

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
October 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 Robert 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: **Chairman Romano, Mayor Oldham, Commissioner Garofalo, Daina Dale, Mark Simmons, Terry Kulinski, John Tilton, Tony Aukstikalnis, and Paul Rice.**

Members of the Board absent: **None**

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

Alternate members of the Board absent: **Kathy Sheplin (arrived later in the meeting to watch the Liability Seminar)**

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

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**Application – 2018-03 Sand and Surf Properties, LP, 25 Barnegat Avenue, Block 29  
Lot 1**

Jim Raban introduced himself as Attorney for the Applicant. Mayor Oldham recused himself from hearing the application due to being on the 200’ list.

The following were entered into as evidence:

- A1 – Application dated September 27, 2018
- A2 – Variance Plan by Nelke, Tyska dated September 11, 2018
- A3 – Overhead Google Map of Property
- B1 – Engineer’s Letter dated October 16, 2018

Mr. Raban explained the uniqueness conditions of the property. The property fronts four streets, one of which is a paper street. The residence is currently under construction. The proposed pool will be located along this Northwest corner. The Northeast corner of the property has a proposed raised Fire Pit which being over 12” is considered an accessory building and needs a variance.

Board questions and concerns were as follows:

- Are there plans to improve the paper street?
- Clarification on why this property has 4 front yards.
- If said property had one front yard and the rest side and back yards would the proposed variances be needed?
- Was the residence being built as a Spec House?
- What was the Hardship?
- Why come to the board now instead of before the Building Permit was issued?

Mr. Michael Walsh, 50% Owner of Sand and Surf, LP was sworn in. Mr. Walsh stated that he knew of no plans to improve the paper street. The new home was being built as a Spec House. Mr. Walsh explained that the Building Permits were approved because there were no variances needed at that time. The pool got bigger and then it was discovered that what was thought to be three side yards and 2 front yards ended up being 4 front yards and 1 side yard. It was also stated that the property is larger than most properties in Harvey Cedars with 6,448 square feet where most lots range around the 5,000 square feet range. The Hardship was the uniqueness of the property. The pool will be along the property edge that front the paper street therefore it will cause no noise deterrent to neighbors.

Board Questions and concerns after Mr. Walsh's testimony:

- Could the Fire Pit be located in a different place?  
The Fire Pit location is not the issue it's the height which is above 12" which causes the variance.
- Clarifications on Mr. Walsh's lot on A3 – Google Map.
- Would Mr. Walsh consider a smaller pool?  
Mr. Walsh had considered a 9' pool but like the proposed pool is 24' x 12'.

The Public Portion was Open. No members of the audience came forth therefore the Public Portion was Closed.

Board Questions and Comments

- Will the Pool or fencing be in the Site Triangle?  
No
- Will the fencing around the pool comply with our ordinance?
- Location of Retaining Wall was pointed out and explained
- The fence along the property that faces Lot 2 may be an eye sore.  
Mr. Walsh plans to plant along the outside of fence to make it more presentable. It was explained to Mr. Walsh that he would be planting in the Right of Way.
- Concerns over the timing of the Variance Application and why these issues not addressed before Building Permits were issued.

- House is constrained by the setbacks due to the uniqueness of the lot. There is no other better place for the Pool and Fire Pit. The Pool would not be affecting other neighbors.
- The fencing along the paper street will block the view of Lot 2.
- Was there a possibility to shrink the deck or move the pool?

Mr. Raban asked for a recess to confer with his client and the issues concerning the Board.

Mr. Raban asked for the Application to be carried to the next meeting so they could address the issues of the Board.

**Application was carried to the November 15<sup>th</sup> meeting.**

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**Minutes - Regular Meeting - August 16, 2018**

**John Tilton** made a motion to approve the minutes of the regular meeting on August 16, 2018, seconded by **Mark Simmons**. The following vote was recorded **Mark Simmons, John Tilton, Terry Kulinski and Paul Rice** all voted **Yes** to approve.

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Master Plan discussion will be carried.

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Mr. Snyder discussed with Mr. Little an application coming before the Board in November to get clarification on what variance the applicant was seeking and the Fee Schedule.

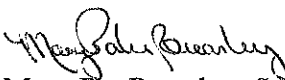
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By direction of the Joint Insurance Fund, the Board watched a PowerPoint Presentation on Land Use Liability. All Board Members were in attendance and signed in and out.

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At 8:16 PM a motion to adjourn was made by **Daina Dale**, seconded by **Commissioner Garofalo**, all in favor.

Respectfully submitted,

  
Mary Pat Brearley, Secretary