

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
February 21, 2019**

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. This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all time.”

Members of the Board present: **Chairman Romano, Mayor Oldham, John Tilton, Terry Kulinski and Tony Aukstikalnis**

Members of the Board absent: **Commissioner Garofalo, Daina Dale, Mark Simmons, and Paul Rice**

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

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

Also present were the following: **Stuart Snyder, Esq., Kevin Quinlan, Esq., Frank Little, PE and Anna Grimste, Zoning Officer**

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Application – 2019-02 Walters Residential, 3 East Mercer Avenue, Block 39 Lot 2

Mr. Snyder excused himself from this application due to conflict of interest. **Mr. Kevin Quinlan** resided over this application.

Richard Visotcky, attorney for the applicants introduced himself and gave a brief introduction of the property and the owner, Walters Residential.

The following was entered into evidence:

A1 – Application

A2 – Architectural Plans prepared by Craig W. Brearley

- A3 – Plot Plan by Najarian Associates
- A4 – Two color Photos of current conditions of property
- B1 – Borough Engineer’s Review Letter

Mr. Visotcky explained to the Board the applicant is seeking a Design Waiver not to fill the lot 8” in accordance with our Ordinance due to an error in calculating the first floor height that was caught in the field. The first floor is 4.75” below where it is supposed to be. Mr. Visotcky stated that the property is located on the east side of the Boulevard where drainage is less of a problem and the applicant has addressed the issue of drainage by directing all water runoff towards the street via roof drains and perforated piping underground.

Craig W. Brearley, Architect, was sworn in. Mr. Brearley stated that there was an error from his office in calculating the elevation of the first floor which was not caught in the field until the contractor had the slab was poured.

Robert Kuhne, Engineer, was sworn in. Mr. Kuhne represents Najarian Associates and is allowed to testify for the firm. Mr. Kuhne explained their remedy to correct this error in the field would be to allow the slab to stay at its current position and grade property to allow for drainage to flow towards the street. Mr. Kuhne stated that the new site design would not have any negative effects or impacts on its neighbors.

Board Questions and Concerns were as follows:

- Why was this not caught when the first floor was built? The builder is does not practice having the engineers shooting the first floor elevation during construction.
- Would the Owner consider curbing to keep water from entering the property? Applicant agreed to this.
- Concern about retaining water on property. Due to the property being on the Oceanside of the Boulevard making for a more downward runoff and the sandy soil water will percolate.
- What is the issue if Owner conforms to Ordinance? The Garage would have a ceiling of about 7 feet therefore making in a non workable Garage
- The placement and utilization of the perforated piping. It was agreed by the Owner to add 3 drains to the yard below ground add the curbing and grade the back of the property to induce the water to the street.

The Public portion was open. No one stepped forward. The Public portion was closed.

Board Discussion and Comments were as follows:

- Concerns that this application was very similar to 2018-05 Grybowski which was denied. It was pointed out that every application must stand on its own and there were several issues that were completely unrelated.
- Builders should shoot the elevation before continuing on with construction.
- Most members agree that the applicant addressed the issue as best as they could

A motion was made by **John Tilton** to approve the application with the additional agreement that the applicant revise the site plan to add mountable curbing along the street, additional 3 drains be placed on the easterly side of the property and additional grading points at the rear building line, seconded by **Terry Kulinski**. The following vote was recorded **Chairman Romano, John Tilton, Terry Kulinski** and **Kathy Sheplin** all voted **Yes** to approve. **Mayor Oldham** and **Tony Aukstikalnis** voted **No** to approve. Motion passed.

Application – 2019-01 Clark et. al., 6 and 10 Kinsey Lane, Block 71 Lots 2 & 3

Deidre Martin was the attorney for the Applicant. The following was marked in as evidence:

- A1 – Application
- A2 – Plot Plan from Horn, Tyson and Yoder
- A3 – 5 Photos listed as Exhibit “A” in the application
- A4 – 13 Photos listed as Exhibit “B” in the application
- A5 – Copies of Deeds for both lots for Utility Easements listed as Exhibit “C” in the application
- B1 – Board Engineer’s Review Letter

Ms. Martin explained the number of nonconforming conditions on both lots and the intent to move the property line to make two conforming lots which would eliminate most of the nonconforming setbacks and allow for both lots to conform to the total square footage requirement.

Mr. Justin Monnig, co-applicant and purchaser of 10 Kinsey Lane was sworn in. Mr. Monnig stated that the garage on the property was in the permit process of being torn down. Mr. Monnig also stated that the water and sewer hookup was on the east side of the property and would not be affected by either the removal of the Garage nor the moving of the building line.

The Public Portion was open.

John Depenbrock – 2 Kinsey Lane, testified in support of the application.

The Public Portion was closed.

Board Discussion, comments and questions were as follows:

- Board Members agreed that the application was correcting issues that would help the community in the future.

A motion was made by **Tony Aukstikalnis** to accept the application as presented, seconded by **Mayor Oldham**. The following vote was recorded **Chairman Romano, Mayor Oldham, John Tilton, Terry Kulinski, Tony Aukstikalnis** and **Kathy Sheplin** all voted **Yes**. Motion approved.

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Application 2019-03 Polise, 9A Bergen Avenue, Block 2 Lot 1

Tom and Helen Polise, applicants, represented themselves and were sworn in.

The following was marked in as evidence:

A1 – Application

A2 – Survey done by Horn, Tyson and Yoder

A3 – 3 Photos

A4 – Letter from Mr. and Mrs. Polise describing the existing conditions and the reasoning for the placement of the Hot Tub

B1 – Board Engineer’s Review Letter

Mr. Polise explained the existing conditions and wishes for Hot Tub placement. The last Hot Tub placed on the bay side of the house was washed away in Hurricane Sandy. The new location on the south side of the property is shielded from the street by dense vegetation which not be removed. The new location also does not block the view of the bay as did the Hot Tub that washed away. Also, the old location was under a second floor deck and caused discoloration on the deck above.

Board Questions were as follows:

- Were any other location looked at? Mr. Polise explained that other than the bayside, there was no other feasible location. There is no bulkhead therefore if placed on the bayside they would risk losing it again.
- How big was the existing deck along the bayside? The decking is as long as the house. The decking used under the Hot Tub would be raised to get it off the grade.
- Were the trees and vegetation staying? Mr. Polise confirmed that if a tree where to die another would be planted in its place. They liked the privacy.
- Was there a fence requirement regarding fencing around Hot Tubs? No.

The Public Portion of the meeting was open. No one came forward. The Public Portion was closed.

Tony Aukstikalnis made a motion to approve the application as presented, seconded by John Tilton. The following vote was recorded **Chairman Romano, Mayor Oldham, John Tilton, Tony Aukstikalnis, Terry Kulinski** and **Kathy Sheplin** all voted **Yes**. Motion approved.

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Minutes - Regular Meeting - January 17, 2019

Kathy Sheplin made a motion to approve the minutes of the regular meeting on January 17, 2019, seconded by **Tony Aukstikalnis**. The following vote was recorded **Chairman Romano, Tony Aukstikalnis, and Kathy Sheplin** all voted **Yes** to approve.

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Chairman Romano brought to the Boards attention a letter address to the DEP regarding Application 2018-04 Coulson. The author of the letter was concerned with drainage. Chairman Romano reached out to the author and explained that the application was heard and approved. Any concerns regarding the CAFRA application must be addressed to the DEP.

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Master Plan discussion will be carried.

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At 8:35 PM a motion to adjourn was made by **Mayor Oldham**, seconded by **Tony Aukstikalnis**, all in favor.

Respectfully submitted,



Mary Pat Brearley, Secretary

