

Bay Head Planning Board
March 20, 2019

The meeting of the Bay Head Planning Board was held on Wednesday, March 20, 2019 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, Dennis Shaning, Thomas Charlton, Jacqueline Keer, John Henry Morris
Absent: Kathleen Tell, Kevin Feehan, Rick McGoey

The February 20, 2019 **Minutes** were approved on a motion by William Curtis and seconded by Christopher Parlow, with all in favor.

Mr. Furze stated there was one **application** to be heard this evening, that of Andrew and Christina Bess, 70 Goetze Street, a/k/a Block 68, Lot 7.

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 Zoning application with denial
- A-3 Plot plan from Lindstrom, Diessner & Carr dated 1/31/18
- A-4 Survey from Lindstrom, Diessner & Carr dated 6/25/15, updated 10/24/18
- A-5 Architectural plans from Mary Ortman, architect, dated 10/10/18
- A-6 Review letter from Susan S. Brasefield, Board Engineer, dated 3/8/19
- A-7 Certification of Mailing with attached Hearing Notice
- A-8 Affidavit of Publication

Mr. Gage stated the property is a vacant lot, there is a garage on the property which will be removed, and the homeowners are proposing to construct a new residential dwelling. He further stated the proposed dwelling requires variance relief as the front setback of the house is proposed to be 14.6 feet where 20 feet is the minimum required, bearing in the mind the 14.6 feet is to the front steps. Mr. Gage stated the façade of the house, the living quarters, shall be twenty feet back from the front property line.

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

Andrew Stanley Bess, 69 Sherwood Drive, Morristown, NJ, property owner

Mary Ortman, licensed architect, 719 Trenton Avenue, Point Pleasant Beach, NJ

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-9 Colored photograph of 74 Goetze Street, taken by the field crew of Lindstrom, Diessner & Carr on 3/12/19

A motion was made by Neil Devesty and seconded by John Henry Morris to open the meeting to the public. All in favor.

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

Melissa Evans, 750 Clayton Avenue

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

After the Board was polled, a motion was made by Christopher Parlow and seconded by Patricia Wojcik to approve the application, with the condition that the garage is to be removed. Yays: Christopher Parlow, Patricia Wojcik, William Furze, Mark Durham, William Curtis, Neil Devesty, Dennis Shaning, Thomas Charlton, Jacqueline Keer. Nays: None

Old Business

Mr. Zabarsky gave an update on the matter of the Planning Board ads. Rantz. He referred to the letter dated February 22, 2019 from Mr. Wilkie of his firm, and stated that basically, Mr. Wilkie viewed Mr. Preziosi's brief on behalf of the Waters'. Mr. Zabarsky stated if the Board will recall, the Board granted a Certificate of Non-Conformity for a sink and toilet in the accessory structure but did not allow the shower. He stated that Judge Troncone of the Superior Court, on appeal by the Rantzs, stated that based upon a case called Zoke (spelling?), that Mr. Petrillo's testimony was tainted because he was not subpoenaed, but rather, was called by the applicant. Judge Troncone felt that tainted his testimony. Mr. Zabarsky asked the Board to recall that Mr. Petrillo recused himself from the Board for that part of the hearing, and we argued that was form over substance and was harmless error if it was error at all. Mr. Zabarsky further stated Judge Troncone disagreed and remanded the matter for a whole new hearing.

Mr. Zabarsky stated the applicant, Patrick Waters, took an appeal to the Appellate Division on Judge Troncone's opinion, his attorneys did a very good job on the brief, and rather than us spending time doing basically the same brief and asking the Board's decision be affirmed, and Judge Troncone's decision reversed, we joined in the Waters' appeal, brief and argument. Mr. Zabarsky confirmed the matter is still ongoing, it is in the Appellate Division, and now the Rantzs have responded via Mr. Liston and it will be scheduled for oral argument at some point. Mr. Zabarsky stated if it is scheduled locally, he will let the Board know in case anyone is interested in attending.

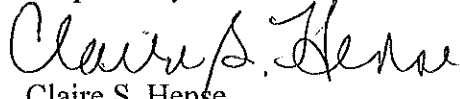
Mr. Furze stated that also under Old Business, he wanted to remind the Board that when we spoke briefly about a tree preservation ordinance and he had a couple of ideas, he stated he has an idea on how to pare it down. He further stated it is not just a land use issue, it's a township ordinance issue as well. Mr. Furze stated what he might do is share some thoughts between now and the next meeting, particularly with Mr. Shaning as he is our liaison on Council. Mr. Shaning indicated he has not mentioned anything to Council as of yet and Mr. Furze asked him to do that to get it out in the open. Mr. Furze stated there are different ways of going about it, both on a planning level and an ordinance level.

There was no **New Business**

Mr. Furze opened the meeting to public discussion; there was none.

A motion was made by William Curtis and seconded by Neil Devesty to approve the **vouchers**. All were in favor.

The meeting **adjourned** on a motion by William Curtis and seconded by Jacqueline Keer. All were in favor.

Respectfully submitted,

Claire S. Hense