

**The meeting of the Bay Head Planning Board was held on Wednesday, July 20, 2011 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, Mayor Curtis, Bart Petrillo, Peter Harrington, Patricia Wojcik, Edward Convey, Kathleen Wintersteen, Fred Applegate  
Absent: William Furze, Kathleen Tell, Jennifer-Barnes Gambert, Verity Frizzell  
Engineer – Susan Brasefield                      Attorney – Steven Zabarsky, Esq.**

**The May 18, 2011 minutes were approved on a motion by Mayor Curtis and seconded by David Kellogg and passed with all in favor.**

**Roll Call:  
YEAS: Shore, Kellogg, Mayor Curtis, Wojcik, Convey, Wintersteen, Applegate  
NAYS: None  
NOT VOTING: Petrillo, Harrington**

**The first application, 2011-07, property located at 666 Lake Ave., Block 55, Lot 3 was for 666 Lake Ave., LLC for an Appeal Alleging Zoning Officer Error and Bulk Variance.**

**Mr. Shore stated before we begin he has to go on record that the attorney’s law firm, the applicant’s law firm is also representing his wife in a separate matter. By the letter of the law that is not a conflict, but Mr. Shore wanted to put that out there for discussion.**

**Mr. Kevin Starkey, representing the applicant does not have an objection.**

**Mr. Zabarsky requested Mr. Shore state for the record if he would not have any bias and it would not affect his ability to hear the application.**

**Mr. Zabarsky confirmed that under statute Mr. Shore is not in conflict and can hear the application.**

**Mr. Shore stated it would not affect his ability to hear the application.**

**Mr. Kellogg recused himself from the application. He is a property owner within two hundred feet of the subject application property.**

**Mr. Shore stated he would like to talk about anyone who is a member of the Bay Head Yacht Club.**

**Mr. Zabarsky confirmed that Mayor Curtis is a member of the Bay Head Yacht Club which is within two hundred feet of the application’s property. Because that is a conflict, according to case law Mr. Zabarsky would suggest that Mayor Curtis not sit on this matter. Mr. Zabarsky confirmed that without Mayor Curtis we have seven members left. Mayor Curtis’ vote is not a matter of necessity.**

**Mayor Curtis recused himself from the application.**

**Mr. Zabarsky reviewed the first part of the application which is the “Appeal alleging zoning officer error”. The Notice of Appeal, submitted June 17, 2011, was marked into evidence by Mr. Zabarsky as A-1, the appeal of the denial of a Certificate of Occupancy due to changes made to approved plans.**

**Mr. Zabarsky marked into evidence as A-2 the letter dated May 26, 2011 from Mr. Petrillo to Mr. Joseph Sanzari of 666 Lake Ave. which stated that the request for a Certificate of Occupancy has been denied. Mr. Zabarsky read the appeal of that to the Board.**

**Mr. Zabarsky stated that it is appropriate for an applicant in the alternative, request any variances necessary for the changes made. The case law is clear having both these matters filed under the same application is appropriate. It is even recommended by Mr. Cox.**

**Before proceeding, Mr. Zabarsky confirmed that there is a seven member Board at this point.**

**Mr. Shore confirmed with Mr. Zabarsky if the Board affirmed that Mr. Petrillo did act correctly then the applicant is also asking for variances to relieve that situation. In addition, Mr. Shore stated, as part of the application, the bait shop is almost a separate matter.**

**It was confirmed by Mr. Kevin Starkey that the bait shop is not the subject of the appeal. The application has two separate components. The applicant is seeking to rebuild the bait shop as part of the same application. These two components will be introduced separately.**

**Mr. Zabarsky confirmed to Mr. Shore that there are three separate votes. The first vote would be on the appeal of Mr. Petrillo’s denial of the CO. If you affirm his decision you then move on to the variance request. If you reverse his decision there is no need to go to the variance request. Then you would go to the accessory structure.**

**Mr. Zabarsky, procedurally, questioned if all accessory structures were on the survey submitted. If there is more then one accessory structure on one lot we do run into a use variance situation?**

**Mr. Shore stated that there are additional structures that have not been added to the survey.**

**Mr. Starkey stated that what we are addressing here is Mr. Petrillo’s May 26<sup>th</sup> letter of the right to tear down and rebuild that accessory structure. The basis for that denial is that there are multiple accessory structures on a single lot. This structure is a preexisting nonconforming not in any bulk way but because it is an accessory structure. That is not a use variance. A use variance is multiple principal structures on a lot. This would be a C variance not a D variance. It is not a principal use.**

**Mr. Zabarsky agreed with Mr. Starkey’s analysis that this would not be a use variance request with regards to the accessory structure but bulk in nature.**

**Mr. Shore is still concerned not all accessory structures are identified on the survey and some may have been added since the last application.**

**Mr. Starkey did not know if any additional structures had been added. He did not see the relevance with this particular structure when we know it is a preexisting nonconforming structure.**

**Mr. Shore stated it would be relevant if other structures had been added since. Then we would have to talk about the other structures as well.**

**Mr. Starkey confirmed that there are no outstanding notices or violations concerning any structures that were put on the lot or that are in nonconformance with the prior approvals. We are here to review two narrow issues only that were identified by Mr. Petrillo. The gazebo and knee wall being one and the bait shop being the other.**

**Mr. Zabarsky stated the survey should show all structures.**

**Mr. Petrillo stated there is question of a shed on the east end of the principal structure that was not on the original survey and is now there.**

**Mr. Shore stated it is important to have all the structures on the survey to calculate impervious coverage.**

**The bait shop will be built to the same footprint so it will not affect the impervious coverage.**

**The Planning Board engineer stated that the shed in question is shown on the survey submitted with this application and complies with the impervious coverage calculations.**

**Mr. Kevin Starkey from the law firm of Starkey, Kelly, Bauer, Kenneally & Cunningham stated he will be representing the application.**

**Mr. Starkey was sworn in by Mr. Zabarsky.**

**The following were marked into evidence:**

**A-1 Notice of Appeal**

**A-2 Letter from Mr. Bart Petrillo, dated May 26, 2011, denying a Certificate of Occupancy**

**A-3 Letter from Mr. Bart Petrillo, dated May 27, 2011, denying the construction of the “Bait Shop” on the property**

**A-4 Application, dated June 16, 2011**

**A-5 Architectural Plans by Dario Architecture & Design, entitled “Reconstruction of Sanzari Marina”, dated May 26, 2011**

**A-6 Survey & Plot Plan, dated May 13, 2011, by Louis J. Weber & Associates, Inc.**

**A-7 Temporary Certificate of Occupancy dated 5/26/2011 for the property located at 666 Lake Ave.**

**A-8 Letter from the Planning Board Engineer, dated June 23, 2011, requesting additional information be submitted in order for the application to be deemed complete.**

**A-9 Revised Survey by Louis J. Weber & Associates, Inc., dated June 27, 2011**

**A-10 Letter from the Planning Board Engineer, dated July 6, 2011, deeming the application complete.**

**A-11 Architectural drawings by John J. Gilchrist, dated May 25, 2011, entitled “Floor Plans”**

**A-12 Review letter from the Planning Board Engineer, dated July 8, 2011**

**A-13 Proof of Service  
A-14 Proof of Publication**

**Mr. Zabarsky confirmed with Mr. Starkey that there is a seven member Board. He asked Mr. Starkey if he would like to move forward with the application tonight or attempt to have the full membership of the board and adjourn.**

**After Mr. Starkey confirmed with Mr. Zabarsky that this requires a C variance needing four out of seven votes, a simple majority, Mr. Starkey stated he would like to move forward with the application this evening.**

**Mr. Starkey stated that there are two separate aspects of this application. He feels it is beneficial to address them separately. The first to be addressed is the bait shop.**

**The first witness, Mr. John Gilchrist, Architect P.C., and Engineer was sworn in by Mr. Zabarsky.**

**Mr. Gilchrist stated that the existing bait shop is in poor repair. The boardwalk around it is decayed. The existing building has a flat roof. The roof sags and he is sure it leaks. This proposal is to completely remove and replace from the pilings up the structure, completely within the existing footprint of the existing structure. It is a little bit taller than the existing structure. We are at 15 feet eleven inches. The existing building is about ten feet. It is a little taller, however has a sloped roof and looks a little reminiscent of a lighthouse lantern on the top. We are not increasing the square footage of the building. It is a brand new, nice looking structure.**

**Mr. Gilchrist confirmed to Mr. Starkey that the pilings supporting the structure are old. They are rotting. There is a possibility for a collapse of the structure.**

**Mr. Gilchrist confirmed to Mr. Starkey that the bait shop is located 100 feet from the bulkhead out on the dock. The bait shop sells bait and fishing gear. There are fuel pumps on the dock next to the bait shop. He imagines the employees from the bait shop would operate the fuel pumps. There would be no changes in use for this bait shop. There will be no issues to neighboring properties such as their view.**

**Mr. Shore confirmed there will be no living quarters in the bait shop and there will be no plumbing in the bait shop.**

**Mr. Gilchrist stated there is cold water but no sanitary drain. There are only electrical lines for the lighting.**

**Mr. Zabarsky reviewed and confirmed with Mr. Gilchrist that there are no living quarters, no hot water, no sanitary drain meaning no toilet, no shower and no sink. There are electrical lines for power. The bait shop is one big room. It is one retail space. There is incidental storage in the attic for boxes. There is potentially electric base board heat. There is no air conditioning. The bait shop is open seasonally. It is not open all year around.**

**Mr. Gilchrist confirmed to Mr. Petrillo that there is an attic that may be used for light storage, for boxes.**

**Mr. Gilchrist confirmed to Mr. Starkey that the new bait shop will increase the overall appearance of the property and this area of the dock. Their proposal is to use a cedar impression siding and a timberline style roof. It will be very attractive.**

**Ms. Wintersteen confirmed with Mr. Gilchrist that brand new pilings will be used. They have received CAFRA approval.**

**Mr. Applegate asked if there has been any consideration for installing a fire sprinkler system in the building.**

**Mr. Gilchrist stated no. The building is small. It would not be required under the building code. It is expensive and difficult especially since it would not be heated in the off season so there is the potential for the system to freeze. The fire sprinkler is not proposed.**

**Mr. Shore stated that the points pertaining to the Planning Board Engineer's review letter should be reviewed.**

**Mr. Starkey reviewed items 1, 2, 6, 7 and 8 in the review letter pertaining to the bait shop with Mr. Gilchrist.**

**There being no additional evidence for the bait shop, Mr. Shore polled the Board members.**

**Mr. Applegate: He sees nothing wrong with it. He has some concerns from his standpoint of firefighting. It is about 200-220 feet from the dock, from the inland side to the bait shop. He has, in the past, talked to the manager over there named Steve about putting in a four inch pipe system in the near future. Steve said he was more then willing to talk to Mr. Sanzari about it. Otherwise he has no objection.**

**Mr. Starkey started there are a number of handheld fire extinguishers out there. There is at least one in the bait shop.**

**Ms. Wintersteen: The bait shop is extremely run down. No objection. It was in good shape twenty years ago and is not in good condition today. The style of it will add to the site.**

**Mr. Convey: Yes, there are no significant differences in the footprint.**

**Mr. Harrington: Yes, as long as everything is followed, the same footprint. He personally likes to see cedar shake. That is the only thing he would ask.**

**Ms. Wojcik: Has no objections. It will definitely be an asset to the property.**

**Mr. Petrillo: No objections**

**Mr. Shore: No objections**

**Mr. Shore opened the meeting for public comment.**

**Mr. Rale Sellig was sworn in by Mr. Zabarsky.**

**Mr. Sellig stated he lives within two hundred feet of the applicant's property. He is in favor. His children go to the bait shop. It does need repair. He hopes it is built following the stringent process for approval. Follow the rules. The same ones he had to follow when building his home recently at 60 Johnson.**

**Mr. Ed King was sworn in by Mr. Zabarsky.**

**Mr. King confirmed with Mr. Gilchrist that the light in the top of the bait shop has no electric, no light.**

**Mr. Harrington looking at the rear elevation and confirmed with Mr. Gilchrist that there will be no lit or neon signage on the bait shop.**

**There being no further comment, Mr. Shore closed public session.**

**There was a motion by Mr. Petrillo seconded by Ms. Wintersteen to approve the accessory structure.**

**Roll Call:**

**YEAS: Shore, Petrillo, Harrington, Wojcik, Convey, Wintersteen, Applegate**

**NAYS: None**

**Mr. Zabarsky stated the vote of seven in favor. The application for the hearing of the bait shop is granted.**

**Mr. Starkey proceeded with the second aspect of the application.**

**Mr. Zabarsky stated that Mr. Starkey will now, as a matter of procedure, present all the evidence to the appeal under section "a" of the statute from Mr. Petrillo's decision and under subsection "c" in the alternative of the bulk variance and then the Board will vote.**

**Mr. Shore confirmed with Mr. Zabarsky and Ms. Brasefield that the survey of the house represents what is there now.**

**Mr. Starkey stated that if you are looking for more detail of the house look at the Mr. Gilchrist's drawings. The survey gives a broader view.**

**Mr. Gilchrist reviewed his drawings and showed the Board the outline of the house on his drawings.**

**Mr. Starkey stated that the two items that differ from the original plans and as cited by Mr. Petrillo is the gazebo on the second level and the knee wall by the barbeque. The basis of the appeal is that these differences are de minimus. These are field changes that often occur. These did not change any of the variances in resolution 2007-09 or change the structure of the home. This is the basis of our appeal. These did not need Board approval.**

**Mr. Gilchrist went back to the drawing used to get their approval. The deck that was shown on the west end of the building is shown as an open railing. The deck that was built on the west and south side is solid bulkhead which is stone veneer. The height is just about the same. Generally a handrail is about three feet. This would be about 3.5 feet. The stone wall is to conceal a built in barbeque.**

**Mr. Shore confirmed with Mr. Gilchrist that they are a little bit further back from the setback and the square footage of the deck has not changed.**

**Mr. Gilchrist stated that what has changed is the open rail is now a solid rail.**

**Mr. Starkey stated that as far as the gazebo, it is on the northwest corner of the property. It is interior to the lot. Immediately across from that is the other principal structure on the same lot.**

**Mr. Gilchrist referred to the survey and stated the new house is on the south side of the property. There is a little bit of a lagoon that pokes in between that building and the existing office, apartment building. Yes, the gazebo is on the north side facing into the property away from the neighbors. The deck faces out to the dock. It faces west out into the marina.**

**Mr. Gilchrist confirmed to Mr. Starkey that there is a fence that appears to be on the property line. The top of the fence is just about equal with the top of that knee wall.**

**Mr. Starkey stated that from the adjoining property looking across you would not be able to see the knee wall.**

**Mr. Gilchrist stated that from the south you would just see the fence.**

**Mr. Shore confirmed with Mr. Gilchrist that the knee wall is about six inches higher than the columns were.**

**Mr. Gilchrist confirmed to Mr. Starkey that the height of the principal building is twenty eight feet at the highest and the gazebo building is at twenty four feet. It is below the existing roof line. The gazebo is on the northwest corner. There is also a roof overhang on the north side, on the interior of the property that was not on the approved drawing.**

**Mr. Shore asked Mr. Gilchrist if the gazebo adds square footage to the house. Has the deck of the gazebo been extended?**

**Mr. Gilchrist stated he never added the deck to the square footage of the house.**

**Mr. Zabarsky confirmed that the question is, what was the square footage of the old deck and what is the square footage of the new deck?**

**Mr. Gilchrist stated that the original size of the deck was 250 feet and now, 390 feet. The deck is now bigger. Part of the deck is under a roof.**

**Mr. Petrillo stated that this would count as building coverage.**

**Mr. Shore confirmed that we are not talking about any changes in impervious coverage just changes in building coverage.**

**Mr. Gilchrist stated that as far as building coverage they are considerably under the requirement.**

**Mr. Zabarsky stated that the resolution that was adopted in this case 2007-09 page six establishes conditions of approval of the request in this case for a reconstruction of an existing single family residence by adding a second story addition necessitating bulk variances and a special reason variance. Condition number eight states that the applicant strictly adheres to the plans submitted as amended and discussed during the hearing. It says any deviation from the approved plan shall require further review and approval by the**

**Borough of Bay Head Planning Board. This includes, size, height, bulk, aesthetics and things of that nature. The gazebo is a deviation in aesthetics from what was requested. A change in aesthetics is a major deviation from the approval. This is not the structure that was approved.**

**Mr. Starkey confirmed to Mr. Shore that there are no other additional variances out there. There are no further encroachments into the setbacks and no additional height on the building.**

**Mr. Starkey stated he has an additional exhibit that was not submitted with the application but it is within the Borough's files, the zoning and construction files. He would like marked a prior set of architectural plans dated July 16, 2009. They are in Mr. Petrillo's files and were submitted to the Borough. The inspectors inspected that property from the beginning using these plans he is seeking to get marked, July 16, 2009. The only difference from these and the May 25, 2011 plans is the two words "gazebo" and "barbeque". My clients relied on the submission of those July 16, 2009 plans to the building department.**

**Mr. Petrillo stated there are a set of plans in the file. When we get plans in we stamp them with the date received. These plans never had a date. Mr. Petrillo's signature is not on those plans, Doug Applegate's signature is not on those plans and the inspectors' signatures are not on those plans. He does not know where these plans are from.**

**Mr. Starkey stated that these plans were submitted by his client and they are in your zoning and building official's files. We will have testimony that these were the plans used by your inspectors and they are the field plans that were at the house. These 2009 plans were the field copies.**

**Mr. Zabarsky confirmed with Mr. Starkey that these plans are other then the plans that were approved.**

**Mr. Shore stated he believes the homeowner acted in good faith. Somehow plans were submitted, he acted on those plans and the inspectors went out and off the plans, approved what was there. He does not believe that anyone is questioning the motives or intentions.**

**Mr. Sharkey confirmed with Mr. Gilchrist that the July 16, 2009 plans are the same as the May 25, 2011 plans except for the gazebo and barbeque knee wall and that they were prepared by his office.**

**The plans of July 16, 2009 were marked into evidence as A-15.**

**Mr. Shore asked Mr. Gilchrist, when would you step in to say back to your client this is a little bit more of a change then the board would have approved. When do you say to the applicant you need to go back to the Board?**

**Mr. Gilchrist stated the applicant asked me to make the change. He gave them signed and sealed drawings. As far as he knew they had submitted them. If the town kicked them back he would be aware.**

**Mr. Sciortino, Construction Manager at the site, was sworn in by Mr. Zabarsky.**

**Mr. Starkey confirmed that Mr. Sciortino has been the construction manager since the project began and has overseen all aspects of construction.**

**Mr. Sciortino stated to Mr. Starkey that he is aware of the drawings marked into evidence as A-15. He submitted them to the Borough himself. It was in July, 2009. They were submitted to a lady who said that the changes would have to be reviewed and that he would be contacted if needed. The changes were so minor he didn't expect a call. Mr. Sciortino stated at that time that he going to continue to build. He stated that he always contacted Bart or Doug and always had everything inspected.**

**Mr. Zabarsky confirmed to Mr. Shore that the breakdown in communication between the building department and the applicant as far as the drawings being submitted does not affect this case.**

**Mr. Petrillo stated that if any changes came in they would be denied. They would be sent back to the Board, even if it were a minor change.**

**Mr. Zabarsky stated that Mr. Petrillo was upholding the conditions of a resolution versus what Mr. Starkey is stating as the changes being de minimus. There are two different issues.**

**Ms. Wintersteen stated that when she was building her house there was a signed set of plans, signed by the building department officials, on site at all times.**

**Mr. Sciortino stated that the plans on site were signed and stamped by the architect, not by the building department officials.**

**Mr. Zabarsky asked Mr. Sciortino if he had been a construction manager on other projects. Isn't it your understanding that the plans you need to use are the plans that are approved by the construction official and the building department. The plans have to have their signature and their stamp. Isn't that correct? You assumed they were approved without getting the appropriate signature and stamp on the plans by the building department.**

**Mr. Sciortino stated that is correct.**

**There being no further comment Mr. Shore opened the meeting for public comment.**

**Mr. Rale Sellig, 60 Johnson Ave., addressed the Board and stated there seemed to be a breakdown. It is relevant if the officials are coming out and using plans that are not stamped. It is not relevant from a legal point of view but it is relevant from a common sense point of view. This needs to be investigated.**

**Mr. Shore closed the public session.**

**Mr. Zabarsky stated the first decision is if the Board affirms or denies Mr. Petrillo's decision to deny the CO to the subject property. Mr. Petrillo's letter is marked into evidence as A-2. Did Mr. Petrillo act properly in upholding the conditions of the resolution?**

**Mr. Shore polled the Board.**

**Mr. Applegate:** If the plans change stop work until you get sealed plans back. In this case it did not happen. They just continued on with what they thought was good without having the sealed plans.

**Ms. Wintersteen:** Any changed plans should be stamped and kept on site. The plans should have proper approvals. Mr. Petrillo is correct in what he decided to do, based on the approval in 2007.

**Mr. Convey:** Based on the language of the resolution which is clear that any changes would have to be submitted and understanding de minimus this would not come under his definition of de minimus so he would have taken the same decisions Mr. Petrillo took.

**Mr. Harrington:** Stands by Mr. Petrillo's decision. Why wouldn't the construction manager, pick up the phone and say I had given you plans that violate what was presented before? I stick with Bart.

**Ms. Wojcik:** I have not been on the Planning Board to long and defers to the attorney's advice. Ms. Wojcik does not see how we can change Bart's decision based on what we heard tonight although I do believe they acted in good faith.

**Mr. Shore:** Mr. Petrillo made the right decision. He would not vote to overturn his decision.

There was a motion by Mr. Harrington seconded by Ms. Wojcik to affirm Mr. Petrillo's decision.

**Roll Call:**

**YEAHS:** Shore, Harrington, Wojcik, Convey, Wintersteen, Applegate

**NEAHS:** None

**Not Voting:** Petrillo

**Mr. Zabarsky** stated that is six affirmative votes to affirm.

**Mr. Zabarsky** stated that next Mr. Starkey would like to address the request for a variance to have the modifications to the plans.

**Mr. Starkey** stated he feels the considerations are different on this which is akin to a variance, we are not seeking a variance we are seeking approval under the prior resolution. The testimony he sees as important is from Mr. Gilchrist, testimony on where the changes were made on the property. If we think of this in the perspective of the public and of the neighboring property owners, which was a primary consideration on the original application, the original decision, the changes that have been made since then are the gazebo which is the major change of the two located entirely on the northerly side of the residence. The only sunlight or view, the only property to be affected is this property, Mr. Sanzari's property. The roof line that runs down the property is significantly higher then the roof of the gazebo. So from the outside of the property whether you are on the southerly side or on the northerly side you can't even see the gazebo. It has zero affect on people outside the property which is a primary consideration from a zoning perspective. The other issue is the knee wall on the first floor and the second floor. There were walls there before. They were railings with posts. Now it is a solid wall. There is virtually no change from what you have approved originally. This has zero affect on anyone on the northerly side. On the first floor there is a fence that is higher then that wall. On the adjoining property to the south you can not even see the wall. The original considerations that you had, light, air, sunshine to the public are not affected. Under this analysis this should be approved as though it were done back then. The variances have not changed the

setbacks have not changed. The footprint has not changed. The square footage has not changed. We are just dealing with the aesthetics of it.

Mr. Convey asked Mr. Zabarsky if the Planning Board approves then do these plans then become the official plans to that building on that site.

Mr. Zabarsky asked Mr. Petrillo.

Mr. Petrillo stated yes.

Mr. Zabarsky agreed with Mr. Petrillo, if they get approved and stamped. These are the plans we would be approving under application 2011-07. These would now be the official plans.

Mr. Shore polled the Board Members.

Mr. Petrillo: He did not know where the breakdown came. I never saw those plans and would never have approved them. He has no doubt they were submitted. What the inspectors did on site he does not know. He would not have approved these plans. He would have referred them back to the Board. Based on the testimony and his observation he thought they did act in good faith by submitting the plans. They never got approved or went through the proper channels, but in his opinion the changes that were made are not going to affect the building that much. He has no problem with it.

Ms. Wojcik: Ms. Wojcik feels the same. The lady you gave the plans to was named Hannah. I have no problem with it. Ms. Wojcik truly believes that you truly believed that you did everything to the letter. Yes, she has no problem with leaving it the way it is.

Mr. Harrington: There is nothing he likes about this. He would make the applicant take down what he has done. Visually it violates very clearly. This is not what was presented to begin with but there is nothing he can do to stop it.

Mr. Convey: Votes to approve

Ms. Wintersteen: She would certainly not ask them to change it but would hope your client appreciates that you really have to stick to the resolution as written. When you look at the marina you look from the street and from the bay. The view is definitely in play.

Mr. Applegate: In hearing that these changes fall within the original footprint he has no problem with it. He is disappointed in the way we came around to being here.

Mr. Shore: Agrees with Mr. Applegate. We should not have to be here. Obviously there were mistakes made on both sides. That being said he does not see a reason to deny the application.

A motion was made by Mr. Applegate seconded by Ms. Wintersteen to approve all the conditions discussed during the hearing.

Roll Call:

YEAHS: Shore, Petrillo, Wojcik, Convey, Wintersteen, Applegate

NEAHS: Harrington

New Business:

Old Business:

**Historic Preservation Ordinance:**

**Mr. Shore updated the Board on the progress of the Historic Preservation Ordinance. We did receive back a revised ordinance. There were recommendations from the committee. There are a few more additions or revisions that we would like made. We are going to have a review done by another attorney. Mr. Shore is planning to have the ordinance to the Planning Board either a week or two weeks prior to the next meeting. You will have time to digest and come up the questions or objections. Mr. McCabe will also be at that meeting to answer any questions as well.**

**Mr. Shore stated to Ms. Wintersteen that his goal for the August Planning Board Meeting is he would hope that they would be able to vote whether we would want to pass the ordinance onto Council.**

**Mr. Shore stated we are not locked into that. If the Board feels they would like more time or other questions arise out of that meeting for us to go back and rethink things then no, we would not have to vote at the August meeting, but Mr. Shore hopes that we would to keep the process going.**

**Mr. Shore opened the meeting for public comment.**

**Mr. King stated that they had discussed meeting with the Planning Board Members prior to the meeting on an individual basis.**

**Mr. Shore is putting together a synopsis as to what the ordinance represents without actually distributing the ordinance as of yet because it is not quite done. We would like to give the Planning Board Members the opportunity to meet with himself, Ed or D'Arcy or any other member of the committee before the meeting.**

**There was a motion by Mr. Petrillo seconded by Mr. Harrington to approve the vouchers with all in favor.**

**There being no further business the meeting was adjourned.**

**Respectfully Submitted,**

**Laura Tuzzolino  
Board Clerk**





