

Bay Head Planning Board
June 18, 2014

The meeting of the Bay Head Planning Board was held on Wednesday, June 18, 2014 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, Kathleen Tell, Edward Convey, William Curtis, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, William Tubbs, John Henry Morris, Thomas Charlton, Frederick Applegate
Absent: William Furze, Bart Petrillo

Ms. Frizzell stated the Board had for review the **Resolution** of Lee Kellogg Sadrian, 513 East Avenue, a/k/a Block 65, Lot 3 which was approved at the meeting of May 21, 2014. A motion was made by William Tubbs and seconded by Kathleen Wintersteen to approve the Resolution, as corrected. Roll call: YEAS: William Tubbs, Kathleen Wintersteen, Verity Frizzell, Edward Convey, Thomas Charlton, Frederick Applegate.

Ms. Frizzell stated the Board had for review the **Resolution** of Lambro & Helen Demetriades, 646 Main Avenue, a/k/a Block 59, Lot 28 which was approved at the meeting of May 21, 2014. A motion was made by Mayor Curtis and seconded by William Tubbs to approve the Resolution, as corrected. Roll call: YEAS: William Curtis, William Tubbs, Edward Convey, Kathleen Wintersteen, Thomas Charlton.

Ms. Frizzell stated the Board had for review the **Resolution** of 3 of a Kind, LLC, 530 Main Avenue, a/k/a Block 57, Lot 17 which was approved at the meeting of May 21, 2014. A motion was made by Kathleen Wintersteen and seconded by William Tubbs to approve the Resolution, as corrected. Roll call: YEAS: Kathleen Wintersteen, William Tubbs, Verity Frizzell, Edward Convey, John Henry Morris, Thomas Charlton, Frederick Applegate.

Ms. Frizzell stated the Board had for review two applications this evening.

First is the **application** of Michael & Paula Rantz, 44 Goetze Street, a/k/a/ Block 72, Lot 4.

William T. Gage, Esquire, attorney for applicants, came forth. He stated that the applicants are seeking to elevate the existing single family residence, add entry stairs to the front of the house, and elevate the rear deck in the northwest corner in the rear of the property.

The following items were marked into evidence:

- A-1 Application
- A-2 Letter of denial from Zoning Officer
- A-3 Survey
- A-4 Architectural plans

- A-5 Review letter from Board engineer
- A-6 Hearing Notice Certification
- A-7 Affidavit of Publication

Steven Barlow, general contractor was sworn in by Mr. Zabarsky.

Mr. Barlow testified he is related to the applicants, Paula is his sister and Mike is his brother-in-law. He stated he has been to the property on many occasions and is familiar with the site. Mr. Barlow testified that the only variance being sought, which is a new condition, is for building coverage. He testified the deck located to the rear portion of the property is currently within twelve (12) inches above grade and therefore is not included in the existing building coverage, which is approximately 36.1%. He testified that when the house is raised, the deck will be expanded around the corner of the property to support an existing outdoor shower which will increase the building coverage to approximately 42.6%.

Mr. Barlow testified the raised deck will be in approximately the same footprint of the existing deck. The deck will be expanded around the northwest corner which will support the shower and provide egress and ingress from the structure to said shower. He testified the deck will be approximately 4.5 feet off of the ground.

Daniel Lynch, licensed architect, 617 Union Avenue, Brielle, NJ was sworn in by Mr. Zabarsky.

- A-8 Colored rendering of elevation and views was marked into evidence.

Mr. Lynch testified that the elevated deck will connect the patio door to the new outdoor shower. He testified there is an existing outdoor shower which must be elevated to meet the current building codes. He stated the structure will be raised approximately 3.42 feet and that the finished first floor will be approximately 9.34 feet above grade. Mr. Lynch further testified that the architectural plans were amended to provide that the proposed deck will be 14 inches below the first finished floor.

Ms. Frizzell opened the meeting to public comment.

Susan Frese Priddy, 46 Goetze Street, was sworn in by Mr. Zabarsky.

Ms. Priddy testified she lives next door to the west of applicants' property, she is aware of the changes, and very comfortable and thrilled with the changes.

A motion was made by Kathleen Wintersteen and seconded by William Curtis, to approve the application. Roll call: YEAS: Kathleen Wintersteen, William Curtis, Verity Frizzell, Kathleen Tell, Edward Convey, Patricia Wojcik, Robert Hein, William Tubbs, John Henry Morris.

Mr. Furze stated the Board had for review the **application** of Helen Sanford Brown, 683 Lake Avenue, a/k/a Block 59, Lot 37.

William T. Gage, Esquire, attorney for the applicant Helen Sanford Brown, came forth.

Mr. Gage stated the applicant is applying to demolish a single-family residential dwelling and existing accessory structure which were substantially damaged by Superstorm Sandy, and to construct a new, single-family house. He indicated the accessory structure will also be removed. He thereafter stated the existing, required and proposed zoning requirements, and enumerated the non-conforming conditions and variances necessitated by such.

The following items were marked into evidence:

- A-1 Development application
- A-2 Zoning Officer letter of denial
- A-3 Plans from Daniel A. Ward, R.A. dated 6/4/14
- A-4 Survey
- A-5 Plot plan
- A-6 Review letter from Board Engineer
- A-7 Letter from applicant's attorney regarding notification to adjacent property owners with attached letters
- A-8 Hearing notice Certification
- A-9 Affidavit of Publication
- A-10 First set of plans dated 3/17/14
- A-11 Colored photographs of house located at 48 Sycamore Road, Princeton, NJ
- A-12 Front elevation with 3' overhangs next to front elevation with 4' overhangs, prepared by Daniel A. Ward, R.A.

John Brown, 1048 Barnegat Lane, Mantoloking, NJ was sworn in by Mr. Zabarsky.

Mr. Brown indicated he is the brother of the applicant, as well as her general contractor and as such, will be responsible for the construction. Mr. Brown testified that the primary reason for the increase in building coverage from the existing structure to the proposed new structure is the raised decking. He further testified that the proposed footprint of the heated living space is actually less than the existing structure. He stated the existing house consists of 4 bedrooms and 3 1/2 baths.

Robert Burdick, professional planner and professional engineer, 1023 Ocean Road, Point Pleasant, NJ was sworn in by Mr. Zabarsky.

Mr. Burdick indicated he prepared the plot plan, that the dwelling to be built fronts Lake Avenue and is the last home before Johnson Street. He stated the subject property is located in the R-50 zone and is a pre-existing, non-conforming lot as to width and area. He testified that these two variance conditions cannot be cured. Mr. Burdick went on to testify that on a conforming lot, the building coverage provides for 1,750 square feet of coverage, the proposed building coverage on the subject lot will consist of approximately 1,677 square feet and therefore, the structure is consistent with the R-50 Zone construction requirements. Mr. Burdick further testified that without the front or rear porches and decks, the building coverage is 1,292 square feet or 33% of the lot, and would be conforming.

Mr. Burdick testified the existing house has approximately 1,391 square feet of coverage and therefore, the application for development reduces the building coverage by approximately 100 square feet. Further, that the demolition of the existing house and reconstruction of a new house will be safe and conform to the base flood elevation requirements, and provide greater setbacks than are existing. The proposed application eliminates a non-conforming accessory structure, which is a shed, located to the rear northern property line.

Richard Myers stated he is a next-door neighbor and questioned the location for the garbage.

Daniel Ward, licensed architect, 105 South Delaware Avenue, Yardley, PA was sworn in by Mr. Zabarsky.

Mr. Ward testified the proposed house is modeled after a house previously developed by Mr. Brown in Princeton, NJ. The exterior will be a cedar shake style of siding, will have 2 main stories with a loft space in the attic, and the overhang will be reduced to 3 feet, referring everyone to the picture of A-10 of 48 Sycamore Road, Princeton. The house will consist of 4 bedrooms, 5 bathrooms, a library, a kitchen, height will be 34 feet, 6 inches and conform to the zoning requirements. Mr. Ward further stated there is a west entrance for the convenience of the owner of the property, and the formal entrance is located to the north. Mr. Ward testified the decks will have open boards, the front setback conforms, and the application provides for two off-street parking spaces. He also indicated that the house is in line with the adjacent garage.

Mr. Furze opened the meeting to public comment.

Margaret Finneran, 684 Lake Avenue, was sworn in. Ms.Finneran indicated she is concerned with the parking spaces to be located on the property; she doesn't feel it will be aesthetically pleasing to the streetscape of the neighborhood. She testified she would rather have the cars park on the street.

Stan Niedzwiecki, 42 Johnson Street, was sworn in. Mr. Niedzwiecki indicated he was glad to hear about off-street parking as Johnson & Lake are irregular and are not conforming streets. He testified that forcing more cars onto the street is a "tragedy", and that the house should be condemned as it is too small.

Richard Myers, 681 Lake Avenue, was sworn in. Mr. Myers testified that he reviewed the plans and his primary objection is that the lot is non-conforming. He stated he lives directly to the north and that the door on the side of the proposed house will face his house, impacting his privacy.

Priscilla Myers, 681 Lake Avenue, was sworn in. Ms. Myers testified that the side entrance is actually the main entrance and faces her house. She was primarily concerned with the noise and pedestrian traffic which will impact her home.

Karen Hewson, 58 Johnson Street, was sworn in. Ms. Hewson testified that her house is on the corner of Lake Avenue and Johnson Street. She indicated everyone in the neighborhood takes

great pride in their lawns and gardens and that to look across the street to see two cars in the front would be egregious.

John Lindars, 677 Lake Avenue, was sworn in. Mr. Lindars testified he echoed the other public comments; he does not want parking on the property but rather, on the street.

John Dughi, 56 Johnson Street, was sworn in. Mr. Dughi testified his backyard is adjacent to the applicant's property, and that there should not be parking in the front yard of any property.

The Board conducted a caucus of the members. Thereafter, the applicant's attorney, William Gage, requested an adjournment in order for his client to consult an architect to amend the plans. He requested a postponement of the vote in order to return at the next regular meeting, namely, July 16, 2014, without further notice.

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

Old Business:

Mrs. Tell wanted to know what happened to the Planning Board's recommendation that the Ordinances be amended so that a commercial property could not be converted to a residential one without a variance. Mayor Curtis indicated it has been discussed during several sessions but there has been no determination as of yet.

New Business:

Mr. Zabarsky indicated he will not be available for the September 17, 2014 meeting; he can arrange to have someone of counsel with the firm available for the meeting. Ms. Frizzell indicated she will be absent from the July 16, 2014 meeting.

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

The meeting adjourned on a motion by Patricia Wojcik and seconded by Robert Hein. All in favor.

Respectfully submitted,

Claire S. Hense