

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
December 19, 2024**

The December 19, 2024 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 **Robert Romano** at 07:01 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, John Tilton, and Mindy Berman**

Members of the Board absent: **Mayor John Imperiale, Commissioner Joseph Gieger, William Montag, Tony Aukstikalnis, and Kathy Sheplin**

Alternate members of the Board present: **Thomas Griffith, Alcides Andril, and Richard Warren**

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

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**Application – 2024:05 – 6 East Mercer Ave. – Edward and Maria Hobbie**

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**The following was entered into evidence:**

**A1 – Application**

**A2 – Architectural Plans prepared by Blasi Architecture**

**A3 – Variance Map prepared by Horn, Tyson, & Yoder, Inc.**

**B1 – Engineer Review Letter by Owen Little & Associates, Inc.**

**James Raban, Esq.** with **Raban & Raban, LLC** represented the applicants. **Mr. Raban** explained the applicant's home at 6 East Mercer Ave. is a six thousand square foot lot currently developed as a two-story duplex which is a pre-existing and non-conforming use of the property. The applicants are proposing to construct an expansion of the second story unit towards the rear of the property. A special reasons variance is being requested. The expansion also results in a lot coverage variance because the proposed plan will be over the building lot coverage to 40.9 percent where 33 percent is permitted.

**James Brzowski, PE** from **Horn, Tyson & Yoder, Inc.** was sworn in. **Mr. Brzowski** explained the duplex is up and down with one unit on first floor and a second unit on the second floor each consisting of 3 bedrooms and 1.5 bathrooms. There are existing non-conformities to this building such as the setback to the front deck where 15 feet is required and 14.2 feet exists. The westerly side yard has an 8.1 ft. setback where 10 ft. minimum is required. There are zero off street parking spaces. There is space along the frontage for 4 parking spots but it is outside of the pavement area. The applicants are proposing to construct an addition to the rear of the structure to expand the second floor unit by adding one additional bedroom and one bathroom creating the unit to have 4 bedrooms and 2 bathrooms in total. The expansion will increase the total building lot coverage to 40.9 percent where 33 percent is the maximum allowed. Currently, the total building coverage is 32.2 percent with 17 percent being decks. The total footprint of the building is currently 1,900 sq. feet and 1,000 sq. feet of decks. The plan is to expand the building footprint to 2,454 sq. feet of which there will still be 726 sq. feet of decks. Although the building coverage is exceeding the max permitted lot coverage, without the porches it is 28.8 percent which is below the 29 percent maximum. The addition itself on the rear complies to all of the required setbacks. The Floor Area Ratio remains at 44.3 percent which is 6.7 percent below the maximum of 50 percent. The current height of the building is 21.8 feet and the proposed is 23.3 feet. which is below the maximum permitted amount of 30 feet. The addition conforms to setback regulations and the property is not being over developed.

**Chairman Romano** asked **Mr. Brzowski** to clarify the deck calculations. **Mr. Brzowski** explained that there is currently 1,000 sq. feet of decking on the property. The rear deck is 12 x 28 feet and the proposed addition will occupy that area and extend 20 sq. feet beyond the expansion. The house will then increase to 2,454 sq. feet which includes 726 sq. feet of decking. They also discussed the width of Mercer Avenue which is 80 feet wide and the pavement is 48 feet wide. **Mr. Brzowski** clarified there are other duplexes and single-family homes in the neighborhood. The use fits in with the neighborhood as well as the parking situation.

**James Raban** explained that the applicant's hardship is due to the building coverage with the existing decks. The living space is well below the Floor Area Ratio including the proposed expansion. The Floor Area Ratio is 31 percent where 50 percent is the maximum.

**Chairman Romano** inquired about the building elevations including the rooftop deck and staircases.

**James Brzowski** explained that from the front view of the house there would be no negative impact because the addition will be in the rear yard and doesn't encroach into the required rear setbacks. The only properties would be impacted would be the rear adjacent owners because they

would see the addition.

**Kevin Quinlan** questioned which components of a D Variance this request would satisfy.

**Mr. Brzowski** explained that the hardship would be the pre-existing duplex on the property and an addition wouldn't be able to be built without generating the need for a variance.

**James Raban** explained if the applicant wanted to propose an addition upward it would not be allowed because three floors of living isn't permitted. The only way to expand the building is in the rear.

**James Raban** questioned preserving light, air, and open space. **Mr. Brzowski** explained the expansion keeps the same space below and open above. The height will be 6.5 feet below what is permitted in the zone.

**Mindy Berman** inquired why this addition needs to exceed the building lot coverage. **Mr. Raban** explained that the only way to keep it within the same building lot coverage would be to confine the expansion into the deck area only. **Mrs. Berman** questioned why it seems like such a big addition where historically this has not happened.

**Greg Blasi** from **Blasi Architecture LLC**. was sworn in. **Mr. Blasi** discussed the existing structure and the proposed plan of adding one bedroom, one bathroom, and a deck in the rear. He noted that the view from the front and the style of the building will remain the same. The plan is to keep the expansion at a low profile by only adding 2 feet in height. The decks and stairs will also remain the same. All setbacks will remain same and the Floor Area Ratio is below the maximum required.

**Maria and Edward Hobbie** were sworn in. **Mrs. Hobbie** explained that the duplex works well with the size of their family but need an additional bedroom and bathroom for more space. 900 sq. feet of their current living space is too small for their family for their future retirement to Harvey Cedars full time. The goal is to maintain the existing structure and expand the second floor in the rear.

**Mark Hobbie** was sworn in. Mr. Hobbie is also an owner of the property and explained that they need more space for their family.

Public portion open.

**Robert Sexton** from 8 East Mercer Ave. was sworn in. **Mr. Sexton** objected the application due to the loss of a bay view from his home if the variance is granted. This loss of view will have a negative impact on the value of his home. The plans represent a substantial change to the existing non-conforming use by doubling the size of the building footprint. The proposed doesn't meet the positive and negative criteria for approving the use variance. This is a self-created hardship. The approval of the application would be contrary to the zoning regulations and ordinance of Harvey Cedars. The expansion would double the size of the existing and non-conforming structure. Mr. Sexton submitted 6 photos and a letter to the Land Use Board.

**The following was entered into evidence:**

O1 – 2 page letter submitted Robert Sexton

O2 – 6 photos submitted by Robert Sexton

**Mindy Berman** questioned if they could give up the duplex status to make it a single-family residence but they would need to have an interior stairwell and take out a kitchen.

**Kevin Quinlan** questioned the addition. One of the problems with this expansion would be exceed the building coverage up to 40 percent.

**Robert Sexton** discussed that if the addition occupied only the area of the second floor rear deck, he wouldn't object.

**Kevin Quinlan** expressed that he was still struggling with the special reasons and hardship for a D Variance.

**James Raban** requested a five-minute recess to discuss options with the applicants.

8:15pm the meeting resumed.

**James Raban** requested to extend the application to the February 20, 2025 meeting to give the applicant more time to revise the plan to be more in line with the comments of the Board members.

**Chairman Romano** asked the Board to make comments to help the applicants. They discussed that duplexes are hard to increase in size due to its non-conformities. They suggested to review the plans to see if there is a better solution. In the past, expanding a duplex is hard to get an approval.

**John Tilton** explained it is really hard to get an approval of expanding a duplex but consider making the structure a single-family home.

**Kevin Quinlan** suggested new plans should submitted 15 days prior to the February 20, 2025 meeting.

Public portion closed.

**Mindy Berman** made a motion to extend the application to the February 20, 2025 meeting and submit new plans 15 days prior seconded by **Mark Simmons**. The following vote was recorded: **Mark Simmons, John Tilton, Robert Romano, Mindy Berman, Richard Warren, Alcides Andril,** and **Thomas Griffith** all voted YES to extend the application.

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**Minutes – Regular Meeting – November 21, 2024**

**Mark Simmons** made a motion to accept the minutes of the November 21, 2024, regular meeting, seconded by John Tilton the following vote was recorded: **John Tilton, Robert Romano, Mindy Berman, Richard Warren, Alcides Andril, and Thomas Griffith** all voted **YES** to approve the minutes.

At 8:26 the meeting was adjourned.

Christine Lisiewski, Secretary

