

Bay Head Planning Board
May 16, 2018

The meeting of the Bay Head Planning Board was held on Wednesday, May 16, 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, Mark Durham, Neil Devesty, Thomas Charlton, Kirsten Hinds, John Henry Morris, Rick McGoey

Absent: Kathleen Tell, Patricia Wojcik, William Curtis, Robert Hein, Kevin Feehan.

Mr. Furze stated the Board had two **Resolutions** for review this evening, the first being that of Playa Bowls, LLC, regarding property located at 62 Bridge Avenue, a/k/a Block 25, Lot 5.01, which was approved at the meeting of April 4, 2018.

A motion was made by John Henry Morris and seconded by Christopher Parlow, to approve the Resolution. Roll call: YEAS: John Henry Morris, Christopher Parlow, William Furze. NAYS: None

Mr. Furze stated the next **Resolution** for review this evening is that of Main Street Bay Head Properties, 536 Main Avenue, a/k/a Block 58, Lot 9, which was approved at the meeting of April 18, 2018.

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

Mr. Furze stated the first **application** to be heard this evening is that of Kenneth and Suzanne Craig, 46 Harris Street, a/k/a Block 29, Lot 17.

Kenneth Craig, 46 Harris Street, Bay Head, came forward.

Mr. Zabarsky noted this matter was originally heard on April 18, 2018 and at that point it was adjourned. Mr. Zabarsky stated he has conferred with the Board Clerk, and those six members in attendance this evening who were at the April 18 meeting are the only ones eligible to vote on this application. Mr. Zabarsky stated it is a nine member Board but we only have six, and because it is a bulk variance request, the applicants need four out of six members to vote in favor of the application, and asked the applicant if he was prepared to go forward with the application this evening, to which Mr. Craig responded in the affirmative.

Mr. Zabarsky stated we have the testimony from last time and since the last meeting there have been more submissions to the Board so we will first mark the exhibits.

The following items were marked into evidence:

- A-12 New page 2 of Application for Development received 5/4/18
- A-13 Revised plot plan from Gravatt Consulting Group updated 5/3/18
- A-14 Revised engineering plans from Albert B. Varosi updated 5/3/18
- A-15 Review letter from Susan S. Brasefield, Board Engineer, dated 5/11/18

Mr. Zabarsky stated before we get started he wanted to clarify something. Mr. Zabarsky stated he had a conversation with Ms. Brasefield and although her letter states the proposed building lot coverage is 45%, it is actually 43.4% based upon the newly revised plans. Ms. Brasefield explained her calculations

Mr. Craig was sworn in by Mr. Zabarsky, and thereafter stated that on May 3, 2018 he and his wife, Suzanne, submitted a revised application. Mr. Craig stated that as the revised application states, the premises have been raised to comply with base flood elevation requirements, and seeks approval of a bulk variance related to building coverage, and focuses on two areas – the steps leading to the front door, and access to the electric meter and an existing side entrance. Mr. Craig then addressed both issues.

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

Albert B. Varosi, professional engineer, professional planner and certified Municipal Engineer in NJ, 52 Harvard Avenue, Point Pleasant Beach.

After several questions from Board members, a motion was made by Neil Devesty and seconded by Christopher Parlow, to open the meeting to the public, with all in favor. There were no comments so Mr. Furze closed the meeting to the public.

After members of the Board were polled, a motion was made by Neil Devesty and seconded by Mark Durham to approve the application with the conditions to relocate the northernmost air conditioning platform to within the buildable area, to negate the shower compartment at this time, and to screen the wood air conditioning platforms from view.

Mr. Parlow wanted to know if there would be clarification about the front yard, to which Mr. Zabarsky replied that the Board Engineer's letter is already at 3.7 feet which is fine, and on that note, the only thing that has to be changed is that the request for building coverage is 43.4%, not 45%. Mr. Parlow stated it might be reduced now because of the shower. Mr. Furze stated that would be part of the overall coverage by structure. Mr. Zabarsky stated it wasn't added but as long as the applicants get a variance for 43.4%, if it reduces it, it reduces it; you can always reduce but you just can't increase.

Yays: Neil Devesty, Mark Durham, William Furze, Christopher Parlow, Thomas Charlton, John Henry Morris Nays: None

Mr. Furze stated the second **application** to be heard this evening is that of 463 Club Drive, LLC regarding property located at 463 Club Drive, a/k/a Block 49, Lot 9.

Roberta Anne Burcz, Esq., 1229 Bay Avenue, Point Pleasant, attorney for the applicant, came forth.

The following items were marked into evidence:

- A-1 Development Application
- A-1 Memorializing Resolution #2016-04
- A-3 Survey from Morris Surveyors, Inc. dated 12/10/14
- A-4 Architectural plans from Archimuse last revised 4/8/18
- A-5 Review letter from Susan S. Brasefield, Board Engineer, dated 5/10/18
- A-6 Affidavit of Publication
- A-7 Affidavit of Service with hearing notice

Ms. Burcz stated the property is in an R-50 zone, the lot size is close to 9,400 square feet which is almost two times what is required for the zone, which is 5,000 square feet, and it is for a bulk variance pursuant to 45D-70C. Ms. Burcz stated the testimony and the documents submitted will show the sole reason for the variances requested is the side yard setback on the north side is supposed to be six feet, which is what is required, and in fact it is only 5.37 feet. Ms. Burcz further stated the house was built in the 1960's, this is how the house was built, and the applicant is not making it worse, is not making the side yard setback smaller, she is just dealing with a hardship. Ms. Burcz stated the second thing having to deal with the sideyard setback is the combined required sixteen feet (16') and what we have here, which is pre-existing, non-conforming, is 11.37 feet.

Ms. Burcz further went on to describe the home's history, and stated if the approval is denied, applicant can return to what was approved in 2016. Ms. Burcz stated after the house was raised and framed out, it was not as the applicant anticipated, the west side bedroom addition was not at all what she envisioned. Ms. Burcz stated her client made a mistake, she did not understand the LLC needed to come back before the Planning Board.

Ms. Burcz caused to have the following items marked into evidence:

- A-8 Posterboard of colored pictures showing "before" and "current"
- A-9 Colored posterboard of house as it currently stands
- A-10 Colored photograph of house on Lake Avenue

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

Judy Davis, 509 West Lake Avenue

Benjamin Kracauer, licensed architect in NJ, of Archimuse, 139 Fulton Street, New York, NY

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

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

MaryLou Visceglia, 440 Club Drive

Peter Harrington, 512 Club Drive

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

After members of the Board were polled, a motion was made by Mark Durham and seconded by Rick McGoey, to approve the application with the concession that there is no requirement that the eave on the bedroom addition be cut back, that the Board will allow that projection. Mr. Zabarsky clarified he had that as a second floor addition, north façade, one foot eave. Mr. Kracauer requested an eave for the south side as well, and Mr. Zabarsky acknowledged north and south façade, the HVAC and generator are not going to be within the setbacks, they are going to conform to the ordinance. Yays: Mark Durham, Rick McGoey, William Furze, Christopher Parlow, Neil Devesty, Thomas Charlton, Kirsten Hinds, John Henry Morris Nays: None

Mr. Furze stated the third **application** to be heard this evening is that of Kiely Development Co., LLC regarding property located at 548 Main Avenue, a/k/a Block 58, Lot 12. **9:10:47**

Michael V. Elward, Esq., 1 Radar Way, Tinton Falls, attorney for applicant, came forth.

Mr. Elward stated this application is for a conforming minor subdivision and the applicant is the contract purchaser. Mr. Elward stated as set forth on the plans from Yorkanis & White dated April 9, 2018, they propose two lots denominated as Lots 12.01 and 12.02, containing an area of 7,500 square feet wherein the Borough Ordinance requires 5,000 square feet.

The following items were marked into evidence:

- A-1 Application for Development
- A-2 Letter from Yorkanis & White Land Surveyors dated 4/27/18
- A-3 Survey from Yorkanis & White dated 3/13/18
- A-4 Preliminary/Final major subdivision plat from Yorkanis & White dated 3/13/18
- A-5 Review letter from Susan S. Brasfield, Board Engineer, dated 5/10/18
- A-6 Hearing Notice Affidavit
- A-7 Affidavit of Publication

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

Keith Kinsey, 511 Garfield Lane, Avon-by-the-Sea, Vice President of Operations for Kiely Development, LLC

Mr. Furze questioned the use and whether it was for personal use or speculation to which the witnesses testified it is for speculation. Mr. Furze observed that the house is on the National Historic Registry, it was built circa 1895 so it is 123 years old, and is an irreplaceable structure.

Mr. Furze stated he was appealing to the applicant to keep the one home in place as it seems to him at this juncture that if the house was renovated, it might be worth more than two modern houses on two narrow lots. Mr. Kinsey stated the intention is to have two high end homes, wood shingles, well-designed and it is not their intention to throw something up. Mr. Furze asked about possibly moving the house, realizing that he didn't "have a leg to stand on".

A motion was made by John Henry Morris and seconded by Thomas Charlton to open the meeting to the public, with all in favor.

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

Peter Doane, 325 Lake Avenue

Heather Robertson, 161 Bridge Avenue

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

Old Business – There was none

New Business – There was none

Public discussion

Peter Doane, 325 Lake Avenue, had questions regarding the property on Lake Avenue which Charlie's is currently using for valet parking. He wanted to know if it was the Board or the Council who is in charge of giving them permission to use it for same. Mr. Furze suggested he contact the Mayor and Council as it is not within the jurisdiction of the Planning Board, and Mr. Zabarsky suggested he could contact the Zoning Officer. Mr. Furze stated he understood it is an active construction site.

A motion was made by Thomas Charlton 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 Rick McGoey. All were in favor.

Respectfully submitted,


Claire S. Hense