

Bay Head Planning Board
March 29, 2017

The special meeting of the Bay Head Planning Board was held on Wednesday, March 29, 2017 at 7:00 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 Asbury Park Press, and posted in the corridor of the Borough of Bay Head, and filed with the Bay Head Borough Clerk.”

Roll Call: William Furze, Kathleen Tell, John Henry Morris, Mark Durham, Robert Hein, Thomas Charlton, Neil Devesty
Absent: Patricia Wojcik, William Curtis, Frederick Applegate

Mr. Furze stated the order of business this evening is the continuation of the review of the Master Plan Re-examination report

Gerald DeFelicis, P.P. of Master Consulting, P.A., 331 Newman Springs Road, Suite 203, Red Bank, N.J. addressed the Board.

Mr. DeFelicis stated that what he brought tonight was the recommendations for both of the Neighborhood Plans, and he and Susan Brasefield spoke about possibly going through the revised Master Plan which Board members should have received via e-mail. A Board member pointed out he did not print out the revisions since Ms. Brasefield indicated in her e-mail that she would bring copies to the meeting.

Mr. DeFelicis further stated that since the last meeting, he has been working on the revisions to the Master Plan and the two neighborhood plans, and he would like to discuss them this evening. He stated he would like to go through the initial recommendations to the two neighborhood plans to get that moving, and then stated he would provide Board members with copies of the full reports for both the Bay Front and Twilight Lake. Mr. DeFelicis passed around some plans and stated he and the Board would then go through the Master Plan. After the last meeting, he asked himself “where is the vision?” so he went back and realized what had been delineated as the two neighborhoods are neighborhoods but there is no sense of connection. Mr. DeFelicis stated what he came up with for the Twilight Lake area is there are a bunch of pieces but no whole. He took an idea from a project he worked on years ago in Burlington County. He further stated the problem is you cannot get from Cranberry and West Lake over to the other side of the lake. Mr. DeFelicis stated the idea is to use a hinged section floating walkway which would rise and fall with the tides in order to walk across the water. He stated there is now a route to walk all the way around the lake, and by using the existing walkways you could walk around the entire perimeter of the neighborhood, engaging the lakes and engaging the downtown.

Several Board members had questions regarding how the walkway was tethered, the materials which would be used for construction, about not impairing the Borough’s resiliency. Mr. Furze

questioned whether or not the Lake belongs to the State and questioned the Borough's entitlement to use same. Ms. Brasefield stated the Borough would need to obtain permits.

Mr. Charlton mentioned that in the Bike & Pedestrian Plan, there was a technical review of Twilight Lake as the first step in building the bridge, and so there is quite a lot of technical documentation on this including required permitting and an assessment of the wetlands impact there. He further stated that document has already been completed and contains helpful information

Mr. DeFelicis spoke about how the 2 areas at the corner of Lake & Twilight are separated by a drainage ditch. He mentioned the possibility of a dog park on one side and a sitting area on the other. He also mentioned how the Borough has Howe Park, Centennial Park and the ball fields at the elementary school but that again, there is no connection.

Mr. DeFelicis also mentioned there are two parts of each of the recommendations sections for the neighborhood plans, the one part which is this part – having a vision for the neighborhood, and the other is discussion of resiliency measures. There were questions regarding who would conduct analysis regarding potential harm to any animals and wildlife and Mr. Charlton again stated all of that was covered in the Bike & Pedestrian Plan. Other questions were concerning licensing regarding the width of the bridge to which Mr. Furze replied it is a pedestrian bridge. Mr. DeFelicis stated we would need to discuss architecture. Ms Brasefield stated she had copies of recommendations Mr. DeFelicis stated it would take between 3 to 5 years to get permitted to build.

Mr. DeFelicis stated the other neighborhood is for the Bay Front which addresses the street ends at Goetze, Johnson, and Strickland which are not privately owned. Mr. Hein stated there is a separate project in the Municipal Access Plan, about which most people are not aware, and nothing has been done about it yet. Ms. Tell mentioned kayak access from Scow Ditch and Mr. Hein stated it could be done at all the street ends. Mr. DeFelicis stated behind Centennial Park there is access and Mr. Hein stated that whole section is underutilized. Mr. Hein further stated Holly Park is owned by the Borough as well as the railroad right-of-way which stops at Johnson.

Mr. DeFelicis stated a lot of the bay front neighborhood is filled, which everyone will see when he sends the whole report, so there are concerns there with bulkheads, drainage, outfall pipes and elevations as it is lower than the ocean side. He further stated the idea is there is one resource not being used and it is 1,900 lineal feet of 50 foot wide of right-of-way. He stated the thing that happens with bay front is there is no real open space. You basically have street ends and the ability to walk back towards town, but you have this 50 foot wide railroad right-of-way which runs along the entire east side of Clayton Avenue.

Mr. Hein indicated the Mayor is in the process of signing an agreement with the NJ State Department of Treasury and the Borough will have an agreement going forward to take control of that right-of-way. He indicated they are working with the Go Bay Head and Bay Head Environmental Commission to turn that into a pedestrian walkway and bike path.

Mr. DeFelicis stated there are some encroachment problems a little further down. Mrs. Tell wanted to know if it would be better to plant with native species for resiliency.

Mr. Charlton stated if they'd known about all of this, they would have given input. Mr. Hein stated there are two parts of this, none of this was in the proposal, and he had no idea about Part A; the only part of the proposal which Maser Consulting put forward was the part that was skimmed over, which was when the big wave comes, it's not good for Bay Head. Mr. Hein indicated that while it might happen to be true, he was looking for some solutions and in looking at the chart for the two (2') foot rise, which he is assuming no one sitting here will see because it is by 2,100 or so, then that might be a reality, in which case the Twilight Neighborhood plan and part of the Bay Front neighborhoods plan will be significantly impacted.

Mr. Charlton further stated he didn't realize we were going to get into the visionary area but he's glad that we are doing that, but that is different from where he thought the Board was going. He stated he could support that, but when he originally looked at the Master Plan he wasn't sure it was a visionary document or a technical document because historically it has been more of a technical document. Mr. DeFelicis stated it was both. Mr. Charlton stated the Board has been thinking more about where we should be going in our perspective, looking at an active, open, dynamic community and what the elements are of that, building off some of the things done in the Bicycle Pedestrian Plan. Mr. DeFelicis stated that was the idea behind the Neighborhood Plans – to make it more active, dynamic and resilient.

Ms. Brasefield stated it is important to include all these ideas into these plans and that in order to line up planning grants, it is important that these were discussed earlier. Mr. DeFelicis stated the issues are extremely difficult, i.e., how do you handle stormwater at sea level? Do you pump it out and if so, to where do you pump it? He further added it is a very difficult and complex question but this plan is not really about solving them, it is about making sure they are identified.

Mrs. Tell questioned whether pools are good or bad in areas such as Bay Head, as to the possible displacement of water vs. if you are effectively placing a cistern in the ground, maybe it's a gathering place for water. Mr. DeFelicis said he has addressed this in other towns, e.g. should a swimming pool be considered an impervious surface because it doesn't allow the water to go back into the ground because it goes into the swimming pool. Mr. DeFelicis stated that it seems to him, in his experience, that most towns are benign on swimming pools but displacement of ground water could only occur if you had an awful lot of pools. You need to look at the whole bay because you're talking about an eyedropper as to the swimming pool size versus the size of the bay next to it.

Mr. Furze stated that to the property owner who is immediately adjacent to someone who has a pool that is only four (4') feet off the property line, and who can't use their lot because the water is so bad, that is to what Mrs. Tell is referring. Mr. Furze stated he has raised that question to Ms. Brasefield before. Mr. DeFelicis stated that is an issue of drainage with which he has dealt in the past and for example, you can't raise your swimming pool up so it drains into your neighbor's yard and the neighbor's yard becomes a mud puddle, and that is a different issue. Mr. Furze stated the fact is that it is taking up perhaps 30,000 gallons of water which would normally be soil that could be percolating when it's only 4 feet off the property line because that is what is

permitted by Code – it’s an issue in a lot of areas. Mr. Furze further stated it is probably on an individual basis and the analysis would tell you whether it is a good thing or a bad thing. Mr. DeFelicis stated a homeowner with a pool should be able to handle the run-off on their own property. Mr. Furze stated there is a subsurface volume there and you are not able to percolate the surface water. Mr. Hein stated he would say it is a wash because what would have percolated is now staying in the pool. Mrs. Tell stated that when the water table, such as at her house, is 11” below ground and then you put in a pool, that is displacing an awful lot of water. Ms. Brasfield said it depends on the elevation of the property for that. Mr. Hein stated it might affect the area for a day or two, but he would be stunned if it affected it beyond that period of time.

Mr. DeFelicis stated he would clean the plans up a little bit. What he wanted to do tonight was to go through the recommendations so we can at least get that discussion started. He stated the lake project cost to do all of that meant we are probably talking in the area of about \$5-7 million which is not inexpensive, but to cost them out was not the idea; he just wanted to give the Board “something to chew on”.

Note: At this point in time, Mr. Morris excused himself from the meeting.

There ensued recommendations for the Master Plan. At one point, Mr. Furze recommended the Board re-visit the historical district area for the Master Plan; he recalled past push-back it received for various reasons. Mr. Furze also recalled his point at that time was that it appeared to be legislation and stated when you are trying to achieve something like this, the willingness of people to embrace it is more important than the manifest itself. Mr. Furze stated that is why it never went anywhere – it was met with a great deal of resistance and there were many concerns about it.

Zoning Ordinance changes were also discussed regarding pervious and impervious coverage. Mr. Furze stated the Borough has very liberal lot and bulk requirements and he would like to address that, and stated all this time he has asked for consideration of a 5% reduction of lot coverage and it was not well received. Ms. Brasfield suggested one of the things we could look at to make it more agreeable to residents would be to make consideration of exemptions for existing, which she believes we do have now, but maybe some re-wording is necessary. Ms. Brasfield stated the big thing she recalled hearing at the meetings for the 2007 Master Plan update was that residents were worried that anything they did to their houses at that point would require them to pay monies to come to a Planning Board meeting to get the changes approved. Mrs. Tell observed that especially now that the houses are getting so tall, it makes a lot of sense to reduce that coverage, maybe to increase the side yard setbacks.

Regarding curb cuts, Mr. Furze stated he would be willing to put into writing what is a good starting point and he would share it with Maser Consulting, and they could compare it with their experiences in other towns. He further indicated he would be in favor of having only one limited access curb cut per lot and if someone wanted to have 2 for a circular driveway, they have the option of coming before the Board. Shared access was also discussed.

Mrs. Tell brought up the fact that accessory structures cannot be used for sleeping and a discussion ensued about that. Mr. Furze stated he will come to the April meeting with some wording for that particular matter. More points were discussed - requiring applicants to the Board to provide electronic copies of plans; the possible decrease in building coverage; parking limits; add to the plan about revisiting building heights; and concerns about any time you are converting from commercial to residential, a variance should be required in order to do so.

Mr. DeFelicis stated he would re-work the list as a result of all these discussions and if anyone had comments regarding Ocean County matters, he requested members let him know as all he (Mr. DeFelicis) did was repeat from 2014. He also stated he would re-work items from the discussions, and it appears as though a lot of them had to do with the zoning issues overall. Mr. DeFelicis said he will also go back and look at the coverage in the by-laws, which Mr. Hein stated was in there. Mr. DeFelicis then stated if anyone had any recommendations or comments regarding the first 29 pages of the Master Plan, to please let him know.

Mr. Hein was concerned that what wasn't addressed was a recommendation regarding a plan for looking ahead to 2100. Mr. Hein stated that right now, no one has said this would happen and there is no good answer for it. No one has turned to the residents and advised that hypothetically, by year 2100, Twilight Road could be under 3" of water and this is what we're doing about it. He stated unless we do the draconian measure similar to what they did in Galveston – we build a big bulkhead around Bay Head and raise the entire town 16' over a 2 month period – unless you do that, it's going to be under water. Mr. Hein stated he is not disagreeing but no one has come out and said that. Mr. Hein reminded Ms. Brasefield and Mr. DeFelicis that the proposal was to identify the problems which were going to occur with flooding and ways to mitigate. Ms. Brasefield stated the reasonable plan would be for everyone to raise their houses.

Mr. Hein stated that in the Plan, it was stated that by 2177 we are going to be at a 2 foot rise based upon the 140ml raise or whatever numbers are in there, this is our expectations – see Map A which has a 2 foot water line on there, and as of right now we have no mitigating good ideas for you - if that is, in fact, the answer. Verbiage was suggested by Mrs. Tell for the Plan. Mr. Hein suggested they go back and look at their proposal, and Mrs. Tell said it would be helpful to say there was no answer if that is the case.

There was no **New Business**.

There was no public in attendance and so there was no **Public Discussion**.

The meeting **adjourned** on a motion by Neil Devesty and seconded by Robert Hein. All were in favor.

Respectfully submitted,

Claire S. Hense