



# BOROUGH OF BAY HEAD

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## PLANNING BOARD

### MEETING MINUTES FEBRUARY 21, 2024

The Borough of Bay Head Planning Board meeting was held on February 21, 2024 at 6:30pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

#### **Pledge of Allegiance:**

Mr. McGoey asked everyone to stand and join in the Pledge of Allegiance

#### **Open Public Meeting Act:**

Mr. McGoey read the following statement:

In accordance with the applicable portion of the New Jersey Public Meetings Act, Notice of this meeting has been mailed to the Ocean Star. It is posted in the corridor of the Town Hall and filed with the Bay Head Clerk.

This meeting is being recorded.

There will be an opportunity for the public to comment at various points of the meeting. The public will be limited to five minutes per person.

#### **Roll Call:**

Present were: McGoey, Curtis, Jones, Frizzell, Wolleon, Feehan, Akersten, Wojcik, Gillman, Younghans, Doane. Absent; Durham, Clement

#### **Approve the Minutes:**

McGoey: Do we have a motion to approve the December 21, 2022 Minutes? Motion by Wojcik; Second by Curtis; Vote was by consensus: All votes in favor, None opposed: Motion Passes

#### **Applications:**

McGoey: We have two applications on tonight's agenda: 812 Main Ave, PBA-23 08. It was first heard on December 20th 2023.

William Gage: Representing Marie Gaal, some of the neighbors are asking for an adjournment to the March meeting. At this time we are asking to be adjourned to March meeting without having to re notice.

McGoey: Re-notification is not required.

McGoey: Open to the Public, With no comment, do I have a motion to close the public session? Motion made by Feehan, second by Frizzell. All in favor, None opposed: Motion passes.



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McGoey: Do I have a motion to Adjourn this application to the March 20th meeting? Motion made by Feehan and seconded by Frizzell. Votes in Favor: McGoey, Jones, Feehan, Curtis, Akersten. Votes opposed none. Motion passes.

McGoey: Second application tonight is 62 Strickland, PBA-23-11.

Gage: Mr. Chairman, once again, good evening. I'm here on behalf of Pamela Rew the owner and architect of 62 Strickland Avenue. We were quite prepared to go forward this evening. However, this morning, I received a phone call from my client who told me she was quite ill. At this time we are asking to be adjourned to the March meeting without re notification.

McGoey: Re-notification is not required.

McGoey: Open to the Public, With no comment, Do I have a motion to close the public session? Motion made by Feehan, second by Younghans. All in favor, None opposed: Motion passes.

Curtis: These applications will be heard in the same order as listed today.

McGoey: We have a memorializing resolution for Application PBA-23-10, the Frizzell Application for 1606 Bay Ave. Are there any comments? Do we have a motion to approve? Motion made by Curtis, second by Feehan. Votes in favor: Curtis, McGoey, Gilman Jones, Feehan, Akersten. Abstain: Frizzell, Wolle. Votes opposed: None: Motion passes.

### **Annual Report:**

The 2023 Bay Head Planning Board Annual Report was previously distributed for your comment. Are there any comments?

Curtis: The annual report. We want to thank **Bob Mullin** for his excellent work on this report.

McGoey: Are there any other comments? Do we have a motion to approve the Planning Board Annual Report for 2023? Motion by Feehan; Second by Wolleon; Vote was by consensus: All votes in favor, None opposed: Motion Passes.

### **Old Business:**

Atlantic Pier vs Bay Head Planning Board: There was a hearing on January 24 in the Appellate Division in Trenton. There's no conclusion. Brennen vs Bay Head Planning Board will hear oral arguments in Toms River on March 11, 2024.



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### **New Business:**

McGoey: As discussed at the last Planning Board Meeting, the Planning Board can prepare proposed changes to ordinances which are submitted to the Council for their review and approval.

McGoey: The first proposed change is a recommendation from the 2023 Planning Board Annual Report. There is an inconsistency in our Ordinance with the definition of a non-conforming lot. We had an application for an R-100 lot which was nonconforming. The lot did not have conforming width and lot area for an R-100 zoned property. Our ordinance allows these two conditions for lots which were on record on May 1, 1977. However, our ordinance is quiet on lot frontage. If a lot does not have sufficient lot width, then by definition of lot frontage, it does not have sufficient frontage. So the recommendation is to add lot frontage to those conditions allowed for R-100 lots on record by May 1, 1977.

McGoey: The second proposed change also is a recommendation from the 2023 Planning Board Annual Report. The existing ordinance allows a deck less than 12 inches from grade to be located four feet from the side yard. The Ordinance is quiet about a walkway. Walkways, such as a concrete, stone paver, etc. are not covered. The recommendation is to include walkways in the Ordinance. This would allow decks, patios, terraces and walkways 12 inches or less to be no closer than four feet to the side yard.

McGoey: The third proposed change is a recommendation from the 2022 Planning Board Annual Report. The recommendation is to provide a clear definition of "partial destruction." After a review of other town ordinances, court case decisions, and the new Flood Damage Prevention Ordinance, it is recommended to use dollar values for the definition of partial destruction. A discussion of the draft recommendation identified that a limit of when a damaged structure should be repaired should say get a Building Permit within one year and complete construction within two years of when damage to the structure occurred. This will be added.

McGoey: A definition of what constitutes a cupola is also needed and this recommendation will be prepared.

McGoey: Please provide comments on the draft recommended changes. The recommendations will be discussed at the March Planning Board meeting.



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### **Open to Public:**

McGoey: Open to the Public. With no comment, do we have a motion to close? Motion by Feehan; Second by Curtis; Vote was by consensus: All votes in favor, None opposed: Motion Passes.

McGoey: Do we have a motion to adjourn? Motion by Feehan; Second by Curtis; Vote was by consensus: All votes in favor, None opposed: Motion Passes.

### **Approve Vouchers:**

McGoey: Are there any questions on the vouchers? Is there a motion to approve the vouchers? Motion by Jones; Second by Frizzell, Vote was by consensus: All votes in favor, None opposed: Motion Passes.

McGoey: The next meeting will be Wednesday March 20, 2024 at 6:30pm at the Borough Hall. Do we have a motion to adjourn? Motion made by Curtis; second by Frizzell. Vote was by consensus: All votes in favor, None opposed: Motion Passes. Meeting adjourned 7:08.

Darren Erbe

Planning Board Secretary