

Bay Head Planning Board
February 18, 2015

The meeting of the Bay Head Planning Board was held on Wednesday, February 18, 2015 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, Edward Convey, William Curtis, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, Mark Durham, John Henry Morris, Thomas Charlton, Frederick Applegate
Absent: William Furze, Kathleen Tell, Bart Petrillo

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

Alternate #1 – Mark F. Durham

The September 17, 2014 Minutes, October 1, 2014 Minutes and October 15, 2014 Minutes were all approved on a motion by Frederick Applegate and seconded by John Henry Morris, with all in favor.

Ms. Frizzell stated the Board had for review two **Resolutions** this evening, the first being that of Mark & Holly Fedorcik, 859 East Avenue, a/k/a Block 81, Lot 9 which was approved at the meeting of January 21, 2015. A motion was made by Edward Convey and seconded by Kathleen Wintersteen to approve the Resolution as amended. The motion to adopt includes an amendment to the Resolution acknowledging that the front yard setback is actually minus 43 feet into the applicants' riparian. Roll call: YEAS: Edward Convey, Kathleen Wintersteen, Robert Hein, John Henry Morris, Thomas S. Charlton. Absent: William Furze, Bart Petrillo

Ms. Frizzell stated the Board had for review the **Resolution** of 700 Clayton Avenue Security Trading Co., L.P., 700 Clayton Avenue, a/k/a Block 67, Lot 6 which was approved at the meeting of January 21, 2015. A motion was made by John Henry Morris and seconded by Frederick Applegate to approve the Resolution. Roll call: YEAS: John Henry Morris, Frederick Applegate, Edward Convey, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, Thomas S. Charlton. Absent: William Furze, Kathleen Tell, Bart Petrillo

Ms. Frizzell stated we have three **applications** on the agenda this evening, the first being the application of Edmund & Alva Kappy, 144 East Avenue, a/k/a Block 31, Lot 2.

Adam J. Steurman, Esq., 501 Trenton Avenue, Point Pleasant Beach, NJ, attorney for the applicants came forth. Mr. Steurman stated applicants have applied to the Board to convert the existing attic space into living space, add dormers to the roof area, and a stairway from the first to second floors of an existing single-family residential dwelling.

Mr. Hein recused himself because he is a neighbor and within 200 feet of applicants' property.

The following items marked were into evidence:

- A-1 Development application
- A-2 Survey
- A-3 Architectural plans
- A-4 Review letter from Board Engineer dated 2/11/15
- A-5 Hearing Notice Affidavit & Affidavit of Mailing
- A-6 Affidavit of Publication

Mr. Steuerman called the following as witnesses, who were sworn in by Mr. Zabarsky:

Alva Kappy, 144 East Avenue, Bay Head, was sworn in by Mr. Zabarsky and caused to have marked into evidence A-7, color photographs, 5 pages, taken recently.

Jeffrey G. Schneider, Brick, NJ, licensed architect.

Mr. Schneider testified the applicants are adding a half-story to the third level and that he calculated the second floor as 1,086.5 square feet and therefore, half of that amount is 435.5 square feet. Based upon his calculations, the proposed application for development provides for “head room of 5 feet or less which occupies at least 40% of the total floor area of the story directly beneath”. Mr. Schneider further testified the house is on a corner lot and therefore has 2 front yards and 2 side yards. He stated there will be no change to the footprint of the existing residential structure and therefore, no change as to any of the setbacks. Mr. Schneider testified the residential structure to the north side will have an interior stairway which provides access to the roof and continues the encroachment of 4.9 feet into the side yard setback. He confirmed that the proposed chimney will not exceed the bulk requirements of the zone.

Mr. Schneider further testified there is an existing walkway located on the site which is closer than 3 feet to the property line; the request by applicants for the variances will not be detrimental to the Zoning Ordinance or Zone Plan; the deck on the third floor meets all the requirements of the Borough of Bay Head Land Use Ordinance; and as a result of the application, the height of the house will be raised from 27.5 feet to 32.5 feet and confirm to the zone, with applicants’ house being in the “VE” zone.

Ms. Frizzell opened the meeting to the public, and there was no public comment.

A motion was made by William Curtis and seconded by Kathleen Wintersteen to approve the application, with Mr. Zabarsky stating the approval carries and he will put it as a condition of the Resolution that this is not a grant of a variance or approval or any type of legal confirmation with regard to the mentioned wood deck, walkway and/or stairs into East Avenue; it will fall and rise on its own merits after Mr. Petrillo, the Zoning Officer, reviews it. Roll call: YEAS: William Curtis, Kathleen Wintersteen, Verity Frizzell, Edward Convey, Mark Durham, John Henry Morris, Thomas Charlton, Frederick Applegate. Abstain: Patricia Wojcik.

Ms. Frizzell stated second on tonight's agenda is the **application** of George & Corinne Papisikos, 808 Clayton Avenue, a/k/a/ Block 70, Lot 7.

Roberta A. Burcz, Esq., 1229 Bay Avenue, Point Pleasant, came forth and stated she is the attorney for the applicants. Ms. Burcz stated that the applicants are located in the R-100 zone, requiring 100' width to the property, and this property is adjacent to the north to the R-50 zone which only requires a 50' width. Applicants' property is only 50' wide. The properties directly to the south are also 50' wide, even though they are located in the R-100 side. To the west is the bay, and to the east is the street. Ms. Burcz stated the garage will be made smaller and the air conditioning units will be moved from the south side yard setback. Ms. Burcz stated that mature trees on the property will be maintained, the proposed home and pool are in character with the neighborhood, and the side yard concrete porch as well as the brick and concrete front patio, will be removed.

The following items were marked into evidence:

- A-1 Development application
- A-2 Survey
- A-3 Architectural plans
- A-4 Review letter from Board Engineer
- A-5 Affidavit of Service w/hearing notice
- A-6 Affidavit of Publication
- A-7 Letter from George Thompson, architect, dated 1/7/15

Ms. Burcz called the following as witnesses, who were sworn in by Mr. Zabarsky and gave their testimony:

George Papisikos, 808 Clayton Avenue, who caused to have A-8 (2 pages of colored photographs, 8 per page), and A-9 (colored picture of property from the bay side) marked into evidence.

George Thompson, R.A., AIA, 18 Highland Bend, Island Heights, NJ

Ms. Frizzell asked if there were any public comments.

Timothy B. Middleton, Esq., attorney for Mr. Brooke Weisleder, a neighbor, expressed that his client was concerned with the stair height and door as shown on the north elevation. He further stated there is an agreement with the applicants that these will be eliminated, and this was confirmed by Mr. Thomson.

A motion was made by Edward Convey and seconded by Kathleen Wintersteen to approve the application with the conditions as discussed during the hearing. Roll call: YEAS: Edward Convey, Kathleen Wintersteen, Verity Frizzell, William Curtis, Patricia Wojcik, Robert Hein, Mark Durham, John H. Morris, Thomas Charlton NAYS: None

Ms. Frizzell stated that third on tonight's agenda is the **application** of 571 West Lake, LLC, 571 West Lake Avenue, a/k/a Block 47, Lot 1.

Louis A. Felicetta, Esq., for the firm of Carluccio, Leone, Dimon, Doyle & Sacks, Esqs., 9 Robbins Street, Toms River, came forth and stated he is the attorney for the applicant. Mr. Felicetta stated that this is a straightforward application. He stated this is a 3 lot minor subdivision.

The following items were marked into evidence:

- A-1 Development application
- A-2 Survey plan
- A-3 Minor subdivision plan dated 12/4/14
- A-4 Development plan revised 1/9/15
- A-5 Review letter from Board attorney dated 2/11/15
- A-6 Affidavit of Service with attached Hearing Notice
- A-7 Affidavit of Publication
- A-8 Letter from John P. Doyle, Esq. dated 1/12/15

Mr. Felicetta called **Joseph J. Kociuba**, KBA Engineering Services, LLC, 2517 Highway 35, Building E, Suite 102, Manasquan, NJ, licensed professional engineer and professional planner, as a professional witness, who was sworn in by Mr. Zabarsky.

Mr. Kociuba testified the application consists of the subdivision of one existing property at the corner of West Lake Avenue and Metcalf Street. The northeast corner of said property currently contains a two story commercial building and parking lot. He testified the property was recently rezoned from the B-2 zone to the B-1 zone. He stated applicant is proposing a fully conforming residential subdivision of one single lot facing out onto West Lake Avenue, and 2 lots facing towards Metcalf Street. Mr. Kociuba stated there are existing curbs and sidewalks.

Ms. Frizzell asked if there were any public comments; there were none.

A motion was made by Robert Hein and seconded by Kathleen Wintersteen to approve the application. Roll call: YEAS: Robert Hein, Kathleen Wintersteen, Verity Frizzell, Edward Convey, William Curtis, Patricia Wojcik, Mark Durham, John H. Morris, Thomas Charlton
NAYS: None

Ms. Frizzell stated we have an **Informal application** by Atlantic Pier Co., Inc., Bridge & Lake Avenues, Block 25, Lots 5, 6, 9, 9.01, 11 and 11.01.

Donna Jennings, Esq. of the law firm of Wilentz, Goldman & Spitzer, Woodbridge, NJ, stated she is the attorney for the applicant. She stated they are here regarding a project at the intersection of Lake & Bridge Avenues.

Joseph Pandozzi of Atlantic Pier Co. spoke about a proposed retail, cottage-like village, with 6 to 8 stores, and two 2-bedroom residences.

James Anderson of Anderson Campanella, Rumson, NJ, licensed architect, spoke about the Scow Ditch East site. He confirmed there are 6 lots altogether on the site. Mr. Anderson went over diagrams he brought with proposed parking and buildings on the site.

Ms. Jennings said applicant desires to consolidate so there is only 1 lot, and detailed the proposed improvements.

A motion was made by Robert Hein and seconded by John Henry Morris to approve the **vouchers**. All in favor.

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

Respectfully submitted,

Claire S. Hense