

The meeting of the Bay Head Planning Board was held on Wednesday, May 18, 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, Jennifer Barnes-Gambert, Verity Frizzell, Edward Convey, Kathleen Wintersteen, Fred Applegate
Absent: Kathleen Tell, Bart Petrillo, Peter Harrington, Patricia Wojcik
Engineer – Susan Brasefield Attorney – Steven Zabarsky, Esq.

The March 16, 2011 minutes were approved as corrected and passed with all in favor.

Mr. Shore stated the Board had for review Resolution of Mrs. Angela Schroeder, 618 East Avenue, Bay Head, NJ a/k/a Block 63, Lot 16 and 17 which was approved at the meeting of March 16, 2011.

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

YEAS: Shore, Furze, Barnes, Frizzell, Convey, Wintersteen

NAYS: None

Mr. Shore stated the Board had for review Resolution of Mr. William Gluck, 30 Karge St., Bay Head, NJ a/k/a Block 33.01, Lot 1 which was approved at the meeting of March 16, 2011.

Ms. Barnes motioned, seconded by Ms. Frizzell that the Resolution be approved and passed on a roll call vote as follows:

YEAS: Shore, Furze, Barnes, Frizzell, Convey, Wintersteen

NAYS: None

There being no new applications filed, Mr. Shore stated the next item on the agenda under new business is the discussion of the enforcement of memorializing resolutions.

Mr. Shore stated that there have been a few cases where not all the items on a couple of resolutions were adequately enforced or enforced in a timely manner. Mr. Shore stated he had a conversation with Bart Petrillo to see what his process is. Bart does have a process in place. He files each memorializing resolution and then cross references each resolution with every building permit that comes in and then asks the applicant to adhere to those items in the resolution. Mr. Shore stated there still seems to be a hole in the process. There have been a couple of them that have been missed. Verity Frizzell had mentioned before the meeting that Mantoloking has a process in place where they have a certificate of compliance.

Ms. Frizzell confirmed that Mantoloking has a process that you would have to get a certificate of compliance before you would get a certificate of occupancy. The

zoning officer would have to review the final project before it can go back to the building department for a certificate of occupancy.

Mr. Kellogg asked if the final as built survey gets checked against the original planning board resolution or alternatively does our zoning officer review the project to see that everything in the resolution is complied with. It should be.

Mr. Furze stated if you miss it the first round you are going to miss it the second round as well.

Mr. Kellogg stated that if there is a hole in the process it is when the plans are submitted they are not checked against the resolution. They are dealing with one now. There is a dilemma. The question now is how do they deal with it?

Mr. Convey asked if it was determined how it was missed.

Ms. Frizzell asked that once the plans go through zoning and get brought over to the building department does the zoning officer go back and look at things or is it now in the building construction official hands? If he doesn't, maybe this certificate of compliance would have him go back and look at the finished product if he doesn't already.

Mayor Curtis stated that he and Ms. Barnes will check if the Borough of Bay Head has an ordinance requiring a certificate of compliance and if it doesn't, we should write one. If it does we will discuss it with the proper people to do the following up. There are three cases, one that was just passed tonight, that in thirty days you have to have the garage torn down. That is simple if you look at it. We had Theresa's South that went almost two years plus that had a refrigerator outside. It was clearly written up that it had to be removed or put inside. It wasn't until people started complaining that any summons was issued. Another is one that Brian Shore and I are familiar with on Warren Place. The Vorhees' property was supposed to come in with a survey and we do not know if they did or not. In checking with Bart Petrillo, they did not. That was required in a resolution that did not require the building of a home. The property had to be properly surveyed and it wasn't. So, Bart Petrillo has written a letter requesting the survey either be performed or a copy of what was done be given. These are three quick examples of what can be overlooked after we pass a resolution. Mayor Curtis is not blaming anyone but there should be a procedure in place.

Mr. Kellogg mentioned that for the height of a home, a height certification is requested when the ridge pole is set. The timing by which the height certification is received is important. There should be a mechanism of not letting building proceed unless our requirements are met.

Ms. Frizzell stated that it could be a staffing issue as well.

Mr. Kellogg stated it is not our requirement to do it. It is the applicant's requirement to have to do it.

Mayor Curtis stated we have to put some controls in place.

Mr. Shore stated, that under old business, he had spoken with Mr. McCabe. He should have a draft of the Historic Preservation Ordinance to us by this weekend.

Ms. Tuzzolino will e-mail the committee members for dates to meet.

Mr. Convey asked if there is any chance of the planning board members receiving a copy of the draft.

Mr. Shore stated that first the committee is going to review the draft to see if it would need any modifications. Then after that we are going to distribute that to both the planning board and council. The committee is going to take the first pass at it.

Mayor Curtis encourages the planning board members, after they have seen the draft, to state their feelings on this particular ordinance. Also, we should hold a public meeting which the council will arrange that will include the planning board. It will be a workshop to discuss this item only. It will not be during a regular council meeting.

Mr. Shore opened the floor for public discussion.

Mr. Ed King addressed the Board.

Mr. King stated he would be glad to meet with Mr. Convey or anyone else to review any information with them.

Mr. King stated people think these historic preservation ordinances prevent tear downs, but they don't. What they can do is delay a tear down. From what Mr. King learned at the last seminar, what you end up with historic preservation ordinances is a design review committee. It is more of an advisory committee to the applicant. Sometimes you are doing the applicant a big favor. Most people do not want to build a house in a community that sticks out like a sore thumb. That way you can give the applicant some guidance. If someone tears down a home the committee can review the architecture of the house being built in its place. It is about maintaining the architecture in the community. In Bay Head, in his opinion, most architects that have worked here in Bay Head have been pretty sensitive to the architecture of the town. The overall purpose is to try and retain the atmosphere of Bay Head in form of its architecture and try to prevent tear downs the best you can.

Mr. Shore closed public discussion.

There was a motion made by Mayor Curtis and seconded by Mr. Kellogg to approve the vouchers with all in favor.

There being no further business the meeting was adjourned.

Respectfully Submitted,

**Laura Tuzzolino
Board Clerk**

