

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

Regular Meeting – Minutes
June 16, 2022

The regular meeting of the Land Use Board of the Borough of Harvey Cedars was held in the meeting room of Borough Hall on the above date.

The meeting was called to order by **Chairman Robert Romano** at 07:03 PM.

Chairman Robert Romano 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 times.”

Members of the Board present: **Mark Simmons, Robert Romano, Tony Aukstikalnis, Mayor Jonathan Oldham, Commissioner John Imperiale, and Craig Coddington**

Members of the Board absent: **John Tilton, Daina Dale, and Kathy Sheplin**

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

Alternate members of the Board absent: **Mindy Berman**

Also present were the following: **Kevin Quinlan Esq., Frank Little P.E., and Anna Grimste Zoning Officer**

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**Application: 2022:06 – 17-A. W. 76<sup>th</sup> Street – Phillip Kunz & Sherine O. Aly**

**James Raban** with **Raban & Raban, LLC** was sworn in. **Mr. Raban** represented the applicants **Phillip Kunz** and **Sherine O. Aly**.

**The following was entered into evidence:**

**A1** – Application

**A2** – Variance Plan prepared by Horn, Tyson, & Yoder

**A3** – Architectural Plans prepared by Phillip Kunz

**A4** – Survey prepared by Horn, Tyson, & Yoder

**A5** – Color photographs

**B1** – Engineer Review Letter prepared by Frank Little P.E.

Testimony began with a brief overview of the application and property. The property consists of an existing two-story single-family home that was built in 1938. **James Raban** explained that the ground level of the home is below the base flood elevation. He added that the applicants are proposing to maintain the existing foundation, raise the home, add an additional level, and make

the ground level storage with garage space. Due to an existing non-conforming setback on the north side of the property, the height requirement for the home is reduced. The applicants are seeking a height variance

**James Brzozowski** with **Horn, Tyson, and Yoder** was sworn in. **Mr. Brzozowski** added onto the previous testimony and explained the proposed addition would trigger the need for a height variance. The applicants are proposing a flat roof height of 29.5ft where 27ft is the maximum required and deck railings of 32.7ft where 30ft is the maximum required. Those requirements are triggered by the non-conforming side-yard setback on the northerly side.

In addition to the height variance, a variance will also be needed for the positioning of the swimming pool. **James Brzozowski** stated that the pool will be positioned 10ft from the bulkhead and 7.6ft from an existing deck, where 8ft is required. He added that the deck is an arched deck so the area within 7.6ft is only 1.85sqft of deck. **Tony Aukstikalnis** questioned whether the applicant would consider adjusting the pool closer to the bulkhead.

**Phillip Kunz**, the applicant, was sworn in. **Mr. Kunz** explained that the proposed 10ft from the bulkhead allows for any bulkhead repair that may come up in the future. With the chance of individuals jumping from the arched deck, **Tony Aukstikalnis** showed favor in moving the pool. The applicant agreed to adjust the proposed plans. **James Raban** amended on the record that the pool will be 9.6ft from the bulkhead and 8ft from the structure. Revised plans will need to be submitted.

**Frank Little** questioned if the house was being lifted. **Phillip Kunz** confirmed that the house is not being lifted. The existing first story will become a garage with storage and an additional level will be created on the existing home. **Mr. Kunz** added that height of each level will be standard 8ft ceilings.

**Chairman Romano** questioned if the applicant had considered removing the deck and repositioning. **Phillip Kunz** shared that they have explored repositioning the deck but it would require additional renovations.

**Commissioner John Imperiale** applauded the applicants on their decision to add onto the existing home and not demolish and build new.

**Phillip Kunz** presented the architectural plans to the board. The proposed plans allow for ample storage room and will alleviate flooding issues.

**The following was entered into evidence:**

**A6** – 3D models of the proposed plans

With testimony concluded, **Kevin Quinlan Esq.** summed the application up for the board. The applicant is requesting variances for a 29.5ft flat roof where 27ft is permitted, a 32.7ft railing height where 30ft is permitted, and a distance of 9.6ft from the pool to the bulkhead where 10ft is required. **Mr. Quinlan** reiterated that revised plans will need to be submitted.

Public portion was opened.

Public portion was closed.

**Commissioner John Imperiale** made a motion to approve the application, seconded by **Craig Coddington**. The following vote was recorded: **Commissioner Imperiale, Mark Simmons, Chairman Robert Romano, Tony Aukstikalnis, Mayor Oldham, and Craig Coddington** all voted **Yes** to approve the application.

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**Approval of Minutes – May 19, 2022**

**Commissioner John Imperiale** made a motion to approve the minutes, seconded by **Craig Coddington**. The following vote was recorded: **Commissioner Imperiale, Chairman Romano, Tony Aukstikalnis, and Craig Coddington** voted **Yes** to approve.

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In order to continue the board discussion on flag lots, **Chairman Romano** will prepare materials to present to the board at the July meeting.

**Mayor Jonathan Oldham** shared that the survey for the streetscape design has been completed. The streetscape design committee will meet in July.

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At 7:48PM the meeting was adjourned.

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Christine Lisiewski, Secretary