

The meeting of the Bay Head Planning Board was held on Monday, September 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 the meeting was mailed to the Ocean Star and posted in the corridor of the Borough Hall and filed with the Bay Head Borough Clerk."

Roll Call: William Furze, Verity Frizzell, Peter Harrington, William Curtis, Brian Malory, Edward Convey, William Tubbs, Robert Hein, Kathleen Wintersteen. Absent: Frederick Applegate.

The August 26, 2013 minute approval was carried to the September meeting due to corrections that Kay Tell would see Claire about. A motion was made by Bob Hein and seconded by Kathleen Wintersteen to carry the minute approval to the September meeting. All in favor.

Mr. Furze stated that the Board had the Resolution for T. Brent Mauro for approval.

Mr. Zabarsky briefed the Board members regarding the resolution before them tonight stating that on August 5, 2013 the Supreme Court of NJ announced its decision affirming the decision of the Appellate Division who reversed and remanded the matter based on a subsequent resolution. He further stated that the Planning Board had to readopt resolution 2007-05 (originally adopted 12/19/2007).

Mr. Zabarsky suggested to the Board that if there was any Public comment it should be heard.

Mr. Furze asked for any public comment.

Joseph Michelini Esq. stated he represented Ten Stary Dom Partnership in the previous litigation and requested some minor modifications to the proposed memorializing resolution. The first is to add the following language, "All representation, testimony, and stipulations of the applicant and the applicant's engineer and attorney are hereby incorporated by reference into this resolution. To the extent that the foregoing impose any additional or more detailed conditions of approval beyond those contained elsewhere in the Resolution, such conditions of approval are adopted as if set forth at length herein and are incorporated in this Resolution by reference." The second being Condition #2 set forth on pg. 10 of the prior Planning board Resolution dated Dec. 19,2011 be deleted and the following be substituted to read " Prior to a building permit being issued for the construction of the house, Willow Dr. must be fully improved in accordance with borough Council resolution #2006-21". He still voiced concerns regarding drainage at the end of Willow Dr. and also drainage on the property.

Mr. Woods Esq. stated he had been the attorney for Mr. Mauro. He stated that Mr. Zabarsky summarized the decision well. He further stated that in speaking to Mr. Mauro they both agreed the modification to the Resolution was unnecessary. The decision of the Supreme Court was designed to bring this matter to an end.

Mr. Zabarsky swore in Joseph Boyan, 142 Park Ave.

Mr. Boyan voiced his concerns for his mother (192 Bridge Ave.) as well as for himself regarding the drainage and catch basins at the end of Willow Dr.

Mr. Zabarsky stated that it was the obligation of the Board to vote and Readopt the 2007-5 Resolution. He further stated that since there was a full Board, Alternate Kathleen Wintersteen would not be voting tonight.

A motion was made by Kay Tell and seconded by Brian Magory to approve the Resolution. Roll Call YEAS: William Furze, Verity Frizzell, Kay Tell, Peter Harrington, William Curtis, Brian Magory, Edward Convey, Robert Hein, William Tubbs.

Mr. Furze stated the Board had the application for David Bryan for review.

Mr. Edward McKenna Esq. stated he would be representing Mr. Bryan.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey
- A-3 Architectural plans for 308 East Ave.
- A-4 Review letter from Board Engineer.
- A-5 Affidavit of Publication
- A-6 Affidavit of Service
- A-7 Google Map aerial photo of 308 East Ave.
- A-8 Construction plan of third floor.

Mr. McKenna stated that the home had been damaged by Sandy and the applicant wanted to demolish the existing home and build a new home. In doing so it would eliminate 2 preexisting variances and only one would remain and that would be the front yard setback.

Mr. Michael J. Monroe R.A. was sworn in.

Mr. Monroe stated he was the Architect for the applicant.

Mr. Monroe stated that the applicant wanted to replace the existing home and in doing so would eliminate 2 pre existing variances and only the front yard variance would remain. Mr. Monroe asked that a Google aerial map photo post Sandy dated 8/13/2013 of the home be marked into evidence as A-7. Mr. Monroe went on to say that the existing garage would also be demolished but the existing pool would remain and the long driveway would also be eliminated and replaced with 3 gravel parking spaces which would also keep lot coverage in compliance. Also along the back would be a masonry wall with fence on top similar to what exists now. He continued to say that the side porch would be an open air porch and the front porch would be screened. Also the height would be 34.6 ft which is under the required 35ft. and would clarify that on the revised plans.

Mr. McKenna asked Mr. Monroe to go over the Board Engineer review letter.

Mr. Monroe addressed #5 on the review letter. He stated that figures had been transposed and would be corrected on revised plans.

Mr. Furze questioned the half story calculations on the attic floor plan.

Mr. Monroe stated that his calculation of the 3rd floor attic space will have 5 ft. or less occupying not less than 40% of the total floor area of the story beneath the attic. Mr. Monroe had the construction plan of the third floor marked into evidence (A-8) which showed the plan of a master bedroom and bathroom and also 2 balconies. He further stated that he will have the plans amended so the balconies shown on the 3rd floor will conform to the local ordinance which states that there will be no greater than 75 sq. ft. of balconies on any third floor of a residential structure.

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

Mr. Hein stated he would be in favor.

Mr. Harrington stated he had no problem.

Mr. Tubbs was in favor as were the rest of the Board.

The Board requested that the following also be added to the Resolution that the covered porch and screened porch never be enclosed and become habitable space.

A motion was made by Mayor Curtis and seconded by Ms. Frizzell to approve the application.
Roll Call: YEAS: William Furze, Verity Frizzell, Kay Tell, Peter Harrington, William Curtis, Brian Magory , Edward Convey, William Tubbs, Robert Hein.
Absent; Bart Petrillo, Patricia Wocjik, Frederick Applegate

Mr. Furze stated that the Board also had an Informal hearing for 513 East Ave.

Mr. Barlo stated that his client would be requesting a height variance for a historical building from the early 1900's. Mr. Barlo went on to say that his clients realize they can raise the home to the BFE but they are going to lose a half level which is below grade and approximately 1600 sq. ft. What we want to do is to go higher than the BFE so we can recapture some of the space that is lost. It would be higher than the minimum allowed and would be 11.9 ft higher over all.

Mr. Barlo went on to say that the home is in the V zone which would have breakaway walls so the area below would not be habitable space. It would have garage doors and new entrances to the upper levels of the home.

Mr. Furze asked what would happen to the garage that already exists on the property.

Mr. Barlo stated that if the variance was granted the garage would be demolished.

Ms. Frizzell felt that the home would be really tall.

Ms. Tell stated that this was her favorite and loved all the grass. She further stated that she was glad that the home was being preserved.

Ms. Wintersteen asked how many stories the home was.

Mr. Barlo stated that the home was 2 ½ stories.

Mr. Furze asked if there was any public comment.

Patricia O'Hara, 522 East Ave. stated that she thought the house was the best and would be in support.

Lee Kellogg-Sadrian's Dad stated that Sandy had really done a lot of damage to the first floor and something needs to be done. It really needs to go up.

Mr. Barlo stated that he had gotten a positive read and would come back with a full application.

A motion was made by Mayor Curtis and seconded by Brian Magory to approve the vouchers. All in favor.

The meeting adjourned on a motion by Brian Magory and seconded by Kay Tell. All in favor.

Respectfully Submitted,

Hannah Helbig

