

**Bay Head Planning Board**  
**November 8, 2017**

The meeting of the Bay Head Planning Board was held on Wednesday, November 8, 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, Robert Hein, Thomas Charlton, Kevin Feehan  
Absent: Mark Durham, Kirsten Hinds

Mr. Furze stated the Board had one **Resolution** for review, that being the one for Angelo Cifelli, 153 Osborne Avenue, a/k/a Block 3, Lot 6 which was approved at the meeting of October 18, 2017. A motion was made by William Curtis and seconded by Neil Devesty to approve the Resolution. Roll call: YEAS: William Curtis, Neil Devesty, William Furze, John Henry Morris, Patricia Wojcik, Robert Hein and Thomas Charlton.

Mr. Furze stated there were three **applications** to be heard this evening, the first being that Stanley T. and Nanci J. Omland, 146 Park Avenue, a/k/a Block 15.01, Lot 3.

**Stanley T. Omland**, 146 Park Avenue, who is the homeowner as well as a licensed professional engineer and planner in the State of NJ, came forth.

The following items were marked into evidence:

- A-1 Development application
- A-2 Final survey from Ronald W. Post dated 1/17/17
- A-3 Plans from Omland & Osterkorn, Inc. dated 9/5/17
- A-4 Review letter from Susan S. Brasefield, P.E., P.P., Board Engineer, dated 11/2/17
- A-4 Hearing Notice Affidavit
- A-5 Affidavit of Publication

**Mr. Omland** was sworn in by Mr. Zabarsky. Mr. Omland stated he and his wife built the home in 2007, at which time they unknowingly built their 4 air conditioning units on a platform about two feet off the ground, and the former zoning officer had them reduce it down to 12". This is because the Bay Head Code requires that for decks, anything above 12" is considered building coverage and therefore it would have put them into a variance situation. Mr. Omland stated they therefore took the existing platform housing their 4 air conditioning units and lowered it 12".

Mr. Omland further stated that when Sandy struck the shore, the air conditioning units were destroyed in addition to the first floor of their home. Mr. Omland stated they now would like to have a whole house generator in anticipation of another storm, but in order to comply with building codes, they need to raise a platform to the ABFE which is 9, meaning they need to raise

it another 5 feet from where it is currently situated which would put them over the building coverage, hence the need for a variance.

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 Robert Hein to approve the application. Yays: Kathleen Tell, Robert Hein, William Furze, John Henry Morris, Patricia Wojcik, William Curtis, Neil Devesty, Thomas Charlton, Kevin Feehan.

Mr. Furze stated the next **application** on the agenda this evening is that of Edward Sabounghi, 65 Lake Avenue, a/k/a Block 59, Lot 6.

**William T. Gage, Esq.**, 536 Lake Avenue, Bay Head, N.J., attorney for the applicant, came forth.

The following items were marked into evidence:

- A-1 Development Application
- A-2 Letter from Lindstrom, Diessner & Carr dated 10/3/17
- A-3 Survey from Lindstrom, Diessner & Carr dated 8/20/09
- A-4 Architectural plans from Jeffrey Schneider dated 9/28/17
- A-5 Review letter from Susan S. Brasefield, Board Engineer, dated 11/1/17
- A-6 Hearing Notice & Certification
- A-7 Affidavit of Publication

Mr. Zabarsky caused to have entered:

- B-1 Google map picture of the house at 65 Lake Avenue.

Mr. Gage stated the applicant wishes to alter the roof of a second story porch in front of his house in order to create a balcony overlooking the front yard.

The following persons were sworn in by Mr. Zabarsky and gave their testimony:

**Edgar Anthony Sabounghi**, 665 Lake Avenue, Bay Head

**Jeffrey G. Schneider**, licensed NJ architect, P.O. Box 356, Bay Head, who caused to have Exhibit B-1 marked into evidence.

The meeting was opened to the public for comments; there were none.

The Board was polled and thereafter a motion was made by Neil Devesty and seconded by Mayor Curtis to approve this application. Yays: Neil Devesty, William Curtis, William Furze, Kathleen Tell, John Henry Morris, Patricia Wojcik, Robert Hein, Thomas Charlton, Kevin Feehan.

Mr. Furze stated the third and final **application** on the agenda this evening is that of William DeBruin, 615 Main Avenue, a/k/a Block 63, Lot 13.

**William T. Gage, Esq.**, 536 Lake Avenue, Bay Head, N.J., attorney for the applicant, came forth.

The following items were marked into evidence:

- A-1 Development Application
- A-2 Survey from Lindstrom, Diessner & Carr dated 10/3/17
- A-3 Minor subdivision from Lindstrom, Diessner & Carr dated 10/11/17
- A-4 Review letter from Susan S. Brasefield, Board Engineer, dated 11/2/17
- A-5 Hearing Notice & Certification
- A-6 Affidavit of Publication

Mr. Gage stated Dr. DeBruin had every intention of being here this evening but because he is on the staff of the Pediatric Intensive Care Unit at St. Joseph's Hospital in Paterson, he called to state he was "on call" tonight and therefore would be unable to attend this hearing. Mr. Gage stated he explained to his client the Board would prefer his testimony in person and if they moved forward and there were some questions unanswerable due to his absence, they could adjourn the matter, but indicated he would like to go forward at this point.

Mr. Gage further stated his client is the owner of the property in question which is 100 x 100 and wishes to subdivide the property into two (2) 50 x 50 conforming lots. Mr. Gage stated there is an older home on the property which his client would like to save but he is unsure if it can be saved until "he gets into it", and he would like to explore that possibility. Mr. Gage stated that if this application is granted and his client gets into the restoration of the house and determines it is simply too far gone and cannot be preserved, the variances requested die with the house. Mr. Gage further stated if they are granted these variances and cannot save the house and a new house is built, the applicant would either have to conform with all zoning requirements or return to the Board to request relief.

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

**Charles E. Lindstrom**, Professional Engineer and Planner, with offices located at 136 Drum Point Road, Brick, NJ

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

**Edward King**, 500 Main Avenue, Bay Head

**Jacqueline Keer**, 138 Grove Street, Bay Head

The Board was polled and thereafter a motion was made by Patricia Wojcik and seconded by Kathleen Tell to approve this application, as amended, with the garage being removed and 1.8'

driveway easement that extends to the east with a ten (10') foot radius from the southeast corner of the covered porch. Yays: Patricia Wojcik, Kathleen Tell, William Furze, John Henry Morris, William Curtis, Robert Hein, Neil Devesty, Thomas Charlton, Kevin Feehan

**Under Old Business,**

Stephen M. Offen, Esq., member of the firm of Norris, McLaughlin & Morris, P.A., 400 Crossing Boulevard, Bridgewater, NJ, came forward. Mr. Offen stated he represents Celco Partnership, doing business as Verizon Wireless which is located at 1 Verizon Way, Basking Ridge, NJ.

Mr. Offen stated he is not here asking for any specific relief, rather, it was recommended by the Borough Council to come to the Board for an advisory opinion. He stated they went before the Council for consent pursuant to Title 48 to go on poles lawfully and to be erected in the public right-of-way. Mr. Offen stated it is not an application in the technical sense. Mr. Offen further stated he has 3 people with him this evening who he hopes will help resolve any questions and provide answers to anything the Planning Board might have.

Mr. Offen stated they have 3 groups of questions, the first being "why do you need this; why are these locations good or advisable- the 5 for which they presently plan; and what is the nature of what they are proposing to put onto the poles in this area". Mr. Offen further stated there was a comment by one Board member about safety and Mr. Dugan, one of the gentlemen with him tonight, is prepared to address that more fully than what was provided in the letters in their submission to the Board which spoke about emissions and FCC standards.

Mr. Zabarsky stated because it is not an application, he does not need to swear anyone in for the record. Mr. Offen stated he brought with him the following people:

**Mark Griggs**, radio frequency engineer for Verizon Wireless  
**Kevin Russ**, Program Manager for Tilson Technology  
**Paul Dugan**, P.E., licensed engineer for Millennium Engineering, P.C.

A member of the audience came forward:

**Edward King**, 500 Main Avenue, who spoke about historic areas.

Mr. Offen stated Verizon Wireless is requesting the Board to render an advisory opinion back to the Council, and reminded he was not asking for specific approval.

Ms. Tell asked about any wiggle room on locations. Mr. Zabarsky stated the Borough Council passed Resolution #2017-120 on September 11, 2017 and provided the information from same. Mrs. Tell wanted to know if there was any wiggle room on the location of the poles. Mr. Russ stated 95% of the poles are not useable, only maybe 10 are useable. Mr. Hein pointed out that JCP&L does not allow radio transmittal on their poles.

Also under **Old Business** – Susan Brasefield brought up the Master Plan. She stated it was approximately 2 months ago that we had a discussion regarding the Master Plan and members getting comments back to Mrs. Tell. Ms. Brasefield stated she saw Patty Applegate last week and she wanted Ms. Brasefield to remind everyone that the Board needs to finish that up because it needs to come back to Council.

Mrs. Tell stated she has been working on it and expects she should have her latest version in everyone's in-boxes on Friday. Ms. Tell said the last time she was here, the Board talked about sending surveys to some of the town stakeholders to solicit their thoughts on some of the aspects of the Master Plan, and as she sat down to attempt to construct a survey, she kept having to create paragraphs to explain what she was asking about. Ms. Tell suggested the more efficient approach is to send the stakeholders the much more readable Master Plan and then ask focused questions.

Under **New Business**, Mr. Furze stated we are experiencing technical difficulties and suggested to the Mayor and Mr. Hein that perhaps we could figure out how to make the microphones work more effectively. Mr. Furze also asked about the 60" monitor on the wall which has never been used for presentations or demonstrations. Mr. Hein stated it is used for the municipal court. Mr. Furze asked if there was a chance our applicants could hook up to it. Mayor Curtis stated it is not up to the Planning Board to notify them. Mrs. Tell suggested maybe we could look to update our application to reflect that in the packet.

Mr. Hein addressed the billing by Maser Consulting for the 4 plans for the Bay Neighborhood, the Twilight Neighborhood, Master Plan and ordinance review. He stated there are a lot of bills that go with these and suggested he needed two members to go through them to verify the bills match up with the plans, and so the Board can say they are all done and we are happy with them, or not, but Maser would like to get paid. Ms. Brasefield stated that reflects the work done to complete the plan within the deadline for approval by the DCA, and she has not billed for after the deadline. Ms. Brasefield stated they worked a lot with Patty Applegate (Borough Clerk) to get all the paperwork submitted so we received the grant reimbursement, and all the monies which are supposed to be reimbursed for those invoices is in the Borough's bank account already, and that reflects all the work done in order to get DCA approval. Ms. Brasefield acknowledge Board members are not happy with the Master Plan and stated she is willing to put in the effort of whatever she needs to do in order to finish it and will not charge any additional fees for that. She agreed the ordinance review needs additional work and review, as well. Ms. Brasefield stated she will send the latest draft to the Board Clerk to distribute to members. Mr. Feehan offered to review the bills. He stated he will start the process.

Mr. Furze stated he asked Mr. Hein and any other Board members to take a look at the vouchers submitted. Hr. Hein stated Denise in Finance will have the time sheets as they can't leave the building. Ms. Brasefield offered to sit down with anyone to go through them

Mr. Zabarsky questioned how the Board would like him to address the governing body regarding Verizon. Mr. Furze stated he thinks it's pretty clear the Board has genuine concerns about this and while the Board "got some answers tonight that pretty much shut us down on every front",

we need to tell Council that we posed these questions or these challenges and we came back empty-handed; maybe we should press JCP&L.


Mr. Charlton stated we should go on record to say we asked about safety issues and they said it's safe. Mrs. Tell stated she thought there was some sort of federal preemption on the issue of safety of telecommunications. Mr. Zabarsky wanted to know if someone wanted to draft something for the next meeting, and Mrs. Tell stated "we could bat something around" and maybe the Board wants to explore holes or pressuring the BPU or JCP&L. Mr. Charlton stressed public engagement. Mrs. Tell stated she could write some bullet points to have the Board Clerk send to Board members, and then each individual could comment to the Clerk who could then send them on to Mr. Zabarsky. Mr. Zabarsky suggested maybe the Board could adopt a Resolution at the next meeting. The Mayor stated all members should review and comment.

**New Business.**

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

The meeting **adjourned** on a motion by Neil Devesty and seconded by Kevin Feehan. All were in favor.

Respectfully submitted,



Claire S. Hense