

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD
Reorganization Meeting – January 18, 2018 Minutes**

The re-organization of the Land Use Board 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 6:30 p.m.

Bob Romano made the following announcement: “This is the reorganization 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 on January 1, 2018 as required by the Open Public Meeting Act.

Members of the Board present: **Daina Dale, Bob Romano, Terry Kulinski, Mark Simmons, John Tilton** and **Tony Aukstikalnis**

Members of the Board absent: **Mayor Oldham, Commissioner Garofalo, and Paul Rice**

Alternate of the Board present: **none**

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

SELECTION OF OFFICERS

Tony Aukstikalnis motioned to nominate **Bob Romano** as **Chairperson**, seconded by **Mark Simmons**. All board members voted **YES**.

Tony Aukstikalnis motioned to nominate **Mark Simmons** as **Vice Chairman**, seconded by **John Tilton**. All board members voted **YES**.

SELECTION OF SECRETARY AND CONSULTANTS

John Tilton motioned to appoint **Stuart Snyder** as **Board Attorney**, seconded by **Tony Aukstikalnis**. All board members voted **YES**.

Daina Dale motioned to appoint **Kevin Quinlan** as **Conflict/Alternate Board Attorney**, seconded by **John Tilton**. All board members voted **YES**.

Mark Simmons motioned to appoint **Frank Little, Jr.** as **Board Engineer**, seconded by **Tony Aukstikalnis**. All board members voted **YES**.

Mark Simmons motioned to appoint **Mary Pat Brearley** as **Secretary** and seconded by **John Tilton**. All board members voted **YES**.

BOARD DISCUSSION

Monthly dates and time of Meetings were reviewed by the board members and accepted.

No public was present.

Mark Simmons moved to adjourn seconded by **Tony Aukstikalnis** at **6:41 p.m.**, all in favor.



Mary Pat Brearley, Secretary

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
January 18, 2018**

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: **Daina Dale, Chairman Romano, Mark Simmons, Terry Kulinski, John Tilton** and **Tony Aukstikalnis.**

Members of the Board absent: **Commissioner Garofalo** and **Paul Rice**

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 **Kevin Quinlan, Esq.**

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Application – 2017-09 –Barletta - 7403 Long Beach Boulevard, Block 53, Lot 19

Mayor Oldham stepped down from this application. John Tilton signed off that he listened to the December 21st meeting and is therefore able to vote on this application.

Mr. Jason Henbest introduced Mr. Vincent Barletta as the Home Owner of the property. Mr. Barletta was sworn in. Mr. Henbest refreshed the Board Members of the testimony from the December meeting highlighting the Roof Deck and Parking issues. Mr. Quinlan entered into evidence A4 - revised sheets of the architectural plan drawn by Michael Strunk. Mr. Henbest noted that the Roof Deck was redesigned and shorten, approximately 8 feet, to the chimney rail. Mr. Barletta stated that the roof deck would only be accessed by the second floor unit which was occupied by his family and not tenants. Mr. Quinlan pointed out to the board that there would be no way to enforce the use of the roof deck by subsequent owners and their renters. Mr. Barletta addressed the parking concern of the Board noting that the parking area is tight and planned to move the entry to the back of the building allowing more room for parking.

The Board clarified that there would be restricted access to the north side of the roof, parking was always going to be an issue due to the lack of room in the front of the residence.

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

Mary Ann Vermont - 7405 Long Beach Boulevard, was sworn in. Mrs. Vermont stated that all the neighbors are in close proximity to each other and the roof deck would give a clear view into her skylight which would be a disadvantage to her property values. She was also concerned about the noise she would hear from the roof deck and what would happen if there was a change in ownership.

The **Public Portion** was **closed**.

Board Discussions and concerns were as follows:

- A clarification of the variance request
- The size of the Roof Deck's reduction, the view into the neighbor skylight and the concern for the noise the Roof Deck may cause as opposed to the noise from the Boulevard
- The number of existing parking spots and if any way to add another spot

Tony Aukstikalnis made a motion accept the application as modified. Second by **Terry Kulinski**. The following roll call vote was recorded: **Tony Aukstikalnis, Mark Simmons, Terry Kulinski,** and **Chairman Romano** voted **YES, John Tilton and Daina Dale** voted no. Motion was denied. Mr. Henbest asked for the Board to reconsider and allow for additional testimony or motions. **Tony Aukstikalnis** made a motion to reconsider. Seconded by **Chairman Romano**. The following roll call vote was recorded: **Tony Aukstikalnis, Mark Simmons, Terry Kulinski,** and **Chairman Romano** voted **YES, John Tilton and Daina Dale** voted no. Motion was denied.

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

Richard Visotcky introduced himself as the attorney for the applicant and explained that Mr. Ed Walters was the Owner of Lot 9 and he would abandon his variance from this Board in 2008. Mr. Walters was under contract to purchase Lot 10 from Mr. Curreri. Mr. Visotcky explained that his client wanted to reconfigure the two lots to face the ocean, a minor subdivision with no variances. Mr. Visotcky introduced Thomas Eartle, of the engineering firm French and Parrello Associates. Mr. Eartle was sworn in.

The following was entered into evidence: A1 - Application dated November 20, 2017 and A2 - Minor Subdivision Plan under seal of Thomas Eartle from the firm French and Parrello Associates dated September 18, 2017, A3 - two 5x7 photos of the current conditions of each Lot and A4 - photo of pilings on Lot 9 which would be removed.

Mr. Eartle explained Lot 9 currently was 50x100 and Lot 10 is 75 x 100. The application requests to switch the lots to be two conforming oceanfront lots with one lot granting an easement to the other lot. Both lots would be 6250 square feet which would be oversized for the area which is zoned for 5,000 square foot lots. Mr. Little clarified

that according to the ordinance, the easement must go across both lots. When questioned by the Board, Mr. Earle stated that CAFRA approval would be needed, there would be no grading issue, the Building Line would not be crossed and both lots are conforming and no variances were being requested.

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

Mark Devlin, 11 East 83rd Street, Block 83 Lot 5 was sworn in. Mr. Devlin opposed the consolidation of the properties because it would result in more structural density, diminish his ocean view which would therefore decrease his property value. The creation of an access easement would be atypical for this neighborhood. The easement would reduce privacy and create more noise. The easement would also create an “inside structure” which would make it more difficult to be reached by first responders. Mr. Devlin was also concerned with the proximity from the new residence to his home which will cause run off issues along with exhaust and noise problems from the mechanical equipment.

William Clarke, 7 and 9 East 83rd Street, Block 83 Lots 3 and 4 was sworn in. Mr. Clarke was in support of Mr. Devlin’s objections and was also concerned for safety and change to the nature of the neighborhood as it exists at present.

Anthony Ellenbogen, 13 East 83rd Street, Block 83 Lot 6 was sworn in. Mr. Ellenbogen lives to the south side of Lot 10 wanted confirmation from the Board that the set back would be as proposed at 10 feet and no variances were requested.

The **Public Portion** was **closed**.

Questions and comments from the Board included

- The location of the utilities
- The suggestion of having the location of the mechanical equipment and venting between the two new houses
- The problems a new easement would cause with trash bin placement and pick up issues especially during the summer months.

Mr. Ed Walters was sworn in. Mr. Walters stated that the utilities would be placed underground and agreed to have the air handler placed between the two new houses.

The floor was **Re-opened** for **PUBLIC COMMENT** due to new witness coming forward:

Mr. Devlin questioned the density being that the new structure would be at 10 feet closer to his house because right now he looks at the backyard and wanted confirmation from the Applicant that the compressors and venting would go to the interior of the two new houses in which Mr. Walter agreed.

The **Public Portion** was **closed**.

Board Discussions and concerns were as follows:

- Mr. Quinlan clarified that the air conditioning will be place between the two structures, utilities will be underground, and the easement will have to go across both lots
- Parking was a concerned with regard to Handicap Parking and trash bin placement and pick up during the summer months

Tony Aukstikalnis made a motion to accept the application with modifications. Second by **John Tilton**. The following roll call vote was recorded: **Tony Aukstikalnis, Mark Simmons, John Tilton, Terry Kulinski, Mayor Oldham** and **Chairman Romano** voted **YES**. **Daina Dale** voted no. Motion was approved.

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Resolution – 2017-10 – Anthony Curreri/Walters Design-Build, LLC, 14 & 16 East 84th Street, B 83 Lot 9 & 10

Mr. Quinlan created a resolution stating that the Board agreed to consolidation of Lot 9 and 10 in order to create two conforming lots with a 15 foot access easement across both lots per the ordinance, the utilities will be underground and the mechanical units and venting of the two new homes will be to the interior of both houses. **Terry Kulinski** made a motion accept the resolution. Second by **Tony Aukstikalnis**. The following roll call vote was recorded: **Tony Aukstikalnis, Mark Simmons, John Tilton, Terry Kulinski, Mayor Oldham** and **Chairman Romano** voted **YES**. Resolution was approved.

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Minutes – Regular Meeting – December 21, 2017

Tony Aukstikalnis made a motion to approve the minutes of the meeting on December 21, 2017. Seconded by **Chairman Romano**. The following vote was recorded **Mayor Oldham, Chairman Romano, Mark Simmons, Terry Kulinski, Tony Aukstikalnis** and **Daina Dale** all voted **Yes** to approve.

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At 8:15 PM a motion to adjourn was made by **Mark Simmons**, seconded by **Tony Aukstikalnis**, all in favor.

Respectfully submitted,

Mary Pat Brearley, Secretary