

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

Regular Meeting – Minutes

April 17, 2025

The April 17, 2025 regular meeting of the Land Use Board of the Borough of Harvey Cedars was held at the High Point Volunteer Fire Company 10W. 80th Street, Harvey Cedars, New Jersey.

The meeting was called to order by **Robert Romano** at 07:00 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: **Mayor John Imperiale, John Tilton, William Montag, Robert Romano, Commissioner Joseph Gieger, Kathy Sheplin, Mindy Berman, and Richard Warren**

Members of the Board absent: **Mark Simmons**

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

Alternate members of the Board absent: **Russell Harle**

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

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**Application – 2025:04 – 4 Fives Avenue – Glen & Robin Worgan: Trust**

**The following was entered into evidence:**

**A1 – Application**

**A2 – Architectural Plans prepared by Keith Burns dated 3/24/25**

**A3 – Grading Plan prepared by MCH Engineering Inc. dated 6/6/24**

**A4 – 4 Color Photos**

**A5 – Tax map sheet #4**

**B1 – Engineer review letter by Frank Little, PE dated 4/14/25**

**James Raban, Esq.** from **Raban & Raban, LLC**. represented the applicants **Glen & Robin Worgan** from 4 Fives Avenue. The applicants are currently constructing a new single-family dwelling and seeking variance relief in the rear yard because they are proposing to install an in-ground hot tub/spa which is subject to all zoning requirements as an inground pool. The minimum required setback from the proposed spa/hot tub to the retaining wall is 10 feet and the proposed setback from the spa/hot tub to the retaining wall is 8.83 feet. There is a minimum distance of 8 feet required from the hot tub and a primary structure.

**Matt Hockenbury, PE** from **MCH Engineering, LLC** was sworn in. **Mr. Hockenbury** explained the site layout as uniquely shaped with dual water frontage with a “v” shape along rear property line. The site is currently being developed as a new two-story single-family residence. The applicants are seeking a variance to install an in-ground flush with grade spa which is triangular shaped and will be regulated like a pool but won’t function like one. Minimum side yard setbacks required are 10 feet where 8.83 feet will be proposed. In **Mr. Hockenbury’s** opinion, the 14-inch encroachment into the side yard setback won’t be noticeable and will enhance the esthetics with an attractive accessory structure. It is a small spa and can only hold a few people less than a regular sized hot tub or in ground pool.

**Glen Worgan** from 4 Fives Ave. was sworn in. **Mr. Worgan** explained that he is applying for a high-quality hot tub/spa designed to be in the ground and will be far away from the neighbors with no negative impact. He spoke with the adjoining neighbors and they didn’t have any issues with the location. The filtering and pumps will be located under his house near the side yard.

**Public portion open.**

**Public portion closed.**

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Mindy Berman made a motion to approve the application, seconded by **Mayor John Imperiale**. The following vote was recorded: **Mayor John Imperiale, John Tilton, Bill Montag, Robert Romano, Richard Warren, Commissioner Joe Gieger, Kathy Sheplin, Mindy Berman, Alcides Andril, and Thomas Griffith** all voted **Yes** to approve.

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**Application – 2025:03 – 8103 Long Beach Boulevard – 8103 Long Beach Boulevard, LLC**  
(continuation of application from March 20, 2025 LUB meeting)

The following was entered into evidence:

A1 – Application

A2 - Architectural Plans by Jay Madden Architect last revised on 4/4/25

A3 – Site Plan prepared James Brzozowski from Horn, Tyson & Yoder last revised on 4/3/25

A4 – Boundary & Topographic Survey prepared by James Brzozowski and Leon Tyska last revised on 4/3/25

A5 – Tax Map 4/11/25

A6 – Color Rendering

A7 – Statement of Operations

B1 – Board Engineer Review Letter dated 3/5/25

B2 – Board Engineer Review Letter dated 4/11/25

O1 – Letter from Alan Zorn

o-3 Letter from Gerry Hanson

**Fred Schragger, ESQ.** from 7 E. Salem Ave., made an objection to the application due to a major change from the original application. Because of the 2 entrances on Long Beach Boulevard, the applicant should have to go to the county for approvals before the matter is heard before the Land Use Board. He pointed out that the traffic engineer letter was not submitted 10 days prior to the meeting.

**Kevin Quinlan, ESQ.** explained to Mr. Schragger the application will be continued because there was adequate notice at the last meeting and the board needed more time to hear the application. The applicant provided revisions 10 days prior to this meeting per the board's request. He explained to Mr. Schragger that the traffic study and the statement of operations are not required documents. The governing body has amended the ordinances and the mixed use is permitted in the Limited Commercial Zone so a D variance is no longer needed. He also explained that the county is not required to review this application in advance.

**Ricard Visotcky, ESQ.** with Richard Visotcky, Kelly & Visotcky, LLC represented 8103 Long Beach Boulevard, LLC. The applicant purchased HCH Realty with the intention to preserve the iconic structure in Harvey Cedars. They are proposing to repurpose the structure to make a restaurant with an apartment above on the second floor. The applicants are no longer seeking a D variance because of the ordinance change in the Limited Commercial Zone for mixed use. The seating has been reduced from the original proposal of 132 seats to 108 seats which includes 75 indoor seats with 18 on the porch and 15 seats in Harvey's Yard. Harvey's Yard will be covered with a roof and deck over it. The egress onto 81<sup>st</sup> street had been eliminated and there is now a one way in and one way out on Long Beach Boulevard instead 2 driveways. The propose to install 30 bollards along Long Beach Boulevard for safety purposes. The takeout area and entrance on the east side of the building has been removed and will be a be a prep and storage area for kitchen use. The handicap lift to the 2<sup>nd</sup> floor will be removed and there will be no

public access and will be gated and locked. The impervious lot coverage from 90.6 percent decreased to 81.2 percent. Parking has greatly diminished and the 5 bathrooms have been reduced to 3 bathrooms in the apartment upstairs.

**James Brozowski, PE** from Horn Tyson & Yoder explained that 8103 Long Beach Boulevard is now a permitted use in the Limited Commercial Zone per ordinance 2025-05. Some of the parking spaces on the existing plans still don't meet minimum side requirements and a variance is still required. The setbacks to building haven't been adjusted from the previous plans. 15 feet setback required to Long Beach Boulevard where 10.9 feet to the existing roof overhang exists on the west side of building, 8 feet that projects on the south side of the building, and 13 feet overhang on the north side of the building. 15 feet is required for protection and delineation on the knee wall for the outdoor seating area. A variance is required on the existing decorative wall in north west corner in building. On the south east corner of the property, 15 feet is a required setback where 10x14 foot trash enclosure is proposed and setback 8 feet surrounded by a 4 feet tall solid wood fence with a second fence along property line which will separate the parking area from 81<sup>st</sup> street. A landscaping plan will be provided. Trash pickup will be collected through the parking lot estimated approximately 3 times a week.

**Joe Gieger** questioned the site triangles that have 2 parking spaces. Mr. Brzozowski explained the 2 parking spaces are existing and the 4 foot fence is outside of the ash toe sight triangle. Jim Brzozowski explained the 2 spaces are existing and the fence is outside of the ash toe sight triangle.

**Frank Little, PE** explained when they go to the county, they will request the use of the ash toe site triangle whereas Harvey Cedars has its own site triangle and regulations. He suggested the fence to be lowered. Jim Brzozowski agreed to have the fence in the site triangle lowered to 30 inches.

**Jim Brozowski** discussed the side yard setback on east side existing roof overhang projects to 5 feet of property line where 10 feet is required there is a 4 foot roof overhang to the existing building itself. The impervious coverage they are proposing 81.2 percent which is a decrease of 9.4 percent from the previous plan and it represents a decrease 1700 sq. feet of impervious surfaces. They propose to remove the existing pavement of between the building and Long Beach Boulevard in the parking area. The seating has been reduced from 132 seats to 108 seats; 15 seats in Harvey's Yard and 18 seats in the patio area to the west of the building. In the reduction of seats there will be 27 parking spaces provided for the restaurant, 2 spaces for the 12 employees, and 2 spaces for the apartment residents. There will also be 2 parking spaces for employees offsite on 86<sup>th</sup> street. Bike racks for 8 bikes per code will count as 2 parking spaces. There will be 20 spots on site and 7 existing spots provided off of 82<sup>nd</sup> street. They have reconfigured the driveway from 81<sup>st</sup> street from the previous plan to lessen the traffic to the ocean. Parking lot will be one way off Long Beach Boulevard with a U shape configuration to provide access to the 20 parking spaces. Driveway entrance and exit to are all to the Ocean County standards. Bollards will be placed along Long Beach Boulevard for traffic and safety control. They will coordinate with the street scape regulations for the bollard design. All 6 parking spaces in southern lot are 9 feet x 18 feet parking stalls and variances are required. The remaining 13 spots are conforming to be 10 feet x 18 feet. There will be a loading zone and van

accessible handicap space. The applicant will provide a lighting plan for the parking area. They will install a solid fence 6 feet tall that encroaches 5 feet on their property to 82<sup>nd</sup> street. All signage will comply with the ordinance.

**Kathy Sheplin** suggested to make the exit out of the parking lot onto Long Beach Boulevard a right turn only for safety reasons.

**Bob Romano** explained the county requires no parking within 20 feet of the right of way but can request a waiver for approval.

**Jay Madden** tried to change everything possible to preserve this building. There will no longer be 5 bathrooms in the apartment and the stand alone away from property line, a roof over Harvey's Yard is added to contain noise, a louvered wall to screen out noise to the east, the bottom of the stairs will have no public access to decks with lockable gates at the bottom. In Harvey's Yard the spots at the counter and picnic tables are all included in the 108 seats. There will no longer be a side entry for the public but for staff only. Courtesy benches are only for people waiting for tables and 2 low walls to define the outside area.

3-dimensional photo was submitted

**Daniel DiDonato** partner and owner from 8103 Long Beach Boulevard LLC was sworn in. The Statement of Operations for Harvey Cedars House was read. It will be reimaged as a full service indoor and outdoor restaurant with 108 seats open from 8AM – 9PM Memorial Day to Labor Day and adjusted hours off season. The apartment on the second floor is for the staff employees up to 8 residents. The restaurant will have 10 – 12 employees. Keeping the building to preserve its historic nature. The township is putting effort in the downtown area to make it safe and walkable. Their goal is to respect the neighborhood and have a walkable restaurant.

A7 Statement of Operations was submitted

The proposed roof decks are for growing herbs and flowers for the restaurant and not open to the public.

**Barbara Ehlen, PP, AICP** was sworn in. Ms. Ehlen described the Limited Commercial Zone anticipates businesses such as retail stores and service establishments because this is a business district. In the Master Plan the goals are to promote and encourage the business district maximizing off street and on street and seeks to reinforce locals and others will visit. The applicants are seeking parking on-site and off-site spaces and outdoor seating. The spaces have been there for over 50 years. The site is no longer a D variance and allows for the apartment above the restaurant. This application is a reinvestment into an existing property and promoted by the Land Use Law. They are proposing to extend the front patio to meet the overhang for the outdoor seating, setbacks for the stairwell to the northern side of building and secondary egress stairs for rooftop deck. The proposed 81.2 percent of impervious coverage allows for more landscaping and trash will be fenced and landscaped. Ms. Ehlen believes this is a positive - reinvest to reserve the same. There is no detriment because it is the revitalization of an original site. The reconfiguration will promote safe ingress and egress.

**Tom Griffith** explained that the Limited Commercial Zone designates the area that restaurants are appropriate for use in this zone.

**Meeting open to the public.**

**Gerry Hanson, ESQ.** from 6 E 82<sup>nd</sup> St. is concerned by the number of variances the applicants are proposing and the amount of traffic and safety concerns on the oceanfront blocks in the Limited Commercial Zone. Mr. Hanson objects the design of Harvey's Yard and the 10-11 foot wall that is proposed because his yard is 9 feet away.

**Jay Madden** explained the wall is going to cut down the noise and was designed to protect his property and discourage sound in his backyard. Harvey's Yard will be 400 square feet. The restaurant hours will be 8:00 AM – 9:00 PM. The exhaust will be designed by the kitchen planner.

**Michael Giacobelli** clarified that the restaurant will be BYOB and Harvey's Yard will not be a bar.

**Barbara Ehlen** explained the Limited Commercial Zone intends that restaurants are permitted uses and anticipated. The applicants are making use of what is permitted and making a reinvesting the appearance of the building.

**Rich Visotcky** explained by changing the ingress and egress from the previous plan will keep the traffic away from the side streets in the Limited Commercial Zone.

**Fred Schragger** called as a witness was sworn in. He submitted photos of the area discussed on Long Beach Boulevard for traffic conditions.

**Rich Visotcky** explained that the photos should be given by traffic expert.

**Kevin Quinlan** stated for identification purposes only: 9 photos submitted taken April 4 7:30pm

**Lee Klein, PE, PTOE** professional engineer and Traffic Operations engineer in NJ described the restaurant as fast casual with a high turnover rate. Parking for Harvey Cedars is 1 parking space per 4 seats but in his opinion that 108 seats should require 27 parking spaces. ITE parking is generally closer to the 1 to 3 seats. The circulation pattern is a concern and should be clockwise to get in out of the lot. The 2 off-site parking for the employees on E 86<sup>th</sup> street is well over 200' away from the restaurant. The intent of the Limited Commercial Zone is supposed to lessen the impact on the eastside of the boulevard. Adding the restaurant will intensify the traffic along oceanside blocks and intensify traffic on 82<sup>nd</sup> Street. On the site plan there is parking on either side of the trash enclosure with concern for employees to throw out trash. Parking spaces should be 10 feet wide for a lot of turn over for a fast- paced restaurant. The 7 spots should be 10 feet wide and there should be 27 spaces required for 108 seats, 2 spaces for 12 employees, and 2 spaces for the apartment.

**Gerry Hansen** added that the additional cars will need to find parking spaces and will intensify parking and traffic and cause safety issues.

**Rich Visotcky** spoke about the national standard for a parking space is 9x18 and in the Borough ordinance it is limited off street parking withing 200 feet of the property. The trash enclosure has 2 gates and simple to open from the inside and outside.

**Kevin Quinlan** questioned if the applicant can switch the ingress and egress flow of the driveway access.

**Frank Little** suggested flipping the ingress and egress.

**Rich Visotcky** said the applicant is proposing to switch the access in and out of the lot.

**Bob Romano** explained the ITE parking is based on the number of seats and square footage of the restaurant.

**Fred Schragger, ESQ.** representing himself and his wife Arlene commented about the 27 parking spaces 7 are not permitted and some in the site triangle.

**Daria Janka, ESQ.** from 13 E.82<sup>nd</sup> Street questioned Barbara Ehlen about ingress and egress. Ms. Ehlen explained the intent of ordinance was created not to encourage traffic toward the ocean. There are 20 parking spaces and 7 on the northern side of the property which isn't unique in Harvey Cedars. The 2 employee parking spaces can park at the owner house by ordinance.

**Beth Post** from 10 E. Essex indicated a restaurant in the Limited Commercial Zone is a permitted use and the town needs to evolve and move forward.

**Alan Zorn** from 1 E. 82<sup>nd</sup> Street questioned the site triangle and the resolution of the 2 parking spaces. Mr. Zorn made comments that the scale of the project is too large because 108 seats is more than 80 allowed and is over by 35 percent. The proposed restaurant is oversized and will impose more traffic and safety issues. There will be an increase in noise and disturbances. Having a smaller restaurant will not be an issue. Mr. Zorn commented that it is unfair for to the nearby residents and existing restaurants because the applicants are asking for so many variances to be approved. He stated the application should be denied.

Arial color photo of 82<sup>nd</sup> Street was submitted.

**Mr. Zorn** recommends the Land Use Board to expand public parking on 82<sup>nd</sup> Street which would be more useful to the public. Harvey's Yard is too close to the residents due to noise and disruptions for 13 hours a day. He also spoke of compliance and enforcement with a disconnect for parking from Memorial Day to Labor Day and the remainder of the year.

**Walter Naisby** from 5 E. 82<sup>nd</sup> Street has concerns about pedestrian safety and traffic on 82<sup>nd</sup> Street.

**Kristen Haines** from 13 West 80<sup>th</sup> Street made comments that the applicant has significantly changed what they are planning in regards to liquor, traffic, sound and the number of staff.

**Joanne Hanson** from 6 E 82<sup>nd</sup> Street discussed Harvey's Yard. She questioned Jay Madden about the proposed wall. Mr. Madden explained the purpose of the solid wall is to limit the sound and they also added a roof over it and are open to adding new fence. There will be 15 seats in Harvey's Yard and will not be a bar or hang out area. It will include courtesy benches while waiting for tables and the music will follow the ordinance. Mrs. Hanson stated that she is opposed to the application because it is too close to her house and will devalue her property.

**Alfred Zarroli** from 4 E. 81<sup>st</sup> Street explained the town is too congested with people and cars speeding through town.

**Alan Shur** from 6 E. 82<sup>nd</sup> Street explained the formula for parking to spaces to employees isn't accurate and will impact the number of spaces.

**Molly Zorn** from 1 E. 82<sup>nd</sup> Street explained that a large restaurant would be unsafe on the street. She urged the applicant to stick to the code.

**Hillary Fiorella** from 23 West 80<sup>th</sup> Street questioned the loading zone area and if the delivery trucks can make the turn in and out of the lot.

**Evan Glanz** from 1 East Atlantic Ave. believes that creating a restaurant is good for the community. The benefits outweigh the burdens and is permitted in the Limited Commercial Zone.

**Ed Lilly** from 8 East 79<sup>th</sup> Street said there is a lot of traffic in the summer. His concern is the left hand turn out of the restaurant and how dangerous it is.

**Motion to close.**

**Closed to public.**

**Rich Vistocky** summarized the application. The applicants plan on saving an iconic building from destruction and repurposing to what is permitted in the zone. Creating the apartment above for employees will alleviate parking. The restaurant is in the center part of town which is walkable and rideable to the community. There will be 8 bike racks, seeking variances for parking with the 7 historically existing which are 9 x 13 feet the same as the municipal lot. This will be a community family friendly restaurant that could accommodate breakfast, lunch, and dinner. They have decreased seating to make it safer and changed the ingress and egress on Long Beach Boulevard.



**xComments from the Land Use Board members.**

**Joe Gieger** explained this is the largest in the Limited Commercial Zone. The town has already helped the businesses to a mixed use, outdoor dining, and bike racks. He stated he is not in favor of this application and the 82<sup>nd</sup> Street public parking spots add to the intensity.

**John Tilton** commended the applicants on the great accommodations they have made but feel the neighbors are unhappy. He suggested to get rid of the 2 parking spots in the site triangle and one of the other sides and get rid of Harvey's Yard.

**Mindy Berman** feels neutral about the site triangles because the county and town have different determinations. She feels the businesses should have the same opportunity as the homeowners to use the 7 parking spaces.

**Kathy Sheplin** believes they should eliminate part of Harvey's Yard to make the parking safer.

**Al Andril** would like to see a restaurant on this location but it is too intense on the edge of the business zone and too sensitive for the residents.

**Frank Little** explained the applicants should take the comments into consideration if they apply with a new application.

**Tom Griffith** had concerns of the parking and safety issues.

**Bill Montag** believes there are too many variances being requested.

**Bob Romano** discussed the safety issue, site circulation, driveways, and feels the restaurant is too big for the lot. The customers will be parking all over the place.

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**Commissioner Joeseeph Gieger** made a motion to **DENY** the application seconded by **Bill Montag**. The following vote was recorded: **John Tilton, Bill Montag, Bob Romano, Commissioner Joe Gieger, Kathy Sheplin, Mindy Berman, Alcides Andril, and Thomas Griffith** all voted **YES** to **DENY** the application.

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**Mindy Berman** made a motion to approve the March 20, 2025 meeting minutes, seconded by **John Tilton**. **Mayor John Imperial, John Tilton, Bill Montag, Bob Romano, Commissioner Joe Gieger, Kathy Sheplin, Mindy Berman, Alcides Andril, and Thomas Griffith** all voted **YES** to approve.

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**New Business -**

**Commissioner Joe Gieger** discussed a letter received for a CAFRA permit application regarding a subdivision of The Sisters of Charity of Saint Elizabeth at 7201 Long Beach Boulevard. The town will submit their comments to the NJDEP as requested. Kevin Quinlan explained the Land Use Board is not reviewing the CAFRA application as a site plan but only for general comments at this time.

**Open to Public closed.**

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**Meeting adjourned at 11:05 pm.**

Kristen Christofora  
Land Use Secretary











