

Bay Head Planning Board
October 21, 2015

The meeting of the Bay Head Planning Board was held on Wednesday, October 21, 2015 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, Verity Frizzell, Kathleen Tell, Edward Convey, William Curtis, Patricia Wojcik, Robert Hein, Kathleen Wintersteen, Mark Durham, John Henry Morris, Thomas Charlton, Frederick Applegate
Absent: Bart Petrillo

Mr. Furze regretfully announced to the Board and members of the audience that Don Haurie, past Chairman and member of the Planning Board, had recently passed away, and he relayed the viewing and funeral arrangements.

The August 19, 2015 **Minutes** were approved on a motion by Mayor Curtis and seconded by Kathleen Tell, with all in favor.

Mr. Furze stated that the sole **application** on the agenda this evening is that of Stanley E. Gang Revocable Trust, Michael Gang, Trustee, 814 Main Avenue, a/k/a Block 74, Lot 19.

Christopher B. Healy, Esq., Lakewood, NJ, attorney for the applicant, came forth.

Mr. Healy stated applicant Michael Gang is here as the trustee of the trust that is the contract purchaser of the within property, which contract is contingent upon approvals to build a home for the Gang family.

The following items were marked into evidence:

- A-1 Development application
- A-2 Survey dated 6/8/15
- A-3 Architectural plans dated 9/17/15
- A-4 Plot plan dated 9/16/15, and revised 9/29/15
- A-5 Aerial photo from Google Maps
- A-6 Board Engineer review letter dated 10/8/15
- A-7 Hearing Notice
- A-8 Hearing Notice Affidavit
- A-9 Affidavit of Publication

Mr. Healy called the following as witnesses, who were sworn in by Mr. Zabarsky and who gave their testimony:

Michael Gang, 20 Windemere Way, Sparta, New Jersey;

Christopher Rice, licensed architect in New Jersey, member of the firm of Rice & Brown, 544 Washington Boulevard, Sea Girt, NJ, who caused to have A-10, a rendering of the front of the proposed home, the northeast side facing Main Avenue, as well as A-11, a rendering of the rear of the proposed home, the west side facing Clayton Avenue, marked into evidence.

Timothy P. Lurie, P.E. & P.P. from the firm of D.W. Smith Associates, LLC, 149 Yellowbrook Road, Farmingdale, NJ, who caused to have A-12 marked into evidence. A-12 is a Google Maps aerial exhibit dated 10/19/15 of the adjoining properties, super imposed with the pool, pool house and house.

Mr. Healy then caused to have marked into evidence A-13 which is a legal document entitled "Arbitrator's Findings and Decision" recorded in Book 13642, page 86, and dated July 30, 2002, executed by Thomas F. Shebell, Jr., arbitrator.

Mr. Furze opened the meeting to the public for comments. The following person was sworn in by Mr. Zabarsky and gave his testimony:

Nicholas Gilman, 810 Main Avenue, Bay Head, NJ, who caused to have A-14 marked into evidence. A-14 is an Agreement between the Borough of Bay Head and the State of New Jersey, dated February 20, 1979.

After the Board members were caucused, a motion was made by Kathleen Wintersteen and seconded by Mayor Curtis to approve the application, with conditions. Roll call: YEAS: Kathleen Wintersteen, William Curtis, William Furze, Verity Frizzell, Edward Convey, Patricia Wojcik, Mark Durham. NAYS: Kathleen Tell, Robert Hein

Mr. Furze stated under **Old Business**, we have a letter from by Bryan F. McFadden., 134 Bridge Avenue, Block 16.01, Lot 5, whose application was heard at the August 19, 2015 meeting.

Mrs. Tell recused herself as she is a neighbor, and Mrs. Frizzell recused herself as she was not at the August, 2015 meeting when this application was originally heard.

Mr. McFadden was sworn in by Mr. Zabarsky.

Mr. McFadden caused to have A-1, a letter from him dated September 22, 2015 to the Planning Board, marked into evidence.

After stating his reasons for being before the Board, Mr. Zabarsky informed the applicant that this is not an administrative change and he therefore would need to come before the Board again with a formal application. Mr. Zabarsky stated that because Mr. McFadden wants to change the north side setback from ten (10') feet to four (4') feet, it is a substantial change and he needs to make an application to amend the prior approval of this Board.

There being no further business, the meeting adjourned on a motion by Verity Frizzell and seconded by Kathleen Tell. All in favor.

Respectfully submitted,

Claire S. Hense