



# BOROUGH OF BAY HEAD

## PLANNING BOARD

### MEETING MINUTES JANUARY 17, 2024

The reorganization meeting of the Borough of Bay Head Planning Board was held on January 18, 2023 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, Clement, Akersten,. Absent; Wojcik, Gillman, Durham, Doane,

#### **Election of officers:**

Motion was made by Curtis to elect Rick McGoey Chairman; Second by Clement; Vote was by consensus: All votes in favor, None opposed: Motion Passes

Motion made by Curtis to elect Verity Frizzell as Vice Chairman; Second by Clement; Vote was by consensus: All votes in favor, None opposed: Motion Passes

Motion made by Clement to elect Mark Durham assistant secretary; second by Curtis. Vote was by consensus: All votes in favor, None opposed: Motion Passes

Appointment of Steven Zabarsky Esq. as the board attorney; Robert Mullin, Collier Engineering as the board engineer and Darren Erbe as board secretary. Motion made by McGoey, 2nd by Feehan. Vote was by consensus: All votes in favor, None opposed: Motion Passes



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Oath of office was given to new appointed board members.

McGoey: I would like to make a motion to approve the official newspapers which will be the Ocean Star and the Asbury Park Press, 2nd by Frizzell. Vote was by consensus: All votes in favor, None opposed: Motion Passes

### **New Business**

McGoey: One application is on the agenda, PBA-23-10, Frizzell, 1606 Bay Ave.

Zabarsky: Anyone with a conflict will have to recuse themselves. Mr. Wolleon lives within 200 feet of the property and Mrs. Frizzell is the applicant; both are recused. We will have 6 voting members and will need 4 votes to pass. We need to poll the Board to make sure they will act fairly, impartially and unbiasedly to adjudicate the application.

Erbe: Roll Call: Jones yes, Feehan yes, Curtis yes, Clement yes, McGoey yes, Akersten yes.

Zabarsky: Pre marked exhibits read into evidence. A-1 Application, A-2 Plot Plan, A-3 Plans, A-4 zoning denial, A-5 engineering report, A-6 certification of notice.

Gage: Representing Andrew and Verity Frizzell. The applicants will be renovating their house, adding a pool and replacing the accessory structure. They will be also adding insulation to the exterior of the house which will extend into the side setback and create a side setback of 5.5 feet where 6 feet is required.

Gage: The sidewalk on the side of the house will extend to the property line. I respectfully disagree with the zoning officer saying that it would require a variance. I did not request an appeal. The ordinance states no principal building or any part of a building, including decks, shall be erected or so projected into any yard area in any zone except that in no case shall a patio, terrace or deck constructed 12 inches or less above ground level extend into required setback. The exception is that a three foot wide pervious deck walkway 12 inches or less above ground level may extend to the side yard setback no closer than three feet to the side property line. This sidewalk will extend to the property line by the language of that ordinance. My interpretation is that it requires a sidewalk that is attached to a building. This is not. I tend to disfavor filing appeals of zoning officers' decisions because more often than not, by the time I get involved with the case, we're pretty close to or past the deadline of 20 days. So I would be barred by statute from filing.



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McGoey: Walkway is not defined by ordinance. Where do you get that the walkway needs to be attached to the structure?

Gage: No principal building or any part of a building, including decks attached to the house, shall be erected or shall project into any side yard setback in any zone, with exceptions listed.

Gage: I have one witness tonight, Verity Frizzell, she'll be testifying as an architect, and a planner.

Zabarsky swears in Verity Frizzell.

Verity Frizzell of 1606 Bay Ave: Licensed Architect in NJ and Texas.

Frizzell: But the majority of the project is to turn the house into a passive house. Some additional internal alterations are being made but they do not affect the Board., laundry changes and things like that. A passive house is a German standard for energy efficiency that requires continuous insulation on the outside of the walls. For air tightness, triple pane windows are required and an air recovery ventilator plus an air barrier. So all of those things combined reduce your energy use to a 10th of what a standard building uses. So that's the goal for this project is to reduce my energy significantly. I'm also converting the house to 99.9% electricity, so I'm getting rid of almost everything that's gas except for one fireplace that my husband won't get rid of. But everything else is going to be converted to electric. The extra insulation will help reduce the heat loss so that I can run the heat with just a heat pump instead of two furnaces that I currently run. In order to do that, I have to add insulation to the walls, the roof and the floor. The only way I can do that with my existing buildings is to add it to the outside. So I'm proposing that I remove the existing siding, which needs to be replaced anyway, replacing all the windows and adding six inches of insulation to the outside of the building and then reinstalling the siding on top of that. The net increase in the building would actually be seven inches, not six inches, because once you get that deep with insulation, you have to use a specific fastener to attach the siding. And that requires a speciality fastener. It's on the plan that you have this detail on sheet A 402 that shows the configuration of the siding and the wall. These little clips or fasteners are every 16 inches and then in between those clips is this aluminum channel that runs every 16 inches that you screw the siding to. So that makes it actually seven inches will be added on.

Zabarsky: The setback will be 5.4 feet.



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Gage: The swimming pool and new accessory structure will be totally conforming. The project will be removing a nonconformity.

Frizzell: The other change to the outside of the house is the south side. We're adding a covered entrance on the south side. It doesn't need a variance. It's within the building envelope. So we're changing the entrance to the basement from a fold up Bilco door that you have to open the doors and climb up the stairs to a real door. We are installing a real door and a real set of walls coming down into the basement with a roof that connects that to the side porch. It doesn't require any variances. The sidewalk on the side is existing. We are moving it over to accommodate the extra 7 inches to the exterior wall insulation.

McGoey: The architectural plans need to be amended to match the plot plan, also show the sidewalk and its distance to the property line.

Mullins: Mrs. Frizzell, you mentioned that maybe you're having to tweak a couple of dimensions. The South Side setback will be 5.4 feet. And the North Side setback of 12.3 feet combined with the south side setback results in 17.7 feet. The architectural plans will need to match the plot plan dimensions. Also show the width of the stone in the trench areas as shown on the plans.

McGoey: Open to the public. Receiving no comment, the public session is closed.

McGoey: Mr. Zabarsky, can you review the conditions that have been discussed associated with this application.

Zabarsky: I have the following conditions:

- The shed that is shown on the original plot plan will be removed. The new shed will be constructed and will conform to the requirements of the ordinance with a side yard setback of 4.2 feet.
- The pool to be constructed shall conform to the ordinance requirements.
- The architectural plans will be amended to show that the shed is 4.2 feet from the side yard setback and the architectural plan will be consistent with the plot plan.
- The plot plan shall be amended to show the walkway is 2.5 feet from the southern property line.
- The architectural plans will also match the plot plan and show the width of the stone in the trench areas as shown on the plans.



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- The architectural plans will be amended so that the combined side yard setback is shown at 17.7. And also the side yard setback will be made to show 5.4 feet as opposed to 5.5.

Motion to approve the application with conditions made by Feehan; 2nd by Curtis. Vote for: Jones, Feehan Clement, Curtis, McGoey, Akersten. Votes opposed None Motion passes.

Mrs. Frizzell and Mr. Wolleon rejoined the board.

McGoey: Resolution for 54 Bristol Place Motion by Curtis; Second by Frizzell. Votes in Favor; Curtis, Feehan, Frizzell, Wolleon, Akersten. Vote opposed; none motion passes.

McGoey: Atlantic Pier legal case will be heard in Trenton on 1/26/24. The Brennen case will be heard in Newark on March 11th in the appeals court.

### **Open to Public:**

McGoey: Open to the Public. With no comment, is there a motion to close the public session: Motion by Feehan; Second by Curtis; Vote was by consensus: All votes in favor, None opposed: Motion Passes

Curtis: If any board sees something in a land use ordinance that they feel needs to change. It's the boards' responsibility to propose these changes to the council for consideration.

New Business: We received the 2023 annual report from Mr. Mullins. We will revisit the report at the next meeting to give everyone a little more to review.

### **Approve Vouchers:**

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

McGoey: The next meeting will be Wednesday Feb 21, 2024 6:30pm at Borough Hall. Do we have a motion to adjourn? Motion made by Curtis; second by McGoey. Vote was by consensus: All votes in favor, None opposed: Motion Passes.



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Darren Erbe

Planning Board Secretary