

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
November 16, 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 7:01 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: **Terry Kulinski** and **Paul Rice**

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

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

~ ~ ~ ~ ~

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

Mr. Joseph Holl represented himself and brought Mr. Dave Ash as his witness. Mr. Snyder swore them both in. Mr. Snyder then entered the additional evidence: A4, revised Variance Plan by Nelke, Tyska Engineers, with a revision date of October 13, 2017 and B2, Board's Engineer Letter written by Frank Little dated November 3, 2017. Frank Little was sworn in. Mr. Little stated that Mr. Leon Tyska, the applicants engineer revised the Variance Plan today and the lot coverage now conforms.

Mr. Ash presented the following arguments for the approval of this application:

- The pool equipment was moved to the east side of the house where there is a 10' easement to the ocean front neighbor therefore increasing the distance to the adjoining neighbor on that side
- A cut back on impervious coverage as suggested by the Board
- The pool was kept at its current proposed location to optimize the sun exposure and utilize open floor space guest to congregate
- Home Owner's in Harvey Cedars should have the ability to enjoy their property as other Home Owner's in other towns due to smaller setbacks.

The Board questioned Mr. Holl and Mr. Ash as follows:

- When was the house built? Mr. Holl explained that the current house was built in 2007
- Considering the Light and Air issue, why not move the pool to eliminate the side yard setback? Mr. Ash stated moving the pool would break up the continuous areas for guest

It was also noted during the Board's questioning of the applicant that the Paving on Variance Plan would need to be changes because it showed paving and plantings in the right of way

The Board opened the floor to the Public.

- Dr. Charles Lott – 7 East Atlantic Avenue – was sworn in. Dr. Lott owns the property to the west of the applicants and asked the board to consider moving the pool because the 5' side yard setback was too close and will cause a noise nuisance. Dr. Lott was also concerned of drainage and flooding into his yard.
- Ed Zorn – 6301 C Long Beach Boulevard – was sworn in. Mr. Zorn asked what the height and material of the fencing and enclosure of the a/c and pool equipment. He also stated that the applicant was quite excessive in asking for a 50% reduction to the set back requirement and asked the board to consider the reasoning behind why the town fathers wanted the setback enforced, as is. He also asked Mr. Ash for testimony regarding the reasoning for "Hardship". If none, the board should not approve this application.

The Public Portion was closed.

Mr. Ash rebutted the claim of the 5' set back, saying that the ordinance should be changed in order to maximize allowable space in the back yard. Mr. Ash also proposed moving the pool to 7.5' off the west side of the property.

Board Discussions and concerns were as follow:

- The open kitchen/bar area under the house
- Moving of the pool to the 10' side yard setback would still give room to congregate
- There was no hardship shown and the board needs to be careful in allowing such setback and the effect of open space and light and air issues especially because "accessory building" could also refer to sheds
- Pools are generally noisy and neighbors are close
- What were the baffles to be used to lessen the impact of the a/c and pool equipment

A motion to approve the application with a 10' side yard setback and 5' rear yard setback was made by **Tony Aukstikalnis**, seconded by **Mike Garofalo**. The following vote was recorded **Mark Simmons, John Tilton, Chairman Romano, Daina Dale and Sandy Marti** voted **NO**. **Tony Aukstikalnis, Commisioner Garofalo** and **Mayor Oldham** voted **Yes**. **MOTION DENIED.**

~~~~~

**Minutes - October 19, 2017**

**Tony Aukstikalnis** made a motion to approve the minutes of September 21, 2017 with modifications, seconded by **John Tilton**. The following vote was recorded **Mark Simmons, John Tilton, Chairman Romano, Tony Aukstikalnis** and **Daina Dale** all voted **Yes** to approve.

~~~~~

Resolution - 2017-01 Franko, 3 West Bergen Avenue, Block 2, Lot 4

Tony Aukstikalnis made a motion to approve the Administration revision to the Franko Resolution, seconded by **Sandy Marti**. The following vote was recorded **Mark Simmons, John Tilton, Chairman Romano, Tony Aukstikalnis, Daina Dale** and **Sandy Marti** all voted **Yes** to approve.

~~~~~

**Resolution - 2017-08 Murphy, 5B East Burlington Avenue, Block 12, Lot 2**

**Tony Aukstikalnis** made a motion to approve Murphy Resolution, seconded by **Chairman Romano**. The following vote was recorded **Mark Simmons, John Tilton, Chairman Romano, Tony Aukstikalnis, Daina Dale** and **Sandy Marti** all voted **Yes** to approve.

The Master Plan discussion was carried.

~~~~~

At 8:11 PM a motion to adjourn was made by **Mark Simmons**. Seconded by **Chairman Romano**, all voted in favor to adjourn the meeting.

Respectively submitted,



Mary Pat Brearley, Secretary