

**Bay Head Planning Board
January 21, 2015**

The meeting of the Bay Head Planning Board was held on Wednesday, January 21, 2015 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, Edward Convey, Bart Petrillo, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, John Henry Morris, Thomas Charlton, Frederick Applegate
Absent: Verity Frizzell, William Curtis

The July, 2014 Minutes were approved on a motion by Kathleen Tell and seconded by John Henry Morris, with all in favor.

The August, 2014 Minutes were approved on a motion by Kathleen Tell and seconded by John Henry Morris, with all in favor.

The following members were sworn in by Steven Zabarsky, Borough Attorney:

**CLASS III – Robert Hein
CLASS II – Bart Petrillo
Alternate #3 – Thomas S. Charlton**

The following members were elected as officers:

A motion was made by Robert Hein and seconded by Edward Convey to elect **William Furze as Chairman**. All in favor.

A motion was made by William Furze and seconded by Robert Hein to elect **Verity Frizzell as Vice-Chairperson**. All in favor.

A motion was made by William Furze and seconded by Robert Hein to elect **Kathleen Tell as Secretary**. All in favor.

A motion was made by William Furze and seconded by Kathleen Tell to elect **Edward Convey as Assistant Secretary**. All in favor.

A motion was made by William Furze and seconded by Bart Petrillo to appoint the following:

Attorney: Steven A. Zabarsky, Esq.
Engineer: Susan S. Brasefield, P.E., P.P.
Clerk: Claire S. Hense
All in favor.

A motion was made by John Henry Morris and seconded by Robert Hein to designate meeting dates and time as Wednesday, February 18, 2015 and the third Wednesday of each month at 7:30

p.m., and to designate the Ocean Star and Asbury Park Press as the official newspapers. All in favor.

Mr. Furze stated the Board had for review the **Resolution** of Harry & Pauline Demas, 309 Main Avenue, a/k/a Block 33, Lot 3 which was approved at the meeting of December 17, 2014. A motion was made by Kathleen Wintersteen and seconded by Bart Petrillo to approve the Resolution. Roll call:

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

Mr. Furze stated the Board had for review the **Resolution** of Gina M. Davis, 380 Western Avenue, a/k/a Block 7, Lot 1 which was approved at the meeting of December 17, 2014. A motion was made by Edward Convey and seconded by Robert Hein to approve the Resolution. Roll call:

YEAS: Edward Convey, Robert Hein, Bart Petrillo, Patricia Wojcik, John Henry Morris, Thomas Charlton

Mr. Furze stated we have two **applications** on the agenda this evening, the first being the continuation of the one for Mark & Holly Fedorcik, 859 East Avenue, a/k/a Block 81, Lot 9, which was heard last month.

Christopher B. Healy, Esquire, from the firm of Bathgate, Wegener & Wolf, 1 Airport Road, Lakewood, NJ, attorney for applicants, came forth. Mr. Healy requested Mr. Zabarsky to reiterate who on the Board would be voting this evening, and was advised that Edward Convey, Bart Petrillo, Patricia Wojcik, Robert Hein, John Henry Morris and Thomas Charlton were all at the last hearing, and William Furze, Kathleen Tell and Kathleen Wintersteen had all signed Certifications that they had listened to the verbatim recording of this application from the last meeting, and therefore all of these 9 members are eligible to vote this evening.

Mr. Healy summarized from the December 17, 2014 meeting, as to where we left off and stated many of the issues contained in the Board Engineer's January 13, 2015 review letter have been addressed by testimony. He further stated that when applicants left, the Board had a number of concerns with the application, taking into account concerns of a neighbor and the Board's concern regarding the size of the deck, some of the side yard setbacks, the location of the air conditioning units, the height of the area of the building over the garage, and the overall lot coverage issue based upon recalculations.

The following items were marked into evidence:

- A-9 Revised plot plan dated 1/6/15
- A-10 Revised architectural plans dated 12/30/14
- A-11 Review letter from Board engineer dated 1/13/15
- B-1 Certification by absent member William Furze
- B-2 Certification by absent member Kathleen Tell
- B-3 Certification by absent member Kathleen Wintersteen

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

Mark Fedorcik, 859 East Avenue, Bay Head,

Peter D. Dorne, licensed N.J. architect, 68 Bridge Avenue, Bay Head,

Celia DeHuff, landscape architect, 68 Bridge Avenue, Bay Head, N.J.,

Timothy P. Lurie, principal in DW Smith Associates, LLC, Professional Engineer, Professional Planner and Certified Municipal Engineer, 149 Yellowbrick Road, Farmingdale, NJ.

Mr. Furze opened the meeting to the public.

Benjamin Denihan, 845 East Avenue, Bay Head, was sworn in by Mr. Zabarsky. Mr. Denihan thanked the applicants for listening to him, but still had concerns regarding the garage and did not want the condensers near his lot line.

After testimony, questions and discussions, and polling of Board members, a motion was made by Kathleen Wintersteen and seconded by Robert Hein to approve the application with the conditions that there will be no lighting in the cupola; as to lighting in the breezeway/walkway/Greenhouse area connecting the garage to the main house, it may have motion sensors and lighting for use by the applicants; in the area above the garage which will contain a bedroom, there will be no kitchen or cooking facilities, and will not be considered a separate apartment or separate unit from the main house itself, but will be considered part of the primary structure. Roll call: YEAS: Kathleen Wintersteen, Robert Hein, William Furze, Kathleen Tell, Edward Convey, Bart Petrillo, Patricia Wojcik, John Henry Morris, Thomas Charlton

Second on the agenda is the **application** of 700 Clayton Avenue Security Trading Co., LP, 700 Clayton Avenue, a/k/a Block 67, Lot 6.

William T. Gage, Esquire, stated he is the attorney for the principals of the applicant.

The following items were marked into evidence:

- A-1 Development application
- A-2 Survey
- A-3 Minor subdivision
- A-4 Proposed re-subdivision
- A-5 Breakdown table received 1/15/15
- A-6 Review letter from Board Engineer
- A-7 Hearing Notice
- A-8 Hearing Notice Certification
- A-9 Affidavit of Publication

Mr. Gage stated his clients wish to subdivide an approximately 31.7 foot portion of their property on Clayton Avenue and merge it with the property immediately adjacent to the north

which they also own, known as 77 Johnson Street. As a result of this proposed subdivision and merger, both lots will be conforming and will be approximately 100 feet wide; they plan to simply move a lot line. Additionally, there will be no new construction plan and regarding the proposed access easement for the Johnson Street property to have access to the Clayton Avenue property, as indicated on the subdivision plan, applicants decided they didn't need it because they own both properties. Therefore, if this application is granted, the final map will have that item deleted.

Mr. Gage further stated that regarding the Clayton Avenue property, there were several non-conforming conditions and all would remain unchanged. As to the Johnson Street property, the bay side front yard setback, the open stair and ramp non-conforming conditions will remain unchanged, however, some non-conforming conditions will be eliminated as a result of this application.

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

Gail Chambers Kellogg, 77 Johnson Street, Bay Head, who caused to have A-10, a color photograph of the existing house on Johnson Street, marked into evidence;

Millis Looney, licensed Professional Engineer, of O'Donnell, Stanton & Associates, 1705 Route 37, Toms River, NJ.

A motion was made by Robert Hein and seconded by Patricia Wojcik to approve the application. Roll call: YEAS: Robert Hein, Patricia Wojcik, William Furze, Kathleen Tell, Edward Convey, Bart Petrillo, Kathleen Wintersteen, John Henry Morris, Thomas Charlton

The following were discussed under **Old Business**:

Paolo & Wendy Costa, 453 East Avenue, a/k/a Block 64, Lot 2. Mr. Petrillo explained his 10/23/14 e-mail and stated the Costas received a variance in January, 2015. They have a rear porch with a stairway on the side. Currently, the platform on the porch comes out half way to the north side of the porch with the stairway going down. The Costas had an additional set of stairs in the rear of the porch going down to the pool area. When they calculated it and put the pool in, said stairs would almost go into the pool. What the Costas are proposing to do is to remove the stairs, extend the platform on the rear porch out, and have a set of stairs coming down.

A motion was made by Bart Petrillo and seconded by Robert Hein to approve this administrative change. Roll call: YEAS: Bart Petrillo, Robert Hein, William Furze, Patricia Wojcik, Frederick Applegate

Tara Frerich, 229 East Avenue, a/k/a Block 37, Lot 3, formerly the Gross residence.

A motion was made by Robert Hein and seconded by Frederick Applegate to reject this as applicant has made changes to approved plans and must return with a formal application. All in favor.

Turton Realty Associates, 88 Bridge Avenue, a/k/a Block 22, Lot 1

Ms. Brasefield stated that her letter was simply confirming applicant did revise the plans as required. Per Mr. Zabarsky, no vote is required as applicant conformed to Resolution.

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

The meeting adjourned on a motion by Frederick Applegate and seconded by Thomas Charlton. All in favor.

Respectfully submitted,

Claire S. Hense