

Bay Head Planning Board
August 16, 2017

The meeting of the Bay Head Planning Board was held on Wednesday, August 16, 2017 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, John Henry Morris, Patricia Wojcik, William Curtis, Neil Devesty, Thomas Charlton, Kirsten Hinds, Frederick Applegate
Absent: Mark Durham, Robert Hein, Kevin Feehan

The April 19, 2017 **Minutes** were approved as corrected on a motion by Neil Devesty and seconded by Thomas Charlton;
The May 11, 2017 **Minutes** were approved on a motion by Frederick Applegate and seconded by Thomas Charlton;
The May 17, 2017 **Minutes** were approved on a motion by William Curtis and seconded by Kathleen Tell; and
The July 19, 2017 **Minutes** were approved on a motion by Neil Devesty and seconded by John Henry Morris, with all in favor.

Mr. Furze stated the Board had one **Resolution** for review, that being the one for Joseph A. and Dori Ann Vales, 444 Lake Avenue, a/k/a Block 52, Lot 5 which was approved at the meeting of July 19, 2017. A motion was made by John Henry Morris and seconded by William Curtis to approve the Resolution. Roll call: YEAS: John Henry Morris, William Curtis, Patricia Wojcik, Neil Devesty, Thomas Charlton, and Kirsten Hinds.

Mr. Furze stated there were two **applications** to be heard this evening, the first being that of E. James and Anne Ryan, 350 Western Avenue, a/k/a Block 11, Lot 9.

Charles E. Starkey, Esq., 1593 Route 88 W., Brick, NJ, attorney for applicants, came forth.

The following items were marked into evidence:

- A-1 Development application
- A-2 Minor subdivision prepared by William H. Doolittle, PLS dated 1/17/17
- A-3 Review letter from Susan S. Brasefield, P.E., P.P., Board Engineer, dated 7/12/17
- A-4 Hearing Notice
- A-5 Affidavit of Publication

E. James Ryan, 380 Western Avenue, Bay Head, was sworn in by Mr. Greitz. Mr. Ryan stated he and his wife have owned the property for four years and is here to request a division of the property into two (2) lots.

The following person was sworn in by Mr. Greitz and gave his testimony:

Jeffrey J. Carr, principal in the engineering firm of Lindstrom, Diessner and Carr, 136 Drum Point Road, Brick, N.J.

Mr. Furze opened the meeting to the public for comments; there were none. The Board was polled and thereafter a motion was made by Kathleen Tell and seconded by Neil Devesty to approve the application as presented. Yays: Kathleen Tell, Neil Devesty, William Furze, John Henry Morris, Patricia Wojcik, William Curtis, Thomas Charlton, Kirsten Hinds, Frederick Applegate.

Mr. Furze stated the next **application** on the agenda this evening is that of LaManna Building & Land Company, regarding 235 Lake Avenue, a/k/a Block 27, Lot 3.

John J. Jackson, Esq., 241 Brick Boulevard, Brick, N.J., attorney for the applicant, came forth.

Mr. Jackson stated the applicant has owned the property for several months and will be the builder of this property. Mr. Jackson stated that in this particular project, the architect has designed a house that takes into account the 45' width of this lot, so that they have a lot lacking in dimension – it is 45' wide wherein 50' is required - and stated they otherwise meet all the bulk criteria for the lot. Mr. Jackson further stated they are seeking variances under C-1 and under C-2 to allow them to have greater than the combined setbacks required. He stated they meet the minimum setbacks on each side but because of the 45' width of the lot, they feel it is impracticable for a variety of reasons, and also it doesn't allow them to have this type of a house if they are required to meet the setbacks. Mr. Jackson expounded on the requirements and offered Ms. Verity Frizzell, the architect, would testify as to why she designed the proposed house.

The following items were marked into evidence:

- A-1 July 19, 2017 letter from paralegal at King, Kitrick, Jackson & McWeeney, LLC
- A-2 Development Application
- A-3 Series of 6 colored photographs
- A-4 Plot plan from R.C. Burdick, P.E. dated 5/11/17
- A-5 Survey from R.C. Burdick, P.E. dated 4/27/17
- A-6 Architectural plans from Feltz & Frizzell dated 7/24/17
- A-7 Review letter from Susan S. Brasefield, Board Engineer, dated 8/9/17
- A-8 Hearing Notice
- A-9 Affidavit of Publication

Mr. Jackson caused to have marked into evidence the following:

- A-10 Colored rendering of proposed house
- A-11 Poster board with series of five colored photographs of existing house and property

The following people were sworn in by Mr. Greitz and gave their testimony:

Robert Burdick, P.P. and P.E., 1023 Ocean Road, Point Pleasant

Verity Frizzell, architect and member of the firm of Feltz & Frizzell, 2315 Bridge Avenue, Point Pleasant

Carl LaManna, 407 Channel Drive, Point Pleasant Beach

Mr. Furze opened the meeting to the public for comments. The following people were sworn in by Mr. Greitz and gave their testimony:

Thomas Fitzgerald, 232 Main Avenue, Bay Head, who caused to have introduced the following item into evidence:

O-1 Survey of 232 Main Avenue by Elbert Morris of Morris & Glasgow, Inc., dated 1/31/1979

Kenneth F. McPherson, 230 Main Avenue

Todd LaRue, executor of the estate of Robert Reddington, previous owner of the property.

The meeting was closed to the public and Board members were polled. Mr. Furze asked the architect to return with new plans conforming to the setbacks. Thereafter a motion was made by William Furze and seconded by Neil Devesty to table this matter and carry it to the October 18, 2017 meeting, with no new notice required. All were in favor. Mr. Greitz put audience members on notice of the change in date and advised the applicant did not have to re-notice.

Under **Old Business**, Board Engineer Susan Brasefield stated that at the last meeting, the Board discussed scheduling a public meeting for the Master Plan at a regularly scheduled Board meeting, or in this case, September 20, 2017. Ms. Brasefield further indicated we have 3 applications in the queue, one of which had already been deemed complete and the other 2 were scheduled for review. Mr. Charlton asked if there were suggestions or changes to be made, would they be heard, and Ms. Brasefield stated that would be done at the meeting. Mrs. Tell stated she had a lot of suggestions and still wanted to address the Ordinance changes, to which Ms. Brasefield responded that her suggestion is the Board not rush for a public meeting in order to discuss the changes and figure out what the Board wants to fix before presenting to the public.

Mr. Furze concurred there is no rush to do any of this – the Board could do one, two or five, as it was his opinion that the Board members found something new every day that could use some attention. Mr. Charlton wanted to know if it was due by year's end and what was the deadline. Ms. Brasefield stated there was a deadline for the DCA which was met as paperwork was submitted and they approved and if the Borough wants to make additional changes later on, they do not need to be submitted to the DCA for further approval. Mrs. Tell stated the last Master Plan was from June, 2007 so we are already overdue on this one as it needs to be updated every ten years.

Mr. Greitz suggested a separate meeting to discuss the Master Plan; Ms. Brasefield stated the Board already had one public meeting, which was advertised, and only two people attended it, and we need one more before the Master Plan is adopted. She further stated the Board could do a public meeting and adoption on the same night. Ms. Brasefield said she could send a Word document out and if Board members want to track and make changes and send on to everyone else, then all could talk about it paragraph by paragraph at the meeting. Mr. Charlton suggested the Board appoint a group to speak on behalf of everyone.

The Board agreed to hold a special meeting for the Master Plan, with notice to the public, on September 27, 2017 at 7 p.m. The proposed Master Plan will be available in the office for public review beforehand.

When the possible revisions to the Ordinances came up, Ms. Brasefield stated she and Mr. DeFelicis sat down with Bart Petrillo, the former Code Enforcement Officer, as well as with Doug Applegate, the former Building Inspector and Construction Official, before their retirement. Ms. Brasefield stated they went through some problem areas and Ordinances and Mr. DeFelicis went through all of the Ordinances and compared some of them to other similar shore towns.

Ms Brasefield stated she will send an editable copy to Mrs. Tell; Mrs. Tell stated she will look at ordinance revisions at that time as well if she can get to them.

There was no **New Business**.

A motion was made by William Curtis and seconded by Patricia Wojcik to approve the **vouchers**. All were in favor.

The meeting **adjourned** on a motion by William Curtis and seconded by Thomas Charlton. All were in favor.

Respectfully submitted,

Claire S. Hense