

**RESOLUTION OF MEMORIALIZATION OF THE LAND USE BOARD OF THE
BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN AND STATE OF
NEW JERSEY
DOCKET NO. 2018:01**

WHEREAS, Francis J. Brennan, III and Beth G. Brennan have made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit the construction of an addition to their single family home known and designated as Lot 4 Block 31; 7 Cedars Avenue in the Borough of Harvey Cedars, County of Ocean and State of New Jersey; and

WHEREAS, this matter was presented to the Land Use Board at a public hearing conducted on March 15, 2018. The applicant was represented by Richard P. Visotcky, Esq. The application dated February 22, 2018 was entered into evidence as Exhibit A-1; the plan prepared by Harris Surveying, Inc. titled “Variance Map for Francis Brennan & Beth Brennan Located at Lot 4 Block 31 Borough of Harvey Cedars, Ocean County, New Jersey” dated February 21, 2018 under signature and seal of Thomas A. Harris, Jr. PLS was entered into evidence as Exhibit A-2; architectural plans prepared by Jay Madden, Architect, titled “Brennan Residence Lot 4 Block 31 7 Cedars Avenue, Harvey Cedars, New Jersey” dated January 29, 2018 containing Sheets SP, 1, 2, 3, 4 & 5 was entered into evidence as Exhibit A-3; two (2) photographs of the property, the top photograph showing the house from Cedars Avenue and the bottom photograph showing the view of the rear of the house from Harvest Cove were entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated March 7, 2018 was entered into evidence as Exhibit B-1. Testimony was offered by Thomas A. Harris, Jr., applicant’s professional surveyor; and by Jay Madden, applicant’s architect; applicants were present to address any questions by the Board. There was not any public comment; and

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

1. All jurisdictional requirements have been met.
2. The property is located in the RA Single Family Residential Zone.
3. The property consists of a lot with gross dimensions of 50 x 97.88 irregular feet, containing 4,895.5square feet; located between Cedar Avenue and Harvest Cove.
4. The existing front yard setback is 19.9 feet to the house.
5. The existing side yard setbacks are 8.5 feet and 9.4 feet.
6. The proposed side yard setback to the new landing, steps and entry is 9.75 feet.
7. The existing building coverage is 37.25%; a two foot reduction in building coverage is proposed at 37.2%..
8. Applicants propose to renovate the existing single family home which was constructed in 1992.
9. The renovations include modifying the interior of the house; whereupon on the first floor there are three bedrooms and one bathroom; applicants proposes three bedroom and three bathrooms on that floor. They intend to modify the second floor by enlarging the kitchen; converting the master bedroom with one bath; into two bedrooms and two bath rooms; and create a new porch landing walk into the dining room. The decks will be modified pursuant to the plans; and 2.5 foot addition is proposed as shown on the plan. A new porch and stairs is also proposed within the side yard setback.
10. The proposed addition will enable the construction of the proposed additional bedrooms.
11. The renovations as proposed will provide an aesthetic improvement to the house; and will not exasperate the existing nonconforming conditions. When the house was initially constructed the side yard setback requirement was 8 feet; which currently are exceeded.

12. The Board adopts the contents of the March 7, 2018 letter from Owen, Little and Associates, Inc. entered into evidence as Exhibit B-1 as if set forth herein at length.

13. The Board questioned the applicability of Ordinance No. 2016-17 amending Ordinance 12-8.11 requiring the raising of lot elevations under certain circumstances to this application; and after considering the nature of the proposed renovations and testimony of the architect and surveyor, determined, that notwithstanding the ordinance provisions they should not apply to this particular project; and

WHEREAS, the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by the applicants, Francis J. Brennan, III and Beth G. Brennan have made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit the construction of an addition to their single family home known and designated as Lot 4 Block 31; 7 Cedars Avenue 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 addition is proposed within the existing building setbacks; the building coverage will be slightly decreased; and the addition, new stairs, porch and landings will not create any impediment to the light or air of surrounding properties. The renovations will be aesthetically pleasing.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Harvey Cedars that the application of Francis J. Brennan, III and Beth G. Brennan have made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit the construction of an addition to their single family home known and designated as Lot 4 Block 31; 7 Cedars Avenue 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 March 7, 2018, 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 conditions as contained herein and as placed on the record at the public hearings conducted on March 7, 2018.

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

BE IT FURTHER RESOLVED that this approval is subject to all representations made by applicant and their witnesses as placed on the record at the public hearing conducted on March 15, 2018 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to the building coverage not being increased; and further subject to the side yard setback not being reduced from 9.4 feet.

BE IT FURTHER RESOLVED that in the event the provisions of Ordinance No. 2016-17 regarding the elevation of the lot are triggered as a result of this project; variance relief from compliance with Ordinance Section 12-8.11 be and hereby is granted.

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 April 19, 2018.

MARY PAT BREARLEY, SECRETARY