

**RESOLUTION OF MEMORIALIZATION OF THE  
BUILDING BOARD OF THE BOROUGH OF HARVEY CEDARS  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2019-02**

**WHEREAS**, Walters Residential, LLC has made application to the Building Board of the Borough of Harvey Cedars for waiver under Section 12-8.11(A) for Lot 2 in Block 39. The applicant proposes a grade elevation of 6.9 where 7.3 is required.

**WHEREAS**, the Building Board considered this application at a public hearing on February 21, 2019. The applicant was represented by Richard Vistcky, Esq. The application received January 14, 2019 was entered into evidence as Exhibit A-1; the Architectural plans prepared by Craig W. Brearley, AIA dated 10/11/17 and revised 11/28/17, 12/27/17 & 6/11/18, were entered into evidence as Exhibit A-2; A Plot Plan prepared by Najarian Associates dated 10/23/17 and revised 12/1/17, 1/9/18, 2/22/18, 11/8/18 and 12/10/18 was entered into evidence as Exhibit A-3. Four color photos were entered into evidence as Exhibit A-3; The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated February 19, 2019 was entered into evidence as Exhibit B-1. Testimony was offered by Craig W. Brearley, AIA who was qualified as an expert in architecture, Robert B. Kuhne, P.E. of Najarian Associates was qualified as an professional engineer.

**WHEREAS**, the Building 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 property is located in the RA Single Family Residential District.
3. The property is located east of Long Beach Boulevard.
4. Presently on the site is one (1) residential structure.
5. The Applicant proposes lot grade elevation of 6.9 feet where 7.3 is required.
6. The Applicant amended the application to include a mountable curb along the road frontage and to include three yard drains along the perforated pipe located on the easterly side of the property.
7. No other waivers/variances are being sought.
8. The Applicant's witnesses testified, and the Board finds that the waiver may be

granted without substantial detriment to the public good and will not substantially impair the intent and purpose of this section. Mr. Kuhne further testified that the proposed drainage plan would conform to the purpose and intent of Section 12-8.11(A) in that all drainage would be directed to the road and will not negatively impact adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED** by the Building Board of the Borough of Harvey Cedars that the relief requested by the applicant, Walters Residential, LLC for waiver from Section 12-8.11(A) is hereby approved.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr. P.E., P.P., and C.M.E., dated February 19, 2019, as entered into evidence as Exhibit B-1.

**BE IT FURTHER RESOLVED** that this approval is subject to the Applicant submitting revised plans which reflect a mountable curb along the street frontage, addition of three yard drains on the easterly side of the property and addition of grading points at the northerly (rear) building line.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules, regulations, statutes and ordinances effecting this development and proposed use.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicants' payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required, in amounts established by the Borough Engineer, and in such form as required by the Borough Solicitor.

**BE IT FURTHER RESOLVED** that the applicant is required to comply with all ordinances of the Borough of Harvey Cedars, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Board with respect to Borough

Ordinances, including the Zoning Ordinances.

**BE IT FURTHER RESOLVED** that this approval is subject to all conditions and representations as set forth herein and as placed on the record at the public hearing conducted on February 21, 2019 when this matter was considered.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicants complying with any and all technical revisions and submissions as the Borough Engineer may require.

  
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**MARY PAT BREARLEY, SECRETARY**

**CERTIFICATION**

**I, MARY PAT BREARLEY**, Secretary of the Building 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 Building Board of the Borough of Harvey Cedars at a public meeting held on February 21, 2019.

  
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**MARY PAT BREARLEY, SECRETARY**

