

**RESOLUTION OF MEMORIALIZATION OF THE  
LAND USE BOARD THE BOROUGH OF HARVEY CEDARS  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2019:06V**

**WHEREAS**, Mark D. Lipton has made an application to the Land Use Board of the Borough of Harvey Cedars for variances to permit the construction of an addition, by enclosing a third story open deck at premises known and designated as Lot 16 Block 38 located at 6311 E. Long Beach Boulevard, in the Borough of Harvey Cedars, County of Ocean and State of New Jersey; and

**WHEREAS**, the application was considered by the Land Use Board at a public hearing conducted on September 19, 2019. The applicant appeared pro se. The application dated July 23, 2019, was entered into evidence as Exhibit A-1; the Survey Map prepared by East Coast Engineering, Inc. titled “Survey Map Block 38 Lot 19 Borough of Harvey Cedars, Ocean County, New Jersey” under signature and seal of Jay F. Pierson, P.L.S., P.P., dated July 19, 2019, the Architectural Plan dated July 17, 2019 prepared by Mark D. Lipton Associates, Architects Designers titled “6311E Long Beach Blvd. Harvey Cedars, Existing Deck Enclosure” containing Drawing No. A-001.00 under signature and seal of Mark D. Lipton was entered into evidence as Exhibit A-3; the plan prepared by Nelke Constantine & Assoc., Inc. titled “ Variance Plan Lot 10 Block 62 Tax Map Sheet #7 Harvey Cedars Borough Ocean County New Jersey” dated June 13, 2017, with a revision date of June 29, 2017 under signature and seal of Jeff Daum signed on June 29, 2017, was entered into evidence as Exhibit A-3; an aerial photograph of the subject property was entered into evidence as Exhibit A-4; and a photograph of the subject property with the area of the proposed work circled was entered into evidence as Exhibit A-5. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated August 9, 2019 was entered into evidence as Exhibit B-1. Testimony was offered by Mark Lipton, the applicant. There was not any public comment offered; and

**WHEREAS**, the Land Use Board after considering the Application, documentation entered into evidence, testimony of the witnesses, argument of counsel and public comment has made the following factual findings:

1. All jurisdictional requirements have been met.
2. Applicants are the owners of the property. The property is located in the RA Single Family Residential Zone. The property is a flag oceanfront lot improved with a two (2) story single family home.
3. The property is fully developed, it maintains a nonconforming rear yard setback of 7.4 feet where 10 feet is required; and nonconforming side yard setbacks of 7.6 feet and 8.1 feet where minimum side yard setbacks of 10 feet are required.
4. When the house was constructed the minimal side yard setback requirement was 8 feet.
5. The house maintains an open deck at the third floor, above a second story bedroom; with dimensions of 11 x 11 feet; applicant proposes to enlarge the living space by enclosing that open deck. The deck is located at the south west corner of the house.
6. The finished height is proposed at 29.7 feet; and will not exceed the 30 foot height limitation.
7. The development as proposed will not increase the building footprint, building height or percentage of lot coverage.
8. Applicant proposes to create an all-purpose room with the deck enclosure adding an additional 121 square feet of living area to the home. The Board finds that the floor area ratio will not exceed the permitted fifty (50%) per cent.
9. The Board adopts the contents of the August 9, 2019 letter from Frank J. Little, Jr, Exhibit B-1 as if set forth herein at length; and

**WHEREAS**, the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by the applicant Mark D. Lipton for variance relief to permit the construction of an addition, by enclosing a third story open deck at premises

known and designated as Lot 16 Block 38 located at 6311 E. Long Beach Boulevard, in the Borough of Harvey Cedars, County of Ocean and State of New Jersey can be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Harvey Cedars, as the enclosure will not impact any adjoining properties; there will not be any increase of the building footprint; nor will there be any increase in setbacks, building or lot coverage or building height. The addition will not create any additional nonconformities; nor will the floor area ratio exceed the permitted fifty (50%) per cent.

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board that the application of Mark D. Lipton for variance relief to permit the construction of an addition, by enclosing a third story 11 foot x 11 foot open deck at premises known and designated as Lot 16 Block 38 located at 6311 E. Long Beach Boulevard, 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 and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated August 9, 2019, as entered into evidence as Exhibit B-1.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon all construction at the property conforming to all building, fire and safety Codes.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules regulations and statutes and ordinances effecting this development.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

**BE IT FURTHER RESOLVED** that the Applicant is required to comply with all ordinances of the Borough of Harvey Cedars, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Board with respect to Borough Ordinances, including the Zoning Ordinances.

**BE IT FURTHER RESOLVED** that this approval is subject to all conditions and representation as set forth herein and as placed on the record at the public hearing conducted on September 19, 2019 when this matter was considered.

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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 September 19, 2019

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**MARY PAT BREARLEY, SECRETARY**