

Bay Head Planning Board
July 16, 2014

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

The March, 2014 Minutes were approved on a motion by William Curtis and seconded by Kathleen Wintersteen, with all in favor.

Mr. Furze stated the Board had for review the **Resolution** of Michael and Paula Rantz, 44 Goetze Street, a/k/a Block 72, Lot 4 which was approved at the meeting of June 18, 2014. A motion was made by William Curtis and seconded by Kathleen Wintersteen to approve the Resolution. Roll call: YEAS: William Curtis, Kathleen Wintersteen, Kathleen Tell, Robert Hein, William Tubbs, John Henry Morris.

Mr. Furze stated the Board had for review four applications this evening.

Mr. Zabarsky requested counsel for the fourth applicant, Atlantic Pier Co., Inc., to come forward. Mr. Zabarsky informed the applicant's attorney, Steven Barcan, Esq., that seeing as there is a request for a use variance, we are a full authorized 9 member Board which would necessitate a vote of 6 of 9, 2/3 requirement for a use variance. At tonight's meeting, 4 members need to recuse themselves, leaving 6 members eligible to vote. He advised Mr. Barcan there are 3 other members not here tonight who should not have any conflict of interest, that there are 4 alternates, and that we anticipate having a full Board at the August, 2014 meeting. Mr. Barcan requested to borrow Mr. Zabarsky's Cox's book on municipal land use and indicated he would discuss same with his client when he arrives.

First is the continuance of the **application** of Helen Sanford Brown, 683 Lake Avenue, a/k/a Block 59, Lot 37.

William T. Gage, Esquire, attorney for applicant, came forth. He stated that the applicant's house was substantially damaged by the storm and as a result, she has decided to demolish and reconstruct a new home. Mr. Gage indicated that at the last meeting, some concerns were raised regarding issues surrounding the proposed development, one having to do with the front yard setback, and another as the front entryway.

The following items were marked into evidence:

- A-13 Amended architectural plans dated 7/2/14
- A-14 Amended plot plan dated 7/3/14
- A-15 Review letter from Board engineer dated 7/9/14
- B-1 Certification by absent member William Furze
- B-2 Certification by absent member Bart Petrillo

Helen Sanford Brown, 683 Lake Avenue was sworn in by Mr. Zabarsky.

Ms. Brown testified she is the owner of the property which she would like to demolish as it makes sense economically. She testified that the new plans eliminate the off site parking, move the house forward, and they have “flipped” the house; the side yard entry is now on the south side and looks towards the neighbors’ garage. She indicates she spoke with the neighbor and he is okay with the entrance facing his garage.

Robert Burdick, professional engineer and professional planner, Point Pleasant, NJ was sworn in by Mr. Zabarsky.

Mr. Burdick testified substantial changes were made to the plans. He testified that the house was twenty feet back and they have moved it nine feet forward, the owner eliminated the parking on site and the plan now provides for no parking on site. He testified they have basically “mirror-imaged” the house; the entrance was moved from the north side to the south side and the front steps are now in the front yard which is aesthetically more attractive. Mr. Burdick further testified the building coverage of the house without the decks is 33.4% which would be conforming, the plan has been amended to provide that the overhangs are now 3 feet rather than 4 feet. Mr. Burdick additionally testified they will tie the gutters into a yard drain system.

Mr. Furze opened the meeting to public comment.

Richard Myers, 681 Lake Avenue, was sworn in. Mr. Myers indicated he is happy with Mrs. Brown’s changes in plans though he still has a problem with the coverage issue. He is concerned with the size of the home on the property.

John Dughi, 56 Johnson Street, was sworn in. Mr. Dughi indicated he supports the off-site parking, but is still concerned that the stairs “jut out” and wanted a clarification regarding streetscape.

After members of the Board were polled, a motion was made by Kathleen Wintersteen and seconded by John Henry Morris, to approve the application as amended. Roll call: YEAS: Kathleen Wintersteen, John Henry Morris, William Furze, Kathleen Tell, William Curtis, Bart Petrillo, William Tubbs, Thomas Charlton. NAYS: Robert Hein

Mr. Zabarsky stated he was advised by Steven Barcan, Esq., attorney for **applicant** Atlantic Pier Company, Inc., that he would like to address the Board.

Mr. Barcan advised that based upon the discussion at the beginning of the meeting, he is requesting his client’s application be carried to the August 20, 2014 meeting with no additional notice required.

A motion was made by Bart Petrillo and seconded by Robert Hein to carry Atlantic Pier Co.'s application to August 20, 2014 with no further notice required. All in favor.

Mr. Furze stated the Board had for review the **application** of Amy Wardell Iverson, 42 Bristol Place, a/k/a Block 82, Lot 3.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey dated 12/21/12
- A-3 Architectural plans including photos
- A-4 Review letter from Board Engineer dated 7/9/14
- A-5 Hearing Notice Affidavit
- A-6 Affidavit of Publication

Amy Wardell Iverson, 42 Bristol Place, was sworn in by Mr. Zabarsky.

Mrs. Wardell stated she is property owner, and is applying to demolish a single-family residential dwelling which she grew up in and previously resided in year-round while growing up. She and her husband purchased the home from her father approximately 12 years ago, which was substantially damaged by Superstorm Sandy. She would like to construct a new, single-family house. She is here to request relief on the front yard setback on a non-conforming lot.

Jack Vitale, 1710 Rue Mirador, Point Pleasant, NJ was sworn in by Mr. Zabarsky.

Mr. Vitale indicated he is the general contractor and as such, will be responsible for the construction. Mr. Vitale testified the applicants first designed the house for an R-50 zone. Now that they've been informed they're in an R-100 zone, they've lowered the height of the house to conform to the neighborhood. He further indicated that the first set of blueprints, which were provided to the Board, were when they thought they were in an R-50 zone. Mr. Vitale stated the variance the applicants are requesting is to encroach on the front line setback, as well as a variance to keep the existing garage as it stands.

When Mr. Vitale was asked whether the set of plans the Board members were provided were for the original R-50 zone or for the actual R-100 zone, he indicated the current plans for the R-100 zone were not provided. At this point, he was advised by Mr. Zabarsky that the Board could not vote without an updated set of plans and as well, the proposed plan provided did not show keeping the existing garage, nor was that advertised. Further, Mr. Zabarsky advised if anyone came in to view the proposed application, they would not see the garage and would assume it was being demolished.

Mr. Zabarsky advised him to re-notice and advertise, and to amend his plans to include lowering the house, shortening the rear of the kitchen, proposing to keep the existing detached garage on the site, the height of the building, and clearly showing the setbacks. Mrs. Iverson advised her husband George would be available for the next meeting.

A motion was made by Kathleen Wintersteen and seconded by Robert Hein to re-notice and carry this application to the next meeting date, namely, August 20, 2014. All in favor.

Mr. Furze stated the Board had for review the **application** of Richard Silverman, 300 East Avenue, a/k/a Block 33, Lot 6.

Adam J. Steurman, Esquire, attorney for applicant, came forth.

Mr. Steurman stated Richard Silverman, the applicant, was appearing on behalf of his mother, Beverly Silverman, who is the owner of the property could not be here. He stated the property is on the corner of East Avenue and North Street, is in an R-50 zone, and prior to Superstorm Sandy, there was a detached garage and a house on the property which were destroyed as a result of the storm. Applicant is seeking to rebuild a single family home as well as a detached garage using the same footprint, as a result of which 3 variances are required.

Mr. Steurman stated that the first variance deals with the front setback on North Street-20 feet is required and they propose 10.17 feet; the second is lot coverage-50 feet is required and they propose 55.4%; and lastly, building coverage-35% is required and they propose 47.1%.

The following items were marked into evidence:

- A-1 Application
- A-2 Survey dated 5/15/13
- A-3 Survey dated 6/3/24
- A-4 Plot plan
- A-5 Architectural plans
- A-6 Review letter from Board attorney
- A-7 Affidavit of Mailing
- A-8 Affidavit of Publication
- A-9 Photo booklet of property

Richard Ian Silverman, 300 East Avenue, was sworn in by Mr. Zabarsky.

Mr. Silverman testified his parents purchased the house in or about 1982, and that previously the house was used primarily as a vacation home by his parents.

Mr. Silverman testified the original structure which was approximately 80 years old, consisted of a single family home with approximately three (3) stories. There was also a partial finished basement which contained all the mechanicals for the house. Around the structure there was a habitable porch on the northeast corner going down both North Street and East Avenue, as well as a detached garage in the southwest corner of the property, near the driveway which existed out onto East Avenue. There was also a patio in the northwest corner. Mr. Silverman further testified that Superstorm Sandy literally demolished the basement on the north side of the house and that the chimney was literally holding up the house. Mr. Silverman stated his original plan was to salvage the house. In that regard, he hired an architect and an engineer, but was advised

by said professionals that the house needed to be demolished. Mr. Silverman testified that the proposed application for development will have the same footprint as the previous house and be the same size as to square footage. He proposed to have a detached garage located on the property.

Jason M. Marciano, professional planner and licensed professional engineer, East Coast Engineering, 508 Main Street, Toms River, NJ was sworn in by Mr. Zabarsky.

Mr. Marciano testified the property is located on the southwest corner of North Street and East Avenue, and is across the street from the ocean. Mr. Marciano further testified the lot size is approximately 85 by 66.67 feet. He stated on or about May 8, 2014, the home was demolished and an updated survey has been provided to the Board, further stating that the roads and curbs are now gone, and the new survey shows elevations.

Mr. Marciano further testified that the proposed new house will essentially be the same house with the same front porches. He testified the new garage is “inches bigger” than the previous garage and that the new detached garage, as an accessory structure, will conform to the zoning requirements of at least 4 feet from the property lines wherein the previously existing garage structure was approximately 1” to 6” from the property line. He stated the rear deck has doubled in size but has no roof. He stated the previous driveway was concrete and applicant desires to use pavers; he would prefer not to use stones as he feels they are impractical and will only end up on the sidewalk and cause problems for foot traffic. Mr. Marciano discussed this issue with the applicant during this hearing and the applicant has agreed to use permeable pavers for the portion of the driveway labeled “proposed paver driveway” on the plot plan marked into evidence.

Mr. Marciano testified that other houses in the neighborhood are 20 feet from the property line to the façade of the house, and their porches are approximately 10 feet from the property line. He further testified he does not believe the variances requested will be detrimental to the public good. He testified the house existed for years and is the same footprint and that the neighborhood has remained the same. He stated the benefits of granting the variances is that the structure was compromised and needed to be demolished. Mr. Marciano testified there will be a new foundation, the house will be built in accordance with the building codes, and the detached garage, an accessory structure, will now comply with the zoning ordinance requirements. In addition, the rear deck has been opened up with no roof.

Mr. Furze opened the meeting to public comment; there was none.

After the members were caucused, Mr. Zabarsky indicated there would be a condition of a permeable paver driveway as opposed to a concrete paver driveway. Additionally, there is a condition that the porch not become interior habitable space.

A motion was made by Frederick Applegate and seconded by William Tubbs, to approve the application as conditioned. Roll call: YAYS: Frederick Applegate, William Tubbs, William Furze, William Curtis, Bart Petrillo, Robert Hein, Kathleen Wintersteen, John Henry Morris, Thomas Charlton

NAYS: Kathleen Tell

A motion was made by Kathleen Tell and seconded by Thomas Charlton to approve the **vouchers**. All in favor.

The meeting adjourned on a motion by Kathleen Wintersteen and seconded by Robert Hein. All in favor.

Respectfully submitted,

Claire S. Hense