

**RESOLUTION OF MEMORIALIZATION OF THE LAND USE BOARD OF THE
BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN AND STATE OF
NEW JERSEY
DOCKET NO. 2020:01**

WHEREAS, Keith Pizer and Candace Pizer have made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit the renovations of single family home and modification to th detached (connected with a grade deck and connected exterior stairway) garage with second floor living space by changing the roof line; at property known and designated as Lots 5.01 and 5.02 Block 71; 20 Kinsey Lane in the Borough of Harvey Cedars, County of Ocean and State of New Jersey; and

WHEREAS, this matter was consider at a public hearing conducted on February 20, 2020. The applicants were represented by James S. Raban, Esq. who appeared for applicant’s counsel Richard P. Visotcky, Esq. The application dated January 24, 2020was entered into evidence as Exhibit A-1;the plan prepared by Nelke/Tyszka Land Surveyors, LLC.titled “Variance Plan T.M. Lot 5.02, 5.01 Block 71 Tax Map Sheet #8 Borough of Harvey Cedars, Ocean County, New Jersey” dated September 15, 2016under signature and seal of Leon J. Tyszka PLS was entered into evidence as Exhibit A-2;building plans prepared by applicant, Candace Foster Interiors, dated December 30, 2019, titled “Foster/Pizer Residence Lot 5.02 Block 71 20 Kinsey Lane, Harvey Cedars, New Jersey” containing Sheet SP; Sheet 1 Elevations; Sheet 2 Elevations, Sheet 3 Foundation Plan; Sheet 4 First Floor Plan and Sheet 5 Second Floor Plan, was entered into evidence as Exhibit A-3; a set of four (4) photographs was entered into evidence as Exhibit A-4; and an additional set of four (4) photographs was entered into evidence as Exhibit A-5. A prior Resolution of Memorialization pertaining to the subject property adopted in 1997, Docket 1997-2 was entered into evidence as Exhibit A-6. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated February 14, 2020was entered into evidence as Exhibit B-1. Testimony was offered by Leon J. Tyszka, applicants Professional Land Surveyor; Robert B. Roth, Jr. applicant’s professional planner and licensed architect; Keith Pizer and Candace Pizer, also known as Candace Foster, the applicants. Public comment was offered by Adam Jaffe who

testified that he was unable to improve his property, although he never filed for Board relief and John Spark testified in support of application; and

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

1. All jurisdictional requirements have been met.
2. Notwithstanding the September 15, 2016 date of Exhibit 2, that plan, according to testimony from Leon Tyszka was revised by him in November 2019.
3. The property is located in the RA Single Family Residential Zone.
4. The property consists of a lot with gross dimensions of 50 x 130 feet with 4,968 square feet of upland area. There is a cut out (boat slip) at the bulkhead with dimensions of 14.9 x 11.5 feet; which renders the upland area short of the required 5,000 square feet.
5. The property is improved with a two story frame single family house; and a detached garage with living quarters on the second floor. The use of the entire site is limited to single family. The second floor of the garage has a wet bar without cooking facilities; living area, bathroom and two bedrooms; all used in conjunction with the single family use and detached single family home. The single family home contains a living room, dining room, sunroom, kitchen and powder room on the first floor; with three (3) bedrooms, an office and bathroom on the second floor.
6. Applicants propose to raise the single family home from elevation 4.86 feet to elevation 8.00 feet; the building height will be increased from 26.9 feet to 30 feet. In conjunction with the house raise the lot will be elevated by 16 inches. A new bulkhead has been installed and the property will be filled to the bulkhead. The applicant will install retaining walls along the easterly and westerly property lines and add underground drainage piping that will extend through the bulkhead.

7. Applicants also propose to construct a second floor addition over the existing sunroom; which space will contain a new bathroom and increase the size of the master bedroom. The area at the front of the house, currently the entry deck will also be enclosed, which will square off the front of the house; expanding the size of the entry foyer.
8. The front yard setback to the masonry and frame garage is 5.71 feet which condition is not being affected by the proposed project. The side yard setbacks are 2.62 feet from the garage to the westerly property line and 2.00 feet from the house to the easterly property line, the second floor addition will be completed at that nonconforming setback. The rear yard setback to the cut out (boat slip) at the southwest portion of the upland portion of the property is 9.7 feet where 15 feet is required; the second floor addition over the sunroom will also be completed at that nonconforming setback. Variances are requested from the setback requirements to accommodate the proposed setbacks at the second story addition. The house is being raised in place by adding block to the existing foundation, whereupon the existing setbacks will not be changed.
9. Applicant proposes to aesthetically improve both buildings. Once raised the two buildings will be connected with new decking and a stair system. A pitched roof is proposed for the garage at a finished height not to exceed 28 feet; connecting the buildings alleviates the requirement for a height variance to the garage.
10. According to applicant's surveyor the garage slab is being raised to 2.70 feet. Flood vents will also be installed at the property.
11. All drainage will be sloped away from adjoining properties; a gutter and drainage system may be installed if, and as required by the construction department and Board engineer.
12. A portion of the existing lower decking is being eliminated; new stairs, and decking as reflected on the plans are proposed. The existing building coverage is 36.67% the proposed gross building coverage is 39.7%; according to testimony from applicants witnesses, 39.7 % represents the gross increase in building coverage; taking into account the 60 square feet

exemption for stairs; the building coverage under the Borough Ordinances is 38.5%. Applicants are requesting variance relief.

13. The floor area ratio is proposed at 46.1% which conforms to Borough Ordinances.
14. The Board adopts the contents of the February 14, 2020 letter from Owen, Little and Associates, Inc. entered into evidence as Exhibit B-1 as if set forth herein at length.
15. There is not any cooking permitted on the second floor of the garage; applicants are not proposing any additions to the second floor living area over the garage, a new sloped roof is requested; the addition to the single family home provides an additional bathroom and increases the size of the master bedroom on the second floor; the addition at the first floor increases the size of the foyer; and

WHEREAS, the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by the applicants, Keith Pizer and Candace Pizer for variances to permit renovations in conjunction with the raising of the single family home and install a new sloped roof on the detached garage which maintains second floor living space at property known and designated as Lots 5.01 and 5.02 Block 71; 20 Kinsey Lane 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, the additions as proposed, other than stairs and decking, are within the existing building setbacks; the building coverage will be increased to accommodate the new stairs, decks and landings; and the addition, new stairs, decks and landings will not create any impediment to the light or air of surrounding properties. The renovations will be aesthetically pleasing. The property will be raised; the buildings will be brought into conformity with FEMA requirements; the proposed development is designed to retain the architectural integrity of the original cottage at the property. The nonconforming setbacks are existing and the increase in building coverage is generated by the raising of the building and applicants intention to improve the property with additional stairs, decks and landings.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Harvey Cedars that the application of Keith Pizer and Candace Pizer for variances to permit renovations, enclosing the front entrance deck at the first floor; and providing a second floor addition over the sun room and installing new decks, landings and a stair system, in conjunction with the raising of the single family home and changing the roof line by constructing a sloped roof on the detached garage with second floor living space at property known and designated as Lots 5.01 and 5.02 Block 71; 20 Kinsey Lane 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 February 14, 2020, 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 FEMA requirements and all building, fire and safety Codes.

BE IT FURTHER RESOLVED that this approval is subject to all representations made by applicants and their witnesses and to all conditions as contained herein and as placed on the record at the public hearing conducted on February 20, 2020.

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 affecting 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 Zoning Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to the building height not exceeding 30 feet and building coverage not exceeding 38.5% after taking the 60 square foot exemption, Variances from building coverage requirements and to permit the second floor enclosure over the sunroom within the nonconforming 9.70 foot setback; and the 2.00 foot side yard setback. The height of the garage shall not exceed 28 feet.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant raising the elevation of the lot by 16 inches, as presented to the Board, and set forth in the plans submitted; the retaining walls being properly constructed; the property will drain to the cove and be directed away from adjoining properties. Drainage, gutters and leaders, may be required by the Construction Department or Board Engineer, and if required, shall be subject to the mandates of the Building Department and Board Engineer.

BE IT FURTHER RESOLVED that all conditions set forth in Resolution 97-2 not modified herein shall remain in full force and effect; including, but not limited to the use of the property for single family use.

CHRISTINE LISIEWSKI, SECRETARY

-CERTIFICATION-

I, Christine Lisiewski, 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 ____, 2020.

CHRISTINE LISIEWSKI, SECRETARY

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