

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
December 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 Blvd., Harvey Cedars, New Jersey on the above date.

The meeting was called to order by Chairman Bob Romano at 7:00 PM. The Chairman asked all to rise for the Pledge of Allegiance.

**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.”

Members of the Board present: **Commissioner Garofalo, Daina Dale, Chairman Bob Romano, Terry Kulinski, Mark Simmons, Paul Rice and Tony Aukstikalnis. Mayor Oldham** arrived a couple of minutes after Roll Call.

Members of the Board absent: **John Tilton**

Alternate members of the Board present: **None**

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

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

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**Application – 2017-10 – Anthony Curreri/Walters Design-Build, LLC, 14 & 16 East 84<sup>th</sup> Street, B 83 Lot 9 & 10**

Chairman Bob Romano announced to the public that the above case would not be heard at this meeting because the applicant had a problem with their notice and that they also modified their plans from what was originally submitted. Mr. Stuart Snyder announced that he would not be the attorney to oversee the case due to a conflict. He announced Kevin Quinlan, Esq. would step in as Land Use Attorney for the case if he was appointed by the Board. The meeting will be carried to January 18, 2018 at the regular Land Use Meeting provided the applicants properly re-notice and submit any necessary changes.

**Application – 2017-09 – Barletta, 7403 Long Beach Blvd., Block 53, Lot 19**

Mr. Snyder announced that a “Use” variance was required since the property is a Duplex, which is a non-permitted use with a non-conforming floor area ratio. Commissioner Garofalo and Mayor Oldham would be stepping down as they are not able to vote on a use variance. Mr. Paul Rice excused himself stating that he had a conflict with the case. Mr. Rice owns a property within 200 feet of the applicant. Mr. Snyder stated the 5 member Board present must all vote “yes” for approval and asked the applicant’s

attorney if he wanted to proceed or carry the application to the next meeting. The applicant's attorney chose to proceed.

Mr. Snyder marked and entered the following exhibits: Application dated December 1, 2017 as A1, Survey of the Property by Steven R. Kelley, Land Surveyors dated August 12, 2017 as A2, Elevation Certificate dated August 12, 2017 as A3. Variance Set of Plans of 4 sheets prepared by Michael Strunk, Architects dated September 29, 2017 with a revision date, November 14, 2017 as A4, and Board Engineer's Letter dated December 14, 2017 as B1.

Mr. Snyder announced the property owners were being represented by their attorney Jason Henbest and swore in Board Engineer Frank Little.

Mr. Henbest explained the history of the property, current conditions, and proposed alterations. Mr. Henbest explained that his client was not present due to the flu. He went on to explain the new property owners of the duplex were simply looking to improve the existing structure by adding code compliant railings and by replacing deck boards. The applicants are also looking to add a rooftop deck and adding a staircase onto an existing deck for access.

The following is a summary of Mr. Henbest's testimony, and Board member questions:

- The property was acquired by the Barletta's on August 20, 2017.
- The lot is 3,000 square feet where 5,000 square feet is currently required.
- The duplex on the property was permitted to be built before current zoning regulations and therefore is an existing non-conformity.
- The existing impervious coverage is currently 35.8 percent where 33 percent is permitted. Mr. Henbest noted that with the removal of the concrete pad in front of the house, impervious coverage and parking would be improved.
- Overall height will change from 20' to roughly 23.5' due to the rooftop railings.
- The Board mentioned the large dumpster outside and it appeared windows were being removed. Mr. Henbest stated minor renovations are being done to the interior such as carpet removal.

The floor was **open** for **PUBLIC COMMENT**:

**Maryann Vermont, 7405 Long Beach Blvd.**, stated she was concerned that the addition of the rooftop deck would create unwanted noise and wanted to state her opposition to the approval of the rooftop deck.

**Nick Vermont, 7405 Long Beach Blvd.**, stated he was also opposed to the deck; his house is primarily a single story with skylights and has concerns about privacy.

Questions and comments from the Board included what type of view is seen from the rooftop, and if the owner would reduce the area of the rooftop deck. The Board mentioned it would be beneficial to carry the meeting for the property owners to address the neighbors' concerns and Board's questions.

**Mr. Henbest** requested that the meeting be carried to next month's meeting.

Mr. Snyder advised Mr. Henbest if there are any revised plans they must be submitted 10 days prior to the meeting. Bob Romano stated there is no pavement edge on the survey and no parking shown; there needs to be something on record to show parking.

**Tony Aukstikalnis** made a motion to carry the meeting. Second by **Mark Simmons**.

The following roll call vote was recorded: **Tony Aukstikalnis, Mark Simmons, Terry Kulinski, Chairman Romano, and Daina Dale**, all voted **YES**. Mr. Snyder announced that there will be no further notice or publication required for this application. The application was carried to the January 18<sup>th</sup> meeting.

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**OTHER BUSINESS**

**Commissioner Garofalo** and **Mayor Oldham** returned as Board members.

**Mr. Stuart Snyder** proposed appointment of **Kevin Quinlan, Esq.** as the attorney to sit in for **Anthony Curreri/Walters Design-Build, LLC** application. A motion was made by **Terry Kulinski** to appoint **Kevin Quinlan**, seconded by **Daina Dale**. The following roll call vote was recorded: **Tony Aukstikalnis, Mark Simmons, Terry Kulinski, Chairman Romano, Daina Dale, Commissioner Garofalo** and **Mayor Oldham** all voted **YES**.

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**Minutes – November 16, 2017**

**Tony Aukstikalnis** made a motion to approve the minutes of the November 16, 2017 meeting, seconded by **Chairman Romano**. The following vote was recorded: **Tony Aukstikalnis, Mark Simmons, Chairman Romano, Daina Dale, Commissioner Garofalo** and **Mayor Oldham** all voted **YES** to approve the minutes.

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**Resolution – 2017-07 Holl, 9 East Atlantic Ave., Block 37 Lot 5**

**Tony Aukstikalnis** made a motion to approve the **Holl** Resolution of Denial, seconded by **Daina Dale**. The following vote was recorded: **Tony Aukstikalnis, Mark Simmons, Chairman Romano, Daina Dale, Commissioner Garofalo** and **Mayor Oldham** voted **YES** to approve the Resolution of Denial.

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The reorganization meeting date was discussed and a motion was made by **Daina Dale** to have the yearly meeting on the first Thursday of January at 4:30 in the afternoon going forward. Motion was seconded by **Mark Simmons**. All voted **Yes**.

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At 8:03PM a motion to adjourn was made by **Mark Simmons**, seconded by **Tony Aukstikalnis**, all in favor.

Respectively submitted,

Anna Grimste, Secretary Pro Tem