

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
December 17, 2020**

A regular meeting of the Land Use Board of the Borough of Harvey Cedars was held virtually via Zoom on the above date.

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

Chairman Romano made the following announcement: “This is a regular virtual 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: **Chairman Robert Romano, Daina Dale, Terry Kulinski, Tony Aukstikalnis, Mayor Jonathan Oldham, Kathy Sheplin, and Commissioner Imperiale.**

Members of the Board absent: **Mark Simmons and John Tilton**

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

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

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

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Application – 2020:13 – 23 W. 80th Street – Richard & Hilary Fiorella

The applicants, **Richard and Hilary Fiorella**, were sworn in. **Stuart Snyder Esq.** reviewed with the applicants that due to the request for a D-variance, 5 of the 6 present members would need to vote in favor in order to get approved. He questioned if the applicants would like to proceed or carry the application to the next regular meeting. The applicants confirmed that they wanted to move forward with the application.

The following was entered into evidence:

A1 – Application

A2 – Elevation and Floor Plans by DEA Architecture

A3 – Site Plan by DEA Architecture

B1 – Engineer Review Letter prepared by Frank Little, PE

Hilary Fiorella shared her history in Harvey Cedars with the board. After over twenty years of being part-time residents, the applicants made the home their full-time residence in 2019. They are proposing to construct a 10x10 elevator in the west side setback. **Mrs. Fiorella** explained that with being in the home more, they discovered that an elevator is no longer a luxury and a

necessity now that they are getting older. She continued to share the difficulty of making multiple treks up and down the stairs throughout the day.

Stuart Snyder Esq. requested further information on the 5.5ftx6ft addition that the applicants are looking to construct. **Mrs. Fiorella** confirmed that those dimensions are the maximum it could be and they could go smaller.

Chairman Robert Romano questioned the plantings and tree on the westerly side of the property. **Richard Fiorella** confirmed that it has been removed. **Chairman Romano** questioned any fencing alongside the property. The applicants confirmed there is fencing. **Chairman Romano** requested the applicant's agreement to not plant anything in the 5.5ft area as a condition of approval. The applicants agreed.

With the elevator being proposed after the other renovations had been completed, **Craig Coddington** questioned if the elevator was an afterthought. **Hilary Fiorella** explained that the initial plans were prepared two years ago, prior to the applicants making the home their primary residence. After experiencing how often they have to go up and down the stairs, the applicants determined that an elevator will be needed in the future.

Stuart Snyder Esq. questioned the distance between the houses on the west side of the property. **Mrs. Fiorella** confirmed that there is about 14ft between the houses. **Mr. Snyder** asked the applicant to revisit the plan for the 5ft area to get from the front to the rear of the property. **Hilary Fiorella** shared that the area will remain open for access and there will be no adverse effects on neighboring properties.

Daina Dale requested information on how the elevator systems will work. The applicants explained that new elevators consist of a slab on the bottom and a non-invasive cable system that could not be heard from the outside.

Public Portion was opened.

Mindy Berman – 15 W. 80th Street – was sworn in. **Ms. Berman** is a neighbor of the applicants. She shared that they are excellent members of the community and sees no issue with the proposed plans.

Public Portion was closed.

Tony Aukstikalnis made a motion to approve the application as presented with the addition that there will be no obstructions or plantings between the elevator and the adjacent property, seconded by **Craig Coddington**. The following vote was recorded **Daina Dale, Chairman Romano, Terry Kulinski, Tony Aukstikalnis, Kathy Sheplin, and Craig Coddington** all voted **Yes** to approve.

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**Application – 2020:14 – 12 E. Cumberland Avenue – Edward & Eileen Meline**

**Tony Aukstikalnis** recused himself from hearing the application due to being within 200ft of the property.

**James Raban** with **Raban & Raban LLC** was sworn in. **Mr. Raban** is representing the applicants **Edward** and **Eileen Meline**.

**The following was entered into evidence:**

**A1** – Application

**A2** – Variance Plan prepared by East Coast Engineering

**A3** – Architectural Plans prepared by Craig Brearley

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

**Stuart Snyder Esq.** quickly reviewed the variances that the applicants would need to seek for what they are proposing. Initially the applicants were seeking a D-6 variance due to building height, **James Raban** explained that they are lowering the height to avoid the D-variance.

**James Raban** shared that applicants are proposing to convert a two-family home into a single-family three-story home, with the ground floor becoming a garage and storage space. **Mr. Raban** continued to detail the expansion of the ground floor and the addition of extra decks that would require setback variances.

**Jason Marciano** with **East Coast Engineering** was sworn in. **Mr. Marciano** prepared the variance plan for the application. He explained that the oceanfront home is very unique due to its 11 different property lines. The applicant is proposing to take a two-story two-family home and convert to a single-family three-story home with garage space and storage on the ground floor. The current ground floor living space does not meet with flood requirements. In the southwest corner of the property, the applicants are proposing to construct a new entrance that will incase an elevator and stair tower. Along with the additions, the deck on the north side of the property will be removed. This will increase the northern side setback. **Mr. Marciano** explained that the primary variance in this application is the height variance. The height of the first floor would stay at height of 20.1ft, the garage would remain at 12.0ft and the second floor with roof deck and roof peaks would be 31.5ft above the crown of Cumberland Avenue. **Jason Marciano** shared that even though the home is above the allowed height, the home would be an average height for the neighborhood. In conclusion, **Mr. Marciano** added that he does not believe the approval of the proposed plans would be a detriment to the neighborhood and would be aesthetically pleasing.

**Mayor Jonathan Oldham** requested confirmation on the first-floor elevation. **Jason Marciano** stated that the first-floor elevation would not be changing and will remain at 20.1ft.

**Kathy Sheplin** asked **Mr. Marciano** to revisit the changes that are proposed on the

northwestern side of the property. **Jason Marciano** explained that there are stairs that go to a landing and then continue onto a roof-top deck. The proposed plans call for the removal of the stairs and an addition of a small diagonal deck in the northwestern corner.

**Chairman Robert Romano** questioned the proposed deck on the northwestern corner. **Jason Marciano** shared that it is a double deck that allows for egress from the bedrooms. He added that it adds an element of safety with a spiral staircase and stairs to the ground level.

**Craig Coddington** asked **Jason Marciano** to explain the parking set-up for the property. **Mr. Marciano** explained that there is a one car garage and a driveway of 60ft in depth. With the proposed plans, he continued to state that three cars could fit in the driveway, one in the garage, and two cars could fit in the flare out by the structure.

Continuing with the discussion of parking, **Chairman Romano** asked for clarification on the requirement for parking. **Jason Marciano** stated that it's seven bedrooms so the number is adequate. **Chairman Romano** added that the storage rooms that are located in the basement could potentially be living space. **Stuart Snyder Esq.** added that the ground floor will need to have no living space and the storage rooms may need to be removed. **Mr. Marciano** agreed that there will be no living space on the ground floor.

**Craig Coddington** added that he viewed the property prior to the meeting. He explained that the home is situated on the dune and fire personnel would be able to access the home if there were no further obstructions. **Mayor Oldham** suggested possibly moving a car underneath in order to free up space in the driveway. **Jason Marciano** could not confirm if it was possible to move another car underneath but with the switch from duplex to single family, the number of cars should decrease.

**Kathy Sheplin** questioned if there were any drainage issues on the property. **Jason Marciano** stated that he is not aware of any issues but a re-charge trench will take run-off away and into the soil.

**Craig Brearley** with **CWB Architecture** was sworn in. **Mr. Brearley** prepared the architectural plans for the application. He reviewed the proposed plans for abandoning the dual use on the first floor to create a garage, storage room, and access to a new stairwell and elevator. **Mr. Brearley** shared that the proposed new first floor will have minimal work done. He explained the eastside bedroom will increase in size, the dining room will increase in size, and the applicants are proposing a deck off the west side of the home. **Mr. Brearley** added that the proposed deck would allow access one of the bedrooms and additional outdoor dining space.

**Craig Brearley** continued his testimony by detailing the proposed changes to the second floor of the home. The new second floor of the home will be straight over top of the existing footprint, along with the decking. Three bedrooms, living room, and wet bar are included in the proposed addition. **Mr. Brearley** added that a rooftop deck will finish up the addition.

In order to lower the overall height of the home to 31.5ft, the upper floor will have 8.6ft high ceilings. The roof deck flooring would be at 28.5ft. Per **Mr. Brearley**, the proposed changes will

bring the home into compliance with flood requirements, fire codes, and be an overall improvement to the home that is on the lot now.

**Frank Little** referenced Ordinance 12-8.7 that does not permit any separations or finishes on the garage level. **Mr. Little** explained that the storage rooms will need to be stripped so that they cannot be utilized as potential bedrooms. **Craig Brearley** stated that the rooms can be stripped if necessary but walls around the stairwell will need to remain. With walls removed, **Mr. Little** questioned if another car could be placed in the garage. **Mr. Brearley** stated that a car could not swing into the space.

**Chairman Robert Romano** requested confirmation on the framing of the home. **Craig Brearley** confirmed that the home is on pilings.

**Daina Dale** asked **Mr. Brearley** if the proposed garage level of the home is currently heated. **Mr. Brearley** confirmed that the level is currently heated with forced air but will need to be removed upon completion.

Returning back to the potential issue of parking, **Frank Little** questioned the garage door placement and if a car could manage to go through. **Craig Brearley** and **Jason Marciano** confirmed that an individual would be able to swing into the garage.

**Edward** and **Eileen Meline**, the applicants, were sworn in. The applicants have owned the home for 43 years as a rental property with the hopes to become full-time residents in retirement. **Mrs. Meline** explained that they are looking to convert their home to a single-family home so they can enjoy with their expanding family.

**Terry Kulinski** questioned the residency status of the Melines and if the home was to be rented out again in the future. **Eileen Meline** stated that it is currently not their primary residence but they are looking to make it primary with the proposed additions. **Mrs. Meline** confirmed that they will not be renting out the home.

Public Portion was opened.

Public Portion was closed.

Opening board discussion, **Chairman Robert Romano** directed the boards attention to a proposed section of deck 3.5ft wide that comes off the bedrooms on the westerly side of the building. He added that it adds additional constraints to the property and is unnecessary.

**Mayor Jonathan Oldham** reflected back on the discussion of the height of the building. He explained that oceanfront homes were allowed to raise and believes the **Melines** should be allowed to do so. **Mayor Oldham** does not have an issue with the height but shows concerns regarding parking.

**Commissioner John Imperiale** added that he sees no issue with the application. He believes the plans show exactly what you would expect them to build.

**Daina Dale** shared that her main concern is the possibility of living space on the ground floor. **Chairman Romano** explained that the board is currently not voting on granting a variance for living space. **Stuart Snyder Esq.** added that if living space was found after approval, the construction official would rectify the situation.

**Commissioner Imperiale** made a motion to approve the application, seconded by **Terry Kulinski**. The following vote was recorded **Daina Dale, Chairman Romano, Terry Kulinski, Kathy Sheplin, Mayor Oldham, Commissioner Imperiale** and **Craig Coddington** all voted **Yes** to approve.

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Resolution – 2020:12 - 6405A Long Beach Boulevard – Donald Burnaford

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 **Chairman Romano, Terry Kulinski, Tony Aukstikalnis, Craig Coddington, Kathy Sheplin, Mayor Jonathan Oldham,** and **Commissioner John Imperiale** all voted **Yes** to approve.

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### **Minutes – Regular Meeting – November 19, 2020**

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

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Moving forward with Master Plan discussion, **Frank Little** suggested that the board form a Master Plan committee to finalize ideas and present them to the board.

During the previous meeting, public comment raised concerns about the current status of the downtown sidewalks and lack of a fluent streetscape design. **Frank Little** explained that he drew up a streetscape design and will be meeting with **Mayor Jonathan Oldham** to review. **Mr. Little** added that he hopes to look at potential issues that exist in the business district of Harvey Cedars.

Continuing the discussion of a Master Plan committee, **Stuart Snyder Esq.** suggested that the committee be confined to Land Use Board members. **Mayor Jonathan Oldham, Commissioner John Imperiale, Kathy Sheplin, Anna Grimste,** and **Commissioner Robert Romano** volunteered for the committee. The date of the first meeting will be set at the 2021 re-organization meeting.

Mayor Jonathan Oldham discussed the possibility of forming an additional committee to review zones. **Frank Little** suggested that zones be discussed by the Master Plan committee.

Public Portion was opened.

Joseph Geiger – 6 E 77th Street – was sworn in. **Mr. Geiger** submitted questions prior to the meeting regarding the sidewalk streetscape plans and moving the powerlines underground in the business district of Harvey Cedars. Returning back to earlier discussion, **Frank Little** explained that they are going to begin reviewing the streetscape design in upcoming weeks. **Mr. Little** shared with **Mr. Geiger** that he does not have information regarding moving the electric underground.

Joseph Geiger questioned if the **Borough of Harvey Cedars** has a procedure in place for new owners to maintain or update their sidewalks. **Frank Little** explained that there is a property maintenance code that needs to be followed and if there are any issues during a resale they must be corrected. **Mr. Geiger** raised concerns regarding the current state of the sidewalks in town. **Mayor Jonathan Oldham** suggested **Mr. Geiger** take photos of the sidewalks and send to the code enforcement officer for review. **Commissioner John Imperiale** invited **Joseph Geiger** to walk around the business district with him and take photos of the flawed sidewalks. **Mr. Geiger** agreed but above all would like to know at what time do the safety hazards get addressed. **Anna Grimste**, zoning officer, explained that there are no regulations in place for sidewalks for the purpose of resale. **Commissioner Imperiale** added that the governing body needs to meet and discuss implementing an ordinance for sidewalk guidelines. **Mayor Jonathan Oldham** confirmed that there are ordinances that are in place for sidewalks in the commercial zone. He explained that they are enforceable based on how large the change is.

Stuart Snyder Esq. explained to **Mr. Geiger** that any concerns regarding sidewalks should be brought up to the code enforcement officer or the governing body. **Tony Aukstikalnis** advised **Mr. Geiger** that his best course of action would be to join **Commissioner Imperiale**, take photos of the sidewalks, and then submit their findings to the board of commissioners.

Public Portion was closed.

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

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At 09:11PM the meeting was adjourned.

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Respectfully submitted,

Christine Lisiewski, Secretary