

**Borough of Bay Head**

81 Bridge Avenue  
Bay Head, NJ 08742  
(732)892-0638

**Zoning Permit**

Block 67 Lot 2, 2.01, 2.02, 2.03  
28 Egbert Street  
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Permit No.  
  
Status  
**DENIED**  
Status Date  
01/26/2024

Applicant:

WILLIAM AND LORI WHITE  
32 COLT ROAD  
SUMMIT, NJ 07901-1670

Real Estate Owner

WILLIAM AND LORI WHITE  
32 COLT ROAD  
SUMMIT, NJ 07901-1670

**Detailed Description of Project**

Demolition of existing dwelling and shed. Construction of a new dwelling, garage, pool, patio and decks

Specific Use Proposed

Residential

Specific Use Now

Residential  
Zone R100-BF  
Permit Type Zoning  
Applic Accept'd  
Property is  
Request

**Application Response**

Disposition Narrative

SEE ATTACHED NARRATIVE

Approval Checklist ('Y' =

DENIED

**Plans Reviewed**

- Plot Plan, Lots 2, 2.01, 2.02, 2.03 Block 67, 2 sheets, prepared by Charles E. Lindstrom, PE on 1/10/24; Project 23052.

- Boundary & Topographic Survey, Lots 2, 2.01, 2.02, 2.03 Block 67, one sheet prepared by William H. Doolittle, PLS on 5/12/23; Project 23052

Paul E. Pogorzelski, P.E.  
Van Cleef Engineering Associates - Zoning Officer

**DISPOSITION NARRATIVE  
ZONING PERMIT - DENIED  
BOROUGH OF BAY HEAD**

*BLOCK 67 – LOTS 2, 2.01, 2.02 AND 2.03 – 68 EGBERT STREET*

01/23/24

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**Plans Reviewed:**

- Plot Plan, Lots 2, 2.01, 2.02, 2.03 Block 67, 2 sheets in number prepared by Charles E. Lindstrom, PE on 1/10/24; Project 23052.
- Boundary & Topographic Survey, Lots 2, 2.01, 2.02, 2.03 Block 67, one sheet prepared by William H. Doolittle, PLS on 5/12/23; Project 23052

- 1) All lots involved in this application are located in the R100-BF zone. Access to Lot 2 is provided by what is shown on the survey to be North Court from Egbert St. I believe North Court is not a public street. *(Note-the name North Court is close to the name of North St, a publicly recognized road name. Emergency responders could be confused by the similarity. Communications between the lot owners and Emergency Services is recommended to ensure everyone is aware)*
- 2) This property is 4 separate tax lots in Tax Block 67. Lot 2 is a, 8,498.16 sf lot with no frontage on a public street. Lots 2.01, 2.02 and 2.03 are riparian encumbered lots totaling 4,625.82 sf. with no frontage on a public street. **The lot is nonconforming with the area and frontage requirements of the R100-BF zone.**
- 3) Minimum Lot Area shall exclude riparian lands. For the purpose of this application and based upon my interpretation of the survey submitted using the "NJ Bulkhead Line" as being the limits of riparian lands, the existing lot area is 8,242.72 sf which is nonconforming. **The existing lot width at the front setback line is 58 feet which is less than the required 100 feet and is nonconforming.** These are preexisting conditions that are not proposed to change with the proposed site development.
- 4) **Dwelling:**
  - (a) The existing dwelling is proposed to be demolished.
  - (b) The front yard setback is to be measured to the "waterfront" which, in my opinion, is the vinyl bulkhead as labeled on the plot plan. The front yard setback proposed for the new dwelling is conforming provided Lots 2.01 and 2.02 are included. Lot 2 by itself does not have access to the bulkhead at the "waterfront". Pursuant to code section 147-6.P this property is to be considered to be merged into one tax lot to make this setback conforming for the purpose of this permit review.
  - (c) **The proposed dwelling is nonconforming with 10-foot minimum or 25-foot combined side yard setback.** The deviations are located at the landing on the north side and the roof overhang on the south side. The proposed chimney is permitted to project into the required side yard by no more than 2 feet and conforms.
  - (d) The rear yard setback, as measured from the east property line is a conforming 29 feet.
  - (e) The proposed building height is shown on the plot plan to conform to the maximum permitted height and maximum number of stories (including half-story requirements).

**DRAFT DISPOSITION NARRATIVE  
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*BLOCK 67 – LOTS 2, 2.01, 2.02 AND 2.03 – 68 EGBERT STREET*

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**5) Accessory Building:**

- (a) The existing shed is to be demolished and replaced with a garage (accessory building) that includes a rooftop generator and air conditioner platform.
- (b) **This proposed new accessory building is nonconforming to the minimum permitted side and rear setbacks of 10 feet for the R100-BF zone (5 feet proposed).** The proposed building height conforms to the maximum permitted height of 16 feet.
- (c) There is an existing dwelling located adjacent to the proposed garage on the north. This rooftop mechanical equipment platform is shown to meet the minimum side and rear yard setbacks for accessory structures.
- (d) Rooftop mechanical equipment has the potential generate noise that can be considered a nuisance. It is presumed that all equipment on this platform will be designed to meet the Borough noise code.

**6) Accessory Structures:**

- a) Pool
  - i) A 10'x20' in-ground residential pool is proposed.
  - ii) The proposed pool is located within the front yard which is permitted in the R100-BF zone. The proposed pool conforms to the minimum bulkhead setback of 20 feet and the minimum side yard setback for accessory structures of 10 feet.
- b) Grill
  - i) A 3.5' x18.7' grill area is shown on the south side of the pool deck. This amenity is a permitted accessory use, however, it must meet the accessory structure setbacks. The proposed side yard setback of 3.5 feet is nonconforming with the 10' minimum accessory structure setback in the R100-BF zone.
- c) Fire Pit
  - i) A fire pit is a permitted accessory use (*accessory use is subordinate use or building, the purpose of which is customarily incidental to that of the main use or building and on the same lot*). Accessory uses are not permitted within the front yard and, as such, **the fire pit is nonconforming.**

**7) Fence**

- a) I do not see specific pool fencing that is being proposed.
- b) I do not see a specific location shown on the Plot Plan for the "Wall with Pillars" shown in the impervious coverage table.
- c) Walls and fences require a separate permit.

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**8) Coverage and Grade:**

- a) The proposed building coverage is conforming (31.3% proposed vs 35% maximum permitted).
- b) The proposed lot coverage is conforming (all buildings, structures, and impervious surfaces- 36.2% proposed vs 50% maximum permitted). It is unclear where the "wall with pillars" are shown on the plan.
- c) A substantial area pervious deck is proposed. This type of deck which does not count as coverage provided the deck meet the specific criteria set forth in the code.
- d) Grade requirements are proposed to be met by directing runoff via new drainage pipe on both the north and south side of the property with discharge through the bulkhead. Grade requirements are defined as "*A reference plane representing the average preconstruction ground level adjoining the building and/or accessory structure(s) at the exterior walls. All new building construction and site grading shall provide certified pre- and post-construction ground level determinations. The post-construction grade at the property line shall not exceed the ground level of those adjoining properties, and the ground level shall be graded so that stormwater either remains contained on the property in question or flows toward the street rather than toward the adjoining properties.*"

For the purpose of this application, there is no street to discharge runoff toward. The applicant does not propose to contain runoff on-site; rather to discharge to the bulkhead through the front yard as defined by the R100-BF zone. The design meets the intention of the code by discharging to the bay. However, **the proposal is nonconforming to the Grade definition requirements.**

Permits will be necessary for the bulkhead discharges.