

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
February 16, 2017**

A Regular Public Meeting of the Land Use Board of the Borough of Harvey Cedars was held in the Meeting Room in the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, New Jersey on the above date.

The meeting was called to order at 7:04 PM.

Chairman Bob Romano made the following announcement: “This is a 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.”

Members of the Board present: **Mayor Oldham, Daina Dale, Chairman Romano, Terry Kulinski and Tony Aukstikalnis**

Members of the Board absent: **Commissioner Garofalo, Mark Simmons, John Tilton and Paul Rice**

Alternate members of the Board present: **Kathy Sheplin and Sandy Marti**

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

Also present were the following: **Frank Little, PE and Stuart Snyder, Esq.**

~~~~~

**Application – 2017-02 – Siemons/Favata, 72 West 80<sup>th</sup> Street, Block 58 Lot 23**

Richard Visotcky introduced himself as the Attorney for the Applicants, Gary Siemons and Elissa Favata. After Mr. Visotcky gave a brief overview of the application, Mr. Snyder entered the following as evidence: Application dated December 9, 2016 as A1, Variance Map with revisions dated November 15, 2016 and prepared by the engineering firm Horn, Tyson and Yoder as A2, Architectural Plans dated October 14, 2016 prepared by the firm CWB Architecture as A3, and Board Engineer’s Letter dated February 8, 2017 as B1. **Mr. Snyder** swore into testimony Mr. Jim Brzozowski, Professional Engineer representing the firm Horn, Tyson and Yoder, Mr. Craig Brearley, licensed Architect practicing in the State of New Jersey and Board Engineer **Frank Little**.

Mr. Visotcky explained the history, location, the home owner’s use and modifications to the home over the years and the demands of their growing family.

Mr. Brzozowski testified to the current conditions and non-conformities along with the proposed alterations and additions of the project. He also explained the reason of the variances and the location of the generator platform which was noted on the Engineer’s report. Mr. Visotcky submitted into evidence A-4 – an 8x10 photo of existing house looking from the dock on the bay; A-5 – two 5x7 photos, the top photo is from 80<sup>th</sup> Street

looking in a south westerly direction at the north side and portion of eastside of house; the bottom photo looking from a westerly direction along the front property line to showing separation between the houses; A-6 – an 8x10 photo showing the north side of building from 80<sup>th</sup> Street showing the existing roofline. Mr. Visotcky confirmed with Mr. Brzozowski the Use Variances which were generated mainly from the new unroofed stairs, generator platform and the existing non-conformity of the roof line and the enhancement to the neighborhood. **Tony Aukstikalnis** wanted clarification from Mr. Brzozowski on which side of the house would be considered the front. **Frank Little** answered the question by saying that the lot in question is a Bayfront lot therefore it has two front yard setback.

Mr. Brearley testified on the nature of the improvements including adding stairs which will give the home owners access to the bay from the house and add a sense of entry to the 80<sup>th</sup> Street side of the house along with updating the whole exterior to have that “beach feel”. Mr. Brearley mentioned that the gable of the house will be the only portion of the house that will be over the height limit and the second-floor addition will eliminate the shed roof. Board Questions included **Mr. Little’s** concern on how loud the generator platform would be for the neighbor and **Tony Aukstikalnis** reiterating which side is the zoning definition of the front part of the house.

The floor was **open** for **PUBLIC COMMENT**. With no comments offered the **PUBLIC PORTION** was **closed**.

## **BOARD DISCUSSIONS**

**Tony Aukstikalnis** was concerned that a precedent was set on a separate application before the zoning board which the ordinance was upheld that a second floor must have a ten-foot setback. **Mr. Little** stated that this application was different because the second-floor wall was already a non-conformity. Mr. Brearley stated there is a big portion of the wall that is an existing non-conformity and he wanted to use the wall which would match the surround neighbors at the eight-foot setback. He also added the ordinance requiring the setback to the second floor would create a “wedding cake” look to the house.

**Mayor Oldham** was concerned with the how much of the roof would be above the height limit with which Mr. Brearley stated it would only be the gable end where the living room is located that would be above the height.

**Tony Aukstikalnis** asked if the entrance stairs could stay the same where **Chairman Romano** mentioned that it was a matter of convenience to move the steps.

**Kathy Sheplin** confirmed that the chimney flue can exceed the height limit by two feet.

**Sandy Marti** asked if the solid fence would remain which the home owner answered with a “no”, a new fence would be constructed.

**Chairman Romano** asked if the existing wall on the 2<sup>nd</sup> floor was to be removed could the design be set back to conform with the ten-foot setback. Mr. Brearley explained that the second-floor framing would be removed in order to have all new framing to meet

current code. Mr. Brearley stated that pushing the second-floor wall to the 10' set back would create structural issues, and aesthetically the house would appear to have the "wedding cake" look which would not be appealing since the neighbors have a similar "flush" look.

Regarding the lot coverage variance, **Frank Little** mentioned that the lot coverage is over is due to the stairways but could not think of how to aesthetically correct the issue unless the stairs at the bay be brought back into the deck area. Mr. Brearley stated that they were not trying to push the envelope but were working within the existing footprint.

**Terry Kulinski** made a motion to approve the application as proposed. Second by **Daina Dale**.

The following roll call vote was recorded: **Chairman Romano, Terry Kulinski, Daina Dale, Mayor Oldham, and Sandy Marti** all voted **YES**. **Tony Aukstikalnis** and **Kathy Sheplin** voted **NO**. With a 5 to 2 vote the application was approved.

~~~~~

Terry Kulinski made a motion to approve the minutes of the January 19, 2017 meeting, seconded by **Sandy Marti**. The following roll call vote was recorded: All voted **YES**.

~~~~~

**Resolution – 2017-01 – Franko, 3 West Bergen Avenue, Block 2 Lot 4**

**Sandy Marti** requested to change a typo at number #9. With said change **Tony Aukstikalnis** made a motion to approve the Resolution, seconded by **Sandy Marti**. The following roll call vote was recorded: **Daina Dale, Chairman Romano, Tony Aukstikalnis, Kathy Sheplin** and **Sandy Marti** all voted **Yes**.

~~~~~

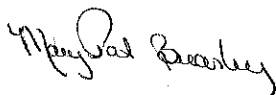
OTHER BUSINESS

Master Plan re-examination discussion along with the Open Space Ordinance draft will be carried until the March meeting.

~~~~~

At 8:23 PM a motion to adjourn was made by **Mayor Oldham**, seconded by **Tony Aukstikalnis**, all in favor.

Respectively submitted,



Mary Pat Brearley, Secretary