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April 22, 2024

VIA EMAIL

Chairman Richard J. McGoey
Borough of Bay Head Planning Board
82 Bridge Avenue, P.O. Box 248
Bay Head, New Jersey 08742

Application No. PBA-24-03

Application for Bulk Variances
193 Park Avenue
Block 12, Lot 53
Borough of Bay Head, Ocean County, New Jersey
Colliers Engineering & Design Project No. BAP-0265

Dear Chairman McGoey and Planning Board Members,

We have received a copy of the above-referenced application for bulk variance approval. The subject of the application includes the demolition of an existing two-story single-family home and construction of a new single-family dwelling, installation of an in-ground pool and associated improvements. The 0.11-acre property is located on the south side of Park Avenue (across from Western Avenue) and is within the R-50 Single-family Residential Zone.

We received the following documents on April 11, 2024:

- Architectural Plans titled, "Kennedy Residence," consisting of three (3) sheets prepared by Jeff Schneider, Architect, and dated March 25, 2023;
- Copy of Board Resolution 2023-07 dated November 8, 2023;
- "Plot Plan Lot 53, Block 12," consisting of one (1) sheet prepared by Lindstrom, Diessner & Carr, P.C., dated June 28, 2023, and last revised April 10, 2024;
- Completed Bay Head Development Application dated April 11, 2024;
- Correspondence from the Applicant's Attorney dated April 11, 2024; and,
- Zoning Officer Denial dated April 16, 2024.

As the Board may recall, this property was the subject of a recent application (PBA-2023-07) approved pursuant to a resolution adopted November 8, 2023. Said approval was for the renovation of an existing two-story single-family home, construction of a rear deck and installation of an in-ground pool. We understand the Applicant commenced the renovation work associated with that approval but is now proposing to completely remove the existing home and construct a new, fully conforming residence.

Condition #14 of the resolution of approval requires the Applicant to "substantially adhere to the plans" as approved. The proposed demolition of the existing dwelling and construction of a new

residence represent a “substantial deviation” and therefore requires further review and approval by the Board.

Furthermore, based on a site visit by the Borough’s Zoning Officer, it was determined that as a result of the demolition, the Applicant had clearly exceeded the definition of “partial destruction” (see photos below), thereby requiring any pre-existing non-conforming conditions to be brought into conformance with current regulations. Section 147-15.D.(1) states in part that:

If any nonconforming building or structure shall be destroyed by reason of windstorm, fire, explosion, or act of God or otherwise to an extent of more than partial destruction as provided for in § 147-2C, then such destruction shall be deemed complete destruction, and the structure may not be rebuilt, restored, or repaired, except in conformity with the regulations of this chapter.



Based on our review of the submitted information and the requirements of Section 147-44.B, the Application can be deemed **complete** as of this date.

We have reviewed the Application for conformance with the Borough Ordinances and offer the following comments for the Board’s consideration:

- The subject of the application includes the demolition of an existing two-story single-family home and construction of a new single-family dwelling, installation of an in-ground pool and associated improvements. The 0.11-acre property is located on the south side of Park Avenue (across from Western Avenue) and is within the R-50 Single-family Residential Zone.
- As noted, the property in question was the subject of a recent Board approval for renovations to the existing dwelling (among other improvements). That approval included several bulk variances for the dwelling, including insufficient front and side yard setbacks. The Applicant commenced renovation work, however, they exceeded “partial destruction” of the existing structure and will now remove the dwelling entirely and construct a new fully conforming residence.
- There are several existing non-conforming conditions associated with the property (*), some of which are proposed to remain, as follows:

Description	Required	Existing	Proposed
Min. Lot Area (SF)	5,000	4,900 *	4,900 *
Min. Lot Width (Ft)	50	35 *	35 *
Min. Lot Frontage (Ft)	50	35 *	35 *
Min. Front Yard (Ft)	20	14.2 *	20
Min. Rear Yard (Ft)	10	72.6	60.8
Min. Side Yard (Ft)	6	0 *	6.1
Min. Combined Side Yard (Ft)	16	8.9 *	16.2
Maximum Height	2.5 Stories/32.5 ft	1.5 Story/23.25 ft	2 Story/28.5 ft
Max. Building Coverage (%)	35	28.3	28.5
Max. Lot Coverage by Structure (%)	50	21.1	34.3
Accessory Structure Side Yard Setback (Ft)			
Shed	4	0.3 *	0.3 *
Pool	4	-	4
Pool Equipment	4	-	8
Accessory Structure Rear Yard Setback (Ft)			
Shed	10	13	13
Pool	10	-	34.7

* Existing variance

** Existing variance to remain.

1. The following existing non-conforming conditions are proposed to remain:
 - a. The existing lot width and the lot frontage are 35 feet where a minimum of 50 feet is required for each. These are existing conditions.
 - b. The existing lot area is 4,900 square feet where a minimum of 5,000 square feet is required. This is also an existing condition.
 - c. The existing shed has a side yard setback of 0.3 feet where a minimum of 4 feet is required, requiring a variance.
2. The proposed dwelling will comply with the applicable bulk criteria, including front yard setback, side yard setback and combined side yard setback, and will eliminate the previously existing encroachment onto adjacent Lot 33. The plan also indicates the existing fence encroachment on the west side of the property will be addressed by relocating the fence to the property line.
3. The plan depicts a 265 square foot "gravel recharge pit". Testimony on how this will function should be provided. Based on the grading shown, it is unclear how stormwater runoff will reach the gravel area.

4. The drainage calculation includes only the area of the pool itself. The area of the surrounding coping should also be included.
5. The following details should be added to the plan:
 - a. Cross-section of the proposed gravel driveway;
 - b. Driveway apron;
 - c. Depressed curb; and,
 - d. Pavement repair.
6. There are several discrepancies on the plans that should be addressed.
 - a. The "Proposed Lot Coverage" and "Proposed Building Coverage" tables refer to a proposed 2-1/2 story dwelling. The Zoning Table lists 2.0 stories.
 - b. The Zoning Table lists the proposed rear yard setback at 60.8 feet. The plan dimensions it at 62.7 feet.
 - c. The reference to a resolution adoption on November 8, 2023, should be deleted from the signature block.
 - d. The Plot Plan dimensions the side yard setbacks at 6.1 feet (east) and 10.1 feet (west). The architectural plan has 6.0 feet and 10.0 feet, respectively.
 - e. Note 6 on the Plot Plan is no longer valid and should be removed.
 - f. Sheet 2 of the architectural plans refers to both floor plans as "First Floor".
 - g. It's unclear if there is attic space, and if so, how it would be accessed.
7. Should the application be approved, all applicable permits will be required.

Should you have any questions or require any additional information, please do not hesitate to contact me directly.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Robert A. Mullin, P.E., P.P., CME, CPWM
Planning Board Engineer

RAM/sh

cc: Darren Erbe, Planning Board Secretary (via email)
Paul Pogorzelski, P.E., Zoning Officer (via email)
Steven A. Zabarsky, Esq., Citta, Holzapfel & Zabarsky (via email)
William Gage, Esq., Applicant's Attorney (via email)
Charles E. Lindstrom, P.E., Lindstrom, Diessner & Carr, P.C., Applicant's Engineer (via email)
Jeff Schneider, Applicant's Architect (via email)