

**RESOLUTION OF MEMORIALIZATION OF THE  
LAND USE REVIEW BOARD OF THE BOROUGH OF HARVEY CEDARS  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2017-09**

**WHEREAS**, Vincent Barletta has made application to the Land Use Review Board of the Borough of Harvey Cedars for variance approval for expansion of a non-conforming use to construct a roof top deck and railings at property known and designated at Lot 19, Block 53; 7403 Long Beach Boulevard in the Borough of Harvey Cedars, County of Ocean and State of New Jersey. The following variances are required:

1. Use variance whereas the existing use as a duplex is not permitted in the zone.
2. Existing Lot Area is 3000 SF where 5000 SF is required\*
3. Existing Front Yard Set back is 15 FT (to the building) where 20 FT is required.\*
4. Existing Side Yard Setback is 7.9 FT where 10 FT is required.\*
5. Existing Lot Coverage is 39.6% where 33% is the maximum permitted.\*
6. Existing Habitable Floor Area Ratio is 51.5% where 50% is the maximum permitted. Proposed Floor Area exceeds the permitted Floor Area by 1.5% or 45 SF.

\*pre-existing non-conformity.

**WHEREAS**, the Land Use Review Board considered this application at public hearings on December 21, 2017 and January 18, 2018. Commissioner Garofalo and Mayor Oldham did not participate in the hearing being that a Use Variance was required. Board member John Tilton was not present at the December 21, 2017 meeting however this board member listened to the audio recording of same and filed a Certification to that affect with the board secretary. The Application was opened and the hearing commenced on December 21, 2017. Due to the unavailability of the applicant due to illness the Application was continued to the January 18, 2018 meeting date with an announcement to that affect made at the December 21, 2017 meeting and that no further notice would be required nor provided. The applicant was represented by Jason C. Henbest, Esq. The application dated December 1, 2017 was entered into evidence as Exhibit A-1; Survey prepared by Steven R. Kelley, Land Surveyors dated 8/12/2017 was entered

into evidence as Exhibit A-2; Elevation Certificate dated August 12, 2017 was entered into evidence as Exhibit A-3; Variance Plans prepared by Michael Strunk, Architects (4 pages) dated September 29, 2017 with a revision date of November 14, 2017 as A4; and Board Engineer's Letter dated December 14, 2017 as B1. At the December 21, 2017 meeting the applicant was unavailable due to illness. Applicant's counsel proceeded to explain the history of the property, current conditions, and proposed alterations. At the January 18, 2018 meeting the applicant, Vincent Barletta was sworn and testified in support of the application. No expert testimony was presented by the applicant.

**WHEREAS**, the Land Use Board after considering the Application, documentation entered into evidence, testimony of the witnesses, argument of counsel and public comment has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The applicant is the owner of the property. The property is located in the RA Residential Zone.
3. Presently on the site is (1) structure containing a two-story duplex consisting of one unit on each floor.
4. The existing duplex is a non-permitted use in the zone and requires a Special Reason/"D" variance.
5. The applicant proposes to renovate the existing duplex by removing the existing front concrete stoop/open porch and constructing a roof top deck.
6. The applicant amended the application so as to reduce the size of the deck by moving the northerly edge of the deck to the south approximately eight (8) feet or roughly in line with the chimney.
7. No expert testimony was presented in support of the Special Reason/"D" Variance nor the positive and negative criteria for the existing "C" variances.


**WHEREAS**, the public was provided an opportunity to address the application. Mary Vermont and Nick Vermont of 7405 Long Beach Boulevard were sworn and testified in opposition to the application.

**WHEREAS**, the Land Use Review Board of the Borough of Harvey Cedars has determined that the applicant has failed to satisfy the Special Reason required to support the granting of the Use Variance. Additionally the applicant did not offer any testimony in regards to

the positive and negative criteria necessary for the granting of the Use and Bulk Variances.

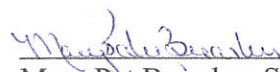
**WHEREAS**, the Board finds that the applicant failed to demonstrate that the change of use and bulk variances cannot be granted without substantial detriment to the public good. Additionally the detriment to the intent and purposes of the zone plan and zoning ordinances outweigh any benefits from the proposed variances. The applicant has also failed to satisfy the special reasons or hardship necessary for granting of the Special Reasons/ "D" Use Variance. Specifically the board finds that the property as it is presently improved is burdened by numerous non-conformities which would not be reduced or eliminated by the proposed renovations. This increase in intensification of use and increase in density would have a negative impact on the subject property and surrounding properties.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Review Board of the Borough of Harvey Cedars that the application of Vincent Barletta for a Special Reasons/"D" Use Variance and bulk variances to renovate the existing structure and add a rooftop deck on premises identified as Lot 19, Block 53; 7403 Long Beach Boulevard in the borough of Harvey Cedars, County of Ocean and State of New Jersey is hereby denied.

  
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Mary Pat Brearley, Secretary

#### **CERTIFICATION**

I, Mary Pat Brearley, Secretary of the Land Use Review Board of the Borough of Harvey Cedars, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Land Use Review Board of the Borough of Harvey Cedars at a public meeting held on February 15, 2018.

  
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Mary Pat Brearley, Secretary