

The regular meeting of the Bay Head Planning Board was held on Wednesday, May 19, 2010 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, Kathleen Tell,
Mayor Curtis, Bart Petrillo, Peter Harrington, Jennifer Barnes, Verity Frizzell
Engineer – Susan Brasefield Attorney – Steven Zabarsky, Esq.
Absent: Patricia Wojcik, Ed Convey**

The April 21, 2010 minutes were approved on a motion by Mayor Curtis and seconded by Ms. Barnes and passed with all in favor.

Mr. Shore stated the Board had for review Resolution of Mr. and Mrs. Kurt Akersten, 227 Osborne Ave., Bay Head, NJ a/k/a Block 2, Lot 23 which was approved at the meeting of April 21, 2010.

Correction by Ms. Frizzell: Page 8, item 16. Should read: “No building permit shall be issued for any additional construction located on lot 23.01 and/or for the accessory structure on lot 24.01”.

Mr. Kellogg motioned, seconded by Mr. Furze that the Resolution be approved and passed on roll call vote as follows:

YEAS: Shore, Furze, Kellogg, Mayor Curtis, Harrington, Barnes, Frizzell

NAYS: None

NOT VOTING: None

The first application, 2010-05, property located at 98 Osborne Ave., Block 23, Lot 4 was for Mrs. Joanne Carluccio.

Mrs. Carluccio represented the application.

The following were marked into evidence:

- A-1 Application**
- A-2 Survey, dated 4/13/2010**
- A-3 Variance Drawing, dated 4/22/2010**
- A-4 Review Letter from the Planning Board Engineer, dated 5/26/2010 – Deeming the application complete**
- A-5 Review Letter from Planning Board Engineer, dated 5/11/2010**
- A-6 Proof of Service**
- A-7 Proof of Publication**

The applicant proposes to replace the roof on the dwelling to increase the pitch and eliminate water problems. The roof area is within the required front and side yard setback area. The property is located on the north side of Osborne Ave., approximately 200 ft. east of the railroad.

Mrs. Carluccio was sworn in by Mr. Zabarsky.

Mrs. Carluccio stated the roof in the back of the house has a pitch to it from a porch that was added later, after the house was built. Mrs. Carluccio proposes to fix the pitch because it is leaking.

Mr. Shore confirmed with Mrs. Carluccio there will be no expansion on the house, no height changes and no setback changes.

Ms. Frizzell confirmed from the applicant that there will be no replacement of windows.

Mr. Shore opened the floor for public comment.

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

Ms. Barnes: In Favor

Mr. Petrillo: In Favor

Mayor Curtis: In Favor

Ms. Tell: In Favor

Mr. Kellogg: In Favor

Mr. Harrington: In Favor

Mr. Furze: In Favor

Ms. Frizzell: In Favor

Mr. Shore: In Favor

A motion was made by Ms. Tell and seconded by Ms. Frizzell to approve the application.

Roll Call:

YEAS: Shore, Furze, Kellogg, Tell, Curtis, Petrillo, Harrington, Barnes, Frizzell

NAYS: None

Mr. Zabarsky stated that the Resolution for 98 Osborne will be memorialized at the next Planning Board meeting. Mr. Zabarsky stated Mrs. Carluccio may see Bart Petrillo for a permit and move forward at her own risk based on the approval of the application.

New Business:

Planning Board Applications, Process of Being Deemed Complete

It was agreed by the Planning Board Members that Mr. Petrillo will review Planning Board applications and write, in memo outline form, the deemed complete letter.

Mr. Petrillo will contact Susan Brasefield, Board Engineer, with any questions he may have concerning an application. Susan Brasefield will receive a copy of all applications to have on hand as needed.

Any applications with subdivisions or site plans will be reviewed and deemed complete by Susan Brasefield, Board Engineer.

Ms. Barnes would like to take the next step. Ms. Barnes will submit a change in verbage for the ordinance. Mr. Zabarsky will draft a Resolution to the Planning Board members to change the verbage. The Resolution will go to Council for a first and second reading.

Ms. Frizzell mentioned the deemed complete application can come with a request for a waiver but the discretion is from the Planning Board.

Mr. Zabarsky and Ms. Frizzell discussed having a checklist in place for the applications and to add the waiver to the checklist.

Mr. Shore stated some applicants that have presented their case without architectural plans should ask for a waiver. Also, current surveys are needed.

Mr. Shore stated, with the additional alternates, there should be a total of 16 sets of an application submitted. One set of drawing should be sealed.

Letter from Mr. Hein, dated May 12, 2010

Mr. Hein stated he is requesting clear identification of his oceanfront lot at 203 East Ave. (Block 37, Lot 6). The 6/6/07 Reexamination of the Master Plan and Land Development Ordinance in paragraph 3.2 states “There are two lots that are privately-owned beachfront property that are non-buildable due to presence of dunes”. Mr. Hein requested the Board to specifically identify Block 37, Lot 6 as one of the two identified non-buildable lots due to the 15 – 20 foot dune existing there.

Mr. Hein, historically, had been taxed as a non-buildable lot. The designation was changed. Mr. Hein is currently being taxed for that property as a buildable lot.

Mr. Zabarsky stated Mr. Hein’s issue should be reviewed by the Bay Head Borough Attorney, Jean Cipriani and the governing body.

Mayor Curtis stated it is up to council to name a lot.

Ms. Tell stated the Planning Board can not determine if a lot is buildable or non-buildable.

Mr. Zabarsky and Mayor Curtis agreed that all correspondence pertaining to Mr. Hein’s request be brought to the Mayor to address.

Demolition Delay Ordinance

Mr. Furze outlined the discussion held at the Demolition Delay Ordinance Committee Meeting on Tuesday, May 11, 2010.

Mr. Furze stated that the Planning Board was well represented.

**Andrea Tingey, Principal Historic Preservation Specialist,
Timothy G. Hart, Division Director, Ocean County Cultural and Heritage Commission
and the Committee discussed the following:**

- 1. Managing change**
- 2. Forming a committee. Launching a town seminar (“an appreciate your town” type seminar)**

3. A Demolition Ordinance is difficult to achieve by itself and should be a component of the historical preservation element of the Master Plan. The Demolition Ordinance should be tailored to your community.

Andrea Tingey and Timothy Hart stated using any other town's ordinance as a model only and the Demolition Delay Ordinance should be tailored to your own community.

Mr. Furze stated there is a five prong approach. The Committee discussed three:

- 1. Historic Survey, done in 2005.**
- 2. Master Plan Element.**
- 3. Forming a commission to promote in town.**

Mr. Furze will clarify with Andrea Tingey, her mention of the 1980, County Survey.

Mr. Furze mentioned reviewing Tuckerton's and Beach Haven's Demolition Delay Ordinances. The preservation element of the latter was fought for years but has since gained some ground.

The idea was proposed to offer incentives such as federal tax credits.

Mr. Furze mentioned income generating properties.

The fourth prong was education. It was discussed that there has to be an educational element (e.g.: "Historical Bay Head").

Mr. Furze stated the town will have questions. There may be opposition. That is where the educational component comes in. This will get some momentum going and some backing.

Mr. Furze will contact the environmental commission in Savannah, GA. They have a very strong preservation element.

Mr. Harrington stated that there has to be a preservation of streetscape. The historical designation is close to being taken away if something is not done.

Mr. Shore stated the first step should be a "meet and greet" with the area realtors. The realtors can distribute information packets to potential buyers (e.g.: Bay Head has a historic designation. Give a history of Bay Head).

Ms. Frizzell had asked, when the historical designation was given, were the owners of the houses educated that they had a historical home? If they knew maybe they would not tear them down.

A mailer might be sent to these historic homes thanking them for being a part of historic Bay Head.

Mr. Harrington mentioned Ed King is working on a walking tour.

Ms. Tell mentioned receiving help from the high school children and college students. These students can build websites and host tours.

Ms. Tell will reach out to the School Board.

Ms. Tell suggested starting a contest or project that children and others could bring forward their ideas.

It was discussed that each historical house could receive a plaque.

Mr. Shore stated that there is the educational piece and the pursuit of the ordinance. Mayor Curtis agreed that education is the key and we could utilize our own Bay Head website as an educational tool. We could have a Bay Head Historical Society website.

Planning Board Escrow Fees

Ms. Tuzzolino, Clerk to the Planning Board, confirmed the escrow funds often fall short for the processing of professional fees paid by the applicants. Mr. Shore stated the escrow fees should be increased by \$500.00. Mr. Zabarsky will draft a letter to be reviewed at the next meeting.

Mr. Shore opened the floor for public discussion.

Mr. Shore closed public discussion.

A motion was made by Mr. Harrington, seconded by Mr. Petrillo to pay the following vouchers:

Maser/128 Cranberry Ave.	814.00
Maser/Public Attendance	148.00
Zabarsky/101 Bridge Ave.	1,290.00
Zabarsky/22 North Street	260.00
Zabarsky/Litigation for Mauro	285.00
Zabarsky/Public Attendance	150.00

There being no further business the meeting adjourned.

Mr. Shore offered the following Resolution to go into executive session.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 19:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Planning Board of the Borough of Bay Head, in the County of Ocean, State of New Jersey, as follows:

1. The public shall be excluded from the discussions of and actions upon the hereinafter specified subject matter.
2. The following subject involves matters of attorney/client privilege:

Legal
3. It is anticipated that the matter discussed will be made public at some point in the future.

4. This Resolution shall become effective immediately.

The Governing Body went into Executive Session at 8:52 p.m. At 9:32 p.m. the Governing Body came out of executive session and resumed the regular meeting.

The motion was made by Mayor Curtis and seconded by Ms. Barnes to come out of executive session.

Mr. Shore called regular session back in order.

There being no further business the meeting was adjourned.

Respectfully Submitted,

**Laura Tuzzolino
Board Clerk**

