

Bay Head Planning Board
September 17, 2014

The meeting of the Bay Head Planning Board was held on Wednesday, September 17, 2014 at 7:00 PM at the G. Harold Antrim Elementary School, 401 Niblick Street, Point Pleasant Beach, NJ.

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, Robert Hein, Kathleen Wintersteen, William Tubbs, John Henry Morris, Thomas Charlton, Frederick Applegate

Absent: Kathleen Tell and Patricia Wojcik

Mr. Furze stated the Board had for review the **Resolution** of Amy Wardell Iverson, 42 Bristol Place, a/k/a Block 82, Lot 3 which was approved, as amended, at the meeting of August 20, 2014. A motion was made by Edward Convey and seconded by Bart Petrillo to approve the Resolution. Roll call: YEAS: Edward Convey, Bart Petrillo, William Furze, Verity Frizzell, William Curtis, Robert Hein, Kathleen Wintersteen, William Tubbs, John Henry Morris, Frederick Applegate. Absent at time of vote: Kathleen Tell

Mr. Furze stated the Board had for review one **application** this evening, that being the one for Atlantic Pier Co., Inc., 72 Bridge Avenue, a/k/a Block 25, Lot 4.

William Curtis and Robert Hein recused themselves since this is a use variance and being Mayor, Class I, and Mr. Hein being a member of the Council, and Class III, are not allowed to adjudicate for this application. Mr. Zabarsky advised that although we are a 9 member Board, we are a combined land use Board which means we also take jurisdiction as a Zoning board. Based upon the case law, although we are a 9 member Board, we only need 7 members to adjudicate this matter. He further stated that for purposes of voting, he has Mr. Furze, Mr. Petrillo, Ms. Wintersteen, Ms. Frizzell, and Mr. Convey, and if Ms. Tell and Ms. Wojcik listen to the tape, they are able to vote. The first alternate would be Mr. Tubbs and second is Mr. Morris. Mr. Zabarsky went on to outline the procedure used by this Board at to the testimony of witnesses.

Donna Jennings, Esq., stated she is the attorney for **applicant** Atlantic Pier Company, Inc.

Edward F. Liston, Jr., Esq., stated he is the attorney for **objectors** Allison & Bill Trainor, 432 Lake Avenue; Marie & Paul Conlon, 50 Osborne Avenue; Carl Hendrickson, 46 Osborne Avenue; and Molly & Jack Van Horn, 104 Osborne Avenue. Mr. Liston stated he had several procedural items he wanted to bring to the attention of the Board and he then explained them.

Board member Kathleen Tell subsequently arrived at the meeting. Mr. Zabarsky wanted noticed for the record that Ms. Tell reached the dais prior to the start of any testimony. As to a head count, we now have Mr. Furze, Mr. Petrillo, Ms. Wintersteen, Ms. Tell, Ms. Frizzell, Mr.

Convey and Mr. Tubbs, the 7 eligible members to vote, with Mr. Morris, Mr. Charlton and Mr. Applegate the alternates.

Ms. Jennings stated that last fall, the applicant secured preliminary and final major site plan approval, a conditional use variance, height variance and several bulk variances to construct a mixed use building consisting of a restaurant, retail stores and apartments. The original building was destroyed by Superstorm Sandy. Applicant's approval was memorialized by Resolution dated November 18, 2013; no one challenged that approval. Thereafter the applicant proceeded with the approval by demolishing the building, putting in pilings and a new bulkhead, and the applicant is now seeking an amended site plan approval, a conditional use variance and several bulk variances to use the building solely as a restaurant. She went on to dispel rumors that were going around town regarding the restaurant and its intended use, and then outlined the revisions made to the plans since the August 20, 2014 meeting.

Mr. Liston requested to make an opening statement and was advised by Mr. Zabarsky, the Board's attorney, that that is not how this Planning Board normally operates, that it deviates from our procedure. He advised Mr. Liston that he was allowing the applicant to present their application in the way they want and that then Mr. Liston could present his clients' side any way he'd like as well.

After items A-1 through A-10 were marked into evidence, **Lawrence Hesse**, 356 West Lake Avenue, was sworn in as a witness. Mr. Hesse testified he is President of the Hesse Companies and Vice President of Atlantic Pier Company. He then gave his testimony.

Thereafter, the following people were called as expert witnesses by the applicant, and gave their testimony:

James Kennedy, 211 Maple Avenue, Red Bank, NJ, licensed professional engineer, who caused to have A-11 marked into evidence, a land use exhibit, and A-12, a site plan rendering.

James J. Monteforte, 733 Route 35, Ocean Township, NJ, licensed architect, who caused to have A-13 marked into evidence, proposed building elevation of the front and east; A-14 which is a drawing of the previously approved building; A-15 which is a whole set of the June, 2014 submittal of floor plan; and A-16 which is a whole set of the revised floor plan dated September 2, 2014.

John Rea, president of McDonough & Rea Associates, traffic and transportation engineers, 1431 Lakewood Road, Manasquan, NJ, licensed professional engineer. Mr. Rea caused to be marked into evidence A-17 which is a parking accumulation study from June through August, 2014.

Mr. Liston requested the Board Chairman, William Furze, to mark as a Board exhibit a postcard mailed to local postal patrons, and received by Mr. Furze, entitled "Come learn about our project"; said postcard was marked as Exhibit B-1.

Christine Nazzaro Cofone, principal and owner of Cofone Consulting Group, 125 Half Mile Road, Ste. 2, Red Bank, NJ, licensed professional planner.

Mr. Liston indicated he had questions of all 5 witnesses. Mr. Zabarsky inquired if Mr. Liston, given the position, would like to then make an opening statement and Mr. Liston declined, stating he would make an opening statement before he presented his witnesses.

Mr. Liston went on to ask questions of Mr. Hesse and when finished, based upon the time which was 10:45 p.m., Mr. Zabarsky suggested the meeting be carried until Wednesday, October 15, 2014 at 7 p.m. at the G. Harold Antrim Elementary School.

A motion was made by Kathleen Tell and seconded by Verity Frizzell to adjourn and carry the application without further notice. All in favor.

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

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

Respectfully submitted,

Claire S. Hense