

The meeting of the Bay Head Planning Board was held on Wednesday, April 18, 2012 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, Verity Frizzell, Mayor Curtis, Bart Petrillo, Brian Magory, Peter Harrington, Patricia Wojcik, William Tubbs, Kathleen Wintersteen, Fred Applegate
Absent: Kathleen Tell, Edward Convey
Engineer – Susan Brasefield Attorney – Steven Zabarsky, Esq.**

The March 21, 2012 minutes were approved on a motion by Ms. Wintersteen, seconded by Mr. Petrillo with all in favor.

Roll Call:

YEAHS: Furze, Mayor Curtis, Petrillo, Magory, Harrington, Wojcik, Tubbs, Wintersteen.

NAYS: None

Mr. Furze stated the Board had for review the Resolution of 210 Lake Avenue, Bay Head, NJ a/k/a Block 24, Lot 12 which was approved at the meeting of March 21, 2012.

Mr. Furze reviewed the Memorializing Resolution with Mr. Zabarsky and confirmed that the following change be made: Page 3, item E should read, “Mr. Burdick verified that the site does not comply with the ordinance for parking and a variance for parking is necessary.”

Mayor Curtis motioned, seconded by Mr. Magory that the Resolution be approved with the amended changes and passed on a roll call vote as follows:

YEAHS: Furze, Mayor Curtis, Petrillo, Magory, Wojcik, Wintersteen

NAYS: None

Mr. Furze stated the Board had for review the application of Mr. Robert Applegate, 564 Lake Avenue, Bay Head, NJ a/k/a Block 54, Lot 1.

Mr. Robert M. Applegate, Jr., 564 Lake Avenue, was sworn in by Mr. Zabarsky.

Mr. Robert Burdick, Professional Planner and Engineer, stated he would be representing the application and was sworn in by Mr. Zabarsky.

The following were marked into evidence:

A-1 Application, submitted March 12, 2012

A-2 Minor Subdivision Plat prepared by R.C. Burdick, dated, February 27, 2012

A-3 Survey prepared by R.C. Burdick, dated October 18, 2005

A-4 A copy of the Bay Head Planning Board Resolution, 1994-08, approving the subdivision of the property

A-5 Letter from the Planning Board Engineer, dated, March 30, 2012 deeming the application complete.

A-6 Review letter from the Planning Board Engineer, dated April 10, 2012

A-7 Proof of Service

A-8 Proof of Publication

Mr. Zabarsky stated that there are eleven Board Members present. Mr. Tubbs recused himself. He lives within 200 feet of the applicant's property. Mayor Curtis and Mr. Kellogg recused themselves. They are both members of the Bay Head Yacht Club which is within 200 feet of the applicant's property. Mr. Zabarsky stated that they are left with eight voting members. The applicant would need five of eight votes for the application to be approved.

Mr. Applegate stated he would like to proceed with his application.

Mr. Applegate stated that he and his wife have owned 564 Lake Ave. since 1986. It is still their principal residence. In 1994 they went before the Bay Head Planning Board for a request for subdivision identical to this and it was approved. Their intention at that time was to build a home. They elected not to proceed with that plan. They are now resubmitting the same subdivision request. They do intend to build a new home on the new lot to be created. That home will be their principal residence.

Mr. Burdick stated this is a request for a Minor Subdivision of Lot 1, Block 54 located at 564 Lake Ave. The property is located within the R-50 single family residential zone and the subdivision complies with the requirements of that zone. The proposed subdivision is a conforming subdivision. The plan is basically identical to a Minor Subdivision of the property which was approved under Planning Board Resolution No. 1994-08. The applicant plans to construct a new, conforming, single family home at the site. The home will be in conformance with all requirements of the zone or an additional application will be submitted to the Board for any variance necessary for the home, but at this time they do not plan on any variances. As pointed out by Ms. Brasefield's letter dated 4/10/12, a portion of the existing driveway will need to be removed and this has been shown on the plans. Based on this we believe that the Minor Subdivision is a conforming subdivision meeting all the Borough requirements and request approval of it.

Mr. Burdick confirmed with Mr. Furze that they will truncate it at the driveway and maybe go a foot or two onto the existing lot just to keep it clear to give an opportunity for maintenance adjacent to it.

There being no public comment Mr. Furze polled the members:

Mr. Petrillo: He has no objections.

Mr. Magory: The driveway sounds like it's fine.

Ms. Wojcik: The new lot is a uniquely shaped lot. Ms. Wojcik confirmed with Mr. Burdick that there is room for off site parking. It will be conforming.

Mr. Furze: Has no questions.

Mr. Applegate: Has no questions.

Ms. Wintersteen: Has no questions.

Mr. Harrington: Has no questions.

Ms. Frizzell: Has no questions.

There was a motion by Mr. Magory seconded by Ms. Wintersteen that the application be approved.

Roll Call:

YEAHS: Furze, Frizzell, Petrillo, Magory, Harrington, Wojcik, Wintersteen, Applegate

NAYS: None

Mr. Zabarsky stated the Memorializing Resolution will be adopted at the next regular meeting.

Mr. Zabarsky stated to Ms. Wojcik that there is nothing else to be done for the Mauro application. We are completely done. We do have to see what the Supreme Court says. The only way more fees would be generated is if the Supreme Court allows it to come back here for a new hearing.

There was a motion by Mr. Harrington seconded by Ms. Wojcik to pay the following voucher:

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| Zabarsky/Meeting & Public Attendance | 330.00 |
| Zabarsky/Litigation for Mauro | 224.09 |
| Zabarky/747 East Ave. | 390.00 |
| Zabarsky/210 Lake Ave. | 375.00 |
| Maser/210 Lake Ave. | 862.50 |

There being no further business the meeting was adjourned.

Respectfully Submitted,

**Laura Tuzzolino
Board Clerk**

