

Bay Head Planning Board
July 18, 2018

The meeting of the Bay Head Planning Board was held on Wednesday, July 18, 2018 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, Christopher Parlow, Patricia Wojcik, Mark Durham, William Curtis, Neil Devesty, Robert Hein, Thomas Charlton, Kirsten Hinds, John Henry Morris, Kevin Feehan
Absent: Kathleen Tell, Rick McGoey

Mr. Furze stated the Board has two **Resolutions** for review this evening, the first being that of James Morris, 146 Grove Street, a/k/a Block 43.01, Lot 12, which was approved at the meeting of June 20, 2018.

A motion was made by William Curtis and seconded by Neil Devesty, to approve the Resolution. Roll call: Yeas: William Curtis, Neil Devesty, Christopher Parlow, Thomas Charlton, John Henry Morris. Nays: None

Mr. Furze stated the next **Resolution** for review this evening is that of Outlook Partners, LLC regarding property at 524 Lake Avenue, a/k/a Block 53, Lot 1, which was approved at the meeting of June 20, 2018.

A motion was made by Christopher Parlow and seconded by Thomas Charlton, to approve the Resolution. Roll call: Yeas: Christopher Parlow, Thomas Charlton, William Curtis, Neil Devesty, Kirsten Hinds, John Henry Morris. Nays: None

Mr. Furze stated there is one **application** to be heard this evening, that of Angelo Camano, Jr. and Emily Alison Rugh, concerning properties located at 174 and 166 Osborne Avenue, a/k/a Block 58, Lots 36 and 38.

William T. Gage, Esq., 536 Lake Avenue, came forward and stated he represents the applicants of both properties.

The following items were marked into evidence:

- A-1 Development Application
- A-2 Survey from Lindstrom, Diessner & Carr dated 1/31/18
- A-3 Minor subdivision plans from Lindstrom, Diessner & Carr dated 2/16/18
- A-4 Review letter from Susan S. Brasefield, Board Engineer, dated 7/12/18
- A-5 Certification with attached Hearing Notice
- A-6 Affidavit of Publication

Mr. Gage stated 174 Osborne Avenue is an 80x140 foot lot and 166 Osborne Avenue is a 70x140 lot, combined is a 150x140 lot with 21,000 square feet of total area. Mr. Gage further stated the applicants are seeking to subdivide the two properties into three 50x140 lots which will conform as far as the width and depth are concerned, and it is oversized as far as the area is concerned. Mr. Gage stated there is an existing house and shed on the property located at 166 Osborne Avenue, which is the eastern-most lot of the two.

Mr. Gage stated the house has a non-conforming setback to the rear of the property, the shed has a non-conforming setback to the eastern property line, and as a result of this application, both of those structures will be removed, thereby removing the non-conforming conditions. Mr. Gage further stated that the existing house located at 174 Osborne Avenue shall remain, and there is a non-conforming west side yard setback of two feet where six feet is required. Mr. Gage stated the combined setback of more than sixteen feet is conforming, but there shall be a non-conforming condition as far as the west side setback, which is an existing condition and not being impacted by this application. Mr. Gage offered there is no plan to alter that structure at this time – to add on to it or move it in any way – so that house shall exist in its present location and condition.

Mr. Zabarsky swore in the following witnesses, who gave their testimony:

Charles E. Lindstrom, licensed engineer and planner, a principal in the firm of Lindstrom, Diessner & Carr, 136 Drum Point Road, Brick, NJ, who caused to have the following marked into evidence:

A-7 Colored photograph of existing house at 174 Osborne Avenue, taken 1/31/18

Angelo Camano, Jr., 174 Osborne Avenue

A motion was made by Christopher Parlow and seconded by William Curtis to open the meeting to the public. All in favor.

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

Jakob Weingroff, 155 Osborne Avenue

A motion was made by Neil Devesty and seconded by Thomas Charlton to close the meeting to the public. All in favor.

After the Board was polled, a motion was made by Patricia Wojcik and seconded by Robert Hein to approve the application, as amended. Yays: Patricia Wojcik, Robert Hein, William Furze, Christopher Parlow, Mark Durham, William Curtis, Neil Devesty, Thomas Charlton, Kirsten Hinds. Nays: None.

Old Business

Mr. Zabarsky stated he received an e-mail from the Board Clerk regarding Judy Davis and her property located at 443 Lake Avenue, that apparently Ms. Davis sent a note asking about her Resolution, wherein Mr. Zabarsky noted that she can have a one foot eave on the second floor addition.

Mr. Zabarsky stated in his notes, which he had at this meeting, he specifically wrote that as a condition, “put eave back on second floor addition”, and he thought the Board members felt aesthetically it was a lot more pleasing. Mr. Furze stated that was correct, on both sides. Mr. Zabarsky stated yes, on the north and south facade for aesthetic purposes. Mr. Zabarsky stated the Board said aesthetically they would like the eave in as it would look better, and Mr. Furze stated yes, the Board did agree to that. Mr. Zabarsky stated that now Ms. Davis is saying she does not want to have to build the eave, but the Resolution says that is a condition and she wants to know if she has to do that. Mr. Zabarsky stated his recollection was that the Board wanted it for aesthetic purposes because they didn’t like the way it looked without them, and they granted her the one foot variance to put the eave back, and that is what his notes clearly state, but he suggested the Board Clerk listen to the tape from the hearing to verify what he said, as he believes she agreed to that when the suggestion was that the Board wanted them back. Mr. Zabarsky urged Board members to take a look at their notes from the meeting to see if they have the same recollection. Mr. Furze stated his recollection is Ms. Davis asked for the eave and her architect fully supported it because he was concerned about the symmetry of the roof line.

The Clerk mentioned Ms. Davis called her about two weeks later and stated there was a problem with the air conditioning and the back steps because the architect measured incorrectly, and the Clerk stated she told Ms. Davis she needs to speak with her architect, because the Building Department cannot do anything due to the Resolution, unless she returns to the Board.

Additionally, Mr. Zabarsky stated that in the Outlook Partners Resolution, #4, he inserted the new language about being able to do a de minimus change without coming back to the Board because of the discussion about the prior verbiage of “strictly adhere to” and how it caused some issues. Mr. Zabarsky suggested Board members take a look at the language to see if they would like to tweak it for future Resolutions. The purpose of this is so there is some discretion by the Construction Official or Zoning Officer as far as aesthetics, but it cannot increase any encroachment, it cannot change the character, or violate a condition. Mr. Zabarsky further stated he directed his legal assistant to make that a part of the standard Resolutions from this point forward.

New Business

There was none.

Public Discussion

The following person came forth:

Rodney Madrid, 37 Egbert Street

A motion was made by Christopher Parlow and seconded by Robert Hein to approve the **vouchers**. All were in favor.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Claire S. Hense". The signature is written in black ink and is positioned above the printed name.

Claire S. Hense