

**RESOLUTION OF MEMORIALIZATION OF THE LAND USE  
BOARD OF THE BOROUGH OF HARVEY CEDARS,  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2018:04**

**WHEREAS**, Kimberly L. Coulson has made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit her to enlarge the approved renovations and additions as granted under Resolution of Memorialization Docket Number 2017:03 adopted on April 30, 2017 at property known and designated as Lot 39 Block 6; 5423C Long Beach Boulevard 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 November 15 2018. The applicant was represented by Eric LeBoeuf, Esq. The application dated September 29, 2018 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. titled “Variance Map Lot 39, Block 6, Tax Map Sheet # 2 Borough of Harvey Cedars, Ocean County, New Jersey” dated August 18, 2016 with a final revision date of September 24, 2018 under signature and seal of James D. Brzozowski, PE, PP and Robert G. deBlois, PLS was entered into evidence as Exhibit A-2; architectural plans prepared and sealed by Christopher Jeffrey Architects, PLLC, titled “Coulson Residence 5423 C Long Beach Blvd. Harvey Cedars, NJ” containing Sheets: A-001, A-101, A-102, A-111, A-112,A-113, A-114,A-115 A-201; A-202, A-301 and A-304 dated August 22, 2018 were entered into evidence as Exhibit A-3; three (3) pages containing eleven (11) photographs of the property were entered into evidence as Exhibit A-4. A copy of Resolution of Memorialization Docket Number 2017:03 adopted by the Board on April 30, 2017. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated October 10, 2017 was entered into evidence as Exhibit B-1. The Board took notice of Resolution of Memorialization Docket # 2017:03 adopted on April 20, 2017 entered into Evidence as Exhibit J- 1. Testimony was offered by James D. Brzozowski, PE and PP, applicant’s engineer and Professional Planner and Christopher Jeffrey, applicant’s architect. There was not any public comment offered; 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. Applicant is the owner of the property.
3. The property is located in the RA Single Family Residential Zone.
4. The Board adopts the contents of Resolution of Memorialization 2017:03 as if set forth herein at length.
5. All findings pertaining to the layout, size and location of the property have not changed; applicant has commenced construction of the approved additions set forth within the above Resolution.
6. Applicant now appears before the Board for variance relief to permit an enlargement of the approved additions to the property. She proposes to construct an additional enclosed area of 5.4 feet x 19.6 feet on the southerly corner of the house which creates the expansion of the nonconforming side yard setback of 7.8 feet; and an additional enclosed area of 8.6 feet x 14.6 feet on the northerly corner of the house expanding the variance for the side yard setback initially granted under Resolution of Memorialization 2017:03; whereupon an additional 8.6 feet will be constructed at a 7.9 foot setback to the five (5') foot walkway easement. The additional space is located within the rear yard setback, to the west of the house and increases the footprint by approximately 231 square feet with an additional 462 square feet of heated living space.
7. The proposal by applicant reduces the rear yard setback from 47.7 feet to 39.1 feet. There will not be any impact upon light, air or open space, or upon the parking provided at the site.
8. Applicant proposes to maintain the air conditioning platform within the northerly side yard setback as shown in Exhibit A-2, the plan reflects setback of 9.4 feet to the property line, with 4.4 feet to the walkway

easement. Applicant agrees to adjust either the size or location of the platform to maintain a setback of 10.00 feet to the property line.

9. The property is accessed by a 25 foot access easement from Long Beach Boulevard, and then a 15 foot access easement along the westerly portion of Lot 39. Applicant discussed landscaping the lot upon completion of the development. The Board expressed concern with access for emergency vehicles; and part of applicants proposed parking is along the westerly 15 feet of the subject property. Applicant proposes to leave the rear yard setback of 15 feet open and unobstructed to enable that area to service emergency vehicles if the need arises.
10. The additional living space will be constructed at the existing height of 31.5 feet.
11. The enlargement of the proposed addition will not adversely affect any adjoining properties.
12. The Board adopts the contents of the October 30, 2018 letter of Owen, Little and Associates, Inc. as if set forth herein at length.
13. The continuation of the 7.9 foot setback from the easement will not interfere with the use of the easement; and the encroachment of 5.4 feet along the 7.8 foot southerly setback will not have any negative impact upon the adjoining property.

**WHEREAS**, the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by the applicant, Kimberly L. Coulson for variances to permit her to enlarge the approved renovations and addition as granted under Resolution or Memorialization Docket Number 2017:03 adopted on April 30, 2017 at property known and designated as Lot 39 Block 6; 5423C Long Beach Boulevard in the Borough of Harvey Cedars, County of Ocean and State of New Jersey, in accordance with plans entered into evidence as Exhibits A-2 and A-3, can be granted without substantial detriment to the public good and will not impair the intent of the zone plan or zoning ordinances of Harvey Cedars. The addition will substantially conform to the ordinance requirements, but for the continuation of an existing northerly setback, which

is less than 1/10 of a foot nonconforming from the requirement of 8 feet; and will not affect the surrounding property or impact the adjoining pedestrian easement; the expansion of the nonconforming southerly setback of 7.8 feet will have minimal, if any, impact upon the surrounding areas, and the height will match the existing building. The existing and proposed expansion of the building height will not have any having impact upon the surrounding area. The building coverage is being expanded by approximately 261 square feet, however the site maintains more than adequate open space to compensate for the addition, and the house is constructed to scale, predicated upon the size and location of the property.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Harvey Cedars that the application of Kimberly L. Coulson for variances to permit her to enlarge the approved renovations and addition as granted under Resolution or Memorialization Docket Number 2017:03 adopted on April 30, 2017 at property known and designated as Lot 39 Block 6; 5423C Long Beach Boulevard in the Borough of Harvey Cedars, County of Ocean and State of New Jersey, in accordance with plans entered into evidence as Exhibits A-2 and A-3, 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 October 30, 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 hearing conducted on March 10, 2017 whereupon the building height of the addition will match the existing roof and

shall not exceed 31.5 feet, the air conditioning units shall maintain a ten (10) foot setback to the property line.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicant leaving the westerly fifteen (15) feet of the property clear and unobstructed; to provide access and egress for emergency vehicles. Applicant shall record a deed or covenant assuring that this condition runs with the land, and shall not be violated.

**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 all terms and conditions set forth in Resolution of Memorialization Docket 2017:03 adopted on April 20, 2017, shall remain in full force and effect, except as modified by the approved plans herein.

**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 November 15, 2018 when this matter was considered.

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**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 November 15, 2018.

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**MARY PAT BREARLEY, SECRETARY**