

**Bay Head Planning Board**  
**April 16, 2014**

The meeting of the Bay Head Planning Board was held on Wednesday, April 16, 2014 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, Edward Convey, Bart Petrillo, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, William Tubbs, Thomas Charlton

Absent: Verity Frizzell, Kathleen Tell, William Curtis, John Henry Morris, Frederick Applegate

The January, 2014 Minutes were approved on a motion by Bart Petrillo and seconded by William Tubbs, with all in favor.

Mr. Furze stated the Board had for review the **Resolution** of KMH Clayton Enterprises, LLC (by Jennifer Szot), 830 Clayton Avenue, a/k/a Block 70, Lot 4 which was approved at the meeting of March 19, 2014. A motion was made by Robert Hein and seconded by Kathleen Wintersteen to approve the Resolution as amended. Roll call:

YEAS: Robert Hein, Kathleen Wintersteen, William Furze, Bart Petrillo, Robert Hein, William Tubbs, Thomas Charlton

NAYS:

ABSENT: William Curtis, John Henry Morris

Mr. Furze stated the Board had for review the **Resolution** of Joseph & Whitney Collins, 447 Club Drive, a/k/a Block 49, Lot 4 which was approved at the meeting of March 19, 2014. A motion was made by Kathleen Wintersteen and seconded by Bart Petrillo to approve the Resolution. Roll call:

YEAS: Kathleen Wintersteen, Bart Petrillo, William Furze, Robert Hein, William Tubbs, Thomas Charlton

ABSENT: William Curtis, John Henry Morris

Mr. Furze stated the Board had for review three (3) applications this evening.

First is the **application** of Lee Kellogg Sadrian, 513 East Avenue, Bay Head, a/k/a Block 65, Lot 3.

**John E. Ursin, Esquire**, attorney for applicant, came forth. He stated that the applicant is seeking to raise the residence, further testimony will show that in many aspects, the house and site will become more conforming, some portions of the application require existing variances, as well as some new variances.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey
- A-3 Architectural plot plan
- A-4 Renovations and additions from Barlo & Associates
- A-5 Proposed rendered elevations from Barlo & Associates
- A-6 Review letter from Board Engineer
- A-7 Hearing Notice Affidavit
- A-8 Affidavit of Publication
- A-9 Hearing Notice
- A-10 Colored drawing on poster board
- A-11 Nine (9) page packet of documents in color floor plan of existing conditions, the last page of which is construction details for the renovation

**Arthur Warren Nordfors**, licensed architect in the State of New Jersey, 179 Ocean Avenue, Island Heights, NJ, was sworn in by Mr. Zabarsky.

Mr. Nordfors briefly described the condition of the house which was severely damaged by Superstorm Sandy. The rear wall of the side facing the ocean, the first floor and the basement caved in and pushed towards the west, the lower level was filled with sand and washed out, and currently the home is not livable. He further stated the current elevation is about 3 feet.

Mr. Nordfors was questioned by Board members as to the condition of the house, as well as about the porch piers and raising the grade 2' to meet the height of the northern side of the property. Some were not happy with the plans for a pool on the north side of the house and one asked the applicant to reconfigure the deck to bring the pool closer to the house.

**Charles E. Lindstrom**, professional engineer & planner in the State of New Jersey, 136 Drum Point Road, Brick, NJ was sworn in by Mr. Zabarsky.

Mr. Lindstrom stated the proposal is to raise the house and raise the grade in order to get parking underneath, as well as eliminate the existing garage. He addressed questions as to the height and indicated he didn't want to confuse the elevation of the roof and the height of the roof. The elevation of the roof is 60.22 based upon NAV 88. The actual height is measured from the flood zone which is elevation 17. The height, as measured by ordinance, is 43.22 feet. The allowable height is 32.5 feet. Mr. Furze corrected him and said the way our ordinance is now written, it is 32.5 feet above base flood. 32.5 plus 17 would bring it to 49.5 to the ridge, which is what would be allowable. They are at 60.22.

He addressed each of the requested variances, including the one for the pool. The proposed pool would be set back 3.9 feet from the north property line. The proposed pool will be elevation 20.3 which is basically more than 4' about grade. It is proposed to have a railing around it and access to the pool will be from one point from the porch, which will be enclosed by a gate. Applicant proposes to rebuild the deck, which was pre-existing. Mr. Furze opened the meeting to public comment.

**Katherine O'Hara**, 42 Bridge Avenue, was sworn in by Mr. Zabarsky.

Ms. O'Hara indicated her mother owns the house located at 522 East Avenue, where she herself grew up. She stated they are relieved by the plans and they will not impede their view of the ocean.

The Board members were polled, and there were mostly concerns about the encroachment of the pool into the side yard, with the consensus being they would not be in favor of the application as it stands.

Mr. Ursin asked the Board to carry the vote to the next meeting so they could take a look at the plans to see if they could reconfigure the lot. Mr. Zabarsky stated the Board should allow the applicant to provide additional witnesses as applies to what was heard this evening, or amendments. He allowed the applicant should provide additional new witnesses within ten days prior to the next hearing.

A motion was made by Robert Hein and seconded by Edward Convey to carry the application and the vote to the next regular meeting date of May 21, 2014 with no further notice. All except Mr. Petrillo were in agreement.

Mr. Furze stated the Board had for review the **application** of Lambro and Helen Demetriades, 646 Main Avenue, a/k/a Block 59, Lot 28.

**Daniel Popovitch, Esquire**, attorney for the applicant Helen Demetriades, came forth.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey
- A-3 Plot plan
- A-4 Architectural plans
- A-5 Review letter from Board Engineer
- A-6 Hearing Notice affidavit
- A-7 Affidavit of Publication
- A-8 Affidavit of Service

**Helen Demetriades**, 646 Main Avenue, was sworn in by Mr. Zabarsky.

Ms. Demetriades stated she has owned the property for 2 years. The seller, who lives next door to the south of the property, required a Deed restriction that the house could not be converted into a bed and breakfast. Ms. Demetriades further stated that during the winter months, a row of icicles dropped from the roofline onto her car, causing thousands of dollars of damage to her vehicle.

Her proposed application for development is to construct a garage, a deck, a hall to connect the house to the garage, and a pool to the rear of the house. There are pavers in the rear of the house in the footprint of the former cottage which has been demolished, which is where she would like

to construct the pool. The garage will be a one-story addition with no habitable space above it. She further indicated she feels it is aesthetically pleasing and practical to add the garage as well as to add the pool since she has children. She does not plan to modify any of the existing rooms. She said the neighbors gave her their blessings and wished her luck.

**Charles E. Lindstrom**, professional engineer & planner in the State of New Jersey, 136 Drum Point Road, Brick, NJ was sworn in by Mr. Zabarsky.

Mr. Lindstrom testified that although the pool counts as impervious coverage from a zoning perspective, it actually collects water and therefore, there is no water runoff which is a benefit. The proposed pool has 360 square feet of coverage. He further testified there is a one-story garage proposed as an accessory structure. All existing setbacks will remain and there will be no new encroachments as a result of the application for development.

Mr. Lindstrom further testified that the 266 square foot deck, if lowered to 1 foot or less, would not be included with regard to impervious coverage. Mr. Furze indicated this subject has come up before and it was the Board's assumption that a pool takes up a considerable volume of the sub grade which diminishes the ability for water to percolate. In a community such as that of Bay Head, with a high water table, a pool cannot help the storm water management.

There were questions from the Board as to the generator and the platform; the applicant indicated that is for emergency use only. She has 2 sump pumps in her basement which are constantly "on". She took on 5 feet of water in her basement as a result of Sandy.

Mr. Furze pointed out that more impervious coverage in the town is diametrically opposed to where we want to be going. Mr. Petrillo wanted the pavers reduced in the pool area.

Mr. Popovitch requested this be carried to the next meeting in order to preserve the issue of the garage as well as the pool, and in order to possibly lower the deck to slightly less than 1 foot off of the ground, to change the decking to something pervious. This will allow Mr. Lindstrom to get the exact calculations necessary to the Board Engineer.

Mr. Zabarsky advised the applicant and her attorney that any and all plans must be on file with the Board Clerk ten days prior to the next meeting on May 21, 2014, and no re-notice is required.

A motion was made to table this and return on May 21, 2014, with no further notice, by Kathleen Wintersteen and seconded by Bart Petrillo.

Roll call:

YEAS: Kathleen Wintersteen, Bart Petrillo, William Furze, Edward Convey, Patricia Wojcik, Robert Hein, William Tubbs, Thomas Charlton.

Mr. Furze stated the Board had for review the **application** of John G. & Mary B. Lindsay, 554 Lake Avenue, a/k/a Block 54, Lot 3.

William Tubbs recused himself from the application.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey
- A-3 Plot plan
- A-4 Proposed site plan
- A-5 First & second floor plans
- A-6 Photographs of Lindsay residence
- A-7 Review letter from Board engineer
- A-8 Hearing notice affidavit
- A-9 Affidavit of Publication
- A-10 Hearing notice

**William R. Lindsay**, 554 Lake Avenue, was sworn in by Mr. Zabarsky.

Mr. Lindsay testified he applied to relocate the air conditioning unit from the front of the existing single-family residential dwelling to the south side of the dwelling. He stated he is requesting a variance for a side yard setback of 2 1/2 feet, where 6 feet is required, and pre-existing, non-conforming setbacks of a front yard of 8.2 feet wherein the minimum is 20 feet, as well as a rear yard setback of 5 feet where the minimum is 10 feet. Mr. Lindsay further indicated the unit would be raised to the necessary height.

Mr. Lindsay further testified he spoke with his neighbors to the southern side who indicated they have no objection to the unit being placed in the proposed location and in fact, Mr. Lindsay stated that said neighbors' 2 air conditioning units are raised and on the side of the house that is adjacent to his (applicant's) southern side yard. He stated he will definitely put bushes up as screening, maybe some type of arborvitae and in fact, will prepare a plan to depict same to Bart Petrillo, Zoning/Code Enforcement Officer, for his written approval.

A motion was made by Robert Hein and seconded by Patricia Wojcik, to approve the application. Roll call:

YEAS: Robert Hein, Patricia Wojcik, William Furze, Edward Convey, Bart Petrillo, Kathleen Wintersteen, Thomas Charlton

Mr. Furze brought up **New Business**.

Mr. Hein stated that Joe Todisco, Fire Chief of the BHFD, sent a letter to Mr. Furze. He is asking the Board to look into sprinklers given the new heights in buildings. Additionally, he would like the Board to look at the number of houses in town along the bay and along East Avenue which have very deep lots and narrow driveways. This is potentially an issue with the fire trucks; dragging hoses up hundred foot driveways is very difficult. There are currently some driveways in town through which the fire trucks cannot reach the houses. Mr. Petrillo said our current ordinance says the driveway has to be no less than 10 feet in width. There was some discussion as to the possibility of changing the side setbacks. Mr. Furze offered to speak with the DCA and to further discuss it with Chief Todisco.

Mr. Furze brought up another item under New Business. Mr. Furze asked everyone to please look at the definition of building coverage, because there have been a number of discussions as to whether coverage includes the roof overhangs. Mr. Petrillo stated the way it was initially written was you would measure the building coverage to the wall and then allow 1 foot of eave into the setback. Mr. Furze asked all Board members, as well as the Board attorney, to read the definition and it would be discussed at the next meeting.

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

The meeting adjourned on a motion by Bart Petrillo and seconded by Kathleen Wintersteen. All in favor.

Respectfully submitted,

Claire S. Hense