

Bay Head Planning Board
September 20, 2017

The meeting of the Bay Head Planning Board was held on Wednesday, September 20, 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, John Henry Morris, Patricia Wojcik, Mark Durham, William Curtis, Neil Devesty, Thomas Charlton, Kirsten Hinds, Kevin Feehan, Frederick Applegate
Absent: Kathleen Tell, Robert Hein

Mr. Furze stated the Board had one **Resolution** for review, that being the one for E. James and Anne Ryan, 350 Western Avenue, a/k/a Block 11, Lot 9 which was approved at the meeting of August 16, 2017. A motion was made by Frederick Applegate and seconded by Patricia Wojcik to approve the Resolution. Roll call: YEAS: Frederick Applegate, Patricia Wojcik, William Furze, John Henry Morris, William Curtis, Neil Devesty, Thomas Charlton, Kirsten Hinds

Mr. Furze stated there were two **applications** to be heard this evening, the first being that of Frank Ronan, 425 East Avenue, a/k/a Block 40, Lot 20.

William T. Gage, Esq., 536 Lake Avenue, Bay Head, NJ, attorney for applicant, came forth.

Board member Kevin Feehan recused himself as he has a professional relationship with Mr. Gage.

The following items were marked into evidence:

- A-1 Development application w/cover letter from William T. Gage, Esq. dated 6/30/17
- A-2 Zoning letter of denial dated 3/9/17
- A-3 Survey from Lindstrom, Diessner & Carr updated 9/5/17
- A-4 Plot plan for Variance from Lindstrom, Diessner & Carr updated 9/5/17
- A-5 Plot plan, Building Information & Vent Detail from Koutsomitis Architect last updated 9/6/17
- A-6 Review letter from Susan S. Brasefield, Board Engineer, dated 9/14/17
- A-7 Hearing Notice Certification with Hearing Notice
- A-8 Affidavit of Publication

Mr. Gage stated upon applicant's property, there are two buildings – the main residential structure and an accessory garage apartment structure. Mr. Gage further stated inside the garage apartment on the first floor there are mechanicals as far as the air conditioning units and such, and on the second floor is the apartment which has bathroom and kitchen facilities. Mr. Gage further indicated they propose to merge the main structure with the residential accessory structure, resulting in one primary structure which will create a non-conforming condition as far

as the setback of the primary structure; however, in doing so, they are also eliminating a non-conforming setback as far as the accessory structure. Mr. Gage stated as there are bathroom and kitchen facilities in the accessory structure which is a non-conforming use, by merging the two buildings into one, that non-conforming use will be eliminated. Mr. Gage further went on to detail the existing and proposed setbacks and height.

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

Frank Ronan, 425 East Avenue

Charles Lindstrom, principal in the engineering firm of Lindstrom, Diessner and Carr, 136 Drum Point Road, Brick, N.J., who caused to have A-9, a photo board with the flood map, into evidence.

Nicholas Koutsomitis, architect licensed in NJ, NY, CT and Washington, D.C., who maintains offices in New York.

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

Mr. Furze stated the next **application** on the agenda this evening is that of Thomas Pryma, 867 East Avenue, a/k/a Block 81, Lot 1.

Christopher B. Healy, Esq., 1 Airport Road, Lakewood, N.J., attorney for the applicants Thomas & Elizabeth Pryma, came forth.

Mr. Healy stated the applicants are here seeking bulk variances for renovation of the house which is somewhat oddly shaped with a different design than what is considered typical of Bay Head.

The following items were marked into evidence:

- A-1 Development Application with incorporated zoning denial letter
- A-2 Series of 5 aerial and ground view color photographs
- A-3 Survey from D.W. Smith Associates dated 3/20/17
- A-4 Plot plan from D.W. Smith Associates dated 6/12/17
- A-5 Architectural plans from Peter Dorne, AIA last updated 7/14/17
- A-6 Review letter from Susan S. Brasefield, Board Engineer, dated 9/14/17
- A-7 Hearing Notice Affidavit
- A-8 Affidavit of Publication

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

Thomas Pryma, 867 East Avenue

Timothy Lurie, Professional Engineer, Civil Engineer and Professional Planner, from D.W. Smith Associates, 1450 Highway 34, Wall, NJ

Peter D. Dorne, Architect, AIA, of 524 Main Avenue, Bay Head

After a question from Mr. Durham regarding the 2' eave, Mr. Furze opened the meeting to the public for comments, of which there were none. The meeting was closed to the public and Board members were polled.

Thereafter a motion was made by Neil Devesty and seconded by Thomas Charlton to approve the application. Yays: Neil Devesty, Thomas Charlton, William Furze, John Henry Morris, Patricia Wojcik, Mark Durham, William Curtis, Kirsten Hinds, Kevin Feehan, Frederick Applegate. Nays: None

Under **Old Business**, Board Engineer Susan Brasefield stated that with regard to the Master Plan document being passed around, the plan on record is the original one before mark-ups, so next week at the special meeting, the Board will have to go through it paragraph by paragraph as to anything being changed in order to make a record of it. Ms. Brasefield further stated she had no objection to it, but did want to point out that in one paragraph of the recommendations, the Board does have to repeat the recommendations from the previous Master Plan report and then explain what the Board is changing as that is one of the rules. Ms. Brasefield stated that some of the information currently in the report is required to be in there for the DCA submittal for the grant, and at this point that was approved by the DCA and the Board is permitted to take some of that information out.

Mr. Furze pointed out that he, Kathleen Tell and Thomas Charlton had all made comments as to the current Plan and requested other members to weigh in if they had any suggestions. He further stated this could be referred to in the future as a benchmark and therefore could be very important.

Mayor Curtis asked Mr. Greitz if the Board Attorney, Steven Zabarsky, had spoken to him about the review of the right-of-way issue with Verizon, and Mr. Greitz apologized and said "not at all". He further apologized and stated Mr. Zabarsky didn't realize until two days ago that he was unavailable for tonight's meeting and offered Mr. Zabarsky's apology for the late notice to the Board. Mr. Greitz stated he would have Mr. Zabarsky get back to the Mayor about that.

The meeting was opened for **public comment**.

Jacqueline Keer, 138 Grove Street, Bay Head had concerns and questions regarding things going on next door to her home since early spring.

Mrs. Keer stated that Mr. Dorne, who spoke earlier this evening, is the owner of what was a 480 square foot cottage, and he has taken it and gone out twelve or sixteen feet outside the footprint and has raised it two stories. Her concern was if he is building his house and allowed to raise it

to AE8 and his first floor is at 14, which is supposed to be living space, down below has finished floors and a fireplace so he has now been allowed to have living space in what should only be a garage. Mrs. Keer stated he now has a three story house on property that is 37x83, so it is an 3,070 square foot lot and the house has to be 2,000 square feet.

Mr. Furze stated he is aware of the property and knows the question is about whether or not it should be allowed to be developed as it is, and stated several months ago he went on-line to see what the streetscape is. He further stated it looked as though the dwelling had an enclosed porch on the back and it looked like the footprint did not change but he has nothing to substantiate that. Mr. Furze additionally stated the application would have gone through the Zoning Officer first in order to get a building permit. Mr. Furze stated it did not come before this Board. Mrs. Keer stated they were informed it didn't have to go to the Board. Mr. Furze stated the Zoning Officer deemed it to be compliant.

Mr. Furze further stated that what people may not know is that post-Sandy, the Governor issued a Writ that if a home needed to be elevated above the base flood level, if there was a non-conformity, homeowners did not have to come before the Board. Mrs. Keer said this particular homeowner has gone at least twelve or sixteen feet outside of the footprint, to which Mr. Furze responded he is not aware of that and can't speak about that because he does not know the circumstances. Mrs. Keer expressed her displeasure over the size and style of the structure, and disagreed with some of the things being stated this evening.


Mr. Greitz advised the Board there is nothing they can do because it did not come before the Board. Mayor Curtis suggested we start reading the rules and if something comes before the Board, the Board can act. He further stated the Council will look into some of these issues as a town-wide concern. Mr. Furze stated habitable space below is at the owner's risk, if that's something they do after they have been inspected.

There was no **New Business**.

A motion was made by Mark Durham and seconded by Frederick Applegate to approve the **vouchers**. All were in favor.

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

Respectfully submitted,


Claire S. Hense