

Bay Head Planning Board
September 27, 2017

The special meeting of the Bay Head Planning Board was held on Wednesday, September 27, 2017 at 7 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, William Curtis, Neil Devesty, Robert Hein, Thomas Charlton, Kirsten Hinds, and Kevin Feehan

Absent: John Henry Morris, Patricia Wojcik, and Mark Durham

Mr. Furze stated this meeting is a continuation of our Master Plan re-examination, and thanked those who contributed to the commentary on this document thus far. He further indicated there may be a little way to go yet and requested if any of the general public did not see a copy of the Master Plan re-examination, to please present questions as it is discussed this evening as there is yet a bit to do as the Board gets through it.

Mr. Furze stated the Board's Engineering firm, Maser Consulting, put together a report, which Mrs. Tell went through and "polished the language", and he went through and highlighted what he thought was of interest. Mr. Furze further stated there are a lot of statistics in the report and based upon those statistics, he wanted to know if there is anything we want to do differently in town insofar as our vision for the town's future. He stated for example, there are some statistics regarding what the nature of the construction is in our town, that being primarily residential, and if there is someone who thinks it is not a good idea to continue that nature of the town, then that is something which would be included in the Master Plan. He stated if we want to exercise eminent domain on a whole block of people and move them out and make it a commercial zone, that is something that would be discussed. Mr. Furze further stated what makes us unique is that we do not have a lot of yet-undeveloped property in town.

Mrs. Tell stated the last time the Board did this back in 2007, everyone pretty much wanted to keep Bay Head the way it was because everybody liked the nice residential town, liked having business districts which have some vitality to them, liked having a school. She further stated that those things, both in 2003 and 2007, were things the Board liked and tried to articulate a vision for the future, and the Board wanted a future to look as it does right now. Mrs. Tell stated there were some modifications regarding better circulation through the town, but that was the vision as well as a concern about establishing some protection or encouragement for preserving older homes in order to retain our designation on the National Register's list of historic places. Mrs. Tell then asked all in attendance if any of them had a different vision of the town going forward.

Mr. Furze reiterated that at the last examination, one of the hotly contested items was the preservation of the historic character of the town. He stated essentially the Board attempted to

promote a demolition delay ordinance to keep people from hastily demolishing an older home but that did not take. Mr. Furze then read, verbatim, the “2007 Master Plan Goals” which consisted of 6 items. Mr. Furze further stated the Board has started to craft a number of proposed modifications or revisions to land use and it would be terrific if the general public would read it, understand it and the motivation behind it, support and promote it. Mr. Furze stated traditionally the Planning Board meetings, scheduled once per month, are poorly attended and the Board only hears from neighbors when they are directly affected by an application or if there is something that has really soured them. He stated it would be great to have the support and input from the general public on all these matters.

Mr. Furze further stated that 10 years ago he proposed a 5% reduction in allowable lot coverage on a 50x100 lot, which is the size of the majority of the lots in town so that is 250 square feet and putting that into perspective, it is the size of a single car garage. He stated “that got pushed back like you can’t even imagine” and he and Mr. Hein agreed that times have changed so he believes it is again worth a try. Mayor Curtis stated we would have to differentiate between existing homes and new construction, and not on anything destroyed or re-built, as he did not feel it would be fair for those homeowners to comply with the new rule because they are already there. Mr. Furze stated he agreed with the Mayor on some bulk variances, but would not agree on others. He stated the Board has to look at each one individually and see if we can’t discern what the consequences are going to be, to be fair in the language and fair in promoting whatever changes the Board would like to see put forth.

Ms. Brasefield, Board Engineer, suggested there may be a way to grandfather it if they are raising their house but not changing the footprint, adding a story or expanding their space at all, and stated maybe that could be worked into it. Mr. Hein stated he believes the majority of “pure raising” is done and what the Board will see going forward are those houses still needing to be torn down, and for those, he absolutely feels they should have to apply to the Board. Mr. Hein stated he agrees with what the Mayor is saying but he just doesn’t think there are a lot of them. He further stated he feels those who were going to just raise them have already gotten there and we have not yet crested the wave of those who have sold and there are new owners coming in with new architectural plans, and believes we are going to see a bunch more of those. He further stated he feels those and future ones needing to be raised should meet more restrictive guidelines. Mayor Curtis stated we need to be mindful of flood insurance rules. Mr. Hein stated we are seeing more people maximizing 35% coverage and feels 30% is more than enough. Mrs. Tell stated the Master Plan should recite that we should examine the desirability of reducing lot coverage, and asked if there was anything else we should be looking at when considering the residential character and traditions of the Borough.

Mr. Hein stated he has always been stymied by the permeability issue because we are a couple of feet above the water table and the water is not going anywhere, whether permeable or not, but he does not like the concept of cement front yards and cement side yards, etc. He stated he was uncertain if permeability is the issue as it is not for him because for him it is the visual aesthetic, so if the only way to address it is by calling it permeable, then that is fine. He further stated he has seen a couple of homes in the past year or two which have gone to the “all rock, concrete and everything else”. Mrs. Tell suggested we ought to encourage and promote green space and native plants. Mr. Hein mentioned driving along Clayton Avenue, where it turns into

Mantoloking and becomes Barnegat Lane, it all becomes rocks and concrete from there almost to the bridge, and he does not find it appealing. Mrs. Tell stated it is environmentally sensitive land and feels that the more things you have drawing roots into the ground has to help the Borough. Ms. Brasefield concurred it likely helps to have plants with the soil erosion. Mr. Furze explained the performance factor about impervious coverage. Mrs. Tell stated we think it might be useful for us to have some way of measuring if someone constructing a new house or simply doing landscaping is altering the grade so much as to impair the neighbors, so we ought to figure out a way by which the town receives pre and post- construction grade reports. Mr. Furze stated we have that requirement now in the Ordinance, and Ms. Brasefield stated it is not detailed enough to make it easy for someone to review a plot plan. Mr. Furze stated the Land Use and Borough Ordinances could complement one another to mimic the same language, and we could go in there and look at that.

Thereafter, the topics of population and demographics, sidewalks, the Bicycle & Pedestrian Plan, and the enforcement of homeowners adhering to the property maintenance schedule, were discussed.

Another topic brought up was regarding properties in town which the Borough owns or to which the Borough is a steward. Mr. Hein stated he does not think we have done the best job to make them available to the public or in keeping them up in a condition that makes them available to the public, or keeping encroachment off of them. He further stated the Borough owns things around the lake, Howe field and the recycling center; we own quite a bit of potentially nice, park-like property, a lot of which does not see any use. He stated some of it is because of apathy or most people don't know it is there or it is not well maintained, and he would like to see something that says the Borough deals with and makes available to the public the public property.

Dan Paulus of the Environmental Commission was in attendance and stated they went out on walking and bike tours last winter and through this summer, and a lot of the maps they have prepared are in the Plan. He further stated they show the open space or Borough-owned properties and they use that map as their guideline. Mr. Paulus stated they visited a lot of the open spaces and he recounted what they discovered at various locations. Mr. Furze stated we have some very talented people in town – the women from the Seaweeder's Garden Club included who are very knowledgeable, and if we could put their talent to work for us and somehow be able to maintain these properties, he believes that is the key to it. Mrs. Tell questioned whether the properties should be maintained or be permitted to revert to a natural state if we are not using them. Mr. Paulus stated some are being maintained or as in the case of Howe field, is being half maintained. He further stated they took suggestions from the public asking what they would like to see and some people said a walking path around there would be nice, and he stated if it is going to be a ball field, then the Borough should put something there. He further suggested maybe the back of the recycling center should remain in its natural state, possibly a habitat for animals, but it's that middle area we get to, such as Howe field, which is under-utilized.

Mr. Charlton questioned what the public thinks would be the best use of the property, and maybe the best use is to let it go. A woman from the audience inquired as to whether or not the field

was deeded as a sports field, and the Mayor affirmed that and stated it was deeded as a sports field by the Borough with such things as it is not allowed to be used on Sundays, no alcohol, etc. Mr. Charlton stated there was a stipulation it was the Borough's obligation to maintain it, that the obligation went on both sides. The Mayor stated it was used as an emergency staging area for Sandy and used as a staging area for Route 35 and is now so hard, not an ounce of water can get through the top. Mayor Curtis indicated several inches have to be peeled off and then it needs new topsoil and to be re-seeded, which is all in the works. Mr. Hein stated he just wants to get something into the Plan to say we're going to look at it and come to some decisions on public land, particularly since the Environmental Commission has already done the hardest job of tracking it all down. The subject of Twilight Lake came up and Mr. Furze stated that he would like to see the lake area landscaped with plants but we don't own it, we only own the land around it. Mrs. Tell felt we should include the inventory and use the Master Plan to present it to the town as background information, even for the residents.

A few additional topics came up such as commercial districts, sign coverage and the possibility of additional bike stations around town. Mrs. Tell asked if there was anyone else in attendance who would like to discuss anything else and the following people spoke:

Mr. Napolitano

Dan Paulis of the Environmental Commission

Mrs. Tell suggested the next step should be to write to all the stakeholders in town to ask what the struggles might be and ask what is going right, and ask for suggestions, i.e., the Seaweeders, churches, business owners, the Yacht Club, etc.

Mrs. Tell stated the previous Ordinances are too broad and encompass the entire town but we should review historic preservation again as it does give the Borough useful protections. She also would like to review the cellular antenna policy and encourage moving them to a space at the rear of the firehouse or somewhere else where the town might be able to derive rental revenue. Mrs. Tell further stated one other Ordinance change she would like to pursue is the Borough should require a variance to change from commercial property into residential property, as it is now only required when changing from residential to commercial. Mayor Curtis recalled Mrs. Tell brought this subject up several years ago and stated it should absolutely be added at this time.

Mr. Charlton stated that after looking at his notes, he felt the Board covered most of the items he was interested in and he thought the recommendation section was very good and people should look it over to make sure they agree with the recommendations. He stated they are suggestions, but the Board needs input in case people disagree with them.

Mrs. Tell inquired as to the current Community Ratings System and National Flood Insurance program, mentioning she believed our current rating is at 6 and wanted to know what the Borough would have to do in order to bring us to a 5. Mayor Curtis stated it would take "a lot" and Ms. Brasfield stated we are up next year for re-certification so we can look at it and put together a list of things and figure out how much effort it would take and money it would cost to

do those things in order to improve our insurance ratings. Mrs. Tell indicated she was wondering whether that would result in a substantial reduction in insurance premiums for residents.

Thereafter, there were additional comments and concerns about encouraging green building, the necessity for a property maintenance Ordinance, i.e. in order to clean up disreputable properties after a certain period of time, to which Mr. Furze replied we have already adopted a property maintenance Code. Mrs. Tell read from the proposed Plan about a suggestion that the Borough consider developing unique signage to direct visitors to landmarks and recreation access points.

Mrs. Tell brought up the adoption of an historical preservation element to the Master Plan. Mrs. Tell pointed out that the Board has already adopted the Historic Preservation element so there is no need to adopt it again, but Ms. Brasefield stated there was some confusion as to whether or not it was ever adopted. Ms. Brasefield stated the element was adopted but it was “bare bones”. Mrs. Tell stated an important thing for the Board to do is to adopt a new Historic Preservation Element and Mr. Hein asked what the Board is trying to accomplish, to which Mr. Furze replied that having this quantity of historic homes or contributing homes might give us an advantage in a great many respects. Mr. Furze stated that aside from the economical standpoint which is attractive, around ten years ago there was a great deal of concern that the Borough was losing its historic homes in favor of more modern homes which was modifying the streetscape and many other things. He further stated we would like to be able to encourage, without being draconian in requiring certain things, the concern was if we adopt a preservation ordinance, no one wants to be told what color their front door needs to be. Mr. Furze stated that the way it was presented was it was called a demolition delay ordinance in that if you acquired a property in town that was either historic or contributing, there were some things to consider before demolition of the whole or in part. Mr. Furze stated it was to give pause for concern to consider another alternative. Mr. Furze stated the public was concerned there might be a hidden agenda. Mr. Charlton pointed out there was talk of another commission to review applications. Mrs. Tell stated it was meant to not only delay demolition, but also to create a historic preservation commission, the job of which would be ensure the homeowner understood what their building meant to the history of Bay Head.

Other topics discussed were the possibility of a recycling element to the Plan, and a suggestion was made to include a recycling flyer when a rental C.O. is given to a homeowner for the purpose of tenants. The other was how other towns, in their Master Plan elements, take a look at businesses in town and attempt to regular the types of businesses coming in, e.g., having an emphasis on retail spaces versus real estate agencies or professional offices. Mr. Hein stated the Borough already bans tattoo shops and gun shops.

Mrs. Tell pointed out that the Master Plan is partly an aspirational document and is intended to guide both the Planning Board and Council, as it is intended to include all of the Borough’s stakeholders and be the one place which articulates a vision everyone shares, the problem being that it is an engineer’s report. Mrs. Tell further stated part of the Board’s job is to re-work it so the Board is telling the story of the Borough. Mrs. Tell stated she would really like to get out letters to the stakeholders in order to get some feedback, and thought maybe by doing a “survey monkey” which people can access through the Borough’s website. She suggested to Mayor

Curtis that maybe the next time he does a robo-call to residents, he could mention people should hop onto the Borough's website to take the survey.

One member of the audience stated she came to the meeting because she saw the legal notice in the newspaper, but she didn't think that was enough of a notice to people in town. She suggested the public should be made aware they can pick up copies of the Master Plan via updating and keeping current the Borough website. Mr. Hein stated the only problem with that, as he has found with the Fire Company, is that there are a lot of older members who don't have computers, don't have e-mail addresses and some do not have cell phones. Mayor Curtis stated the Borough is in the process of having the webmaster updating the site. Another member of the audience suggested sending a mass e-mail, and Mr. Hein mentioned they tried doing something a few years back and people were fed up with getting e-mails and the backflash "was kind of vicious" as there is a large segment of people who are unhappy about it. Another audience member suggested posting the meeting agendas on the website, such as Mantoloking does, because she thought that would be very helpful, and especially if a meeting is cancelled.


Mr. Feehan suggested reaching out to members of the community to let them know what the Master Plan consists of, as most don't know what it means and dismiss it because they don't know what we are talking about so have no interest.

Mayor Curtis stated everything the Board heard tonight is very important to audience members and to the Board, and he stated he personally, as well as the Board, appreciated their attendance. Mayor Curtis further stated we will try to communicate and as far as the agendas, we could put them up the Monday before but it won't look anything like that at the meeting as things change. Mayor Curtis stated there is a law that the Minutes from the meeting cannot be published until they are passed so that is of note.

Mr. Furze asked if there was anything anyone wanted to add, and there was none.

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

Respectfully submitted,


Claire S. Hense