

The regular meeting of the Bay Head Planning Board was held on Wednesday, July 21, 2010 at 7:30 p.m.

Mr. Shore 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.”

**Roll Call: Brian Shore, David Kellogg, Kathleen Tell, Mayor Curtis, Bart Petrillo, Peter Harrington, Jennifer Barnes, Verity Frizzell, Patricia Wojcik, Ed Convey
Engineer – Susan Brasefield Attorney – Steven Zabarsky, Esq.**

Absent: William Furze

The May 19, 2010 minutes were approved on a motion by Mayor Curtis and seconded by Mr. Petrillo and passed with all in favor.

Mr. Shore stated the Board had for review Resolution of Ms. Joanne Carluccio, 98 Osborne Ave., Bay Head, NJ a/k/a Block 23, Lot 4 which was approved at the meeting of May 19, 2010.

Mr. Petrillo motioned, seconded by Mr. Kellogg that the Resolution be approved and passed on roll call vote as follows:

YEAS: Shore, Kellogg, Tell, Mayor Curtis, Petrillo, Harrington, Barnes, Frizzell

NAYS: None

NOT VOTING: None

The first application, 2010-07, property located at 98 Osborne Ave., Block 23, Lot 4 was for Ms. Joanne Carluccio.

Ms. Carluccio represented the application.

The following were marked into evidence:

- A-1 Application**
- A-2 Photos**
- A-3 Survey dated 4/13/2010**
- A-4 Elevation Drawings, last updated 6/22/2010**
- A-5 Drawings labeled Section, Notes & Details, last updated 7/6/2010**
- A-6 Updates Survey, dated 4/13/2010 and revised on July 29, 2010 to show the building under construction**
- A-7 Review Letter from the Planning Board Engineer, dated 6/29/2010 – Deeming the application complete**
- A-8 Review Letter from the Planning Board Engineer, dated 7/1/2010**
- A-9 Proof of Publication**
- A-10 Proof of Service**

Ms. Carluccio was sworn in by Mr. Zabarsky.

Ms. Carluccio stated the contractors started with the floors. When they were ripping the floors up to check the foundation they found that all the joists were broken, then the walls were falling in and then the ceiling fell in on its self. Joanne Carluccio called Bart Petrillo rather upset and asked what she should do. Mr. Petrillo stated that Ms. Carluccio would need to bring the house back to code. It is beyond a renovation and is now new construction.

Mr. Zabarsky confirmed with Ms. Carluccio that Photos 1 -9, marked into evidence as A-2, were taken about six weeks ago. The photos showed, in general, 98 Osborne in the process of renovation.

Mr. Zabarsky confirmed the photos do depict damage.

Ms. Carluccio stated, “she should have contracted the job out but did not”.

Mr. Petrillo stated he had sent Mr. Applegate, Construction Official, to inspect the area with the back porch. There was a new foundation which was acceptable. Two days later there was a whole new house. That is when Mr. Petrillo and Mr. Applegate stopped the construction and requested Ms. Carluccio return to the Planning Board.

Mr. Shore asked Ms. Carluccio, what kind of house is being built now?

Ms. Carluccio confirmed it is the same house but being re-built. It has the same square footage and is one story. There is no increase in lot coverage.

Mr. Zabarsky stated two, existing principal structures are on the same lot. More than 50% of the non-conforming structure is being re-built. In an R-50 zone two principal structures are not permitted. This is now a Use Variance. The original application is marked Bulk Variance.

Mr. Zabarsky stated that the applicant can amend the application and re-notice the public under statutory requirements. The application must be marked as a Bulk and a Use Variance, in an R-50 zone.

Ms. Wojcik stated the two surveys marked into evidence have different side setbacks and Ms. Carluccio may want to check with her surveyor.

A motion was made by Mr. Kellogg and seconded by Ms. Tell to carry the application to the next Planning Board Meeting scheduled for Wednesday, August 18, 2010.

Roll Call:

YEAS: Shore, Kellogg, Tell, Petrillo, Harrington, Frizzell, Wojcik, Convey

NAYS: None

NOT VOTING: Mayor Curtis, Barnes

Mr. Zabarsky stated this application will be carried to the August 18, 2010 Planning Board Meeting and will be given priority.

The second application, 2010-06, property located at 41-45 Mount L.L.C., Block 58, Lot 18 was for Dr. Frank and Viola C. Salvato.

Ms. Roberta Burcz represented the application.

Mr. Zabarsky stated to Ms. Burcz that Mayor Curtis and Ms. Barnes have recused themselves from the application due to the fact it is a Use Variance. Ms. Frizzell has also recused herself. Mr. Feltz, Ms. Frizzell's business partner at Feltz and Frizzell, is the Architect for 41-45 Mount L.L.C.

Mr. Zabarsky stated that a 2/3 vote is needed which is six out of seven votes.

Mr. Zabarsky confirmed with Mayor Curtis, two additional Planning Board Alternates may be appointed at the August 2, 2010 or August 16, 2010 Council Meetings.

Ms. Roberta Burcz requested an adjournment until the next Planning Board Meeting on Wednesday, August 18, 2010 when more Planning Members are present to vote on the application.

A motion was made by Mr. Petrillo and seconded by Mr. Convey to carry the application to the August 18, 2010 Planning Board Meeting.

Roll Call:

YEAS: Shore, Kellogg, Tell, Petrillo, Harrington, Wojcik, Convey

NAYS: None

NOT VOTING: Mayor Curtis, Ms. Barnes, Ms. Frizzell

Mr. Zabarsky stated this application will be carried to the August 18, 2010 Planning Board Meeting.

Demolition Delay Ordinance

Mr. Ed King recapped the tour of Beach Haven.

Mr. King stated Jeanette Lloyd spear headed the Beach Haven program and hired Margaret Westfield from Haddonfield to guide them through the political process of their Demolition Delay Ordinance. There were a series of meetings to answer concerns. The realtors were nervous the value of homes would depreciate.

Mr. King stated there was originally no historic district until there was political support from Council. After four years, in 2004, the Demolition Delay Ordinance passed. By the year 2008, the realtors found that there was a better retained value which was an asset to the realtors and property owners.

Beach Haven is bigger community with more historic buildings all over town in more spot-like clusters.

Mr. King stated the most interesting fact was the homeowners would go in front of a Historic Preservation Committee. The committee would approve or disapprove the changes that can or can not be done before the application goes before the Planning Board or to the Building Department. A "certificate of appropriateness" from the Historic Preservation Committee would be given or the application would not pass and would be stopped.

Mr. Harrington stated that trained professionals would look at the application first. (e.g.: an addition to a cottage or bungalow). You may not get what you wanted but the applicants would get suggestions.

Mr. King stated that Council has to be for it or do not pursue it at all.

Mayor stated there could be a public meeting scheduled that includes the Planning Board. Margaret Westfield could be hired to attend.

Mr. King will organize a common date with the Demolition Delay Ordinance Committee and Margaret Westfield.

Mr. Zabarsky will then submit a letter to the governing body for a one-time meeting.

A motion was made by Mr. Kellogg, seconded by Mayor Curtis to pay the following vouchers:

Maser/41-45 Mount LLC	370.00
Maser/98 Osborne	666.00
Zabarsky/227 Osborne Ave.	510.00
Zabarsky/98 Osborne Ave.	165.00
Zabarsky/548 East Ave.	450.00
Zabarsky/Litigation for Mauro	2,625.00
Zabarsky/Public Attendance	255.00

There being no further business the meeting adjourned.

Mr. Shore offered the following Resolution to go into executive session.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 19:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Planning Board of the Borough of Bay Head, in the County of Ocean, State of New Jersey, as follows:

1. The public shall be excluded from the discussions of and actions upon the hereinafter specified subject matter.

2. The following subject involves matters of attorney/client privilege:

Legal

3. It is anticipated that the matter discussed will be made public at some point in the future.

4. This Resolution shall become effective immediately.

The Governing Body went into Executive Session at 8:25 p.m. At 8:39 p.m. the Governing Body came out of executive session and resumed the regular meeting.

The motion was made by Mr. Kellogg and seconded by Mr. Petrillo to come out of executive session.

Mr. Shore called regular session back in order.

There being no further business the meeting was adjourned.

Respectfully Submitted,

**Laura Tuzzolino
Board Clerk**

