

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
December 20, 2018**

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 by Chairman Robert Romano at 7:00 PM. The Chairman asked all to rise for the Pledge of Allegiance.

**Chairman 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. 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: **Chairman Romano, Commissioner Garofalo, Daina Dale, Mark Simmons, Terry Kulinski and Tony Aukstikalnis**  
Members of the Board absent: **Mayor Oldham, 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: **Stuart Snyder, Esq., Frank Little, Engineer and Anna Grimste, Zoning Officer**

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**Application – 2018-07 Carney, 11 West 73<sup>rd</sup> Street, Block 45 Lot 6**

James Raban introduced himself as Attorney for the Applicant. **Commissioner Garofalo**, due to the application being a D Variance, **and Sandy Marti**, for being on the 200 foot list, recused themselves.

- The following were entered into as evidence:
- A1 – Application dated October 25, 2018
  - A2 – Variance Plan by Nelke Tyska dated September 13, 2018
  - A3 – Architectural Plans by Robert Stack, licensed Architect, dated October 23, 2018
  - B1 – Board Engineer’s letter dated December 17, 2018

Mr. Raban explained to the Board the property and the renovations and the considerations the Applicants and their professionals took while designing this project.

Mr. Robert Stack, licensed Architect in the State of New Jersey was sworn in to testify.

The following was entered into as additional evidence

A4 – Photo of existing residence and its current conditions

A5 – Rendering of proposed residence

Mr. Stack compared A4 and A5 to further explain the extent of the alterations and additions to the proposed residence and the reasoning behind the final design. Mr. Stack explained the residence will be staying within the foot print of the existing except for an extension of a Second Floor Deck which would connect two other decks. He also explained by changing an existing room into a covered deck would decrease the Floor Area Ratio.

Mr. Stack entered in to evidence:

A6 – Rendering of the West Elevation – further explaining the Second Floor Deck modifications and additions.

Mr. Stack also testified that changing the room to an open deck will add light and air where there was none before and improve the view for the property to the east.

Board Questions for Mr. Stack:

- What is the difference of the Floor Area Ratio when opening up the Second Floor Deck and adding the connection between the two Decks and the enclosure on the First Floor? Mr. Stack said the change was about 0.9 %.
- Where was the Elevator located and is it going to the roof? Mr. Stack stated the Elevator would be located at the existing stair and that it was not going to the roof.
- Would there be an issue with the height? Mr. Stack explained that he will redesign the roof with a lower pitch which would keep to the 30 foot requirement.
- Clarification was asked for that no additional decking would be added to the 1<sup>st</sup> Floor and the Ground Floor was not changing. Mr. Stack confirmed this assumption.

Mr. Thomas McCoy, Attorney, was contacted by several neighbors to clarify their concerns from Mr. Stack:

- The scope of the project and the design development of the Elevator
- The Setbacks when the house was first built in 1995

Mr. Rob Roth, Professional Planner and Architect in the State of New Jersey, was sworn in on behalf of the Applicants. Mr. Roth testified as a Professional Planner that the alterations of the Second Floor to remove the existing room to add a Deck

and the connector between the two Second Floor decks would enhance the aesthetics of the home and would not have any negative impact on the neighborhood. He continued by saying the decrease in the Floor Area Ratio along with allowing the neighbors to benefit from the addition of light and air will be a benefit to the surrounding neighbors.

Mr. Robert Carney and Mrs. Courtney Carney were sworn in. Mr. and Mrs. Carney explained that the home has been in Mrs. Carney's family for years and they bought it from Mrs. Carney's father. The elevator is needed so Mrs. Carney's father, who has Parkinson's disease could still enjoy the home.

Mr. Little's letter was addressed.

The Public Portion of the meeting was OPENED.

Mr. McCoy again stated his concerned that the neighbors were not noticed in a timely manner and the neighbors just wanted more time to review the proposed project. Other neighbors could not make the meeting due to conflict of schedules or distance to travel. Mr. Snyder explained that the notices must be sent out by a deadline which is certified by the Board Secretary. How long it takes for the mail carrier to deliver the notices is out of the Board's hands. Mr. Snyder also added that once the notices were received anyone could have called the town and the plans could have been sent electronically for their review.

Christine Harman - 13 West 73<sup>rd</sup> Street was sworn in. Mrs. Harman was concerned that notices were not sent to all neighbors and there was not enough time to make plans to travel so close to the holidays. She asked the Board to hold off on their decision.

The Public Portion of the meeting was CLOSED.

Mr. Raban summarized the application and the testimony given by his witnesses and stated with Proof of the Affidavit from the Post Office the notices were sent in a timely manner.

The Board discussed the Application and their thoughts.

**Mark Simmons** made a motion to approve the Application with the roof height being 30 feet and as long as the project does not exceed the 75% of the square footage of the building in which the applicant must comply with Ordinance Section 12-8.11, seconded by **Tony Aukstikalnis**. The following vote was recorded **Mark Simmons, Chairman Romano, Terry Kulinski, Tony Aukstikalnis, Daina Dale** and **Kathy Sheplin** all voted Yes to approve with the conditions stated.

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**Commissioner Garofalo and Sandy Marti** rejoined the Land Use Members.

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**Minutes – Regular Meeting – November 15, 2018**

**Sandy Marti** made a motion to approve the minutes of the regular meeting on November 15, 2018, seconded by **Mark Simmons**. The following vote was recorded **Mark Simmons, Chairman Romano, Tony Aukstikalnis, Daina Dale, Commissioner Garofalo, and Sandy Marti** all voted **Yes** to approve.

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**Resolution – 2018-03 Sand and Sea Properites, LP, 25 Barnegat Avenue, Block 29 Lot 1**

A Resolution was previously approved. There were minor syntax corrections made. **Tony Aukstikalnis** made a motion to approve the corrected Resolution, seconded by **Commissioner Garofalo**. The following vote was recorded **Mark Simmons, Chairman Romano, Tony Aukstikalnis, Daina Dale, Commissioner Garofalo and Sandy Marti** all voted **Yes** to approve.

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**Resolution – 2018-05 Grybowski, 3 West 83<sup>rd</sup> Street, Block 75 Lot 2**

A Resolution was previously approved. There were minor syntax corrections made. **Daina Dale** made a motion to approve the corrected Resolution, seconded by **Commissioner Garofalo**. The following vote was recorded **Chairman Romano, Daina Dale, and Commissioner Garofalo** all voted **Yes** to approve.

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**Resolution – 2018-06 Sussex, LLC 9 East Sussex Avenue, Block 43 Lot 9**

A Resolution was previously approved. There were minor syntax corrections made. **Tony Aukstikalnis** made a motion to approve the corrected Resolution, seconded by **Commissioner Garofalo**. The following vote was recorded **Mark Simmons, Chairman Romano, Tony Aukstikalnis, Daina Dale, Commissioner Garofalo and Sandy Marti** all voted **Yes** to approve.

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**Resolution – 2018-07 Carney, 11 West 73<sup>rd</sup> Street, Block 45 Lot 6**

**Mark Simmons** made a motion to approve Resolution verbally stated by Stuart Snyder which will be written and forward to all Board Members, seconded by **Daina**

**Dale.** The following vote was recorded **Mark Simmons, Chairman Romano, Terry Kulinski, Tony Aukstikalnis, Daina Dale, and Kathy Sheplin** all voted **Yes** to approve.

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Master Plan discussion will be carried.

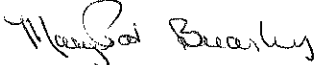
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It was announced that the Reorganization Meeting will be on January 3, 2019 at 4:30 pm

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At 8:25 PM a motion to adjourn was made by **Mark Simmons**, seconded by **Terry Kulinski**, all in favor.

Respectfully submitted,

  
Mary Pat Brearley, Secretary

