

**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. 2025-01**

WHEREAS, Alae Group, LLC has made application to the Land Use Review Board of the Borough of Harvey Cedars for variances for Lot 3 in Block 47. The applicant proposes to construct various additions and renovations to the structure as well as construct an in-ground swimming pool in the rear yard area. The following variances are sought:

1. Maximum Permitted Lot Coverage including decks/open porches where 36.4% is proposed, ~~33%~~ is permitted and 36.6% is existing.
2. Maximum Permitted Lot Coverage including decks and swimming pools where 44.2% is proposed and 43% is permitted.
3. Minimum Front Yard Setback where 14.7 ft. is proposed and 15 ft. is required. *
4. Minimum Side Yard Setback where 7.6 ft and 8.1 ft. is proposed, and 10 ft. is required. **

* Withdrawn - front yard setback to conform.

** expansion of pre-existing non-conformity.

WHEREAS, the Land Use Review Board considered this application at a public hearing on February 20, 2025. The applicant was represented by James S. Raban, Esq.

WHEREAS, the following Exhibits were marked and entered into evidence:

- A-1 Application
- A-2 Site Plan and Architectural Plans prepared by Darlo Architecture and Design dated 1/10/25.
- A-3 Variance Plan prepared by Gravett Consulting Group dated 12/10/24.
- A-4 Color Photos (4)

A-5 Tax Map

B-1 Board Engineer letter dated 2/10/25.

WHEREAS, Bruce A. Jacobs, P.P., P.E. of Gravatt Consulting Group was sworn and qualified as an expert in professional planning and professional engineering.

WHEREAS, Mr. Jacobs testified as follows:

1. The existing structural beam which runs in front of the garage renders the garage unusable as a garage due to limiting height.
2. The off-street parking complies with the requirements as two spaces are available in the driveway.
3. The installation of an interior elevator necessitated adjustment to the interior floor plan.
4. The proposed rooftop deck will comply with the permitted height of less than 30 ft.
5. The improvements will increase building coverage by 40 sq. ft. to 36.4%.
6. Lot coverage including decks, pools and buildings is 44.2% where 43% is permitted.
7. The deck in the front of the dwelling will be reduced in depth to comply with the 15 ft. front yard setback. No variance requested.
8. The pool complies with applicable setback requirements.
9. Screening and/or shrubs will be provided along the westerly property line.
10. Improvements will comply with applicable flood requirements.
11. The proposed use is appropriate for the site.
12. The proposed improvements will be an aesthetic improvement and consistent with the neighborhood scheme.
13. The increase in building coverage of 40 sq. ft. is de minimis.
14. There is no detriment to open air and light of adjacent properties.
15. All the adjacent properties are fully developed and there is no land available to reduce or eliminate the need for variance relief.
16. The existing structure beam is a hardship which interferes with the use of the garage.

17. There are no detriments to the zone plan, master plan or ordinances of the Borough.

18. Improvement in aesthetics and safety are benefits.

WHEREAS, Dario L. Pasquariello, R.A., AIA was sworn and qualified as an expert in architectural design.

WHEREAS, Mr. Pasquariello testified to the following:

1. The proposed improvements are an aesthetic improvement.
2. The roof deck is existing however the means of access is being changed. It will comply with the height requirements.
3. Existing decks need upgrades for safety. The new decks will comply with current building codes.
4. The garage will be more accessible and usable as a garage.

WHEREAS, Nicholas Sgobba, was sworn testified as follows:

1. He is the managing member of the Applicant LLC.
2. He has the authority to speak on behalf of and bind the LLC.
3. The property was purchased in 2013.
4. The proposed improvements increase the safety and utility of the dwelling.

WHEREAS, the hearing was opened to the public and no one sought to testify in favor of, or against the Application.

WHEREAS, the Land Use Board after considering the Application, documentation entered in evidence, testimony of the witnesses and arguments of counsel has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The Applicant is the owner of the property and has standing to make this application.
3. The property is in the RA Single Family Residential District.
4. The Board adopts the contents of the February 10, 2025 letter from Frank J. Little, Jr., P.E., P.P. and entered in evidence as Exhibit B-1, as if set forth herein at length.
5. The Board finds that the proposed improvements represent an improvement in housing stock considering the increasing age of residence in the

Borough and the desire for accessible residential dwellings.

6. The Board finds that the location of the existing dwelling creates a hardship.

7. The Board finds that the adjacent properties are fully developed and there is no opportunity to acquire additional property.

8. The Applicant has withdrawn the request for a front yard setback and will comply with the 15 ft. required front yard setback.

9. The Board finds that the variances for Maximum Permitted Lot Coverage including decks/open porches, Maximum Permitted Lot Coverage including decks and swimming pools, and minimum side yard setbacks can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinances of the Borough of Harvey Cedars. The benefits of granting the relief which improves housing stock and is consistent with the neighborhood scheme outweigh any detriments which are not substantial.

10. There is no impairment of open air and light of adjacent properties.

11. The increase in building coverage is de minimis.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the

Borough of Harvey Cedars that the relief requested by the applicant, Alae Group, LLC for variance relief is hereby granted.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' 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 10, 2025, as entered in evidence as Exhibit B-2.

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 applicable to 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 the veracity and reliance by the Board of the testimony offered at the hearing by applicant.

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. Applicants 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 20, 2025 when this matter was considered.

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


Kristen Chistofora, Secretary

CERTIFICATION

I, Kristen Chistofora, the 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 approved at the February 20, 2025 meeting and memorialized at the March 20, 2025 meeting of the Harvey Cedars Land Use Board.



Kristen Chistofora, Secretary