

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
May 15, 2025**

The May 15, 2025 regular meeting of the Land Use Board of the Borough of Harvey Cedars was held at the High Point Volunteer Fire Company 10W. 80th Street, Harvey Cedars, New Jersey.

The meeting was called to order by **Robert Romano** at 07:03 PM.

Chairman Robert Romano made the following announcement: “This is the 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 times.”

Members of the Board present: **Mayor John Imperiale, John Tilton, Robert Romano, Commissioner Joseph Gieger, Mindy Berman, and Richard Warren**

Members of the Board absent: **Mark Simmons, Bill Montag, and Kathy Sheplin**

Alternate members of the Board present: **Alcides Andril, Thomas Griffith, and Russell Harle**

Alternate members of the Board absent:

Also present were the following: **Kevin Quinlan, Esq. and Frank Little, P.E.**

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Minutes – 2025:03 – 8103 Long Beach Boulevard, LLC

Mindy Berman made a motion to approve the April 17, 2025 meeting minutes, seconded by **John Tilton. John Tilton, Robert Romano, Richard Warren, Commissioner Gieger, Mindy Berman, Al Andril, Thomas Griffith** all voted YES to approve. **Russell Harle** abstained.

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Resolution – 2025:03 – 8103 Long Beach Boulevard, LLC

Rich Warren made a motion to accept the Resolution 2025:03 – 8103 Long Beach Boulevard, LLC seconded by **Joe Gieger**. The following vote was recorded: **John Tilton, Bob Romano, Richard Warren, Joe Gieger, Mindy Berman, Al Andril, Tom Griffith, and Russell Harle** all voted **YES** to approve the Resolution.

Resolution – 2025:04 – 4 Fives Ave. – Glen & Robin Worgan

Al Andril made a motion to accept the Resolution 2025:04 – 4 Fives Ave. – Glen & Robin Worgan seconded by **Joe Gieger**. The following vote was recorded: **John Tilton, Bob Romano, Richard Warren, Joe Gieger, Mindy Berman, Al Andril, Tom Griffith, and Russell Harle** all voted **YES** to approve the Resolution.

New Business – Joe Gieger discussed a CAFRA permit application for the Sisters of Charity property regarding a subdivision. Although it does not pertain the Land Use Board at this time, the town submitted a letter to CAFRA with their comments. The letter is available to the public to view.

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Application 2025:05 – 8103 Long Beach Boulevard, LLC

The following was entered into evidence:

A1 – Application

A2 - Architectural Plans by Jay Madden Architect last revised on 4/24/2025

A3 – Site Plan prepared James Brzozowski from Horn, Tyson & Yoder last revised on 4/23/25

A4 – Boundary & Topographic Survey prepared by James Brzozowski and Leon Tyska last revised on 4/24/25

A5 – Tax Map

A6 – Statement of Operations

B1 – Board Engineer Review Letter prepared by Frank Little, PE dated 5/6/2025

Kevin Quinlan, ESQ explained this new application has substantially changed from the previous application and deemed that res judicata does not apply.

Richard Warren recused himself.

John Jackson, ESQ. from JJJ Law Firm represented the applicant 8103 Long Beach Boulevard, LLC. submitted:

A7 – hard copy of PowerPoint presentation

A8 – digital PowerPoint of copy

Mr. Jackson explained this is a different application from the last time. The restaurant will be a mid-century modern style design open for breakfast, lunch and dinner. The cool ambiance is appropriate in the correct zone approved use by ordinance. The restaurant will comply with all bulk zoning criteria. Parking in spaces on the side is a common configuration for people to park in the right of way and have parked there since the 1950s. By counting those spaces, they comply with the parking and if not, they are close. The applicants are seeking C1 and C2 variances. The building has been there since the 1950's and has character, aesthetics and utilities. Rehabbing it is appropriate but because of the size they can't do anymore with it which is a hardship. The board can grant relief if there is a benefit to the general community by saving the older building and making it nicer. In doing this it will provide a resource to the community as a restaurant and will create job opportunities for the people who live in the community which is a benefit. The application materially meets all of the bulk criteria. The parking spaces have been used for many years historically. This application has a minimal impact and not a negative impact on the community.

Jay Madden architect from Jay Madden Architect 7607 Long Beach Boulevard explained this is a new application described as a one-story restaurant with a second story apartment above. Harvey's Yard has been eliminated and made into an enclosed space to be used as a break area for the employees. Over the break room is a porch for the employees only that live in the three bedroom and three-bathroom apartment. above. The roof top garden has been eliminated. Apartment has a roof deck with a lockable gate at the ground level. Ther restaurant has a total of 88 seats including 18 seats in front porch area under the existing overhand and 70 seats inside the restaurant and no additional outdoor dining. The kitchen and bathroom layout remains the same as well as the parking. There is a small 42-inch-high retaining wall in the front porch area to delineate the entry way and seating area. The goal is to save the existing midcentury style building and not take it down. Setbacks are all existing and the same except for squaring off the corner of the building and adding the roof deck above. All bollards will conform to the town's standards. The rooftop deck apartment will have a cable or glass rail and a lockable gate for no public access. Originally on the first and second application they were proposing 132 seats down to 108 seats and now to 88 seats. Landscaping and lighting plans will be submitted. The fence will be cedar and not vinyl. The signage will all conform with zoning codes. The renovating reappraisal is limited to 50 percent value to not tear the building down.

Jim Brzozowski, PE from Horn, Tyson & Yoder described the site as a two-story mixed-use building in the Limited Commercial District which is conforming per zoning ordinance. Mr. Brzozowski described all of the existing non conformities including the setback along Long Beach Boulevard where 10.9 feet is existing to the roof overhang where 15 feet is required. The only new construction is the southeast corner of the building for the employee breakroom with a

deck above it for the apartment used solely for employees. the plan is to provide a parking lot with 17 spaces in the south parking lot and will be 10 x 18 feet which is compliant with the code. There will be 24 feet access of ingress and egress to the property. There are 7 parking spots provided along the easterly property line and setback 10 feet which is in compliance with the ordinance. There are 3 spaces in the drive aisle in the southerly parking lot. There are 5 parking spaces along the northerly side of the building which are 13 feet long to the property line and additional 5 feet into the right away of 82nd Street. The first 2 spaces are in the site triangle which are currently existing. They are proposing to leave the 5 spots without any in the site triangle as recommended by the board from the last application. Out of the 5 parking spaces, 2 of them will be for residents only. The application meets the parking requirements for having 88 seats in the restaurant which requires 22 parking spaces. There will be 17 spaces in the southerly lot and 5 spaces in the northside of the building. Additionally, they need 2 spaces for employee parking and 2 spaces for the residents in the apartment. They will have 2 parking spaces off site approved by ordinance and will be credited 2 parking spaces for bike racks. There will be 2 parking spaces with EV chargers onsite and will get one parking space credited by state code which will make the total parking spaces to 24.

Kevin Quinlan explained they need a parking variance.

Mr. Brzozowski confirmed the applicant is providing 2 EV parking spaces and seeking a credit for one space. **Frank Little** explained they need to be in a legal parking space onsite.

Mindy Berman asked if they were to be used by customers only.

Mr. Jackson discussed an alternative parking plan.

A9 – alternative parking plan was submitted.

Mr. Brzozowski described the alternative parking plan goes back to a one-way drive aisle. There are 7 spaces along the easterly side; 3 along the south property line; 6 in the center of the drive aisle; 1 west of the building amounts to 17 parking spaces. This is the same as the plan that was originally submitted. One other optional parking space encroaches 3 feet into the borough site triangle which then amounts to 18 spaces plus the 2 EV spaces and the credit for those would amount to 22 spaces.

Al Andril questioned if there will be removal of any asphalt in the northwest corner where the site triangle is. **Mr. Brzozowski** indicated on the site plan where the pavement will be removed. There will be an 11 percent decrease of impervious from what is there today. The impervious coverage will be reduced to 79.3 percent.

Frank Little discussed the parking configurations.

Jim Brzozowski discussed the parking variance triggers the lot and width area variances.

Kevin Quinlan and **John Jackson** discussed the need for lot width and lot area variance because

they are not legal conforming parking spots.

Bob Romano explained parking in the HCH real estate office lot has been there for many years but hasn't been continually used for the past 75 years and has not been used for the past 5 to 6 years.

Frank Little does not have a problem with the spaces on the south side that encroaches 3 feet in the site triangle. Adding the 1 additional space would encroach 5 feet into the site triangle in the northside and would be the decision of the board to grant it.

Joe Gieger and **Jim Brzozowski** discussed the additional space is 10 feet wide and encroaches 5 feet into the site triangle. He recommended to trade the spot to the other side to the north for safety reasons.

Jim Brzozowski explained that they are asking for 17 parking spaces in the parking area and relief from both of the site triangles; 6 spaces on the north side of the building and 1 additional bike rack where 1 space is being removed.

A10 will be the amended plan and provided electronically

Joe Gieger discussed the parking lots in the town have shells and rocks and, in an effort, to soften the look of the town and it would be nice to see shells with bump stops this way the entire lot is pervious.

Jim Brzozowski responded to how they park in the middle of the lot and mark to go in one way and out with the bottom run 24 feet wide they could start going the wrong way. It is easier to mark traffic circulation better on a hard surface.

Bob Romano discussed the landscaping and suggested using some type on interlocking pavers.

Jim Brzozowski discussed a 10 feet x 14 feet trash enclosure in the southeast corner of the building with a loading zone picked up by a private company. They will provide a landscaping plan and lighting plan that will comply with zoning.

John Jackson asked **Jim Brzozowski** about the C1 variance existing hardship from a design standpoint and Mr. Brzozowski described the building is large there are limits as to what they could do. They changed the driveway layout due to the comments from the board and the public from the prior meetings.

Joe Gieger suggested not to light up the bottom part of the sign to keep it with the look of Harvey Cedars and not like other towns.

Mr. Brzozowski said they will adhere to the town sign and lighting ordinances.

Kevin Quinlan confirmed the applicant will provide 200 feet of 6 feet solid cedar fence along the property line.

Frank Little will work out the bollards and with the driveways.

Jay Madden explained that it is a mural and not a sign and not a sign and will make it as modest as possible and keep with the intent of the building. **Joe Gieger** said the bottom part of the sign cannot be light up. **Mr. Madden** said they will comply with the lighting ordinance.

Jay Madden discussed the venting of the hood on the roof plan from roof to the hood that is the main kitchen unit is 20 feet away. The other one is in the middle of the roof and 30 feet away. Fire code requirement for it to be elevated. The owners will be more than happy to get a filtration for the units.

Maurice Rached, PE, PTOE from Colliers Engineering & Design did a comparative analysis between Azzurri and HCH and came up with the exact same ratio. Azzurri has 67 seats and 17 spaces which is a ratio of 4 and this application has 88 seats and 23 parking spaces which is a ratio of 4. The spaces on 82nd Street are 24 percent in the public right of way and 76 percent in the private part. If the board doesn't give a variance for these spaces technically then no one can use them because they are more private. The board's action of giving the variance will unlock the spaces so they can be used. Both parking configurations would function well but he likes one way in one way out because it makes a more orderly flow to the facility but both would work. As long as the AASHTO standards are satisfied for safety and county regulations, he has no issue with the small encroachments that the parking will do to the site triangles. A restaurant this caliber does not have a very high turnover because people stay and eat for a while and are not in and out in 10 minutes. Comparing this to another use that is permitted like office space, grocery stores, retail shop, and banks will generate more traffic.

Kevin Quinlan explained the variances go with the land and asked how that would be affected if a fast-food restaurant would purchase the land. **Mr. Rached** didn't think the fast-food restaurants are permitted in the zone and also, they typically don't buy property with only 22 spaces which actually protects the community from this type of acquisition.

Bob Romano asked based on the square footage of the restaurant how many parking spaces is required.

Maurice Rached explained the blanket ratio for a 4,000 square foot space typically has approximately 20 spaces. Because this is a unique area, there are other factors taken into consideration such as customers walking, biking, Ubers, and taking the shuttle which decreases parking. His assessment along with the site engineer and planner all agree that this application has good parking.

Bob Romano expressed safety and pedestrian traffic concerns.

Andrew Janiw AICP, PP from Beacon Planning & Consulting Services, LLC described this application as a permitted use in the Limited Commercial District and as previously testified by the impact would be less egregious than other permitted uses. The applicants are seeking a technical parking variance for minimum lot width and area to accommodate the existing 5

parking spaces along 82nd Street predominantly on their property but also in the right away. An alternative plan that would satisfy the parking regulations would be to make 3 of the spaces along 82nd street parallel and would be entirely on their lot. Although it would be a better zone plan, it is not the best alternative. Mr. Janiw recommends using the original parking plan along 82nd Street. They are also seeking a minimum front yard setback from the knee wall along Lon Beach Boulevard where the outdoor seating is proposed. All other setbacks are existing and non-conforming due to the site that is already there. The parking stalls, loading zone, and trash enclosure is compliant. They are repurposing and maintaining the integrity of the building and it is an efficient use of the land. The impervious coverage that exists is 90.6 percent where 75 percent is permitted by zoning regulations and they are seeking 75.6 percent. He discussed the Master Plan and the anticipation of these businesses and parking. This application satisfies the uses in the Municipal Land Use Laws. The variances they are seeking are C1 and C2. The hardship is the existing structure on the site with preexisting and non-conforming setback and parking standards will exist because this location has been here since the 1950s. The benefits outweigh the detriments. This is a wonderful readaptation of the building.

Bob Romano questioned the off-street parking and the parallel configuration. **Mr. Janiw** explained parallel parking onsite is a less favorable way but would eliminate the lot area variance for the off-street parking.

Anthony Marinho, owner's representative, described the break room area will have an entrance and exit to the outside for employees only. There will be a bathroom, lockers, and cubicles for their items and an area for supplies and storage.

Kevin Quinlan questioned the Statement of Operations and the overlapping of 10 – 18 employees in the building with 12 employees per shift and the parking spaces available. **Mr. Marinho** clarified that there are 12 employees per shift the employees are the tenants of the building.

There were discussions between the board and the professionals calculating the parking spots and the number of employees.

Kevin Quinlan clarified that the parking variance is for 6 spaces for 18 employees.

Public portion open to the public.

Fred Schragger Esq., representing himself and his wife Arlene made a motion that the application should be dismissed due to res judicata because everything is the same and a motion that the parking plans weren't submitted 10 days prior to the meeting.

Kevin Quinlan explained that he determined that is significant changes to the application and res judicata does not apply. It is both his and Frank Little's determination that the application has significant changes and can move forward.

O1 – 13 photos taken by Fred Schragger on April 4, 2025 showing conditions of the parking of the property.

Fred Schragger explained that this application is a detriment and disruptive to the community. He stated there are only 17 available spaces. If the staff increases to 18 employees, where will they all park. The board shouldn't grant the parking variance because of the density in the area. The applicants are asking for a hardship but they knew this before they bought the property.

Saul Ellman from 9 E 82nd Street expressed his opposition to the proposed restaurant in the Limited Commercial District. It significantly and unnecessarily impacts this community. Serving 3 meals per day will generate traffic in the morning, noon, and night.

Daria Janka, Esq. from 13 E. 82nd Street represented Edwin Janka, Gerry Hanson, Keith & Debbie Banks, Amy James, Andrew & Dana Wilmot and the Spinner family. Mrs. Janka objects the application because the significant risk to safety and will de qualify the quality of life. She asked questions to planning, traffic and architect professionals about the variances requested. She stated the intent of the ordinance in Harvey Cedars on the ocean side is not to encourage traffic going toward the ocean. Her clients support the idea if a restaurant in town but not one this large.

Joanne Hanson from 6 E 82nd Street questioned the new storage break room and making it an addition. Jay Madden clarified that the space is there already they are enclosing it and making it a break room for employees and storage use only. She commented on the plans for the wall, railings, roof, decks, hours of operation, front porch pull down shades, and hours of operations. She asked the board to follow the ordinance and not supposed to decrease our property value and life because of increase traffic and pedestrian traffic

Alan Zorn from 1 East 82nd Street commented on the parking lot ingress and egress, the 2 EV charging stations, and the 5 spaces on 82nd street. The restaurant should be 68 seats and not 88 seats because it is surrounded by residential zoning. His single objection is the 5 parking spaces on 82nd Street. This is a detriment and disruption to the neighborhood.

O2 – google earth arial photo

O3 – airal photo google earth 2025 maps

Marilyn Upton from 5 East 81st Street explained that this restaurant is good for the town.

Allan Shur from 6 East 82nd Street commented on the garbage plan. **Mr. Marinho** explained it will be an early morning pick up. **Mr. Shur** expressed concerns for parking and traffic.

Theresa Naisby from 5 East 82nd Street expressed concerns of the EV parking spots and how long the cars will be there charging and customers will be looking for other spots. **Kevin Quinlan** explained they are a private EV station signed for patrons only.

Peter Mulligan from 4-A West 82nd Street expressed concerns about the air conditioner running all day, the refrigerated trucks, and exhaust fans aroma. **Kevin Quinlan** explained they applicants will have a filtration system in place.

Public portion closed.

Kevin Quinlan and **Frank Little** discussed the parking variance for 4 on-site parking spaces with 2 EV spaces for patrons and the U-shaped driveway configuration from plan A-9.

Joe Gieger discussed the pervious coverage in the parking lot. He suggested using shells in keeping with the continuity of the parking lots within the town and for to drain properly.

There were discussions between board members and professionals of the type of pervious materials to be used in the parking lot and signage.

There was a vote taken amongst the board members between the using shells or pavers. The vote was tied.

Kevin Quinlan clarified the parking lot will be paved except the 6 spaces in the middle of lot with will have pervious coverage materials under the recommendation of the professionals and engineer. This will remove the variance for impervious coverage. All traffic pattern signs and striping will be under the recommendation of Frank Little. Bollards and curb stops will be consistent with Street Scapes regulations.

Joe Gieger emphasized not having lightning in the parking lot makes a big difference to the neighbors and in keeping. **Frank Little** will adhere with the landscaping and lighting ordinances.

Comments from the Land Use Board Members:

Joe Gieger a motion to **approve** the application. The applicant has come a long way with removing Harvey's Yard, reducing seating, respecting site triangles, and keeping some softness with the building within the town.

John Tilton seconded the motion to **approve** the application. He appreciates how the community came together and how compromises were made.

Bob Romano is voted no because he is not favor of the parking on 82nd Street should be revised. If the site doesn't have enough parking it will cause more problems in town even though it is a permitted use.

Mindy Berman is voted yes and is impressed to keep the building and the change of use is a positive for the town overall.

Al Andril voted yes because the applicant did a good job and most of the variances are preexisting and non-conforming and can't change that. The applicant took into consideration the comments from the board and town members.

Tom Griffith voted yes because it is a permitted use in the Limited Commercial District and they did a great job with preserving the building.

Russell Harle voted yes because it is a permitted use and if something could come along that could be worse.

Commissioner Joe Gieger made a motion to **APPROVE** the Application 2025:05 8103 Long Beach Boulevard, LLC, seconded by **John Tilton**. The following vote was recorded: **John Tilton, Commissioner Gieger, Mindy Berman, Al Andril, Tom Griffith, and Russell Harle** all voted **YES** to approve the application. **Bob Romano** voted **NO**.

Open to public closed.

Meeting adjourned at 11:23 pm.

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Kristen Christofora
Land Use Secretary

