

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
August 19, 2021**

The regular meeting of the Land Use Board of the Borough of Harvey Cedars was held in the meeting room of the Borough of Harvey Cedars at 7606 Long Beach Boulevard on the above date.

The meeting was called to order by **Vice Chairman Mark Simmons** at 07:02 PM.

Vice Chairman Mark Simmons made the following announcement: “This is the regular meeting of the Harvey Cedars Land Use Board, notice of which was duly posted on the Bulletin Board in the Municipal Clerk’s office, advertised in the Beach Haven Times and Asbury Park Press, and filed with the Municipal Clerk as required by the Open Public Meeting Act. This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all time.”

Members of the Board present: **Mark Simmons, John Tilton, Tony Aukstikalnis, Daina Dale, Mayor Jonathan Oldham, Commissioner John Imperiale**

Members of the Board absent: **Robert Romano** and **Kathy Sheplin**

Alternate members of the Board present: **Craig Coddington** and **Mindy Berman**

Alternate members of the Board absent: **None**

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Application: 2021:08 – 10 W. 81st Street – Margaret Buchholz

Due to the request from the applicant, application 2021:08 was carried to the September 16th meeting with no further notice requirements and waiver of time constraints.

Commissioner John Imperiale made a motion to carry the application to the September 16, 2021 meeting with no further notice requirements, seconded by **Tony Aukstikalnis**. The following vote was recorded: **Mark Simmons, John Tilton, Tony Aukstikalnis, Daina Dale, Mayor Jonathan Oldham, Commissioner John Imperiale, Craig Coddington, and Mindy Berman** all voted **Yes** to carry the application to the September 16, 2021 regular meeting.

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Application: 2021:06 – 10-A E. 68th Street – Ziman Development

The following was entered into evidence:

A1 – Application

A2 – Variance Plan prepared by Horn, Tyson, & Yoder Inc.

A3 – Architectural Drawings prepared by Robert Stack

A4 – Updated Variance Map prepared by Horn, Tyson, & Yoder Inc.

A5 – Color Photos of Property

B1 – Engineer Review Letter prepared by Frank Little PE

James Raban Esq. with **Raban and Raban Esq.** represented the applicant, **Michael Ziman** with **Ziman Development Inc.** **Ziman Development Inc.** is the contract purchaser of the property. An overview of the property and dwelling was given. The property consists of a single-family dwelling that will be demolished and an access easement. The applicant is proposing to construct a new single-family dwelling. **Mr. Raban** explained that the applicant will need to be 25ft off of the easement rather than the property line causing restrictions to the area that they are able to build.

James Brzozowski with **Horn, Tyson, and Yoder Inc.** was sworn in. **Mr. Brzozowski** reviewed the variance plans with the board. The existing home on the property has a front yard setback from the easement of 12.7ft and the new home will have 12.9ft where 25ft is required. **Mr. Brzozowski** added that the footprint of the new home will line up favorably with the existing homes in that area. Revised plans were prepared after the applicant spoke to a concerned neighbor regarding possible parking issues. **Mr. Brzozowski** shared that the garage doors were recessed further back to allow for cars to clear the easement and an additional parking spot was added on the northside of the property. **Mr. Brzozowski** stated that there will be no obstructions in the way of borough garbage corrals on the northside of the property. The variance plans are in compliance with the parking ordinance in the Borough of Harvey Cedars.

Daina Dale questioned the new garage layout and outdoor shower positioning since revised plans were not submitted to the board for review.

Michael Ziman with **Ziman Development Inc.** was sworn in. In response to **Ms. Dale**, **Michael Ziman** explained that everything on the garage side of the property would be shifted back 5ft in order to accommodate the new garage positioning.

Frank Little requested the applicant remove any finishes and partitions in the garage level of the home to stay within compliance. The applicant agreed to remove everything from the garage level.

Frank Little and **Mayor Jonathan Oldham** brought attention to the 5ft walkway easement located in the area where the new proposed parking space would be. **Mr. Little** explained that equipment does not fit up the easement due to the narrowness of the space. **Mayor Oldham** asked if it would be possible to remove the fence in that area for easement maintenance a few times a year. The applicant did not see any issue with the request and would ask to limit the maintenance in the summer months if possible.

Board discussion was opened.

Daina Dale requested the square footage of the home. **Michael Ziman** estimated that the proposed home would be around 3300-3400sqft if the variance is granted.

Mayor Jonathan Oldham questioned the applicant on potential landscaping plans that may restrict access to the easement. **Michael Ziman** confirmed that utility comes first in his property designs so they will be mindful of access.

Board discussion was closed.

Public portion was opened.

Joseph Pieroni – 12 E. 68th Street – was sworn in.

The following was entered into evidence:

P1 – Colorized original plan

P2 - 12 Color Photographs

Mr. Pieroni gave an overview of 68th Street and the congestion in that area. His main concern is parking. He shared that the newly proposed plan of 7 parking spaces would alleviate some of his concerns.

Public portion was closed.

Mayor Jonathan Oldham requested further explanation on where the proposed parking spaces would be. **James Brzozowski** confirmed that two parking spaces will be on the southside of the property, one on the northside, two in the garage, and two outside of the enclosure off of the easement. With a retaining wall from a neighboring home, **Mayor Oldham** shared concerns of maneuvering cars.

Kevin Quinlan Esq. reviewed the proposed application with the board.

Commissioner Imperiale made a motion to approve the application, seconded by **Tony Aukstikalnis**. The following vote was recorded. **Daina Dale** voted to deny the application. **Mark Simmons, John Tilton, Tony Aukstikalnis, Mayor Oldham, Commissioner Imperiale, Craig Coddington,** and **Mindy Berman** all voted **Yes** to approve the application.

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**Application: 2021:07 – 6 E. 73<sup>rd</sup> Street – Paul & Dana D'Aloia**

**The following was entered into evidence:**

**A1** – Application

**A2** – Architectural Plans by Jefferey M. King Architects

**A3** – Color Photographs of Property

**A4** – Revised Architectural Plans by Jefferey M. King Architects

**B1** - Engineer Review Letter prepared by Frank Little PE

**Paul D'Aloia**, the applicant, was sworn in. The applicant explained that the home was built in 1988 and is in need of repairs and updates.

**Jefferey M. King** was sworn in. **Mr. King** is the architect responsible for the preparation of the architectural plans. He shared that the applicant is looking to expand two decks, enclose a back deck for a home office, relocate existing steps to the westside of the house and to enclose the landing with a roof. The existing home is non-conforming and the proposed changes will not exacerbate the existing non-conformities. **Mr. King** stated that this application falls under the C1 variance criteria due to hardship.

**Commissioner Imperiale** requested additional details on what the office would be used for. **Mr. D'Aloia** advised that he will be working from home in that office.

**Craig Coddington** focused on the photographs that were submitted to the board. **Mr. Coddington** asked the homeowner about the newly framed door that is placed on the front of the home that is present in the photos. **Paul D'Aloia** shared that they put in the door hoping that the variance would be approved. If the variance is denied, the door would be changed to a window.

**Craig Coddington** made a motion to approve the application, seconded by **Commissioner John Imperiale**. **Mark Simmons, John Tilton, Tony Aukstikalnis, Daina Dale, Mayor Oldham, Commissioner Imperiale, Craig Coddington, and Mindy Berman** all voted **Yes** to approve the application.

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#### **Approval of Minutes – July 15, 2021**

**Craig Coddington** made a motion to approve the minutes of the **July 15, 2021** regular meeting, seconded by **John Tilton**. **Mark Simmons, John Tilton, Tony Aukstikalnis, Commissioner John Imperiale, Craig Coddington, and Mindy Berman** all voted **Yes** to approve the regular meeting minutes.

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At 8:21PM the meeting was adjourned.

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Christine Lisiewski, Secretary