

Bay Head Planning Board

March 18, 2009

The regular meeting of the Bay Head Planning Board was held on Wednesday, March 18, 2009 at 7:30 PM.

Present: Vice-Chairman Heyer, Shore, Curtis, Furze, Harrington, Taylor, Barnes, Tell

Absent: Petrillo, Haurie, Kellogg

Dr. Heyer 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 this building and filed with the Bay Head Borough Clerk."

Dr. Heyer stated first on the Agenda was the approval of the January minutes.

A motion was made by Mayor Curtis and seconded by Mr. Furze to approve the minutes. All in favor.

Dr. Heyer next was the resolution for Charles Maloof.

A motion was made by Mayor Curtis and seconded by Mr. Shore to accept the resolution. Roll Call: YEAS: Heyer, Curtis, Furze, Harrington, Barnes, Tell

Dr. Heyer stated there were 2 applications for review.

The first application was for Arthur Strickland.

Mr. John Jackson stated he would be representing Mr. Strickland.

The following items were marked into evidence

A-1	Application
A-2	Survey dated 6-4-08
A-3	Minor subdivision plan
A-4	Affidavit of Service
A-5	Affidavit of Publication
A-6	Engineer letter dated 3-13-09

Mr. Jackson stated that his client is back before the board to amend the original minor subdivision approval to designate four parking spaces two for the use of Lot 5 and 2 for the use of Lot 6.

Mr. Zabarsky swore in William Voeltz, licensed engineer and professional.

Mr. Voeltz stated that the applicant proposes to amend the minor subdivision map to provide 2 parking spaces for lot 5 and 2 parking spaces for lot 6. Mr. Voeltz went on to say the reason for this is that each lot has a structure on it with retail use on the first floor and residential on the second floor. Mr. Voeltz further stated that he felt there was a need for the residential uses of lot 5 and lot 6 to have dedicated parking spaces. He further stated that access to the property was from Lake Ave. over Lot 9 which was provided for in the prior resolution.

Mr. Zabarsky swore in Larry Lupinek.

Mr. Lupinek stated he was Mr. Strickland's son-in-law.

Mr. Lupinek stated that it is the intention of his father-in-law to keep the structures on Lots 5 and 6 as retail on the first floor and residential on the second floors. As of right now there were no tenants in the apartments but had tenants in the prior five years. He went on to say that the parking spaces had never been designated for tenants before, it was just a word of mouth agreement between his father-in-law and the tenants.

Dr. Heyer opened the meeting up for public comment.

Mr. Zabarsky swore in Gerald Strickland, 308 Heather Dr. Sunset Beach NC

Mr. Strickland stated that he was Arthur's brother and was an engineer. He went on to say that he had reviewed the BH Land Use Ordinances which stated that 2 off street parking spaces be provided for a residential lot. He further stated that it makes sense to dedicate parking spots for these lots.

Dr. Heyer stated that there being no further comments from the public she would caucus the Board members.

Ms. Tell stated the parking had been discussed in the prior application and I need assurance that commercial uses in those buildings will remain before I can make a decision. Right now I would vote no.

Mr. Taylor stated he was not sure which way to go right now but would like to protect the commercial use.

Mr. Harrington agreed with Mr. Zabarsky that with too many restrictions there becomes an enforcement issue and I also agree with Mr. Strickland that this is good planning. I'm in a gray area right now.

Mr. Furze stated that he understood Mr. Lupinek to say that they would retain the commercial use on the first floor in those buildings, that being a reasonable compromise and if that was the case he would be in favor.

Mr. Shore stated that with the compromise he would be in favor.

Mayor Curtis stated that he would be with the compromise.

Ms. Barnes stated she would approve the application subject to the provisions of lower level be commercial and upper levels be residential.

Dr. Heyer stated that depending on the wording of the motion she would decide which way to vote.

Mayor Curtis stated he would make a motion to approve the application with provision that the owners of the buildings decide how parking spaces are to be used. The lower level would remain commercial and upper level remain residential and if building changes in its character to all commercial or all residential the parking spots go away from the building. Also the parking spots would have signs for designation. Seconded by Ms. Barnes.

Roll Call: YEAS: Shore,Curtis,Furze,Harrington,Taylor,Barnes, Tell NAYS; Heyer

Dr. Heyer stated that the next Application was for Ed King. 21 Harris St.

Mr. Zabarsky stated that for the record the Application should reflect Ed King as the Applicant.

The following items were marked into evidence.

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| A-1 | Application |
| A-2 | 2 Photo pages of home |
| A-3 | Survey dated 12/20/07 |
| A-4 | Plan at grade to show driveway 3/5/09 |
| A-5 | Board engineer review letter |
| A-6 | Affidavit of Service |
| A-7 | Affidavit of Publication |
| A-8 | Photo board of home |
| A-9 | Photo board of home |
| A-10 | Rendered picture of what home will look like 3/18/09 |
| O-1 | Photo second floor deck of neighbor to west home |

Mr. Michael Calafati ,AIA was sworn in.

Mr. Calafati stated he was going to represent Mr. King tonight. He stated that he specializes in the restoration of historic buildings and had been contacted by Mr. King to restore the building. He further stated that the purpose of the application was to restore the second floor porch as it existed prior to the porch being enclosed.

Mr. Calafati showed the Board members photos (which were marked into evidence) that showed the home when the original porch existed. Mr. Calafati went on to say that the porch would be 3 ft. long on the front of the house and would be 16 ft. from the property line and would encroach 4 inches into the front set-back.

Mr. Calafati also stated that the other reason for the variance was for the front steps. He stated that they were very steep and for safety reasons wanted to have them extend into the set back 9 1/4 inches.

Mr. Shore asked if there was any architectural evidence that the porch existed.

Mr. Calafati stated that inside there is clear evidence that the windows were originally doors but from outside it is not evident because of the siding.

Ms. Tell asked did he have a since if the porch would block views to the west.

Mr. Calafati stated that he felt the view would not be blocked.

Mr. Furze asked Mr. Calafati to explain the code regarding the stairs.

Mr. Calafati stated that the risers could be up to 8 inches but having it lower it would make it safer.

Dr. Heyer opened the meeting to public comment.

Mr. Zabarsky swore in Charles Moeder, 27 Harris St.

Mr. Moeder stated that he lived to the west of Mr. King's house. He further stated that he had three points he wanted to make. The first being that he liked the restoration that was being done. He liked that the homes all kind of lined up within a foot or two. He stated that he was concerned that if the porch goes out three feet it will be an obstruction of my view from my second floor as well as the effect it will have on the value of my property. He also stated that he was glad that the stairs were going to be changed.

Dr. Heyer stated there being no further public comment she would poll the Board members.

Mr. Shore stated that he was torn because you're trying to restore the house but also concerned about the neighbors view. But would be in favor of correcting the stairs.

Mayor Curtis stated that he was also torn but the stairs needed to be corrected. He further stated that he thought the home looked nice and was happy it was being restored.

Ms. Barnes stated she would be in favor of the application on both counts.

Mr. Furze stated there was too much of a visual impediment. He further stated he liked to see it restored but there was too much of an encroachment.

Mr. Harrington stated he is a fan of historic restoration. This is a classic structure and the steps are a no brainer as far as safety goes. I would be in favor.

Mr. Taylor stated he is concerned with the neighbor's view being obstructed and right now am undecided.

Ms. Tell stated she felt there may be another way to achieve this result.

Dr. Heyer stated she supports both sides. I really have to say I would approve this application.

A motion was made by Mr. Harrington and seconded by Ms. Barnes to accept the application. Roll Call: YEAS: Heyer, Curtis, Harrington, Barnes NAYS: Shore, Furze, Taylor, Tell

Mr. Zabarsky stated that in a tie vote the application does not carry.

Mr. Califati asked the board to grant the variance for the steps.

A motion was made by Ms. Tell and seconded by Mr. Furze to allow the step variance. Roll Call: Heyer,Shore,Furze,Harrington,Taylor,Barnes, Tell.

Old Business

Mayor Curtis stated that the Committee of himself, Dr. Heyer, Bill Furze and John Berko met with CMX regarding COAH to rebid. Since Jamie Sunyak had resigned from CMX we asked them to come back with a quote.

A motion was made by Dr. Heyer and seconded by Mayor Curtis to pay the vouchers.

Maser/Strickland	560.00
Maser/King	560.00

There being no further business the meeting adjourned.

Respectfully submitted,

**Hannah Helbig
Board Clerk**