 17, 2019. Mr. Doyle is available, and Mr. Gasiorowski, who represents an interested party, must

also be available. Mr. Zabarsky stated if there is a motion to continue to the next meeting, it be conditioned upon Mr. Gasiorowski checking his calendar to see if he is available to attend.

Mr. Furze stated he heard their comments about 147:11 and 147:17 and they should be prepared to re-open that discussion. Mr. Doyle stated that to the degree they do go there, there has been testimony the applicant has met each of those specific things. He further stated they could supply that in a more detailed fashion.

A motion was made by Neil Devesty and seconded by Patricia Wojcik to carry the application to the July meeting, conditioned upon Mr. Gasiorowski availability, and without formal re-notice. All in favor.

Mr. Furze opened the meeting to the public. Mr. Zabarsky asked if there was anyone there from the public who would like to give testimony this evening, who would not be available for the July meeting, to please come forward. One of Mr. Gasiorowski's clients stated he was not available, to which Mr. Doyle commented the tax records show the owner of the property is Anna Demchick. Mr. Zabarsky stated he is present, is a member of the public and an interested party, and would like to give testimony. Mr. Zabarsky asked Mr. Gasiorowski to confer with his client to decide how he would like to handle it, that we can do telephonic testimony which is subject to cross-examination, and if July 17 is not good for his clients, the question is does it go to the regular meeting in August or do we consider a special meeting. Mr. Doyle is to retain exhibits A-19 through A-24; the Clerk has A-25 (picture of Leyland cypress trees).

Old Business

Mr. McGoey asked if there was an update on the Master Plan, to which Mr. Furze responded there were just e-mails back and forth.


There was no **New Business**

Mr. Furze opened the meeting to public discussion; there was none. The meeting was closed to the public.

A motion was made by Christopher Parlow and seconded by Neil Devesty to approve the **vouchers**. All were in favor.

The meeting **adjourned** on a motion by Neil Devesty and seconded by Patricia Wojcik. All were in favor.

Respectfully submitted,


Claire S. Hense