

The meeting of the Bay Head Planning Board was held on Monday, March 18, 2013 at 7:30 p.m.

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, Kathleen Tell, Mayor Curtis, Brian Magory, Bart Petrillo, Patricia Wojcik, William Tubbs, Edward Convey, Kathleen Wintersteen, Robert Hein, Fred Applegate
Engineer – Susan Brasefield, Attorney – Steven Zabarsky, Esq.
Absent: Verity Frizzell, Peter Harrington**

The February 12, 2013 minutes were approved on a motion by Ms. Wintersteen, seconded by Ms. Tell with all in favor.

Roll Call:

YEAHS: Furze, Tell, Mayor Curtis, Magory, Petrillo, Wojcik, Convey, Wintersteen, Hein, Applegate

NAYS: None

Mr. Furze stated the Board had for review the application of Mr. & Mrs. Hinds, 449 Holly Avenue, Bay Head, NJ a/k/a Block 43.01, Lot 19.

Ms. Tell recused herself from the hearing of the application.

Mr. William Gage stated he is representing the application.

Mr. Zabarsky confirmed this is a nine member Board and the following members are eligible to vote on the application: Furze, Mayor Curtis, Magory, Petrillo, Wojcik, Tubbs, Convey, Wintersteen, Hein

The following were marked into evidence:

A-1 Revised application, dated March 4, 2013

A-2 Survey prepared by James J. Kuhn, Professional Land Surveyor, Seneca Survey Co. Inc., dated January 2, 2008.

A-3 Letter dated February 11, 2013 sent by William T. Gage to Mr. & Mrs. Jerakis, owners of the property adjacent to 449 Holly Ave.

A-4 Letter dated February 11, 2013 sent by William T. Gage to Mr. DeFazio & Ms. Yang, owners of the property adjacent to 449 Holly Ave.

A-5 Deed Restriction, Pages 348 thru 350.

A-6 Minor Subdivision Plan, for Block 43, Lot 7, prepared by David W. Wallace, Professional Land Surveyor, dated October 25, 1985

A-7 Architectural and Site Plan consisting of four (4) sheets titled, "Proposed Residence for Ben & Kirsten Hinds, 449 Holly Ave., Block 43.01, Lot 19", prepared by Feltz & Frizzell, dated February 22, 2013

A-8 Review Letter from the Planning Board Engineer, dated March 13, 2013

A-9 Proof of Publication

A-10 Proof of Service

Mr. Ben Hinds, 174 Grove St., was sworn in by Mr. Zabarsky.

Mr. Hinds stated in 2009 they sold the front home. FEMA stated the home at 449 Holly Ave. has more than 50% damage and that they were going to total it out. They had four feet of water in the house. They did review other options with Verity Frizzell and this was the best option. Mr. Hinds confirmed this would be their primary residence.

Mr. Gage stated that the property was one lot up until 1985. One of the prior owners brought forth the subdivision application and it was granted, subsequently that is what made the undersized application. This house was on the lot when it was subdivided.

Ms. Wojcik stated the Mayor's mother at that time lived in the small house until she died at almost 100 years old. So when he subdivided it was strictly for his mother.

Mr. Burdick, Professional Planner and Professional Engineer, 1023 Ocean Rd., Pt. Pleasant, was sworn in by Mr. Zabarsky.

Mr. Burdick stated that the project is for the construction of a new home to replace an existing smaller home. The property is an undersized lot. It is at the intersection of Holly Ave. and Maple Dr. which is an alley. It is within the R-50 zone. The existing home was constructed in approximately 1950 and was severely damaged by Hurricane Sandy. The owner wishes to construct a new, 2 story dwelling at the site, elevated to avoid flood related damage. The project requires a variance for lot area and for rear yard setback. The applicant's property is surrounded by fully developed properties and the applicant cannot acquire additional property to bring the property into conformance with the ordinance. The proposed rear yard setback is 4.67 feet where 10 feet is required. However, currently the home is 3.61 from that property line. With regards to the rear yard setback we point out that the home is relatively modest with an 832 square foot footprint. It is set back to meet the front and side yard setback requirements thus minimizing the effect on adjacent properties. Based on this he believes the proposed home will have a minimal effect on the adjacent properties and the property is a unique, undersized parcel. The applicant has proposed a modest residence which will provide an aesthetic improvement to the property and to the neighborhood while minimizing future damage and upgrading the structure to current codes. The home will be taller but

will be set back a little bit further from the property line than the existing condition. The height is consistent with the ordinance requirements. The new home will be in closer compliance than the existing condition. We believe variances can be granted without substantial detriment to the zoning ordinance, master plan or public good.

Mr. Burdick stated to Mr. Magory that the streetscape is consistent with the other buildings in the area. The height of this home is consistent with the other homes in the area. The home immediately south of this home is of about 33-34 feet. The proposed height of this home is between 32-33 feet. The home behind it is a one story dwelling but will have to be lifted as well.

Mr. Furze commented that between the survey dated in 2008 and the subdivision dated in 1986 there is not a full picture given as to what the building dimensions are and what the setbacks are. From now on when we are asked to waive site plan we should be sensitive to these types of things. There are inaccuracies that we are seeing.

Mr. Burdick confirmed to Mr. Furze that Verity Frizzell's area calculations are correct.

Mr. Gage stated to Mr. Hein that the particular situation that affects this particular property is that is a significantly undersized lot.

There being no public comment Mr. Furze caucused the Board Members:

Mr. Convey: Mr. Convey is in support of the application

Ms. Wintersteen: Ms. Wintersteen agrees. The plans are an improvement

Mayor Curtis: Mayor Curtis is in favor. They have maximized the use of a very small piece of property.

Mr. Furze: In Favor. This is the first application since the storm. It has raised many points to prepare the Planning Board.

Ms. Wojcik: In Favor. They have done the most that they can with the small piece of property.

Mr. Magory: All his questions have been answered. In Favor.

Mr. Petrillo: In Favor. They need the space.

Mr. Applegate: In Favor

Mr. Tubbs: In Favor

Mr. Hein: Mr. Hein is concerned about the owner to the East. He will take their not being present as a lack of concern. He is also concerned about setting precedents, but as Mr. Gage had stated it is a unique lot that will not come up again. He also has a small lot and a bigger house. He is in favor.

Mr. Zabarsky confirmed the two requests for variances are the rear yard setback and lot area.

There was a motion made by Mr. Convey, seconded by Ms. Wintersteen to approve the application.

Roll Call:

YEAHS: Furze, Mayor Curtis, Magory, Petrillo, Wojcik, Tubbs, Convey, Wintersteen, Hein

The following were discussed under New Business:

Review of Ordinance 2013-05 entitled “AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 147, ENTITLED “LAND USE.”

The motion was made by Mr. Convey and seconded by Mr. Petrillo to approve the Ordinance with the following revision:

Section 1. The proposed modification should read:

BUILDING LINE - “A line formed by the intersection of an exterior wall or foundation of a building, whichever is closer to the property line, but excluding open steps, cornices and other ornamental features projecting from the walls of the building or structure.”

Roll Call:

**YEAHS: Furze, Petrillo, Wojcik, Tubbs, Convey, Wintersteen, Applegate, Hein
NAYS: Tell**

The recommendation will be forwarded to Mayor and Council by the Planning Board Clerk.

The other recommendation by the Planning Board was to eliminate the definition of “CELLAR” in Chapter 147 because it is included in the new definition of “BASEMENT.”

Review of Kathleen Tell’s recommendation that Section 147-10 be amended as submitted via e-mail March 4, 2013.

I

Omit section A (1) which provides that residential uses are permitted in the B-1 district

Omit section B which permits accessory uses for residential properties in the B-1 district.

There was a motion by Ms. Tell seconded by Mayor Curtis to approve this recommendation.

Roll Call:

YEAHS: Furze, Tell, Mayor Curtis, Magory, Petrillo, Wojcik, Tubbs, Convey, Wintersteen, Applegate, Hein

II

Omit section A (7) and (9). Those subsections permit offices, tradesmen shops and parking lots, respectively, in the B-1 zone.

There was a motion by Ms. Tell seconded by Ms. Wojcik to approve this recommendation.

Roll Call:

YEAHS: Furze, Tell, Mayor Curtis, Wojcik, Tubbs, Convey, Wintersteen, Applegate, Hein

NAYS: Magory, Petrillo

III

147-17 section B: should read “Restaurants and eating and drinking establishments shall be permitted in the B-1 Zone subject to meeting the off-street parking requirements of this chapter, as set forth in 147-13, and subject further to a minimum setback of 20 feet from the restaurant to the nearest line of a single-family residential use.

There was a motion by Ms. Tell seconded by Ms. Wojcik to approve this recommendation.

Roll Call:

YEAHS: Furze, Tell, Mayor Curtis, Magory, Petrillo, Wojcik, Tubbs, Convey, Wintersteen, Applegate, Hein

Ms. Tell will forward these recommendations to Mayor and Council.

There being no public discussion the vouchers were approved with all in favor.

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| Maser/101 Bridge Ave. | \$375.00 |
| Maser/Meeting and Public Attendance | \$300.00 |
| Maser/449 Holly Ave. | \$225.00 |

There being no further business the meeting was adjourned.

Respectfully Submitted,

Laura Tuzzolino
Board Clerk

