

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
January 19, 2017**

A Regular Public Meeting of the Land Use Board of the Borough of Harvey Cedars was held in the Meeting Room in the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, New Jersey on the above date.

The meeting was called to order at 7:02 PM.

**Chairman Bob Romano** made the following announcement: “This is a 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.”

Members of the Board present: **Daina Dale, Chairman Romano, Mark Simmons, John Tilton, Paul Rice and Tony Aukstikalnis**

Members of the Board absent: **Mayor Oldham, Commissioner Garofalo, and Terry Kulinski**

Alternate members of the Board present: **Kathy Sheplin and Sandy Marti**

Alternate members of the Board absent: **none**

Also present were the following: **Frank Little, PE and Stuart Snyder, Esq.**

~~~~~

**John Tilton** made a motion to approve the minutes of the December 15, 2016 meeting, seconded by **Daina Dale**. The following roll call vote was recorded: **Mark Simmons, Daina Dale, Chairman Romano, and John Tilton** all voted **YES**.

~~~~~

**Kathy Sheplin** made a motion to approve the Reorganization Minutes from January 5, 2017, seconded by **Mark Simmons**. The following roll call vote was recorded: **Mark Simmons, Daina Dale, Chairman Romano, Kathy Sheplin and Sandy Marti** all voted **YES**.

~~~~~

**Resolution – 2016-08 Clarke, 7 West 83<sup>rd</sup> Street, Block 74, Lot 1**

**Chairman Romano** requested to change a typo within the resolution on page 3 regarding “20 foot” to “20 inches”. With said change **John Tilton** made a motion to approve the Resolution, seconded by **Mark Simmons**. The following roll call vote was recorded: **Daina Dale, Chairman Romano, Mark Simmons and John Tilton** all voted **Yes**.

~~~~~

### **Application – 2017-01 Franko, 3 West Bergen Avenue, Block 2 Lot 4**

Richard Visotcky introduced himself as the Attorney for the Applicants, Richard and Leslie Franko. After Mr. Visotcky gave a brief overview of the application, Mr. Snyder entered the following as evidence: Application filed with the Borough on December 20, 2016 as A1, Variance Map dated October 26, 2016 and prepared by the engineering firm Horn, Tyson and Yoder as A2, Architectural Plans dated December 20, 2016 prepared by CWB Architecture as A3, and Board Engineer's Letter as B1. **Mr. Snyder** swore into testimony Mr. Jim Brzozowski, Professional Engineer representing the firm Horn, Tyson and Yoder, Mr. Craig Brearley, licensed Architect practicing in the State of New Jersey and Board Engineer **Frank Little**.

Mr. Visotcky explained the history of the property and the Franko's use and modifications of the house over the years of ownership. Mr. Visotcky explained that the home sits on a lot that is 40' lot wide where 50' is required. The existing house will be knocked down and a new house will be constructed above the required base flood elevation and the location of the house will be moved to the east in order to increase the setback on the west side therefore reducing the number of variances needed.

Mr. Brzozowski testified to the current conditions and hardships that exist along with the proposed project and the positive impact the home will have to the neighborhood. Mr. Visotcky had submitted as evidence A-4 – an 8x10 photo of front of house looking in a northwest angle and A-5 – two 5x7 photos, the top photo looking down the westerly property line and the bottom photo looking between the two homes which would benefit the most from the moving of the house and the increasing of space between the two homes. Questions from the board for Mr. Brzozowski included **Tony Aukstikalnis** inquired about the current height of home, and **Mark Simmons** asking why the home was not placed with 8 foot setbacks on each side.

Mr. Brearley testified how the proposed home and location would eliminate all nonconformities except for the one side yard setback and the project would improve on what is existing. Questions from the board for Mr. Brearley included **Tony Aukstikalnis** inquiring the location of the air conditioners in regard to the setback and the plans for the existing trees on the property. Mr. Visotcky asked Mr. Brearley the possibility of building a 20-foot-wide home which would conform to all setbacks with which Mr. Brearley stated that it could be done but would be a detriment to the surrounding homes in the neighboring homes.

Mrs. Leslie Franko, applicant, was sworn in. Mrs. Franko testified to their history with the house and their plans in regards to the proposed home. Questions from the board for Mrs. Franko included **Paul Rice** raising the issue of having access to the back of the house for emergency personnel. **Daina Dale** requested showing two off street parking spaces on the Variance Plan. **Sandy Marti** asked the location of outdoor shower, if any.

The floor was **open** to **PUBLIC COMMENT**.

Salvatore Lauro, 1 West Bergen, was sworn in and testified that the Franko's were good

people, that he loved the design of the house, its new location and that it would have a positive impact to the surrounding neighborhood.

James Frank, 7 West Bergen, was sworn in and concurred with Mr. Lauro then added that the proposed plan would benefit the neighborhood.

With no other comments offered the **PUBLIC PORTION** was **closed**.

### **BOARD DISCUSSIONS**

**Chairman Romano** addressed the location of home and the access to the back yard.

**Daina Dale** inquired about the details of the proposed retaining wall.

**Tony Aukstikalnis** made a motion to approve the application as proposed. Second by **Mark Simmons**.

The following roll call vote was recorded: **Mark Simmons, John Tilton, Paul Rice, Chairman Romano, Tony Aukstikalnis, Daina Dale, Kathy Sheplin** and **Sandy Marti** all voted **YES**.

~~~~~

### **OTHER BUSINESS**

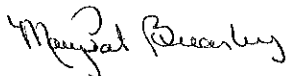
Master Plan re-examination discussion was carried until the February meeting.

**Chairman Romano** requested a change in the Agenda in regards to the Approval of Minutes and Resolutions be placed after the hearing of an Application(s). **Daina Dale** asked if the Board could open the meeting with the Pledge of Allegiance after calling the meeting to order. All board members were in favor of both modifications to the Agenda.

~~~~~

At 7:46 PM a motion to adjourn was made by **Mark Simmons**, seconded by **Tony Aukstikalnis**, all in favor.

Respectively submitted,



Mary Pat Brearley, Secretary