

**Bay Head Planning Board**  
**February 19, 2014**

The meeting of the Bay Head Planning Board was held on Wednesday, February 19, 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, Verity Frizzell, Edward Convey, William Curtis, Bart Petrillo, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, William Tubbs, John Henry Morris, Thomas Charlton, Frederick Applegate  
Absent: Kathleen Tell

The following member was sworn in by Steven Zabarsky, Borough Attorney:

**CLASS IV – Kathleen Wintersteen**

The November, 2013 Minutes were approved as amended on a motion by Edward Convey and seconded by Bart Petrillo, with all in favor, other than Robert Hein and William Tubbs who did not attend the November, 2013 meeting.

Mr. Furze stated the Board had for review the **Application** of Scow Ditch South, LLC by Judy Davis, 509 West Lake Avenue, Bay Head, a/k/a Block 54, Lot 2.

Mayor Curtis and Mr. Tubbs recused themselves as they are members of the Bay Head Yacht Club which is located within 200’ of applicant’s premises. Mr. Applegate, being alternate #4, did not have the opportunity to vote.

**Judy Davis**, 509 West Lake Avenue, Bay Head, NJ was sworn in by Mr. Zabarsky.

Ms. Davis stated she was asking for a variance retroactively because in error, she erected a sign on a building she was restoring, and was told she needs a variance for additional signage. She was seeking bulk variances for a front yard setback to Mount Street for the size of the sign, and for the number of signs attached to the exterior of a building in the B-1 Commercial Zone District.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey
- A-3 Four (4) photographs dating from approximately the 1920’s to present
- A-4 Handwritten details for sign
- A-5 Review letter from Board Engineer
- A-6 Hearing Notice Affidavit

A-7 Affidavit of Publication

Ms. Davis stated she previously received a variance from the Borough of Bay Head Planning Board for a renovation to the existing commercial structure. At the time, Ms. Davis represented there were signs shown on the plan, however the billboard-style sign which rests upon the roof of the façade of the structure fronting Mount Street, was not included in the variance application. Ms. Davis further stated the sign was, in fact, constructed and was located on the structure where the original sign stating “Madison Rooms & Meals” was located on the structure approximately eighty (80) years ago.

Ms. Davis further explained that the original structure housed a hotel and restaurant, and catered to the “railroad traffic”. Ms. Davis believes that the sign on top of the structure stating “Madison” was from the 1920’s, and the sign “Madison Rooms & Meals” is from the 1930’s. Ms. Davis provided photographs to the Board members for their review, which were marked into evidence as A-3 which depict the signs as they appeared approximately eighty (80) years ago. Ms. Davis additionally provided a photograph of the current structure with the existing sign which says “The Sandy Rail, Bay Head\*NJ\*USA”.

Ms. Davis stated that when she was advised the original plan did not provide for this signage, she applied for a variance to include this sign with the renovation of the property.

Mr. Furze asked if there was any public comment.

**Richard Myers**, 681 Lake Avenue, was sworn in by Mr. Zabarsky.

Mr. Myers complimented Ms. Davis with regard to the restoration of the building. However, he felt to have a sign that is the size being requested and which says “Sandy”, is not appropriate and a bad reminder of the storm that affected the Borough. He further testified that when he constructed his home, he was obligated to comply with all Ordinances and he feels this sign completely violates the Ordinance and should not be permitted.

**Suzanne B. Van Schoick**, 111 Meadow Avenue, was sworn in by Mr. Zabarsky.

Ms. Van Schoick stated the building looks fabulous, but the sign is too big.

A motion was made by Kathleen Wintersteen and seconded by Robert Hein to approve the application.

Roll Call: YEAS: Edward Convey, Bart Petrillo, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, John Henry Morris, Thomas Charlton.

NAYS: William Furze, Verity Frizzell

Recused: Mayor Curtis, William Tubbs

Mr. Furze stated the Board had for review the **Application** of Roger, Gregory and Lauren Gross, 229 East Avenue, Bay Head, a/k/a Block 37, Lot 3.

Mr. Hein recused himself as his residence is located within 200’ of applicants’ premises.

William T. Gage, Esquire stated he is representing the applicants who are requesting to demolish the existing single-family residential dwelling and accessory structures. The structures were badly damaged during the storm and therefore, the applicants are looking to construct a new single-family dwelling necessitating bulk variances. The requested bulk variances are for a rear yard setback of approximately 14.24 feet wherein 20 feet is required, a side yard setback of 8.91 feet wherein 10 feet is required, a combined yard setback of 20.41 feet wherein 25 feet is required, for stairs to encroach to within six (6) inches from the property line on East Avenue, and a pre-existing, non-conforming condition of a ninety (90) foot lot width wherein 100 feet is required.

The following items were marked into evidence:

- A-1 Application
- A-2 Zoning Officer denial letter
- A-3 Survey
- A-4 Copies of Deeds with restrictions, covenants and/or easements
- A-5 Architectural plans
- A-6 Letter from William T. Gage, Esq. requesting waiver of submission of updated survey
- A-7 Review letter from Board Engineer
- A-8 Certification of Notice of Hearing
- A-9 Affidavit of Publication

**Joseph Walker, III**, 2157 Old Mill Road, Sea Girt, NJ, licensed architect of the State of NJ, was sworn in by Mr. Zabarsky.

Mr. Walker testified he prepared the plans submitted and marked into evidence. Shortly after Superstorm Sandy, he performed a site inspection of the applicants' property. The desire of the owners was to renovate the existing structure. Mr. Walker testified that the northern portion of the subject structure was substantially damaged. He stated the architectural drawings were prepared to repair the subject structure in place in order to avoid the request for variances. He further stated that when the project was put out to bid, all the bids were extremely high with regard to renovation and reconstruction.

Mr. Walker stated the proposed new structure will be approximately 485.7 square feet less as to building/lot coverage. In addition, he stated the current combined side yard setback of 9.34 feet will be increased to 14.24 feet, thereby lessening the encroachment into the side setback by five (5) feet. He testified the eastern wall will remain the same and not be closer to the ocean. He further testified that because of the ocean and the dune line, the owners are restricted with regard to the area within which they can rebuild a new single-family residential dwelling.

Board members questioned Mr. Walker with regard to eliminating the need of a side yard setback of 8.9 feet wherein 10 feet is required. After a recess, wherein discussion was conducted through counsel for applicants, William T. Gage, Esq., the applicants represented they would withdraw their request for a variance or for a side yard setback, and have the plans redrawn to comply with the 10 foot side yard setback requirement pursuant to the local Ordinance. Mr. Furze asked if there was any public comment.

**Alan Tyson**, 212 East Avenue, was sworn in by Mr. Zabarsky.

Mr. Tyson testified he is a neighbor adjacent to the applicants' property and he is against the Board issuing a variance for a side yard setback.

**Silke Stutz**, 204 East Avenue, was sworn in by Mr. Zabarsky.

Ms. Stutz testified she was excited to hear about the plans to rebuild the structure. She testified the new footprint, with elimination of the old garage, is actually "a little smaller than before", and she will be excited to have her neighbors back.

A motion was made by Edward Convey and seconded by Kathleen Wintersteen to approve the Application as amended with a combined side yard setback of approximately 23.61 feet, and the north property setback will be ten (10) feet where ten feet is required. This will be conditioned upon the plans being modified in accordance with this, and being submitted and reviewed by the Board Engineer and Zoning Officer, Bart Petrillo.

Roll call: YEAS: Edward Convey, William Curtis, Bart Petrillo, Patricia Wojcik, Kathleen Wintersteen, William Tubbs, John Henry Morris

NAYS: William Furze, Verity Frizzell

Recused: Robert Hein

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

He stated every ten years the Master Plan is worked on/amended. The Master Plan was last worked upon on June 6, 2007; we have another three years. The Board should start working on ideas and the sign Ordinance. There is no need to appropriate any funds for this.

Mr. Applegate questioned an e-mail he received from the Mayor about historic elevations. Mayor Curtis stated since he sent out the e-mail, he's received a recommendation to speak to someone to find out what other towns are doing. He'd like to then get back to the Board to explain it. Mr. Furze questioned approval ratings as a result of that. Mayor Curtis advised we lowered our ratings from an 8 to a 6 by adopting the flood elevation maps; he'd like to get it down to a number 5 since he believes each lower number is a ten (10) percent reduction.

A motion was made by William Curtis and seconded by Verity Frizzell to approve the **vouchers**. All in favor.

The meeting adjourned on a motion by Verity Frizzell and seconded by William Tubbs. All in favor.

Respectfully submitted,

Claire S. Hense