

Bay Head Planning Board
June 20, 2018

The meeting of the Bay Head Planning Board was held on Wednesday, June 20, 2018 at 7:30 PM.

Mrs. Tell 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: Kathleen Tell, Christopher Parlow, William Curtis, Neil Devesty, Thomas Charlton, Kirsten Hinds, John Henry Morris, Rick McGoey

Absent: William Furze, Patricia Wojcik, Mark Durham, Robert Hein, Kevin Feehan

Mrs. Tell stated the Board has two **Resolutions** for review this evening, the first being that of Kenneth R. and Suzanne Q. Craig, regarding property located at 46 Harris Street, a/k/a Block 29, Lot 17, which was approved at the meeting of May 16, 2018.

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

Mrs. Tell stated the next **Resolution** for review this evening is that of 463 Club Drive, LLC regarding property at 463 Club Drive, a/k/a Block 49, Lot 9, which was approved at the meeting of May 16, 2018.

Mrs. Hinds questioned the elimination of a second floor western eave and stated it was her understanding the applicant could keep the one foot eave, as noted in 5G. Mrs. Tell stated that was the applicant's testimony but was not a requirement of the Resolution. A motion was made by Thomas Charlton and seconded by John Henry Morris, to approve the Resolution. Roll call: Yeas: Christopher Parlow, Kirsten Hinds, Rick McGoey. Nays: None

Mrs. Tell stated there are three **applications** to be heard this evening, the first one being that of Kiely Development Co., LLC, concerning property located at 548 Main Avenue, a/k/a Block 58, Lot 12.

Mrs. Tell stated this was not voted upon at the last meeting. Mr. Zabarsky stated he had it in his notes there was a vote of yes but when he conferred with the Board Clerk, apparently the vote was to go out of public comment, and not the actual vote on the subdivision. Mr. Zabarsky stated everyone missed it that there was no vote on the application itself. Mr. Zabarsky further stated he spoke with Mr. Elward, the applicant's attorney, sent him an e-mail about it, and advised Mr. Elward it would be first on this evening's agenda in case they wanted to be here or have any additional testimony. Mr. Zabarsky stated the Board closed the public portion of the meeting, everyone was heard, and there will be a formal vote this evening. Mr. Zabarsky stated he advised Mr. Elward that due to the unusual circumstances, he would take the liberty of

drafting a Resolution for this evening as opposed to a Memorializing Resolution, wherein we would have to wait another month and he is doing this as a courtesy.

A motion was made by John Henry Morris and seconded by Christopher Parlow to approve the application for the subdivision, and to vote on the Resolution of approval. Yays: John Henry Morris, Christopher Parlow, Neil Devesty, Thomas Charlton, Kirsten Hinds, Rick McGoey. Nays: None.

Mrs. Tell stated the second **application** on the agenda is that of James Morris, 146 Grove Street, a/k/a Block 43.01, Lot 12.

Mrs. Tell stated that both she and Mrs. Hinds need to recuse themselves as they reside within 200 feet of the property, and therefore John Henry Morris took over.

Mr. Zabarsky stated we are a nine member Board, we are down to six members, and based upon the nature of the application which is to construct a new house on a lot where a house has been demolished and a rear garage has been left on the property, the applicant is asking for bulk variances. Mr. Zabarsky stated that the requested bulk variances are addressed in the Board engineer's letter which will be marked into evidence, and he enumerated the existing and proposed coverages, calling attention to the front yard setback for the stairs, the maximum allowable lot coverage, and the height of the existing accessory structure, the garage, which cannot exceed sixteen feet. Due to the requested bulk variances, Mr. Zabarsky stated applicant will need a majority of the Board so with six sitting members, he will need four out of the six to vote favorably. He advised the applicant he is entitled to a full Board and if he would like to proceed this evening, he is more than welcome but because he is here without an attorney, he will need four of the six members to vote favorably in order to receive approval. Mr. Morris stated he understood and was ready to proceed.

The following items were marked into evidence:

- A-1 Development Application
- A-2 Survey from Challoner & Associates dated 3/1/13, updated 5/1/18
- A-3 Architectural plans from Jeffrey R. McEntee dated 3/26/18, revised 4/26/18
- A-4 Review letter from Susan S. Brasefield, Board Engineer, dated 6/13/18
- A-5 Hearing Notice
- A-6 Affidavit of Publication

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

James Harold Morris, 12 Jackson Avenue, Chatham

Jeffrey McEntee, 59 Broadway, Suite 5, Denville, NJ, registered architect in NJ, who caused to have A-7 marked into evidence

A-7 Aerial view of property on posterboard, taken from Google Earth, showing the house which has since been demolished and the garage remains. (Note: removed by applicant at end of meeting)

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

The following person was sworn in by Mr. Zabarsky and gave public comment:

Peter Doane, 325 Lake Avenue

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

Mr. McEntee addressed the Board Engineer, Susan Brasefield, and stated he wanted to clarify that what has been presented, aside from the coverage, conformed as far as the design, guidelines with height, and the height of the garage was fine. He then asked Mr. Zabarsky whether they should go to a vote this evening and get turned down, or withdraw their application, and the next step is they should come back with a compliant design that does not need Board approval. Mr. Zabarsky stated it is up to Mr. McEntee's client. He stated they would withdraw their application and thanked the Board for their time. It was suggested to take a "straw" poll.

After the Board was polled, a motion was made by Christopher Parlow and seconded by Neil Devesty to accept the withdrawal of the application. Yays: Christopher Parlow, Neil Devesty, William Curtis, Thomas Charlton, John Henry Morris, Rick McGoey. Nays: None.

Mrs. Tell returned to the dais, and stated the third **application** on the agenda this evening is that of Outlook Partners, LLC regarding property located at 524 Lake Avenue, a/k/a Block 53, Lot 1.

John J. Jackson, Esq., principal in the firm of King, Kitrick, Jackson & McWeeney, LLC, 2329 Highway 34, Suite 104, Manasquan, came forward. Mr. Jackson stated he represents the applicant.

Mr. Jackson stated as everyone knows, this is the old Applegate's Hardware store and this is their third visit to the Board, the first being for two apartments and then the applicant changed it to one apartment and then Sandy happened. Mr. Jackson stated they are under construction now and it is coming along "beautifully", and as the applicants went along with the building, things change and what they are now seeking to do is tweak things.

The following items were marked into evidence:

- A-1 Development Application
- A-2 Memorializing Resolution #2012--07
- A-3 Memorializing Resolution #2016-08
- A-4 Survey from Morris Surveyors dated 7/26/16
- A-5 Architectural plans from Jeffrey Schneider dated 5/11/18

- A-6 Taylor Engineering Co. site plan dated 10/18/16, updated 5/14/18
- A-7 Review letter from Susan S. Brasefield, Board Engineer, dated 6/14/18
- A-8 Hearing Notice
- A-9 Affidavit of Service with Affidavit of Publication

Mr. Jackson asked to have the following items marked into evidence:

- A-10 Colored rendering of original approval
- A-11 Colored photographs of the front and back of existing building
- A-12 Colored photographs of front of building, now #526, of the storefront
- A-13 Colored photograph of #524 (commercial and residential) looking from north to south
- A-14 Colored photograph of backyard on Scow Ditch, north to south
- A-15 Colored photograph view of front door, north to south
- A-16 Colored photograph rear of building taken two years ago

Mr. Jackson stated the changes the applicant made are a little better than what was originally proposed, and more in keeping with Bay Head. Mr. Jackson stated they got rid of some of the black trims and transom windows, changed the roofline and a double slider to a four panel slider in order to capture more of the beautiful view of Scow Ditch. As to parking, Mr. Jackson stated applicant removed the macadam and will keep it as 3 macadam and one stone, for a total of four parking spaces.

Mr. Zabarsky swore in the following witness, who gave his testimony:

Jonathan Younghans, 524 Lake Avenue

After a couple of questions of Mr. Younghans from Board members, Mrs. Tell opened the matter to the public for comments or questions, but there were none.

A motion was made by Christopher Parlow and seconded by Rick McGoey to close the meeting to the public, with all in favor.

The Board was polled and thereafter a motion was made by William Curtis and seconded by Neil Devesty to approve this application, with the condition of the handrail by the new door. Yays: William Curtis, Neil Devesty, Kathleen Tell, Christopher Parlow, Thomas Charlton, Kirsten Hinds, John Henry Morris, Rick McGoey.

Old Business

Mr. McGoey asked for an update on how the Master Plan is coming along, and Mrs. Tell stated she had not yet done anything on it, but will go home this evening and work on it. Mrs. Tell stated she was tweaking it but needs to move it along so she will stop doing that and will e-mail it to everyone

New Business

There was none.

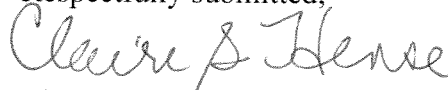
Public Discussion

There were no comments

A motion was made by William Curtis and seconded by Christopher Parlow 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