

**AMENDMENT TO RESOLUTION OF MEMORIALIZATION OF THE  
LAND USE BOARD OF THE BOROUGH OF HARVEY CEDARS  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2017-02V**

**WHEREAS**, Gary O. Siemons and Elissa A. Favatta, had made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit the construction of a second floor addition together with other additions and renovations to the single family home at property known and designated at Lots 23 and 23.01 Block 58, 72 W. 80<sup>th</sup> Street in the Borough of Harvey Cedars, County of Ocean and State of New Jersey; and

**WHEREAS**, the initial application for development received approval for variances after a public hearing conducted on February 16, 2017, which approval was memorialized by Resolution of Memorialization of the Land Use Board of the Borough of Harvey Cedars under Docket Number 2017-02 on March 16, 2017; and

**WHEREAS**, the applicants have requested an amendment from the Board to permit an amendment to the approved development plan to extend the air conditioning platform an additional ten (10”) inches, adjoining the approved generator platform; as set forth in letter dated January 30, 2018; and

**WHEREAS**, the request for amendment was considered by the Land Use Board at a public hearing conducted on February 15, 2018. Richard P. Vistocky, Esq, attorney for the applicant appeared, testimony was offered by Craig W. Brearley, applicants architect; there was not any public comment offered; and

**WHEREAS**, the Land Use Board after considering argument of counsel and testimony of Craig W. Brearley has made the following factual findings:

1. Applicants have commenced construction of the project in accordance with the approved plans.
2. As a result of Flood Elevation regulations, the initial location of the air-conditioning platform under the house could not be accommodated; the current flood zone of AE 9 requires a minimum platform elevation of 10' feet to the base; which would not leave adequate space for the equipment and proper ventilation; the preferable location for the platform is adjoining the generator platform, within the side yard of the property, at a setback of 5'4" .
3. The Board finds that the modification to the plan and development, as aforementioned, may be granted as an approved field change to the plans submitted and approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by Gary O. Siemons and Elissa A. Favatta, to amend their approved plans and Resolution of Memorialization 2017- 02 to permit the re-location and enlargement of the air-conditioning platform by 10 inches; adjoining the generator platform at property known and designated as known and designated at Lots 23 and 23.01 Block 58, 72 W. 80th Street in the Borough of Harvey Cedars, County of Ocean and State of New Jersey be and hereby is, conditionally approved.

**BE IT FURTHER RESOLVED** that this approval is subject to all conditions and representations as contained herein and as placed on the record at the public hearing conducted on February 15, 2018.

**BE IT FURTHER RESOLVED** that the Board reconfirms all of the terms and conditions and their findings set forth in the prior Resolution of Memorialization Docket 2017-02 adopted on March 16, 2017 whereupon Applicants shall remain subject to all of the requirements, limitations and conditions contained therein; except as modified by the amendment approved herein to expand and relocate the air conditioning platform to adjoin the generator platform, maintain a setback of 5'4" and extend same by ten (10') feet.

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MARY PAT BREARLEY, SECRETARY

-CERTIFICATION-

I, MARY PAT BREARLEY Secretary of the Land Use Board of the Borough of Harvey Cedars, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Land Use Board of the Borough of Harvey Cedars at a public meeting held on March 15, 2018.

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MARY PAT BREARLEY, SECRETARY