

The meeting of the Bay Head Planning Board was held on Wednesday, February 16, 2011 at 7:30 p.m.

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 this building and filed with the Bay Head Borough Clerk.”

Roll Call: William Furze, David Kellogg, Mayor Curtis, Peter Harrington, Jennifer Barnes-Gambert, Verity Frizzell, Patricia Wojcik, Kathleen Wintersteen, Fred Applegate
Absent: Brian Shore, Kathleen Tell, Bart Petrillo, Edward Convey
Engineer – Susan Brasefield **Attorney –** Steven Zabarsky, Esq.

The January 19, 2011 minutes were approved on a motion by Mr. Kellogg and seconded by Ms. Frizzell and passed with all in favor.

Roll Call:
YEAS: Furze, Kellogg, Harrington, Barnes, Frizzell, Wintersteen, Applegate
NAYS: None
NOT VOTING: Mayor Curtis, Wojcik

Mr. Furze stated the Board had for review Resolution of Mrs. Marjorie Maschler, 623 East Avenue, Bay Head, NJ a/k/a Block 66, Lot 12 which was approved at the meeting of January 19, 2011.

Mr. Kellogg motioned, seconded by Ms. Wojcik that the Resolution be approved and passed on a roll call vote as follows:
YEAS: Furze, Kellogg, Harrington, Barnes, Frizzell, Wintersteen, Applegate
NAYS: None
NOT VOTING: Mayor Curtis, Wojcik

The first application, 2011-01, property located at 530 Main Ave., Block 57, Lot 17 was for 3 of a Kind, LLC.

Mr. Furze referenced the letter from Richard O’Connor and Mr. Robert Scalara, dated January 20, 2011, on the behalf of the members of 3 of a Kind, LLC, officially withdrawing their application 2011-01 and the subsequent letter from Mr. William Gage, dated February 7, 2011.

Mr. Kellogg stated that in Mr. Gage’s letter there was a request for a decision on a certain date for this action to be followed through by the former applicant. For the minutes, Mr. Kellogg drove by today and the refrigerator had already been moved back inside so the request is a moot request. The Board would not have to take any action.

The application, 2011-01, was recorded on file as withdrawn.

The next application, 2011-02, property located at 666 East Ave., Block 63, Lot 39 was for Heritage Properties International.

Mr. Daniel Bevere from the law firm of Piro, Zinna, Cifelli, Paris & Genitempo, PC stated he will be representing the application.

Mr. Bevere was sworn in by Mr. Zabarsky.

Mr. Bevere stated 666 East Avenue in Bay Head is a single family structure. The applicant would like to make some very minor deletions. The reason they are here is because the ordinance for Bay Head requires that if any changes are being made of a structure, if proposed as a non-conforming structure we have to come in front of the Board. The reason this structure is non-conforming is because it was built before the days of setbacks and because the property itself does not meet the setback requirements from the street, which is a preexisting condition. This is the reason we are here before the Board. Essentially, we are not making any major changes to the structure. Certainly there will be no additions to the structure. We will be deleting an overhang and deleting a balcony. The removal of the overhang will bring the structure more into compliance. In that respect we believe that the application clearly meets the requirements of the municipality land use act the granting of a variance. By removing the overhang we are not doing any detriment to the Borough zoning plan. The zoning plan is actually increased because we will be bringing the structure more into compliance with the ordinance. There will be minor deletions. The overhang is going to be removed entirely and the balcony which is on the third floor is going to be removed. Where the balcony is currently situated will be replaced by shingles. So the house is going to be restored to the way it looked in the late 1940's, early 1950's.

The following were marked into evidence:

- A-1 Application, dated February 2, 2011**
- A-2 Current, Proposed and Historic Photos submitted January 18, 2010**
- A-3 Architectural Drawings A-1 through A-7 Survey, submitted January 10, 2011**
- A-4 Survey dated January 6, 2010**
- A-5 Letter from Planning Board Engineer, dated January 27, 2011 – Deeming the application complete**
- A-6 Review Letter from the Planning Board Engineer, dated February 2, 2011**
- A-7 Proof of Publication**
- A-8 Proof of Service**

The first witness, Mr. William Craig, Architect, was sworn in by Mr. Zabarsky.

Mr. Zabarsky confirmed with Mr. Furze that even though Mr. Craig is not a New Jersey Architect, it is acceptable for the New Jersey architect of Gennsler to stamp all the drawings for this application.

Mr. Zabarsky, for the purposes of this application, will accept that Mr. William Craig is certified for California and the plans were submitted by a licensed, New Jersey architect, sealed by Robert K. Gatzke, license # 17778.

Mr. Bevere asked Mr. Craig what his role was in the preparation of the plans for this application.

Mr. Craig stated he was a consultant to Gennsler. He was in charge of putting together the construction permit and preparing the plans. Gennsler is the architect of record. The client, Heritage Properties, is Gennsler's client. Gennsler works with huge properties and felt this single family home is not something they had particular expertise in so they asked

him to work as their consultant. All work was reviewed by Gennsler, so all the State of New Jersey's requirements are met.

Mr. Craig stated he had been to the house at 666 East several times. It is a three story single family residence with seven bedrooms, kitchen living room and dining room. It was built around the turn of the century. It is very much a Bay Head house. It is shingle styled. There are three photos of the house that the Board members have. One current, one proposed and one historic photo.

Mr. Bevere asked Mr. Craig what his marching orders with respect to this project.

Mr. Craig stated to restore it to the condition it was in, in 1949-1950. We would remove the little one story on the back corner of the house plus remove some items that had been built in the backyard over time and do some work to the front of the house that is in the front setback. The items in the front setback are to remove the third floor balcony, replacing the little piece of the roof there, putting the screens back on the second floor, taking out the windows on what was previously the first floor screened in porch and replacing that with screens, removing the little eave that is built onto the front of the building over the first floor front porch. There is no increase in footprint and there are no structural additions. There are some interior renovations. There is a permit with the building department for these non-variance items.

Mr. Bevere confirmed with Mr. Craig that there are no other variances and the non-conformity will be decreased.

Mr. Bevere asked the Board if they have any questions.

Mr. Furze stated it is highly unusual in Bay Head for the size of a residence to be diminished. What is the motivation for tearing off the family room?

Mr. Bevere answered, to bring it back to the 1940's and 1950's. That addition was not there.

Ms. Frizzell asked why bring it back to the 1950's? Is there some historical significance to that date?

Mr. Craig stated this is when one of the founders of Heritage Properties lived in the house from 1949-1950 and did some writing there. It is their intent to restore it to when he lived there.

Mr. Craig confirmed with Ms. Wintersteen that it will remain a single family home. It will maintain its residential status.

Mr. Craig confirmed with Ms. Frizzell that it will not be made into a museum to this writer.

Mr. Furze stated regarding the yard to the South, there are currently pavers on the street side and grass beyond that toward the west. Where you remove the addition, it is not indicated what will go there. There are concrete pavers beyond that. What is the intent between East Ave. and the rear yard for treating the side yard there on the south side?

Mr. Craig confirmed with Mr. Furze that when the family room is removed there will be grass. The brick pavers will remain in front of the fence between the fence and the sidewalk.

Mr. Furze and Ms. Frizzell stated the rendering is slightly flawed and a little misleading.

Mr. Zabarsky confirmed that when the structure is removed it will be replaced with grass.

Ms. Frizzell stated that the engineer's survey does not show the pavers on the south side.

Mr. Bevere stated he has no additional witnesses.

Mr. Furze opened the meeting for public comment.

Mr. Stan Niedzwiecki, Johnson St, asked if there was an air space violation on height?

Mr. Zabarsky stated that the testimony states there is not. The height is 33.5 feet with a 35 foot limit on the height.

Mr. Stan Niedzwiecki asked how many parking spaces would be on site?

Mr. Zabarsky stated two.

Mr. Craig stated that there is a two car garage that will remain unchanged.

Ms. Frizzell asked about pervious coverage.

Mr. Craig stated that the pervious coverage on site will be areas noted as grass. The impervious coverage will be the brick pavers plus the building.

Mr. Kellogg was wondering if they had pavers in 1950?

Mr. Craig answered, no.

Mr. Kellogg stated that the south side would be conforming if the pavers were removed.

Ms. Wintersteen confirmed that the driveway would be brick pavers.

There being no further comment, Mr. Furze closed public session and polled the Board.

Ms. Frizzell: Generally in favor of the application. Ms. Frizzell would like to see a little more impervious coverage removed in terms of some of the pavers either in the front or the back of the house. Otherwise, it is a fine application, no objections.

Ms. Wintersteen: The changes are very minor and would approve of them.

Mr. Kellogg: Yes. It will improve the streetscape and it was confirmed that it will stay a single family house and a residential property. There was testimony to that affect and Mr. Kellogg assumes it will be a condition or it is implicit because of the existing zoning laws.

Mr. Zabarsky stated that the architect, on behalf of the applicant, has confirmed that they know the permitted use in the zone is a single family residential dwelling and that is the intent of how it will be used. This will be a condition of the resolution. The representation

is that it is not going to be a museum. If it were to be used for any other use they would have to come back in front of the Board.

Peter Harrington: Yes, take another look at some of the paving and driveway materials where possible just for aesthetics.

Mayor Curtis: In favor. If you bring it back to its original based on these pictures its grass in front of the fence.

Mr. Applegate: In favor.

Ms. Wojcik: In favor.

Ms. Barnes: In favor

Mr. Furze: In favor

Roll Call:

YEAS: Furze, Kellogg, Curtis, Harrington, Barnes, Frizzell, Wojcik, Wintersteen, Applegate

Mr. Zabarsky stated the application is granted. The memorializing resolution will be prepared and put on the agenda to be adopted for the next regular meeting.

New Business: None

Old Business:

Historic Preservation Ordinance

Mr. Furze summarized a note from **Mr. Shore**. **Mr. Shore** received and signed a revised contract for the services of **Mr. McCabe**. Copies of the signed agreement, for the professional services of **McCabe and Associates**, have been handed out this evening. There was an adjustment for **Mr. McCabe** to do all of the historic preservation ordinance and the price for that piece was \$5,800.00.

There are also additional **McCabe Associates'** packets, his resume, if any of the Planning Board members would like one.

Ms. Wojcik stated she was not here for the end of last months meeting and wanted to confirm if the \$5,800.00 was from the 2010 budget. There is now a 2% cap for this year on the municipal budget. Has anybody cleared that the amount would be available?

Mayor Curtis confirmed the funds were encumbered from last years' budget.

There was a motion by **Ms. Wintersteen**, a seconded by **Ms. Frizzell** to approve the vouchers.

There being no further business the meeting was adjourned.

Respectfully Submitted,

Laura Tuzzolino
Board Clerk

