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ATTORNEY AT LAW  
536 LAKE AVENUE  
BAY HEAD, NEW JERSEY 08742  
—  
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RECEIVED  
DEC 10 2022  
BY: \_\_\_\_\_

January 10, 2023

The Borough of Bay Head Planning Board  
81 Bridge Avenue  
Bay Head New Jersey 08742

Re: Variance Application  
42 Egbert Street Bay Head NJ

Dear Mr. Chairman and Ladies and Gentlemen of the Planning Board:

Enclosed, please find an application and supporting documentation for a proposed development of the above referenced property. I have been retained by the applicants, Phyllis Reetz, with regard to this application. After the proposed development, there shall be the following non-conforming condition upon the property:

- A front yard setback of 14.9 where 20 feet is the minimum required;
- An east side yard setback of 4.2 feet where 6 feet is the minimum required;
- An accessory side yard setback of 2.3 feet where 4 feet is the minimum required;
- An accessory rear yard setback of 2.1 feet where 10 feet is the minimum required;
- A building coverage of 35.33% where 35% is the maximum permitted; and
- An impervious lot coverage of 55.92% where 50% is the maximum permitted.

The applicant proposes to build an approximately 100 square foot bathroom addition onto the northeast corner of the second floor of the house. All of the specified non-conforming conditions currently exist and would not be altered by this proposed addition. Kindly advise when this application is deemed complete and placed on the calendar for a hearing. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

  
William T. Gage

Enclosure



**BOROUGH OF BAY HEAD**  
 Planning Board  
 83 Bridge Ave., P.O. Box 248  
 Bay Head NJ 08742  
 732-892-0638 Fax: 732-899-6494

**DEVELOPMENT APPLICATION**

Application No. 2023-02

See the Development Application Instructions & Filing Procedures for detailed instructions on completing this application. This application, together with the required fee, attachments and supporting documentation, must be filed with the Board Clerk not later than twenty-one (21) days prior to the scheduled Board meeting date. If this application involves erecting a new structure or substantial alteration of an existing structure, applicants should consult with the Construction Official for compliance with the Borough's Flood Plain Regulations prior to filing this application.

**APPLICANT INFORMATION.**

Applicant Name: Phyllis Reetz  
 Address: 42 Egbert Street  
 City, State & Zip: Bay Head New Jersey 08742  
 Telephone: (770) 864-6327 Fax: ( )

If the Applicant is not the Property Owner, the PROPERTY OWNER AUTHORIZATION section must be completed. Applicant is:

Property Owner     Tenant     Contract Purchaser     Other: \_\_\_\_\_

If the Applicant is a corporation or partnership, the name, address and percentage of ownership of all persons owning 10% or more of the corporate stock or partnership interest must be disclosed. Applicant is:

Individual(s)     Corporation     Partnership     Other: \_\_\_\_\_

**PROPERTY INFORMATION.**

Street Address: 42 Egbert Street Block: 71 Lot: 4  
 Lot Dimensions (feet): 50.16 x 100.16 Lot Area (square feet): 5,016.07 Corner Lot:  Yes  No  
 Zoning District:  R-50     R-100     B-1     B-2     B&B     Conservation  
 Number of Buildings (including garages and storage sheds): 2 Swimming Pool:  Yes  No  
 Current Use:  Vacant  
 Single Family Residence  
 Multi-Family Residence.....# OF DWELLING UNITS: \_\_\_\_\_  
 Commercial.....# OF UNITS: \_\_\_\_\_ TOTAL GROSS FLOOR AREA (SQUARE FEET): \_\_\_\_\_

Hotel, Bed & Breakfast.....# OF DWELLING UNITS (INCLUDING EFFICIENCIES): \_\_\_\_\_ # OF ROOMS: \_\_\_\_\_

Other: \_\_\_\_\_

Proposed Use: Single Family Residence

- Yes  No • Does the proposal increase the present number of uses or dwelling units located on the property or within any building?
- Yes  No • Have there been any previous Planning Board (or former Zoning Board of Adjustment) hearings involving the subject property? If yes, attach a copy of the written decision(s).
- Yes  No • Are there any deed restrictions, covenants or easements affecting the subject property? If yes, attach a copy.
- Yes  No • Does applicant own adjacent property?
- Yes  No • Is adjacent property vacant?

- Check all applicable items.
- Property is located within 200 feet of Borough of Mantoloking.
  - Property is located within 200 feet of the Borough of Point Pleasant.
  - Property is located within 200 feet of the Borough of Point Pleasant Beach.
  - Property is located adjacent to a County Road.
  - Property is located adjacent to a State Highway.

**PROPOSAL INFORMATION.** Summarize the proposed physical changes and use of the property.

Add an approximately 100 square foot bathroom onto the

second story northeast corner of the house.

**LOT INFORMATION**

	Required	Current	Proposed
LOT WIDTH	50 FEET MIN.	50.16	50.16
LOT DEPTH	N/A FEET MIN.	100.16	100.16
LOT AREA	5000 S.F. MIN.	5016.07	5016.07

**ON-SITE PARKING INFORMATION**

	Required	Current	Proposed
PARKING SPACES	2 MIN.	2	2

**BUILDING INFORMATION**

	Required	Current	Proposed
FRONT YARD	20 FEET MIN.	14.9	14.9
REAR YARD	10 FEET MIN.	34.6	34.6
SIDE YARD #1	6 FEET MIN.	4.2	4.2
SIDE YARD #2	6 FEET MIN.	13.1	13.1
BLDG. HEIGHT	35 FEET MAX.	-35	-35
BLDG. COV.	35 % MAX.	35.33	35.33
ACCESSORY BLDG.	4 FEET MIN.	2.1	2.1
Lot Cov.	50 %Max	55.92	55.92

**BUILDING INFORMATION - Corner Lots Only**

	Required	Current	Proposed
FRONT YARD #1	FEET MIN.		
FRONT YARD #2	FEET MIN.		
SIDE YARD #1	FEET MIN.		
SIDE YARD #2	FEET MIN.		
BLDG. HEIGHT	FEET MAX.		
BLDG. COV.	% MAX.		
ACCESSORY BLDG.	FEET MIN.		

**ACTION REQUESTED.**

- Appeal Alleging Zoning Officer Error (N.J.S.A. 40:55D-70e)
- Interpretation of Zoning Map or Zoning Ordinance & Special Questions (N.J.S.A. 40:55D-70b)
- Request for "Bulk" Variances (N.J.S.A. 40:55D-70c)
- Request for Use Variance (N.J.S.A. 40:55D-70d)
- Request for Direct Issuance of a Permit to Build in Bed of Mapped Street (N.J.S.A. 40:55D-76a-1)
- Request for Direct Issuance of a Permit to Build on Lot not Abutting a Street (N.J.S.A. 40:55D-76a-2)
- Request for Issuance of Certificate of Non-Conforming Use (N.J.S.A. 40:55D-68)
- Conditional Use Approval (N.J.S.A. 40:55D-67)
- Waiver of Required Submissions
- Extend Time Period for Previously Approved Application

**Major Site Plan Approval:**

- Informal Review
- Preliminary Plat
- Final Plat
- Combined Preliminary & Final Plat
- Amended Preliminary & Final Plat
- Request for Exception to Site Plan Requirements & Standards (N.J.S.A. 40:55D-51b)
- Minor Subdivision Approval
- Major Subdivision Approval:**
  - Informal Review
  - Preliminary Plat
  - Final Plat
  - Combined Preliminary & Final Plat
  - Amended Preliminary & Final Plat
- Request for Exception to Subdivision Requirements & Standards (N.J.S.A. 40:55D-51a)

OTHER: \_\_\_\_\_

**REASONS FOR APPROVAL(S).** Summarize the reasons why the variance or other requested approval(s) can be granted without substantial detriment to public good or substantial impairment to the intent and purposes of the zone plan and zoning ordinance.

All non-conforming conditions currently exist. No new non-conforming conditions shall be created by the proposed addition.

APPLICATION ATTACHMENTS. Please check all items which are attached to the Application.

- Application Fee & Escrow Deposit    Application Fee: \$ 350.00    Escrow Deposit: \$ 1,500.00
- Tax Collector Certification
- Zoning Officer Denial (for variance applications or Zoning Officer Appeal)
- Property Survey (all applications)
- Plot Plan
- Architectural Elevations and Floor Plan
- Photos of Property
- Environmental Impact Report (Site Plan Applications)
- Site Plan (Site Plan Applications)
- Subdivision

APPLICANT'S EXPERTS. (If applicable)

Attorney William T. Gage  
 Address 536 Lake Avenue  
Bay Head NJ 08742  
 Phone ( 732 ) 899-1200    Fax ( 732 ) 899-1192

Engineer KBA Engineering Services  
 Address 2517 Route 35, Bldg E, Ste 203  
Manasquan NJ 08736  
 Phone ( 732 ) 722-8555    Fax ( 732 ) 722-8557

Architect Mary Ortman  
 Address 719 Trenton Avenue  
Point Pleasant Beach NJ 08742  
 Phone ( 732 ) 892-3304    Fax ( 732 ) 892-3304

Other \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone ( \_\_\_\_\_ ) \_\_\_\_\_    Fax \_\_\_\_\_

PROPERTY OWNER AUTHORIZATION. If the Applicant is not the property owner, provide the following information:

Property Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Subject to applicable penalties, I hereby certify the statements and information submitted with this application are true; that all surveys plot plans and drawings accurately reflect the current condition of the subject property; and I am the owner of the property which is the subject of the within application, and that said application is hereby authorized.

January 10, 2023  
 Date

\_\_\_\_\_  
 Signature of Property Owner or authorized agent

William T. Gage  
 Attorney at Law of the State of New Jersey

REVIEW FEE ESCROW AGREEMENT & APPLICANT CERTIFICATION.

Subject to applicable penalties, it is hereby certified the foregoing statements and information submitted with this application are true and that all surveys, plot plans and drawings accurately reflect the current condition of the subject property. It is further certified the undersigned is the applicant, a general partner of a partnership applicant, or an authorized officer of a corporate applicant.

CHECK IF APPLICABLE: [ ] I hereby certify the plans and specifications which accompany this application were prepared by me, as I am acting as the design of said building/alteration which is to be constructed by myself for my own occupancy or occupancy by my immediate family. The phrase "constructed by myself" does not mean that I intend to personally do the work but that I am the person undertaking the work as owner and principal.

In accordance with §18-59B (Schedule of Fees) of the Bay Head Land Use Ordinance, the applicant agrees to pay an amount equal to the fee(s) which the Planning Board pays to a professional engineer or planner to review the Development Application and agrees to pay an initial deposit and such other additional deposits as may be required to offset these special review costs incurred by the Planning Board. The Planning Board shall not be required to process the application or take further action on the application until such additional deposits are made by the applicant. In the event that additional deposits requested by the Planning Board remain unpaid for a period of sixty (60) days, this development application shall be deemed to be withdrawn and shall be dismissed without prejudice by the Planning Board. In the event the fees imposed are not paid, any development approvals granted shall be considered null and void.

Sworn to subscribed before me this 10  
 day of January 2023

\_\_\_\_\_  
 Signature of Applicant or authorized agent

William T. Gage  
 Attorney at Law of the State of New Jersey

ROBIN WYNNE OSBORN-SMITH  
 NOTARY PUBLIC  
 STATE OF NEW JERSEY  
 MY COMMISSION EXPIRES  
 MAY 27, 2027

**FOR OFFICE USE ONLY**

Applicant Name: \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Application No.: \_\_\_\_\_

Date Application Filed: \_\_\_\_\_

Date Application Certified Complete: \_\_\_\_\_

Scheduled Hearing Date: \_\_\_\_\_

**Calculation of Application Fee & Escrow Deposit**

	<i>Application Fee</i>	<i>Escrow Deposit</i>	<i>Total</i>
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
<b>Totals</b>	_____	_____	_____

**Payments Received**

<i>Date</i>	<i>Cash/Check No.</i>	<i>Amount</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Professional Costs Charged To Escrow Deposit**

Total Escrow Deposit \$ \_\_\_\_\_

<i>Date</i>	<i>Description</i>	<i>Amount</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	<b>Total Costs</b>	\$ _____

**Refund of Escrow Deposit**

Refund Due \$ \_\_\_\_\_

<i>Date</i>	<i>Resolution No.</i>	<i>Check No.</i>	<i>Amount</i>
_____	_____	_____	_____

# Borough of Bay Head

81 Bridge Avenue  
Bay Head, NJ 08742  
(732)892-0638

## Zoning Permit

Block 71 Lot 4  
42 Egbert Street

Permit No.

Status  
DENIED  
Status Date  
12/18/2022

Applicant:

REETZ, PHYLLIS & TOM TRUST  
42 EGBERT ST  
BAY HEAD NJ 08742

Real Estate Owner

REETZ, PHYLLIS & TOM TRUST  
42 EGBERT ST  
BAY HEAD NJ 08742

### Detailed Description of Project

Proposed 2nd story addition and new mechanical platform

### Specific Use Proposed

Residential

### Specific Use Now

Residential

Zone R50

Permit Type Zoning

Applic Accept'd

Property is

Request

### Application Response

#### Disposition Narrative

Existing dwelling and existing mechanical room/outdoor shower do not conform with the front yard setback and side yard setbacks (East side only) in the R-50 zone.

The existing garage, a permitted accessory building, is not conforming with side yard and rear yard setbacks for accessory buildings in the R50 zone.

The existing site is nonconforming with the maximum permitted building coverage and the proposed equipment platform increases the nonconforming building coverage

Proposed 2nd story addition does not comply with 6' minimum side setback.

#### Approval Checklist ('Y' =

DENIED due to nonconforming side yard setback to addition.

The zone chart on the plan notes accessory setbacks. As a point of clarification, Appendix A, § 147-5, identifies only side yard setbacks for Accessory Buildings. As such, the existing garage is nonconforming with the 4-foot minimum accessory building side yard setback and the 10-foot minimum principal building setback for rear yard.

#### Plans Reviewed

-Variance Plan, 42 Egbert Street, Block 71-Lot 4, one sheet prepared by Joseph J. Kociuba, P.E. on 11/28/22 and last revised 12/13/22: Project No. 2022-143

Paul E. Pogorzelski, P.E.  
Van Cleef Engineering Associates - Zoning Officer