

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
October 15, 2020**

A regular meeting of the Land Use Board of the Borough of Harvey Cedars was held in the meeting room at the Borough Hall, 7606 Long Beach Boulevard, Harvey Cedars, New Jersey on the above date.

The meeting was called to order by **Chairman Bob Romano** at 07:04 PM.

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.”

Members of the Board present: **Mark Simmons, John Tilton, Chairman Robert Romano, Tony Aukstikalnis, Mayor Jonathan Oldham, Kathy Sheplin, and Commissioner Imperiale.**

Members of the Board absent: **Daina Dale and Terry Kulinski**

Alternate members of the Board present: **Craig Coddington**

Alternate members of the Board absent: **Sandy Marti**

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

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**Application – 2020:11 - 5619 Holly Avenue – 5619 Holly LLC**

**James Raban Esq.** was sworn in. **Mr. Raban** is representing the applicant **5619 Holly LLC.**

**The following was entered into evidence:**

**A1 – Application**

**A2 – Variance Map prepared by Horn, Tyson, and Yoder**

**A3 – Architectural Plans prepared by Studio Tagland**

**B1 – Engineer Review Letter prepared by Frank Little, PE**

**James Raban Esq.** detailed the single-family dwelling located at 5619 Holly Avenue. The front of the home is situated on Holly Avenue and the back of the house is located on Long Beach Boulevard. The applicant is proposing a 6ft by 5.5ft elevator shaft on the northern side of the property. In order to place the elevator shaft, the applicant is requesting a variance for the side yard setback and a height variance. The only proposed change on the property would be the elevator shaft.

**James Brzozowski** with **Horn, Tyson, and Yoder** was sworn in. **Mr. Brzozowski** explained to the board that the proposed elevator shaft would reduce the existing side yard setback on the

northside of the property to 6.5ft. The side yard would become non-conforming and trigger the need for height variances. The height variances would be needed for the existing roof deck and roof railings that would be slightly over the height requirement. **James Brzowski** shared that the elevator would allow for handicap access. **James Raban Esq.** requested **Mr. Brzowski** detail any detriments the proposed elevator may cause. Per **Mr. Brzowski**, the only neighbor that would be impacted would be on the northside of the property but there would be no intrusion on their privacy.

**Mayor Jonathan Oldham** requested confirmation on the distance between the elevator shaft and the neighboring home on the northside of the property. **James Brzowski** stated that there is roughly 10-11ft. **Mayor Oldham** questioned the location of any shrubs or fencing located on the side of the proposed elevator and the side yard. **Mr. Brzowski** presented photos to the board taken by surveyors with **Horn, Tyson, and Yoder** that show the side of the home in question.

**The following was entered into evidence:**

#### **A4 – Property photos**

Per the property photos (A4), there is no shrubbery or fencing located on the northern side of the property.

**Frank Little** questioned the amount of parking spaces provided for the home. **James Brzowski** explained that there is garage parking and ample room for two vehicles in the front of the home off of the road.

**Mayor Jonathan Oldham** shared the importance of not planting shrubs or fencing the area along the elevator shaft in case the area needs to be accessed during an emergency. The applicant found no issue with the request.

The applicant, **Harry Salon**, was sworn in. **Mr. Salon** has a 50% interest in **5619 Holly LLC**.

**Tony Aukstikalnis** questioned the reason behind the request for the elevator. **Mr. Salon** explained that he and his wife wish to “get old” in Harvey Cedars and the elevator will help them in their later years.

**Mr. Salon** shared with the board that prior to preparing the plans for the proposed elevator, he contacted the neighbors to the north. He explained that they had no issues with the proposed plans.

Public Portion was opened.

Public Portion was closed.

**Tony Aukstikalnis** made a motion to approve the application under the stipulation that no plantings be placed along the northern elevator shaft, seconded by **Mayor Jonathan Oldham**.

The following vote was recorded **John Tilton, Mark Simmons, Chairman Romano, Tony Aukstikalnis, Kathy Sheplin, Mayor Oldham, Commissioner Imperiale, and Craig Coddington** all voted **Yes** to approve.

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**Resolution – 2019:05 – 12 E. Burlington Avenue – William and Amy Sheffield**

**Stuart Snyder** read and reviewed Resolution of Memorialization with the board.

**Kathy Sheplin** made a motion to approve the Resolution, seconded by **John Tilton**. The following vote was recorded **John Tilton, Chairman Romano, Tony Aukstikalnis, Kathy Sheplin, and Mayor Oldham** all voted **Yes** to approve.

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**Resolution – 2020:02 – 1 Thomas Avenue – John Marshall**

**Stuart Snyder** read and reviewed Resolution of Memorialization with the board.

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

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**Resolution – 2020:09 – 2 E. 70<sup>th</sup> Street – Walters Design-Build LLC**

**Stuart Snyder** read and reviewed Resolution of Memorialization with the board prepared by **Kevin Quinlan Esq.**

**Commissioner John Imperiale** made a motion to approve the Resolution, seconded by **John Tilton**. The following vote was recorded **John Tilton, Chairman Romano, Mayor Jonathan Oldham, Commissioner John Imperiale, and Craig Coddington** all voted **Yes** to approve.

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**Resolution – 2020:10 – 5305B Long Beach Blvd. – Donald Yick & Nancy Tom**

**Stuart Snyder** read and reviewed Resolution of Memorialization with the board.

**Tony Aukstikalnis** made a motion to approve the Resolution, seconded by **Kathy Sheplin**. The following vote was recorded **John Tilton, Chairman Romano, Tony Aukstikalnis, Kathy Sheplin, Mayor Oldham, Commissioner Imperiale, and Craig Coddington** all voted **Yes** to approve.

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Continuing previous discussions of the Master Plan, **Frank Little** revisited areas the board believed needed attention.

In recent applications made to the board, requests for swimming pools appeared to be a trend. **Frank Little** explained that the ordinance in place is solid and having the applicants come to the board allows for public comment. **Stuart Snyder** shared that the pool ordinance is reasonable and it comes down to whether or not the request is appropriate. **Mayor Oldham** stated that adjustments had been made to the ordinance in recent years and believes the ordinance is in good shape.

With the current indoor and outdoor dining restrictions, **Frank Little** recommended the board discuss restaurant seating. **Mayor Oldham** explained that he believes outdoor dining is here to stay and most people had good experiences over the summer season. With the trend changing due to the pandemic, **Mayor Oldham** shared that it may be good for the Borough to get ahead of the curve. If the Borough of Harvey Cedars decides to go ahead with allowing outdoor dining in the future, restaurants would lose parking. **Commissioner Imperiale** expressed that if the Borough is trying to help the restaurants survive and they are restricted in capacity due to parking restraints, they will not be able to stay open. **Stuart Snyder** explained that it is important to remember the neighbors in that area that would be affected negatively by parking. **Mayor Oldham** shared that neighboring towns are in the process of looking at restaurant seating. **Frank Little** stated that he will add restaurant seating to the Master Plan. **Commissioner Imperiale** shared with the board that the commissioners are beginning to prepare an ordinance on seating and parking. **Mayor Oldham** expressed that he would like the board to be a part of that discussion.

Mayor Jonathan Oldham suggested the board visit the topic of merging two lots to one lot. He explained that there are many projects in neighboring towns where large homes are being built on combined lots compared to past trends of subdividing a lot to make multiple lots. **Stuart Snyder** does not believe that needs to be placed in the Master Plan. He continued to explain that the merger of lots is something that is obtainable by a deed.

With the Borough of Harvey Cedars currently looking to acquire various properties in the borough through open space, **Mr. Little** added that it may be beneficial to mention the acquisition plans in the Master Plan.

Frank Little discussed the issue with downtown parking and possibly adding verbiage to the Master Plan. **Commissioner Paul Rice** mentioned the possibility of utilizing the 78th Street public dock as transient boat slips. **Mr. Little** made note to add details to the draft.

Chairman Robert Romano asked the board to think of any other additions and view other Master Plans to get a better understanding of the procedures and how it will affect the board.

The board will continue to review and discuss the Master Plan in future meetings.

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Minutes – Regular Meeting – September 17, 2020

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

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At 08:39PM the meeting was adjourned.

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Respectfully submitted,

Christine Lisiewski, Secretary