

**BAY HEAD PLANNING BOARD**

**December 16, 2013**

The meeting of the Bay Head Planning Board was held on Monday, December 16, 2013 at 7:30 PM.

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 the Borough of Bay Head and filed with the Bay Head Borough Clerk.”

Roll Call: William Furze, Verity Frizzell, William Curtis, Brian Magory, Bart Petrillo, Patricia Wojcik, William Tubbs, Robert Hein, Frederick Applegate.

Absent: Kathleen Tell, Edward Convey, Kathleen Wintersteen.

Mr. Furze stated the Board had for review the **Resolution** for Alison Amelchenko.

A motion was made by Mayor Curtis and seconded by Bart Petrillo to approve the Resolution.

Roll Call: YEAS: Verity Frizzell, William Curtis, Bart Petrillo, Patricia Wojcik, Frederick Applegate. ABSTAIN: William Furze. ABSENT: Kathleen Tell, Peter Harrington, Edward Convey.

Mr. Furze stated the Board had for review the **Resolution** for Henry B. Bristol, II.

A motion was made by Verity Frizzell and seconded by Mayor Curtis to approve the Resolution.

Roll Call: YEAS: William Furze, Verity Frizzell, William Curtis, Bart Petrillo, Patricia Wojcik, Frederick Applegate. ABSENT: Kathleen Tell, Peter Harrington, Edward Convey.

Mr. Furze stated the Board had for review the **Resolution** for Joseph & Nancy Mignon.

A motion was made by Bart Petrillo and seconded by Mayor Curtis to approve the Resolution.

Roll Call: YEAS: William Furze, Verity Frizzell, William Curtis, Bart Petrillo, Patricia Wojcik, Frederick Applegate. ABSENT: Kathleen Tell, Peter Harrington, Edward Convey.

Under **Old Business**, Mr. Zabarsky stated that at the end of last month’s meeting, attending members were handed a letter from the attorney for Atlantic Pier Co., namely, Donna Jennings, Esq., and dated December 13, 2013, wherein she requested amendments to the proposed Resolution. He asked if all members would review same, and he would likewise carefully review before the next Board meeting in January, to see if there would be any further corrections to the Resolution in substance as opposed to form. He stated he would make his recommendations to the Board at the next meeting; he didn’t feel there was any urgency as the Resolution had already been adopted and certified, with corrections having already been made. Mr. Furze encouraged the Board to read the substantive letter and attachments.

Mr. Furze stated the Board had for review the **application** of Paolo & Wendy Costa, 453 East Avenue, a/k/a Block 64, Lot 2.

F. Bradford Batcha, Esq., attorney for the applicants, appeared before the Board. The application is raise the house to conform with the new guidelines. In connection with raising it, they need a

couple of new variances because of the unique situation they have with their home. It is a sixty-six (66') foot wide lot where many of the East Avenue properties are 100'. The existing home sits right on the property line to the south so there is no setback, obviously having been built a long time ago.

**James Wentling**, licensed architect in the State of NJ, 100 South Broad Street, Philadelphia, PA, was sworn in by Mr. Zabarsky.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey dated 10/9/13 by Charles O'Malley
- A-3 Architectural site & floor plans (2 pages) by James Wentling dated 10/30/13
- A-4 Elevation Certificate (4 pages) dated 10/31/13 by Charles O'Malley
- A-5 Large print survey dated 10/9/13 by Charles O'Malley
- A-6 Site plan drawings (6 pages) by James Wentling, architect, dated 12/5/13
- A-7 Review letter from Susan Brasefield, P.E., P.P., Board engineer dated 12/10/13
- A-8 Affidavit of Service
- A-9 Affidavit of Publication
- A-10 Photographs- 3 on side 1 taken by applicant, and 7 on side 2 of fences, taken by Mr. Wentling
- O-1 Photo from Mr. Allocca

Mr. Wentling testified that the house was built in the 1920's. He referred to photographs of the existing mechanical room where the water heater, heating unit, air handler and electrical service are located. He testified they were damaged during Superstorm Sandy as a direct result of which, it is necessary to elevate the house. Optimally, applicants would like to relocate the mechanical equipment as close as possible to the existing ductwork and use the existing connections underneath the building for both economic and expeditious purposes.

Mr. Wentling further testified that the proposed addition will be approximately 7 feet by 11 feet and will be an enclosure to house the mechanical materials and equipment. He stated that as a result, there will be an encroachment of 4 feet as this addition will be approximately 6 feet from the side yard property line. It will not block any view or the light, air or open space of any adjacent property owners.

Mr. Wentling testified the house will have to be elevated approximately 5 feet, will be raised on piers, have breakaway walls, and lattice material will be used to close the open area created by said piers. He stated that based upon site inspection, he determined the proposed location for the mechanical room is in a "dead zone" area of the property. Again, in addition, the proposed application for development will not block any ocean views from the neighbors across the street, and a fence is necessary due to the existing swimming pool.

Mr. Applegate wanted to know where the new air conditioning condensers were going to be placed, and Mr. Wentling said there is a flat roof as seen on page 2 of the Exhibits, and that is

where they will be located. Going back to Exhibit A-10, the center photo in the top row, there is a flat roof with a railing where the condensers currently are and will remain there.

**Tom LaBaugh**, LaBaugh Builders, 914 Rue Avenue, Point Pleasant, was sworn in by Mr. Zabarsky.

Mr. LaBaugh testified he is the applicants' builder. He stated all of the existing mechanicals are located in a Yankee basement which is approximately seven feet (7') high on the south side of the building, all of which were destroyed by Superstorm Sandy. There is a special HVAC system, a high velocity system, which is very expensive. He further stated that the pole for the home, provided by JCP&L, is located at the southwest corner of the property. This provides an underground line to the south side of the property and also runs under the pool and patio. Due to the feeds from all of the systems, the location on the south side is the best choice to eliminate the burden of switching everything around, and also to keep everything out of the V base flood elevation. Mr. LaBaugh further testified that relocating the proposed mechanical room would be a hardship considering the existing topographical conditions of the property.

**Paolo Costa**, 453 East Avenue, Bay Head was sworn in by Mr. Zabarsky.

Mr. Costa testified that the existing air condenser units are located on the second floor deck. He stated that the goal of the application for development is to preserve the existing home and maintain its character consistent with the aesthetics of the neighborhood, as well as the charm of Bay Head.

Mr. Costa further testified that his neighbor to the south, Mr. Higgins, was "on board" with the plan and they both agreed that the new mechanical room would be in a "dead" area for both of them. He testified that the previous fence surrounding the pool was destroyed during Superstorm Sandy and he caused to be constructed a new fence for safety purposes.

Mr. Furze opened the meeting to public comment.

**Francis R. Allocca**, 22 Howe Street, Bay Head was sworn in by Mr. Zabarsky.

Mr. Allocca testified that he has no problem with the mechanicals or the air conditioner condenser units. He did, however, state that the original fence was a 5 foot picket, aligned with the back of the detached garage, and he does object to the existing fence and its location. He would like any new fence to be located where the original fence was, which is to the western portion to the rear of the existing garage.

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

Ms. Frizzell was generally in favor, although she'd like to see the drawings revised to show a little more clearly what the finished floor and lowest horizontal structural member to the ridge elevation would be, and where the condenser units are going. She'd also like the fence moved back to the front of the garage.

Mr. Tubbs approved everything.

Mr. Applegate was in favor.

Mr. Hein was in favor.

Mayor Curtis was in favor. His questions were answered as long as applicant takes care of the fence and grading down to the sidewalk level. He'd prefer a 5 foot fence over a 6 foot fence.

Ms. Wojcik was in favor.

Mr. Magory had no problem with it. The only difference between a 5 foot fence and a 6 foot fence is what applicants' insurance would allow.

Mr. Petrillo was in favor. He felt that by moving the fence back to the west part of the garage, two things are being accomplished: applicants are gaining the part of their yard that they want, and they're moving the fence back and opening that area up at the sidewalk. He also had no problem with a 6 foot fence there.

Mr. Furze was in favor. He thinks the Board should expect to see a lot more of this in the future.

A motion was made by Patricia Wojcik and seconded by Mayor Curtis to approve the application as amended with the conditions discussed.

Roll Call: YEAS: William Furze, Verity Frizzell, William Curtis, Brian Magory, Bart Petrillo, Patricia Wojcik, William Tubbs, Robert Hein, Frederick Applegate

Absent: Kathleen Tell, Edward Convey

Mr. Furze stated the Board had an **Informal hearing** for George and Corinne Papisikos.

Dr. Papisikos stated he and his wife recently purchased the house and property at 808 Clayton Avenue, which suffered considerable damage as a result of Hurricane Sandy. They would like to rebuild or erect a brand new home, and were asking the Board for reasonable options.

The present home's setback would not conform to the current zoning setbacks. It is a narrow piece of property with a narrow home. They were wondering how the Board felt about whether using the existing dimensions of the building would be reasonable, given the circumstances. If they built a new home, they would try to use the current setbacks and replace the way it was.

The Papisikos' presented photographs of the premises from all angles, a survey of the property and a chart showing zoning setbacks. They would like feedback before meeting with their architect. They'd prefer to build to the same width of 28 feet, not to make it narrower, which would make it look more like a row house, with a 3 or 4 foot walkway on the north side of the property where there is more of a setback. They would expand the 2<sup>nd</sup> floor, seeing as how it currently is smaller than the first floor. They would like to increase the length of the house. The garage would remain the same. The current elevation is 2 feet and it is in an A8 zone, thereby requiring a minimum lifting of 7 feet.

The following was discussed under **Old Business**:

Mr. Furze asked the Board if they would like to revert back to the Wednesday evening meetings. Mr. Zabarsky and Ms. Brasfield both indicated availability.

A motion was made by Patricia Wojcik and seconded by Bart Petrillo to move the meetings back to the third Wednesday of each month at 7:30 p.m. at the Bay Head Fire House. All in favor.

A motion was made by Bart Petrillo and seconded by William Tubbs to approve the **vouchers**. All in favor.

The meeting adjourned on a motion by Frederick Applegate and seconded by Ms. Frizzell. All in favor.

Respectfully Submitted,

Claire S. Hense