

The meeting of the Bay Head Planning Board was held on Wednesday, December 21, 2011 at 7:30 p.m.

Mr. Shore 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 this building and filed with the Bay Head Borough Clerk."

Roll Call: Brian Shore, William Furze, David Kellogg, Mayor Curtis, Bart Petrillo, Verity Frizzell, Edward Convey, Kathleen Wintersteen
Absent: Kathleen Tell, Peter Harrington, Jennifer-Barnes Gambert, Patricia Wojcik, Frederick Applegate
Engineer – Susan Brasefield Attorney – Steven Zabarsky, Esq.

Mr. Shore stated that before we get into the regular meeting he had a short announcement. For those of you that do not know, his term expires this year. He had asked the Mayor not to reappoint him. He is at a point in his life that there are some things taking up his time. He does not think he would be able to dedicate enough time to the position here. He is not going to carry on. Mr. Shore stated that it has been a pleasure to serve with everybody over the last twelve years. He thanked everyone he served with, current and former members, the professionals and Laura.

The October 19, 2011 minutes were approved, as corrected, on a motion by Mr. Petrillo, seconded by Mayor Curtis and passed with all in favor.

Roll Call:
YEAS: Shore, Furze, Kellogg, Curtis, Petrillo, Frizzell, Convey, Wintersteen
NAYS: None

Mr. Shore stated the Board had for review the Resolution of 41 Johnson St., Bay Head, NJ a/k/a Block 82, Lot 7 which was approved at the meeting of October 19, 2011

Corrections by Ms. Frizzell:
Page 4, item 8. Should read: "He testified that there are storm sewer problems due to the trees on Johnson Street and parking is only allowed on one (1) side of the street."
Page 6, item 8. Should read: "The front façade of the structure will be set back further than the adjacent properties located in the neighborhood and, therefore, a front yard setback variance is not detrimental."

Ms. Frizzell motioned, seconded by Mr. Petrillo that the Resolution, as corrected, be approved and passed on a roll call vote as follows:
YEAS: Shore, Furze, Kellogg, Mayor Curtis, Petrillo, Frizzell
NAYS: None

Mr. Shore stated the Board had for review the application for Owen T. Lynch and Diane G. Lynch, 747 East Avenue, Bay Head, NJ a/k/a Block 80, Lot 4.

Mr. William Gage stated that he will be representing the applicants. The property currently has four, non-conforming conditions: a front yard setback of 12 feet, 8 inches where 20 feet is required; a north side yard setback of 2 feet, 5 inches where 10 feet is

required, a building height of 38 feet, 5 inches where 35 feet is the maximum permitted and an accessory structure setback of 4 feet where 10 feet is required.

The application will consist of a modification to the front (east side), beach side of the house and will pertain essentially to the attic floor of the property.

Mr. Gage stated that Mr. Lynch will testify as to some of the characteristics of the house and what he would like to accomplish. Mr. Lederer will testify as to the technical aspects of the application.

The following were marked into evidence:

A-1 Application, dated November 7, 2011

A-2 Denial Letter from Zoning Officer Bart Petrillo, dated November 2, 2011

A-3 Survey prepared by Lindstrom, Diessner & Carr, P.C., dated September 30, 2011

A-4 Architectural Drawings, consisting of two sheets prepared by The Lederer & Wright Partnership, dated October 31, 2011

A-6 Letter from the Planning Board Engineer, dated November 30, 2011 deeming the application complete.

A-7 Review letter from the Planning Board Engineer, dated December 7, 2011

A-8 Proof of Service

A-9 Proof of Publication

Mr. Owen Thomas Lynch was sworn in by Mr. Zabarsky.

Mr. Lynch stated to Mr. Gage that the house was originally built in 1910. They had purchased the home in May, 2002. Mr. Lynch stated that they had done some major renovations to the home. The home was in disrepair. They came in and took out three quarters of the foundation and propped the house up. They took off all the asbestos siding and cedar siding. They put in new windows and new insulation. There was no heat in the home so they put in two furnaces. They put in a new chimney. They put in a brand new kitchen and a new bathroom. They did not however, replace the roof. Half of the roof that was never re-shingled was falling apart. Rather than re-shingling the entire roof, they wanted to address the attic as well. The time has come and that is why they were here.

Mr. Gage stated that over the last ten years or so since they have owned the home, they have taken some significant steps to maintain the home.

Mr. Lynch stated attic space is on the eastern side of the home, the front side of the home facing the ocean. Nothing will change on the western side or the northern or southern side. It is just the eastern side of the house. The proposed east elevation is simply cut into the roof line. There is no additional height to the roof. Half of the proposed area will be an additional living room. The northern side space would be an office. There would also be a bathroom up there.

Mr. Zabarsky confirmed that Mr. Lynch is referring to drawing two of the evidence marked as A-4.

Mr. Lynch stated to Mr. Gage that the current roofing material is an asphalt roof. The eaves around the lower portion are red cedar shake shingles. The rest of the roof will be red cedar shake shingles as well, like you would see on a traditional Bay Head home.

Mr. Gage confirmed to Mr. Shore that there will be mass added inside the setback.

Mr. Lederer was sworn in by Mr. Zabarsky.

Mr. Lederer stated that there is a large volume of attic space. There is an existing stairway that accesses this attic space. It is not a legal stairway. In order to make use of this space and to fully take advantage of the ocean view we are intending to expand that space. We will open up the ocean view with some windows and add a pair of doors to a small deck. This will add functional space out of this attic space. The footprint will remain exactly the same. It is nonconforming on both the north and east side. The new attic space will create some intrusion into the setback. The existing setback is only about 12.5 feet to the building. Therefore we are going to bring the dormer face out to within about 8 feet of the face of the building. This is approximately a one foot encroachment into the east setback. Their concept is to take the gabled roof, as shown on sheet two, and extend it up until it intersects the existing ridge. It will not increase the height of the existing structure.

Mr. Gage stated that the gable currently inside the north side setback is not really being impacted. That is a preexisting condition. The additional part of it will not be non-conforming to the side setback rather to the front setback.

Mr. Lederer confirmed to Mr. Shore that the peak of the new gable will be at 38.5 feet, the same height as the existing house.

Mr. Lederer confirmed to Mr. Convey that the ridge extends all the way out to the face and is called a clipped gable. It keeps with the existing roof line.

Ms. Frizzell stated that the new elevation shows a new copper ridge cap. Would that increase the height ever so slightly of the roof?

Mr. Lederer would like to classify it as a vent not the roof.

Mr. Gage stated, at most, it would classify as a de minimis increase.

Mr. Lederer stated that it is an important component of the shingled roof. It allows for the proper ventilation of the cedar shingles and keeps them dry.

Ms. Frizzell stated the application said there were changes to the second floor plan.

Ms. Frizzell is assuming it has to do with the rearrangement of the stairs.

Mr. Lederer stated it is because of the stairs. It is all internal. It is in the center of the house. They are taking out three feet from one of the bedrooms to create a pathway for this stairway to go straight up.

Mr. Gage stated to Ms. Frizzell since that gable does begin at the second story he put on the application that the modification will be to the second and attic story of the home.

Mr. Lederer stated that the area under the roof of the attic that will have 5 feet or less is 1,114 square feet opposed to the area of the second floor below which is 2,170 square feet. Dividing the larger into the smaller you come up with 51.1% of area that has a head room of five feet or less. So it will meet the definition of a half story.

Mr. Lederer stated the proposed deck is 60 square feet, approximately 5x12. The maximum is 75 square feet for decks above the second story. It is entirely within the front yard setback.

Mr. Lederer confirmed to Mr. Gage that you would not be able to tell the addition took place if you walked down East. Ave. You would not know unless you were walking on the beach. The concept here was to create some functional space but to maintain the character of the existing house. The intentions of the Lynch's from the start, was to keep the house in the character it is. It is a historic house. Their intent and their actions to this point speak to that.

Mr. Lederer confirmed with Mr. Kellogg that the new stairwell to the third floor will conform to code.

Mr. Kellogg stated they were getting rid of a non-conforming situation there and fixing it.

Mr. Furze stated that if this were his home he would like to capitalize on the view to the ocean as well. He would be looking to put a dormer like this on. He is concerned that the increase in the size of this gable is close to the adjacent property owner to the north side. If you look at the northern elevation there is sort of an encroaching feel to this mass. The site plan clearly shows the adjacent property owner to the north is pretty much in alignment with this dwelling. He feels this is a little bit of a visual encroachment on that property owner.

Mr. Lederer stated that the extension of this gable is conforming in the side setback. It is not any closer to the side than the existing gable.

Mr. Shore opened the meeting for public discussion.

Mr. John Holmes, 741 Main Ave. addressed the Board. They look directly at the house. It is a vast improvement.

Mr. Nick Gilman, 810 Main Ave. addressed the Board. He stated that we are very lucky to have neighbors such as this. He agrees that they should take advantage of the view. They have a few great dogs also.

Mr. Shore closed the public portion of the meeting.

Mr. Gage stated his closing comments. This is an old home. It will not impact the neighbors to the north or to the south as far as the non-conforming aspect of it goes. If a type of application like this is turned down it would be discouraging this type of activity, not encouraging it. It will have no negative impact only a positive impact.

Mr. Gage confirmed to Ms. Frizzell that they are making no modifications to the dune platform. It is a preexisting condition that they are not touching. This addresses item #5 on the Engineer's review letter.

Mr. Zabarsky confirmed that the dune platform is a preexisting, non-conforming condition. It should be a condition that they are not going to do any construction in that area.

There being no further comment Mr. Shore polled the Board members:

Ms. Frizzell: Ms. Frizzell thinks it is a very tasteful and modest addition. She thinks it will enhance the house and the personality of the house. Ms. Frizzell has no objection.

Ms. Wintersteen: Agrees with Ms. Frizzell

Mr. Convey: Like a lot of people, he walks by that house all the time. He has seen over the years what they have done to it. Mr. Convey tends to agree it is a good project.

Mr. Furze: Mr. Gilman convinced him.

Mr. Kellogg: Mr. Kellogg walked the property today and what they have done is absolutely magnificent so far. He would encourage them to continue with the project and is very much in favor of the application.

Mayor Curtis: Mayor Curtis is very much in favor of the application. Mayor had also walked the property. He had the same concern as Bill Furze did about sight line from the sides but feels it is not going to infringe on anything. They are maintaining the streetscape and maintaining an old, old home.

Mr. Petrillo: Mr. Petrillo is in favor of the application. He is familiar with the home. They have done a nice job with it.

Mr. Shore: Mr. Shore is also in favor of the application. He feels they have done a wonderful job with the house and should be congratulated.

There was a motion by Mr. Kellogg, seconded by Mayor Curtis to approve the application.

Roll Call:

YEAHS: Shore, Furze, Kellogg, Curtis, Petrillo, Frizzell, Convey, Wintersteen

NAYS: None

Mr. Zabarsky stated the Memorializing Resolution will be adopted at the next scheduled meeting, January 18, 2012.

New Business: None

Old Business:

Historic Preservation Ordinance

Mr. Shore referred the Historic Preservation Ordinance over to Mayor Curtis.

Mayor Curtis sincerely hopes we pick up the ball in the New Year and move forward.

Mr. Shore opened the meeting for public discussion.

Mr. Nick Gilman, 810 Main Ave., stated that he thinks it is great what is trying to be done with the Historic Preservation Ordinance in Bay Head. Mr. Gilman stated last week the Bay Head Historical Society put a plaque out to three homeowners. He would like to see appreciation shown to the other 500 people that are recognized as owning contributing houses towards the application for the Historic District of Bay Head. It could just be a small plaque that you put near your front door. That unifies the 500 people in that category. He hopes we keep up the worthwhile fight and recognize what the applicant is doing is a great addition to the Borough. Mr. Gilman hopes we have more applicants like that to come before the Board.

Mr. Shore closed public comment.

Mr. Zabarsky stated it has been a pleasure to serve with Mr. Shore all those years. He is sorry to see Mr. Shore go.

Mr. Shore thanked Mr. Zabarsky and stated that Mr. Zabarsky had made his job a whole lot easier.

There was a motion made by Ms. Wintersteen, seconded by Mr. Petrillo to pay the following vouchers:

Zabarsky/530 Main Ave.	1,605.00
McCabe & Associates Inc./	
Work Task #5	750.00

There being no further business the meeting was adjourned.

Respectfully Submitted,

**Laura Tuzzolino
Board Clerk**