

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
February 19, 2026**

The February 19, 2026 regular meeting of the Land Use Board of the Borough of Harvey Cedars was held in the meeting room of Borough Hall 7606 Long Beach Boulevard, Harvey Cedars, New Jersey.

The meeting was called to order by **Alcides Andril** at 06:30 PM.

Chairman Alcides Andril 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 and 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 times.”

Members of the Board present: **Mayor John Imperiale, Mindy Berman, Mark Simmons, Alcides Andril, and Thomas Griffith.**

Members of the Board absent: **William Montag IV, Richard Warren, and Kathy Sheplin**

Alternate members of the Board present: **Russell Harle, Fred Bercari, Edward O’Connor, and Robert Palestri**

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

Also present were the following: **Kevin Quinlan Esq., Frank Little P.E, Cecilia Morillo Zoning Officer**

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Prior the hearing the application, Mayor John Imperiale and Robert Palestri chose to recuse themselves from the application.

**Application – 2026:01 – Walters Design Build LLC / Sisters of Charity of Saint Elizabeth – 7201 Long Beach Boulevard**

**This application was carried from the January 15, 2026 meeting.**

**The following was entered into evidence:**

**A9 – Revised Site Plan prepared by Donald P. Sweeney**

**A10 – Traffic Assessment Study prepared by Dynamic Traffic**

**B2 – Engineer Review Letter prepared by Frank Little, P.E.**

**Evan Zimmerman with Giordano, Halleran, & Ciesla, PC represented the applicants. Mr.**

**Zimmerman** gave a brief rundown of the prior testimony. He explained that the subdivision plan remains the same. He explained that at the last meeting opposing counsel requested the applicants extend 72<sup>nd</sup> Street eastward toward the dunes and shared concerns over the size of the proposed easements. **Mr. Zimmerman** iterated that requiring the extension of 72<sup>nd</sup> Street is not an option that the Land Use Board is permitted to entertain under the laws of the State of New Jersey.

**Evan Zimmerman** shared that the applicants heard the concerns from the public regarding the safety concerns. He explained that the applicants sought traffic engineering and fire protection experts to evaluate the proposed subdivision plans and provide their expert recommendations. Based on the prior concerns, the applicants will be installing fire suppressant sprinkler systems in all four ocean front homes and deed restrict an additional five-foot buffer area to provide clear space for emergency services along the easements.

Wrapping up the introduction to the application, **Mr. Zimmerman** explained that it is clear the board shall approve the applications based on case law due to the proposed plan being fully conforming.

**Sister Maureen Shaughnessy** the General Superior for the Sisters of Charity of St. Elizabeth was sworn in. She shared the history of the retreat. **Sister Shaughnessy** stated that in recent years the use of the building has changed and it was determined that the oceanside property would be put up for sale. She explained that due to his reputation and local roots, the Sisters of Charity decided to award the contract to Ed Walters with Walters Design Build LLC.

**Sister Shaughnessy** explained that the proposed application began at a higher amount of eight lots and ultimately landed on the six conforming lots. She added that in her opinion there is no valid reason to further reduce the lot count and they are hopeful that the board grants the approval.

**Patrick Downey** with **Dynamic Traffic** was sworn in. **Mr. Downey** confirmed that he reviewed the transcript of the first public hearing and all of the application materials.

**Mr. Downey** reviewed the **Traffic Assessment Study (A10)** with the Land Use Board and public. He showed an overview of the municipal tax map with similar streets that are located in the borough. In his professional opinion, he does not believe that that 72<sup>nd</sup> Street is unique since other streets in the neighboring area also terminate prior to the oceanfront. **Mr. Downey** also showed similar access easements that are within the neighboring areas and explained that it is common within the area.

**Mr. Downey** reviewed the sections of the study that gave an overview of firetruck maneuverability. He stated that the overview is based on current firetruck specifications that were provided by the truck manufacturer. **Mr. Downey** described the maneuver the trucks could make as a “hammerhead” that would grant them access to each proposed easement.

**Patrick Downey** believes that the proposed subdivision is safe and efficient.

**Gerard Naylis** with **Technical Fire Services** was sworn in. **Mr. Naylis** is an expert in fire safety and inspection. He confirmed that he had reviewed the transcript from the prior meeting and reviewed the subdivision plan.

**Mr. Naylis** explained that he is satisfied of the current condition of 72<sup>nd</sup> Street and the proposed condition of the access easements. He added that based on the New Jersey Fire Code, a minimum of 20ft is required and the applicant is proposing that. The proposed design complies with all NJ Fire Code requirements per **Mr. Naylis'** testimony.

**Gerard Naylis** gave a breakdown of how a firetruck would successfully reach the properties to fight a fire.

**Evan Zimmerman** asked **Mr. Naylis** to explain how the proposed fire suppression sprinkler systems would benefit the properties. **Gerard Naylis** shared that the non-freeze sprinkler system is a tremendous benefit since they are always on duty. He added that they are heat activated and are constantly monitored. Adding to his testimony, a video of the sprinkler system was shared.

**Mr. Naylis** believes that the application prior to the addition of the sprinklers and five-foot buffer was sufficient with fire safety. He added that this addition exceeds the requirements.

**Alcides Andril** questioned how multiple fire trucks would attend a fire on an easement. **Mr. Naylis** explained that a commander would assess the situation and direct the apparatuses to different locations. **Mr. Andril** asked **Mr. Naylis** to give an overview how a fire department would fight a fire in the lots without the installation of a sprinkler system. **Mr. Naylis explained** that it does not matter which lot it is. He explained that the key to fighting the fires would be the accessibility for an apparatus, fire hoses, and other equipment. He believes that all of those key items are available on all proposed lots in the subdivision.

**Edward O'Connor** asked **Mr. Naylis** how many sprinklers would be required by room. **Mr. Naylis** stated that it is one sprinkler per 250sqft.

**Mindy Berman** questioned the anti-freeze that is in the system. **Mr. Naylis** explained that the system is closed until it becomes operational from the public water supply. He added that the backwash would not be pushed into the water supply.

**John McDonough** was sworn in. **Mr. McDonough** echoed his previous testimony where he declared that the application is a clean fully conforming application. He added based on Municipal Land Use Law, the application shall be approved if the proposed subdivision complies with the existing ordinances.

**Mindy Berman** questioned the setbacks on the properties. **Evan Zimmerman** and **Frank Little** explained that the setbacks are based on the existing ordinances. **Mr. Little** explained that on an oceanfront lot, you can refer to the ocean as your front lot and go up to the building line with a fifteen-foot rear yard setback.

Additionally, **Mindy Berman** questioned how the ownership of the easement would work.

Counsel confirmed that each lot would own the section directly in front of their lot.

Public portion was opened.

**Robert Palestri – 4 E. 73<sup>rd</sup> Street** – was sworn in. **Mr. Palestri** attempted to restate prior testimony by an individual that was not present. **Mr. Quinlan** explained that he cannot restate the prior testimony for an individual that is not present.

Moving onto parking concerns, **Mr. Palestri** shared that a large number of cars will be utilizing the proposed easements for parking. He added that these cars would cause safety issues.

**Robert Palestri** shared photos of the Small Estate that was built in the 1930s showing the bulkhead. He claimed that the photos show how far the lots will be built towards the ocean. **Kevin Quinlan Esq.** paused the testimony to declare the photos were irrelevant.

**Robert Palestri** added that the board should take the storm mitigation deeds from 2006 into consideration. He explained that .6 acres of the Harvey Cedars beach was used in the calculation to propose the lot sizes.

**Paul D'Aloia – 6 E. 73<sup>rd</sup> Street** – requested clarification from the fire safety expert, **Mr. Naylis**. He asked **Mr. Naylis** if the extension of the street to the beach would be more or less safe in regards to fire and rescue. **Mr. Naylis** explained that it does not matter. He stated that it is crucial that there needs to be an immediate point of access to victims of other emergencies other than fires.

**Evan Zimmerman** and **Kevin Quinlan** asked individuals that are represented by counsel to identify themselves when speaking.

**Eric Goldstein with Nehmad, Davis, and Goldstein** stepped forward to begin questioning his clients.

**Richard Lino – 9 Sussex Avenue** – was sworn in. He agrees with prior testimony that covered fire safety and beach access issues. **Mr. Lino** focused on potential parking issues that could arise with large sized homes. He believes the parking issues will affect the borough and neighboring residents negatively. **Mr. Lino** also brought up the 2006 Storm Mitigation Deed that **Mr. Palestri** mentioned and stated that beach access is required per that deed. **Kevin Quinlan Esq.** confirmed that the plan already contains public beach access. In conclusion, **Mr. Lino** agreed that 72<sup>nd</sup> Street should be extended to alleviate traffic issues and safety issues.

**Christine Harman – 13 W. 73<sup>rd</sup> Street** – was sworn in. **Ms. Harman** is concerned over the homes being constructed to the building line. She explained that building to the building line would destroy the existing trees and established root system that hold the dunes together in the area. She also echoed prior testimony regarding safety, fire truck access, and potential parking issues.

Public portion was closed.

Prior to closing arguments, **Evan Zimmerman Esq.** called the traffic expert. In response to earlier comments questioning which street 72<sup>nd</sup> Street was most comparable to, **Patrick Downey** shared that it is 68<sup>th</sup>, 69<sup>th</sup>, and 70<sup>th</sup> Streets.

**Mindy Berman** focused on the beach access on the plot plan. She shared that it starts at 10ft at the street end but steps down to only 8ft. **Evan Zimmerman Esq.** explained that it is a CAFRA requirement.

Closing arguments began with **Eric Goldstein Esq.** who represented the opposing neighbors. **Mr. Goldstein** revisited the testimony given at the January hearing by the fire official. He questioned that if the easements and homes were safe in the original application, why did the applicants come back with enhanced safety concerns. **Mr. Goldstein** stated that the board should not feel pressured to vote yes due to its full conformity and should vote based on the public safety concerns.

**Evan Zimmerman Esq.** shared that the applicants have taken all comments to heart and have gone above and beyond to take them into consideration. **Mr. Zimmerman** explained that due to the January testimony by the Assistant Fire Chief, the applicant added the deeded access easements and addition of sprinklers. In conclusion he wrapped up the application and confirmed once again that the application was fully conforming and requested an approval.

**Russell Harle** questioned if annual inspections for the sprinkler systems would be required. **Mr. Naylis** stated that a typical inspection window is every three years and they are performed by a certified fire protection contractor. He added the backflow procedure must be inspected at least once every five years.

**Kevin Quinlan** explained the inspection process to the board.

In order to give the board a clear understanding of what they would ultimately be voting on, **Kevin Quinlan Esq.** gave an overview of the relevant points. In his legal opinion, **Kevin Quinlan Esq.** stated that the board does not have authority to require the applicants to extend 72<sup>nd</sup> Street due to the lack of variances. He added that the subdivision is entirely conforming and meets all requirements. Moving onto the easements, **Kevin Quinlan Esq.** explained that the proposed easements are fully conforming with the borough's existing ordinance's and added that they over comply with the addition of the five-foot buffer.

Moving on to the argument regarding safety, **Kevin Quinlan Esq.** revisited the testimony by Mr. Naylis that confirmed that fire trucks would be able to access the property. With opposition stating otherwise, **Mr. Quinlan** left the decision to the board to decide which testimony they agree with.

Wrapping up his opinion, **Kevin Quinlan Esq.** stated that the application is a subdivision by right and the safety issue would need to be based on a specific issue.

Prior to board vote, **Frank Little PE** shared that based on the Engineer Review Letter, if

approved, there are standard conditions that will have to be met during plot plan approval.

Board discussion moved to a brief recap of the fire sprinkler inspection process. **Evan Zimmerman Esq.** clarified that all four homes that have frontage on an access easement will have systems installed and it will be the homeowner's responsibility and best interest to maintain them.

**Mindy Berman** made a motion to approve the application as submitted with the provision of the five foot deed restriction on the twenty foot wide easement and inclusion of the sprinkler system on the four oceanfront properties, seconded by **Edward O'Connor**.

**Mindy Berman** shared that she believes the street should have been extended however, the application fully conforms to the ordinances that are currently in place.

**Mark Simmons** explained that the application is clean and the concerns regarding safety have been addressed.

**Alcides Andril** stated that he is not in favor of the motion. He does not find the testimony by **Mr. Naylis** to be more pertinent than the testimony of the Assistant Fire Chief of Harvey Cedars. **Mr. Andril** explained that he also finds issue in the length of the easements in regards to safety. He used the example of the recent snow storm that caused many easements to be inaccessible.

**Thomas Griffith** agreed with prior testimony that the application is fully conforming and the voluntary revisions address the fire concerns. He revisited testimony from the traffic expert that explained that 72<sup>nd</sup> Street was better situated to handle fire equipment than other existing easements in the borough.

**Russell Harle** shared that he thinks the reference to other easements is irrelevant. He added that the application meets all requirements and have already reduced the number of homes on the property.

**Fred Bercari** agreed with the comments made by **Alcides Andril**. He does not believe the sprinkler system should be a benchmark for approval. **Mr. Bercari** is siding with the testimony of the Assistant Chief made at the January meeting based on his expertise of fighting fires and EMS incidents in the area.

**Edward O'Connor** echoed previous board members in their comments regarding the application being fully conforming based on the borough's current ordinances.

The following vote was recorded: **Mindy Berman, Mark Simmons, Thomas Griffith, Russell Harle, and Edward O'Connor** voted **Yes** to approve the application. **Alcides Andril** and **Fred Bercari** voted **No** to approve the application.

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Board member Robert Palestri left the meeting at 8:50pm.

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**Minutes – Reorganization Meeting – January 15, 2026 – 6pm**

**Mindy Berman** made a motion to approve the minutes of the January 15, 2026 reorganization meeting, seconded by **Mayor John Imperiale**. The following vote was recorded: **Mayor Imperiale, Mindy Berman, Mark Simmons, Alcides Andril, Thomas Griffith, and Fred Bercari,**

**Minutes – Regular Meeting – January 15, 2026 – 6:30pm**

Mindy Berman pointed out slight corrections that need to be made.

**Mindy Berman** made a motion to approve the minutes of the January 15, 2026 regular meeting, seconded by **Mayor John Imperiale**. The following vote was recorded: **Mayor Imperiale, Mindy Berman, Mark Simmons, Alcides Andril, Thomas Griffith, and Fred Bercari,**

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The board discussed the Affordable Housing ordinance that the Board of Commissioners will be finalizing at a special meeting on March 9th. **Frank Little PE** explained that the initial plan that was put into place was insufficient. This proposed ordinance includes a required fee that will need to be collected and put into a fund that the borough will maintain.

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Before closing the meeting **Alcides Andril** requested that moving forward he would like each board member to comment on the application before a motion is entertained.

At 9:07PM the meeting was adjourned.

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Christine Lisiewski, Secretary