

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting - Minutes  
September 21, 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 Boulevard, Harvey Cedars, New Jersey on the above date.

The meeting was called to order at 7:08 PM.

**Chairman 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."

Member of the Board present: **Mayor Oldham, Commissioner Garofalo, Daina Dale, Chairman Romano, Mark Simmons, John Tilton,** and **Tony Aukstikalnis**

Members of the Board absent: and **Terry Kulinski** and **Paul Rice**

Alternate members of the Board present: **Sandy Marti**

Alternate members of the Board absent: **Kathy Sheplin**

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**Application - 2017-07 Holl, 9 East Atlantic Avenue, Harvey Cedars, New Jersey  
Block 37, Lot 5**

Joseph Holl, applicant, David Ash, from David Ash Landscaping and Leon Tyszka from Nelke/Tyszka Land Surveyors were sworn in. The following were admitted as evidence A1, Application dated August 30, 2017; A2, Variance Plan by Nelke/Tyszka Land Surveyors, LLC and under the seal of Leon Tyszka dated August 30, 2017 and B1 Borough of Engineer's Letter dated September 18, 2017 and under the signature of Frank Little.

Mr. Ash detailed the application. Mr. Ash also produced a series of 8 3D Photos showing the Design Concept. They were marked in as evidence as A3.

Mr. Little reviewed his letter with the applicant and discrepancies with the Variance Plan that was submitted.

- Any roof overhang over 24 inches must meet the set back requirements therefore the overhang would only be 5 feet from the pool.
- The 3 foot walkway around the pool, the roof overhang and pool must be counted as coverage therefore the Lot Coverage was now calculated at 48.6 % where 48 is permitted.

- It was noted that the Variance Plan did not show the 3' walkways around the Pool. Mr. Ash stated that he would adjust the walkways not to exceed the 48% Lot Coverage.

Board questions and concerns for the applicant were as follows:

- Per Photos (A3) there would be pavers under the house, would this exceed the impervious coverage of 75%. Impervious Coverage was not noted on the Variance Plan.
- Granting the setbacks would impede on the air and open space which there are stringent guidelines to be followed in Harvey Cedars.

The meeting was open to the Public.

Dr. Charles Lott, 7 East Atlantic Avenue, was sworn in. Dr. Lott was concerned about the noise level of the air conditioning unit and pool equipment at the proposed location which would be outside one of his bedrooms. Considering the noise level of the pool area, why was it pushed towards his house and could there be another solution to both issues?

Public Portion was closed.

Board Discussions:

- Could the plan be flipped and push the Air Conditioning Unit under the house  
Mr. Ash commented that the pool pump he uses is quiet and he will build an enclosure around the air conditioning unit that will hamper the noise. If the plan was flipped, the smoke from the cooking area will blow under the applicant's house due to the prevailing south east winds the island is known for.
- Moving the pool north east would remove the side yard setback variance requested.  
Mr. Ash stated the pool will be in the sun where it is currently proposed.
- Cutting the size of the pool  
Mr. Ash testified that the pool design has changed since the submittal of the application and the new size of the pool would be 26 feet by 12 feet 6 inches.
- To many discrepancies with the plan submitted, the applicant need to show changes to the design, correct lot and imperious coverage calculations, and reconsider the relocation of the equipment

Mr. Snyder suggested to the Applicant that this application be carried to the next meeting so they can address the Boards concerns. Mr. Snyder also suggested that the Mr. Holl talk to Dr. Lott to address his concerns. The Applicant agreed to have the application carried to the October meeting. There will be no more notices needed to appear before the Board in October. Application carried.

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**Resolution - 2017-06 Petrucci, 8206 Bay Terrace, Block 62, Lot 10**

Revised Plans as per the Board request were submitted on September 20, 2017. A motion to approve the resolution based on the acceptance of the Engineer's review of the revised changes was made by, **John Tilton** seconded by **Tony Aukstikalnis**. The following Roll Call vote was recorded: **Daina Dale, Chairman Romano, Mark Simmons, John Tilton,** and **Tony Aukstikalnis** all said yes.

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**Resolution - 2017-01 Franko, 3 West Burlington, Block 2, Lot 4**

Attorney Rich Visotcky representing Richard and Leslie Franko explained a discrepancy caught by the Zoning Officer when the above plans went in for a Construction Permit. Engineer, Jim Brzozowski, was sworn in and explained the height of the house was testified to be 31 feet which was allowed due to filling of the property per Ordinance. It was not caught by himself or the Board Engineer that there was a second ordinance that limited the residence to only go to 30 feet because it was an undersized lot. Mr. Visotcky noted that his notice to the paper and neighbors did say "and any other variances requested by the Board" and would have asked for the variance had he known about it. Mr. Little noted the surrounding properties are conforming lots and will all have the benefit of the higher elevation and the Franko's will not stand out.

Mr. Snyder suggested amending the Resolution to include for the height discrepancy. **John Tilton** made a motion to approve the amended Resolution which was seconded by **Mark Simmons**. All voted **Yes** to approve.

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**Tony Aukstikalnis** made a motion to approve the minutes of the August 17, 2017 meeting, seconded by **Chairman Romano**. All voted **Yes** to approve.

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The Master Plan discussion was carried.

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At 8:14 PM a motion to adjourn was made by **Mark Simmons**. Seconded by **Tony Aukstikalnis**, all voted in favor to adjourn the meeting.

Respectively submitted,  
*Mary Pat Brearley*  
Mary Pat Brearley, Secretary