

The meeting of the Bay Head Planning Board was held on Wednesday, March 21, 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, Mayor Curtis, Bart Petrillo, Brian Magory, Peter Harrington, Patricia Wojcik, William Tubbs, Edward Convey, Kathleen Wintersteen
Absent: David Kellogg, Verity Frizzell, Kathleen Tell, Fred Applegate
Engineer – Susan Brasefield Attorney – Steven Zabarsky, Esq.**

Mr. William Tubbs was sworn in by Mr. Zabarsky as Alternate #1, Bay Head Planning Board Member.

The February 15, 2012 minutes were approved on a motion by Mayor Curtis, seconded by Mr. Magory with all in favor.

Roll Call:

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

NAYS: None

Mr. Furze stated the Board had for review the Resolution of 447 Club Drive, Bay Head, NJ a/k/a Block 49, Lot 4 which was approved at the meeting of February 15, 2012.

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

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

NAYS: None

Mr. Furze stated the Board had for review the continuation of the James and Barbara Liati application, 210 Lake Avenue, Bay Head, NJ a/k/a Block 24, Lot 12.

Mr. Zabarsky stated that this matter is a continued hearing from a hearing held on Wednesday, February 15, 2012. The Planning Board Members that were present were: Mr. Petrillo, Mr. Magory, Mayor Curtis, Ms. Wojcik, Mr. Kellogg, Mr. Furze, Mr. Convey, Ms. Wintersteen, Ms. Frizzell, who recused herself, Mr. Applegate and Ms. Tell. Now, present tonight we have: Mr. Furze, Mayor Curtis, Mr. Petrillo, Mr. Magory, Ms. Wojcik, Peter Harrington, Mr. Tubbs, Mr. Convey and Ms. Wintersteen. So out of those nine, Mr. Zabarsky has that Mr. Tubbs and Mr. Harrington, were not here for the prior hearing. Mr. Furze, Mayor Curtis, Mr. Petrillo, Mr. Magory, Ms. Wojcik, Mr. Convey and Ms. Wintersteen were here. So what we have is seven members of the Board that are here tonight that can vote on this application. Mr. Harrington and Mr. Tubbs, although not eligible to vote, may certainly participate in any discussion and testimony. They can not vote on the application if it comes to a vote tonight. This is a bulk application so out of the seven members eligible to vote you need four of those members votes.

Mr. Gage stated that he will be representing the application.

Mr. Gage stated that the Board will recall we were here last month with this application. After the testimony a few of the Board members had some concerns. One of the concerns

has to do with the mold that would be remaining in the areas of the house that would not be touched. At the Board's suggestion, the applicants had mold tests performed on the parts of the house that will be staying. The letter of the finding was submitted for the Board's review. The letter stated that there are no particular concerns to the areas of the house that would be remaining. The other concern had to do with the height of the portion of the house that was to be rebuilt. The applicant has made efforts to try and alleviate that concern.

The following were marked into evidence:

A-14 Letter from Biltmore Building Inspections, dated February 29, 2012

A-15 Architectural Plans titled "Proposed Residence for James and Barbara Liati", prepared by Feltz and Frizzell Architects, dated March 1, 2012, consisting of (2) sheets

A-16 Review Letter from the Planning Board Engineer, dated March 15, 2012

A-17 Colored Rendering

Mr. Robert Burdick, Professional Planner and Engineer, was sworn in by Mr. Zabarsky.

Mr. Burdick stated this is a continuation of the February 15, 2012 hearing for the reconstruction of the middle portion of the existing home at 210 Lake Ave. That portion is well below the flood elevation and has caused some mold problems. The applicant wishes to lift it up so that they reduce the mold problems in the future. At the last meeting there were some concerns about the appearance of the roofline of the structure. Also, the height of the proposed structure was an issue. There were also questions in concern of the mold. The architect has redesigned the roofline and has added additional roof features. There have been attractive windows added in the structure to break up the actual appearance of the roof. That is certainly a large aesthetic benefit. The height of the area by the adjacent windows is at an elevation of 18.5. So the bottom of the adjacent windows will be looking over the proposed roof as we have it. Therefore, he does not believe it will adversely affect the view from the adjacent structure. As far as the mold, the mold company did test for mold in the other sections of the building. The company said that the little mold found was no worse than any other structures that they had tested. If mold problems are uncovered during construction the applicant will abate the mold according to all building code requirements. If reconstruction is necessary the applicant will come back before the Board for approval. Based on these changes, we believe the applicant has addressed the Board's concerns with regard to the appearance of the building by breaking up the roof and providing additional windows and features to the surface of the building. The structure will not adversely affect the adjacent structure's view. Although there may be mold in the other areas of the home, it is not significant. Therefore, Mr. Burdick requests the Board's approval for the application.

Mr. Gage confirmed that the areas of the house that are remaining are all cement block. There is no sheetrock.

The following was marked into evidence:

A-18 A two page report from EMSL Analytical, Inc., Cinnaminson, NJ to a Doug Wingerath, Biltmore Building Inspections, LLC was marked into evidence by Mr. Zabarsky. It is a spore report.

Mrs. Liati, 210 Lake Ave., Bay Head, was sworn in by Mr. Zabarsky.

Mr. Gage confirmed with Mrs. Liati that there is a two family use on that property. Mr. Gage confirmed with Mrs. Liati, as part of this application, Mrs. Liati is offering to surrender that pre-existing, non-conforming use. Mrs. Liati is willing to have this part of any Resolution of Approval that it is to be a single family dwelling.

Mr. Zabarsky stated that if vacating the two family use and if the Board considers approval of the application, that the deed is redrafted. There would be a deed restriction in the deed that shows that the applicant agrees to use this as a one family home, property.

Mr. Gage agreed that if this is part of the Resolution compliance they would be happy to do so.

Mr. Furze opened the meeting for public discussion.

Mr. Bonzulak, 64 Twilight Rd., addressed the Board. He lives right on the west side of the property. He has looked at the plans. He has no oppositions to them. They are good neighbors and wished them well.

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

Mr. Tubbs: He did not realize the rest of the house was concrete block, so you are in good shape where the mold is concerned. Good luck with it.

Ms. Wintersteen: In favor. The changes have been an improvement.

Mr. Convey: Agrees. It is a marked improvement. It is reminiscent of what is there now. There is very little change.

Mr. Harrington: It is very nicely done. Considering the maximum height could be as high as 35 feet and this is 18-20 feet, the amount of open space is the winner.

Ms. Wojcik: It is very nice. She was very concerned about the mold, but didn't know the areas were concrete. It makes a big difference in her mind as far as the mold is concerned.

Ms. Wojcik thinks it is lovely.

Mayor Curtis: Mayor Curtis compliments the applicant for listening and ad hearing to what was said last time and making the necessary changes. It is very well done.

Mr. Magory: He likes very much that they explored on the mold side to make sure there were no continuations to that. He does not like that the existing residence is not being raised a little bit to prevent future flooding. There is nothing they can do with the parking. From the testimony, Mr. Magory did not really hear about much landscaping to prevent the puddles. He knows this is not easily corrected.

Mr. Petrillo: He likes what they have done with it. He likes the ideas of breaking up the roof and the windows. Given what they have to work with there it is a great improvement.

Mr. Petrillo is in favor of the application.

Mr. Furze: Mr. Furze thanked the applicant for listening to the Board and for their second effort. It is applaudable.

There was a motion by Mr. Petrillo seconded by Ms. Wintersteen that the application be approved with the conditions discussed in the hearing.

Mr. Zabarsky stated the conditions he has are: the condition of the two family use, variance for no conforming on-site parking , that the shed is to be removed as well as the laundry room and no habitable space above in the new structure.

Mr. Petrillo had one other request. A garbage screen is needed to hide the garbage cans on that corner.

Mr. Zabarsky stated the plans would have to be amended to show that for the permit.

Roll Call:

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

NAYS: None

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

Old Business

Mr. Magory reviewed the adoption of Ordinance 2012-01.

The “fences and walls” was adopted. The word “shrubs” was removed.

The Council did not accept the proposed change to have any swimming pool put in the rear of the existing principal building.

The last section was regarding signs. The one addition to this is that a permit be issued.

The second item that was added was for that permit, a five dollar fee be imposed. It is just a permit for both of the days. The words “such as” was removed when we talked about which exact streets we were dealing with.

Mr. Petrillo confirmed with Mr. Furze that these permits can be issued by the zoning officer or any other designated borough official provided they fill out the application.

Mr. Magory stated that if they are diligent they would fill out the permit a week or two in advance.

Mr. Furze stated that he has no objections. Mr. Furze confirmed that on April 2, 2012 there will be the second and final reading.

Mayor Curtis and Mr. Magory recused themselves from the vote.

There was a motion by Mr. Convey, seconded by Mr. Petrillo to approve Ordinance 2012-01, as amended.

Roll Call:

YEAHS: Furze, Petrillo, Wojcik, Convey, Wintersteen

NAYS:

NOT VOTING: Harrington, Tubbs

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

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| Maser/Meeting & Public Attendance | \$222.00 |
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There being no further business the meeting was adjourned.

Respectfully Submitted,

**Laura Tuzzolino
Board Clerk**