

The meeting of the Bay Head Planning Board was held on Monday, July 15, 2013 at 7:30 PM.

Ms. Frizzell 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: Verity Frizzell, Peter Harrington, William Curtis, Brian Magory, Patricia Wojcik, William Tubbs, Robert Hein, Kathleen Wintersteen, Frederick Applegate.

Engineer: Susan Brasefield, Attorney Steven Zabarsky.

Absent: William Furze, Kathleen Tell, Edward Convey, Bart Petrillo.

The November 28, 2012 minutes were approved on a motion by Mr. Magory and seconded by Ms. Wintersteen.

Roll Call: YEAS: Frizzell, Harrington, Tubbs, Applegate, Wintersteen, Wojcik.

The April 29, 2013 minutes were approved as corrected on a motion by Ms. Wintersteen and seconded by Mr. Hein. Roll Call; YEAS: Frizzell, Wojcik, Tubbs, Hein, Magory Wintersteen, Applegate.

The May 20, 2013 minutes were approved as corrected on a motion by Mayor Curtis and seconded by Ms. Wojcik. Roll Call: YEAS: Harrington, Curtis, Magory, Wojcik, Tubbs, Hein, Wintersteen, Applegate.

The June 17, 2013 minutes were approved as corrected on a motion by Ms. Wintersteen and seconded by Mr. Hein. Roll Call: YEAS: Frizzell, Harrington, Curtis, Magory, Wojcik, Tubbs, Hein, Wintersteen, Applegate.

Ms. Frizzell stated that there were 2 resolutions for approval.

The resolution for Peter & Robin Naylor, 417 Lake Ave. was denied on a motion by Ms. Wojcik and seconded by Ms. Wintersteen. Roll Call: YEAS:Wojcik, Wintersteen, Hein, NAYS:Harrington, Tubbs.

The resolution for the Bay Head Yacht Club , 111 Metcalf St. was approved on a motion by Ms. Wojcik and seconded by Ms. Wintersteen. Roll Call : YEAS: Harrington,Wojcik, Hein,Wintersteen.

Mayor Curtis stated he wanted to introduce Claire Hense who would be replacing Laura, and also to welcome Hannah Helbig back to help out. He also wanted to make the 3rd applicant, Kathryn Jaenicke, aware we have 9 members in attendance, 3 who would not be able to hear the application. That would leave 6 voting members. All 6 would have to be in favor for the application to approved.

Mr. Zabarsky advised Mr. and Mrs. Jaenicke that they had the right to adjourn to the next meeting because if application was denied, their only recourse would be to appeal to

Superior Court. Ms. Wojcik wanted to clarify that the wrong lot and block was on the application for Mr. and Mrs. Jaenicke. It should be Block 46, Lot 5.

Ms. Frizzell stated the Board had 3 applications for review this evening, the first being the application for Robert and Kathleen Zatta.

Roberta A. Burcz, Esq. stated she would be the attorney representing Mr. & Mrs. Zatta.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey dated 2/1/2013
- A-3 Set of Architectural plans dated 5/20/2013
- A-4 Review letter from Sue Brasfield, Board Engineer dated July 3,2013
- A-5 Affidavit of Service
- A-6 Affidavit of Publication
- A-7 Deed Restriction

Ms Burcz stated that the Zattas were here for a Bulk Variance. The lot is undersized. It is 35x100 where 50x100 is required. The house is also over 100 yrs. old and was damaged by Sandy. Ms. Burcz went on to say that the applicant also wanted to reduce some of the existing non-conformities, one being the shed in the side yard which would be removed.

John Amelchenko was sworn in and stated he is the architect for the Zattas.

Ms. Burcz asked Mr. Amelchenko to describe what is proposed.

Mr. Amelchenko stated that the lot was undersized (3,500 Sq. ft.) on West Lake Ave. On the property is currently a 2 story house approx. 1,300 sq. ft. It is old, low ceilings, balloon construction with an elevation 6. At the time the applicant purchased, it was not in a flood zone but currently is in an A zone elevation 10. He further stated that taking all into account when evaluating the existing structure, it is extremely close to the side lot lines and in one case, less than 2 feet. Modifications would not be a good idea. In addition to the Sandy damage, there is the flood criteria. His recommendation to the Zattas was to demolish the existing structure and build a new house. The new house would be a small efficient house to support their lifestyle. Designed as a 2,100 sq. ft. house with screened front porch and a rear deck, as well as a side entrance to a mud room and shower. Mr. Amelchenko continued to say the house would have 3 bedrooms on the 2nd floor and a small half story on the 3rd floor. Mr. Amelchenko went on to say that the lot width required is 50 ft. and we have 35 ft. The building lot coverage is wrong and should really be 37%. The original review letter took into account the steps. They modified the 42% to reflect the reduction in the 3 risers of the staircase. Of that 41%, approx. 100 sq. ft. (3.5%) is steps and 207 sq. ft. is screened porch. The overage is comprised largely of items that don't have a similar impact that a 3 story house might. They reduced the overall lot coverage by 5-6

%and moved the house back off the front property line. The Zattas like the porch for socializing. The side yard is the variance they are requesting. We have a house that is 19 ft wide and think that esthetically we'd like to make it as wide as we could Take 1ft. 11 or 2 ft. that currently exist and make it as wide as we could which would be 5 ft. The combined side yard setbacks actually doubles. The house would be 21 ft wide instead of the 19 ft. In terms of the exterior, the front porch, gables, lattice, white trim, are all things consistent with the neighborhood and Bay Head.

Mr. Amelchenko having nothing else to add, Ms. Burcz asked Mrs. Zatta to come forward. Mrs. Zatta was sworn in and stated her address as 449 West Lake Ave. Bay Head.

Ms. Burcz asked Mrs. Zatta to proceed.

Mrs. Zatta stated that their home was damaged substantially by Sandy and now they have to fix it. She went on to say they love being in Bay Head and love the street and neighborhood. Mrs. Zatta further stated that they received 18 inches of water in the home and it was just not feasible to try and fix the existing home.

There being no other questions, Ms. Frizzell opened the meeting for public comment.

Mr. Zabarsky swore in Melinda Berardino, 120 Grove St.

Ms. Berardino stated that she was the property owner adjacent to the side. She voiced her concerns about the A/C condensers but also stated that the plans were wonderful and would be in favor.

Mr. Zabarsky swore in Leonard Lesniak, 110 Grove St.

Mr. Lesniak wanted clarification of the max. height allowable for buildings going on pilings.

Mr. Amelchenko explained the way Bay Head has changed the ordinance since Sandy.

Mr. Zabarsky swore in Patrick Clayton, 36 Howe St.

Mr Clayton made a recommendation or a thought going forward to do a shadowbox of the houses on both sides, a simple outline of the current structure. He stated we have a wonderful demographic here and a wonderful rich history.

Ms Frizzell asked for any other public comment. There being none she caucused the Board members.

Mr. Hein voiced concerns about the A/C condensers but liked it.

Mr. Applegate was glad they didn't push it to the limit. Also in favor as were all the Board members.

A motion was made by Mayor Curtis and seconded by Ms. Wojcik to approve the application.

Roll call: YEAS: Frizzell, Harrington, Curtis, Magory, Wojcik, Tubbs, Hein, Wintersteen, Applegate.

Ms. Frizzell stated the next application on the agenda was for Peter and Kristin Gerhard, 447 East Ave.

Mr. John A. Giunco, Esq. stated he would be representing the Gerhards.

The following items were marked into evidence:

A-1 Application

- A-2 Survey
- A-3 Architect Plans
- A-4 Review letter from Board Engineer
- A-5 Affidavit of Service
- A-6 Affidavit of Publication
- A-7 Aerial view of home pre-Sandy
- A-8 Aerial of decks before and after Sandy
- A-9 Inside view of damage to home (6 photos) post storm
- A-10 Photo exhibit

Mr. Giunco explained that the applicant was proposing to raise the existing house by raising the finished floor elevation to 3 ft. above the BFE, and building a “V” zone compliant foundation with associated improvement. Also, the building coverage may or may not increase depending on how they increase the stairs.

Mr. Zabarsky swore in Jason L. Fichter, P.E.P.P. from Insite Engineering.

Mr. Fichter stated that there was an existing condition for lot width so they are seeking variances for both building and lot coverage. What they want to do is raise the house and make it compliant with current construction for oceanfront homes. Currently the first floor elevation of the house is 15.13 ft. When the ABFE map came out, the Gerhards were in the V Zone and since then FEMA has released their new maps and the elevation is 17 so it actually went up 3 ft. The applicant will have a fully compliant home on pilings with a grade beam between concrete piers and breakaway walls. They’re looking to go up a couple of feet, that’s the logic behind the proposed finish floor elevation of 21.3. Mr. Fichter went on to say that the higher the house, the less likelihood of damage and less debris to other residences if another storm hit. You will see in Exhibit 8 which is a before and after photo of the residence, it shows the residence with 3 decks pre-Sandy. Post-Sandy, it shows only 1 deck on the top of the structure. These aerial photos are the only records the Gerhards have that the decks existed since all their other records have been destroyed. Mr. Fichter explained that the house had a total of 8 doors and now the owner decided that 8 is a bit much and wanted to eliminate 5 of the doors so there would only be 3 remaining. This would eliminate some of the decks and stairs. When we calculated the building coverage for the application we came up with 24.6%, but that was without the decks and stairs that had existed, so our estimation the existing building coverage is 33.8% when the decks existed. Mr. Fichter also stated that the homes in the area are varying heights and if they raise the house up to a finish floor elevation of 21.13, they’ve created a very safe structure. The building coverage is existing and 61.8 is purely a difference in stairs. The height variance is an odd thing, but what Bay Head has done is the right thing. Raising the house would be a tremendous benefit. It will protect the house and limit the debris if another storm comes through. Mr. Fichter went on to say that he felt the application is a benefit to the community.

Mr. Giunco asked if the homes on the west side of East Ave. would be affected by the raising of the house. Mr. Fichter stated that he felt there would be no detriment to them. Their views would be maintained.

Mr. Zabarsky swore in Paul Amato, builder for Mr. & Mrs. Gerhard.

Mr. Amato described the way the decks existed pre-Sandy and what was proposed for post-Sandy. He further described the doors in the plans that would be eliminated. Two sliding doors on either side of the fireplace will be eliminated. Also, a sliding door on the northeast side would be eliminated and a side door on the north side, as well as a sliding door on the west side. The front door would be a double door. Another door on the south side would be eliminated.

Ms. Frizzell asked if there were any comments from the public.

Mr. Zabarsky swore in Paolo Costa of 453 East Ave.

Mr. Costa was concerned with the height of the house compared to the homes in the existing area and also voiced concerns in regard to the second floor deck.

Mr. Zabarsky swore in Scott Clayton, 37 Howe St.

Mr. Clayton stated that clearly from the evidence submitted, the 2 decks were pre-existing, and he was aware that CAFRA will approve rebuilding based on aerial photos.

Mr. Zabarsky swore in Andy Jantzen, 441 East Ave.

Mr. Jantzen voiced his concerns as to why the applicant wanted to build a house at 21 ft. first floor elevation which would be 4 ft higher than his house. That being said, he would not be in favor of the application.

Ms. Frizzell polled the Board members.

Ms. Wintersteen stated that she thought the applicants had done a very good job and would be in favor.

Mr. Magory stated he didn't think what the applicant was asking for was unreasonable and would be in favor.

Ms. Wojcik stated she would be in favor, but thought there were a lot of stairs.

Mayor Curtis stated the applicant was in a difficult situation but would be in favor of doing exactly where it was and the height didn't bother him.

Mr. Tubbs stated he would be in favor, as did Mr. Harrington, Mr. Applegate and Mr. Hein.

A motion was made by Mayor Curtis and seconded by Ms. Wojcik to approve the application.

Roll Call: YEAS: Mayor Curtis, Mr. Magory, Ms. Frizzell, Mr. Harrington, Ms. Wojcik, Mr. Tubbs, Ms. Wintersteen, Mr. Applegate, Mr. Hein.

Ms. Frizzell stated the next application on the Agenda was for Kathryn Jaenicke, 106 Meadow Ave.

The following items were marked into evidence.

A-1 Application

A-2 Survey

A-3 Plans

A-4 Review letter from Board Engineer.

Mr. Zabarsky swore in Jeffrey J. Jeanicke who would be representing his wife in the application.

Mr. Jaenicke explained to the Board that during Superstorm Sandy, they received 18 inches of water in the home where they would like to winterize the porch. He further stated that the house is OK but had to clean up and do some renovations. He further stated that the reason for the application was to enclose the existing side porch with 3 walls. The entrance and exits to the porch would only be from the interior. He went on to say that the porch has wood floors and has a door which leads to the exterior and the porch was only used in the summer. It is their intent to have heat and A/C to the porch and make it part of the house. Mr. Jaenicke further testified that the home was used by the family and they were not seeking to expand or increase the habitable space other than winterizing the porch as it exists .Mr. Jaenicke also stated that he and his wife wanted to keep the home the way it was and did not want to tear it down.

Ms. Frizzell opened the meeting for public comment.

Mr. Zabarsky swore in Scott Clayton, 37 Howe St.

Mr. Clayton stated how we are fortunate in Bay Head that we are not Mantoloking. He thought we have a big challenge ahead but we need to embrace our history here.

Ms Wojcik made a motion and it was seconded by Ms. Wintersteen to approve the application.

Roll Call: YEAS: Ms. Wojcik, Ms. Wintersteen, Mr. Tubbs, Mr. Hein, Mr. Applegate and Ms. Frizzell.

Ms. Frizzell stated that the Board had the review of Ordinance 2013-08 amending chapter 126 of the Municipal Code of the Borough of Bay head entitled “Flood Damage Prevention”.

Ms. Frizzell stated that there were a few typos and also thought the definition of “basement” should be put in the ordinance.

Mr. Zabarsky stated that the Board would refer ordinance back to Mayor and Council with the recommendation that the definition of basement be put in and typos to be corrected.

The following vouchers were paid on a motion by Ms. Frizzell and seconded by Mr. Hein:

Zabarsky/Public attendance	657.81
Zabarsky/111 Metcalf	300.00
Maser/BHYC	1350.00
Maser /Zatta	600.00

There being no further business, the meeting adjourned on a motion by Mr. Applegate and seconded by Mr. Hein.

Respectfully submitted,

Hannah Helbig/ Claire Hense

.