

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
June 17, 2021**

The regular meeting of the Land Use Board of the Borough of Harvey Cedars was held in the meeting room of the Borough of Harvey Cedars at 7606 Long Beach Boulevard on the above date.

The meeting was called to order by **Chairman Robert Romano** at 07:04 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 time.”

Members of the Board present: **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Mayor Jonathan Oldham, Kathy Sheplin, and Commissioner John Imperiale**

Members of the Board absent: **None**

Alternate members of the Board present: **Craig Coddington and Mindy Berman**

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

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

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**Application – 2021:02 – 6403 E. Long Beach Boulevard – Kevin & Maureen Ward**

**The following was entered into evidence:**

**A1 – Application**

**A2 – Variance Plan prepared by Nelke Tyska Land Surveyors LLC**

**A3 – Architectural Plans prepared by Michael Strunk Architectural LLC**

**B1 – Engineer Review Letter prepared by Frank Little, PE**

**James Raban Esq.** with Raban and Raban LLC represented applicants, **Kevin and Maureen Ward. Mr. Raban** gave an overview of the property as a two-story single-family home. The applicants are seeking variances to enclose a portion of a second-floor deck to add additional space to an existing music room. The sound proof music room is being expanded to be able to fit the applicants Steinway Grand Piano. **James Raban** explained to the board that the variance is required due to the proposed floor area ratio being 51.86% where 50% is the maximum.

**Leon Tyska** with Nelke Tyska Land Surveyors LLC was sworn in. **Mr. Tyska** reviewed the

variance plan before the board. He confirmed that all requirements of the property are in compliance and the only variance needed would be for the proposed floor area ratio.

The applicant, **Kevin Ward**, was sworn in. **Mr. Ward** shared his 28-year history in Harvey Cedars. The applicants have a music-oriented family and the music room would allow space for their piano. Per the applicant, the piano has been in the family for 50 years and will not fit in the current sound proof music room without the variance approval. **Mr. Ward** explained that they are very conscious of the noise and make sure they are not bothersome to the neighbors.

**James Raban** added that there is no visual impact to the neighbors of the property.

**Mindy Berman** questioned the positioning of the decks. The applicant confirmed that the first-floor deck is covered by the second-floor deck.

Public portion was opened.

**Seth Cohen** – 6403F Long Beach Blvd. – was sworn in. **Mr. Cohen** is the president of the High Barbaree Association and the next-door neighbor of the applicants. He explained that the Ward's are very respectful of their neighbors and the soundproof room cancels out the noise. With the changes being minor, **Mr. Cohen** does not believe the proposed changes would affect his property.

Public portion was closed.

**Tony Aukstikalnis** made a motion to approve the application as presented, seconded by **Mindy Berman**. The following vote was recorded: **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Kathy Sheplin, Craig Coddington,** and **Mindy Berman** all voted **Yes** to approve.

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Application – 2021:04 – 6332 Long Beach Boulevard – Agnello Holdings LLC

The following was entered into evidence:

A1 - Application

A2 - Site Plan prepared by Horn, Tyson, and Yoder

A3 - Docket #2013-02 – Resolution

A4 - Docket #2013-06 – Resolution

B1 - Engineer Review Letter prepared by Frank Little, PE

James Raban Esq. with Raban and Raban LLC represented the applicant, **Matthew Agnello** with **Agnello Holdings LLC**. **James Raban** described the property as mixed use that is a commercial unit on the first floor with a residential unit above. The applicant is proposing a grab-and-go style market with no cooking on the premises. **Mr. Raban** explained that the applicants recently opened a successful market in Barnegat Light that will do the cooking for the

Harvey Cedars location.

The applicant, **Matthew Agnello**, was sworn in. **Mr. Agnello** explained that their plan with the Harvey Cedars location is to duplicate their brand presence that they have established in Barnegat Light with a grab-and-go style market. The applicant will only be occupying the first floor of the property with a storage room for preparation towards the back and the front operating as a retail location. **Mr. Agnello** explained that the location is not meant for large volume.

James Raban asked for clarification on what the applicant considers food preparation. **Matthew Agnello** explained that the commercial kitchen at their larger location will do most of the food preparation but this location will prepare chopped salads and sandwiches.

The proposed hours of operation for the market will be 7AM-7PM Monday through Saturday, with 7AM-5PM on Sundays. The applicant is hoping to make the market open year-round with no more than four employees.

James Raban requested the applicant detail the proposed plan for trash. The applicant does not believe there will be much trash generated but if needed they will get a small dumpster. **Matthew Agnello** plans to utilize the dumpsters at the Barnegat Light location.

Steven Sepanak, the owner of the property, was sworn in. With residential neighbors in mind, **Mr. Sepanak** explained that the applicant will compost any food trash at the Barnegat Light location. The only trash that is anticipated is boxes and paper since it is a satellite location. If needed, **Mr. Sepanak** agreed that a dumpster could be placed under the deck on the parking lot side of the building. The current garbage corral is located on the Camden Avenue side of the property. **Kevin Quinlan Esq.** explained to the applicant that the board cannot approve trash being disposed in another town.

Steven Sepanak explained that the area is lacking in an establishment like the proposed market. **Mr. Sepanak** believes this will be a good installment for the individuals in the surrounding area. The building has been vacant for five years. Per **Mr. Sepanak**, the individuals that were interested in the property did not want to go through the time, risk, and cost of the Land Use Board process.

James Raban asked for clarification on how the market proposes to handle deliveries. Since the location is a satellite, the applicant explained that a majority of the deliveries would take place at the other location. The items would be transported to the proposed Harvey Cedars location via box truck or company vehicles. If the volume increases and deliveries are needed, **Matthew Agnello** added that deliveries would be scheduled to appease neighboring properties. Per the applicant, most deliveries are small delivery trucks and he does not anticipate 18 wheelers pulling onto the property.

In the resolution for docket number 2013-06, the applicants were required to clear a planter from the site triangle on Long Beach Boulevard. **James Raban** asked the owner of the property, **Steven Sepanak**, if this had been completed. **Mr. Sepanak** confirmed that 6-8ft of the planted had been removed from the site triangle.

Frank Little asked for further details on the parking along Camden Avenue. **Steven Sepanak** explained that the upstairs tenant will park there and the trash corral is located there. **Mr. Little** brought attention to the corner of the property alongside Camden Avenue and Long Beach Boulevard. With the current area being rugged and unsafe, **Mr. Little** suggested possibly proposing a sidewalk plan. **Steven Sepanak** added that the county made it even grade and there is no sidewalk within a mile.

Kevin Quinlan Esq. requested details regarding the proposed signage. **Matthew Agnello** shared that they plan on replacing the Bills Bait and Tackle signs on the sides of the building with their own. No additional signage is being requested.

James Raban asked the applicant to detail the improvements planned for the building. **Mr. Agnello** stated that it will be similar in style to the Barnegat Light location. The outside will be upgraded to appear more welcoming.

Chairman Robert Romano opened the meeting to board discussion.

Craig Coddington mentioned that if the first location was to close for unforeseeable reasons, the second location would most likely need to close due to the lack of a commercial kitchen.

Mindy Berman applauded the current business that is being operated in Barnegat Light. She believes that it will be a tremendous asset in Harvey Cedars.

Daina Dale questioned the possibility of the tenant changing above the proposed location. **Steven Sepanak** confirmed that the space has been rented to others before and the applicant, **Matthew Agnello**, intends to rent if **Mr. Sepanak** vacates.

John Tilton mentioned the pull-in parking that may occur on the Camden Avenue side of the property. He asked if anything would be placed there to deter parking. **Steven Sepanak** added that a no parking sign and bike racks will be placed on that side of the property. The bike racks will hold eight bicycles and if needed the applicant will adjust them to fit more.

In regards to deliveries, **Kathy Sheplin** pointed out that the ramp begins on the Camden Avenue side of the building. **Steven Sepanak** confirmed that deliveries will most likely be done in the parking lot area.

John Tilton discussed the triage of different materials that make it dangerous for individuals on the corner of Camden Avenue and Long Beach Boulevard. **Tony Aukstikalnis** and **John Tilton** shared that they both had incidents on the corner because of the shift in materials. **Frank Little** added that the board has the ability to require a sidewalk for safety on the corner area. **Chairman Romano** added that he believes this is the time for the board to clean up the corner. **Kevin Quinlan** shared that if the board decides to include sidewalk plans, the resolution can state that the applicant has a certain amount of time to install a sidewalk suitable to the board engineer. **Frank Little** will work with **James Brzozowski** with Horn, Tyson, and Yoder to prepare a sidewalk plan for the corner.

Chairman Romano questioned the applicant on the preparation of foods and what would store them. **Matthew Agnello** confirmed that the coffee will be self-serve and foods will be grab and go in coolers. Since lighting in the parking lot is minimal, **Chairman Romano** questioned any proposed lighting plans. **Frank Little** suggested the use of building mounted spotlights onto the parking lot. **Steven Sepanak** and **Matthew Agnello** saw no issue with the suggestion.

Mindy Berman asked the applicant if they had any intentions of adding bistro tables. **Matthew Agnello** shared that the Barnegat Light location has recently added small tables and if the board allows them, he can add them to the newly proposed location. The board does not find the addition of bistro tables feasible.

Continuing on the trash discussion, **Chairman Romano** asked if the applicant had any plans on including a trash can outside. **Matthew Agnello** explained that he believes the trash can would invite individuals who are passing by to utilize it since it is a busy corner. If needed, the applicant will add one.

Board discussion was closed.

Public portion was opened.

Seth Cohen – 6403F Long Beach Blvd. – was sworn in. **Mr. Cohen** lives in the neighborhood where the proposed market would be located. He believes that the style of market will be perfect for the neighborhood and be highly utilized.

Maureen Ward – 6403E Long Beach Blvd. – was sworn in. **Mrs. Ward** shared that the building in its current state is an eyesore and the Agnellos' market would be welcoming. She added that the outside trash cans for public use would be taken advantage of by pedestrians and should not be installed.

Kevin Knightly – 7A E. 69th Street – was sworn in. **Mr. Knightly** applauded the success of the market in Barnegat Light and believes the Agnello family is going to become a Long Beach Island legacy.

Kevin Ward – 6403E Long Beach Blvd. – was previously sworn in. **Mr. Ward** continued the support and praise for the Agnello family.

Public portion was closed.

John Tilton made a motion to approve the application under the conditions that the Long Beach Boulevard and Camden Avenue corner sidewalk plan will be prepared and approved by **Frank Little**; no parking on the Camden Avenue side of the building with bike racks with at least eight spaces; public trash receptacle on the parking lot side of the building; private trash removal by the Agnello family, if trash becomes a problem then a screened dumpster must be placed under the second-floor deck; two building mounted spotlights over the parking lot; and no deliveries on

Camden Avenue side of the building, seconded by **Craig Coddington**. The following vote was recorded **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Kathy Sheplin, Craig Coddington** and **Mindy Berman** all voted **Yes** to approve the application.

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Resolution – 2021:04 – 6332 Long Beach Blvd – Agnello Holdings LLC

Kevin Quinlan Esq. reviewed the Resolution of Memorialization before the board.

Tony Aukstikalnis made a motion to approve the resolution, seconded by **Mark Simmons**. The following vote was recorded: **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Kathy Sheplin, Craig Coddington,** and **Mindy Berman** all voted **Yes** to approve the resolution.

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Application – 2021:05 – 8 Hudson Ave. – Jefferey & Barbara Kutscher

Richard Visotcky with Kelly and Visotcky LLC represented the applicants, **Jefferey and Barbara Kutscher**. **The original home on the property was torn down and the applicants are in the final steps of the construction of the new home.** **Mr. Visotcky** explained that towards the end of the construction, the applicants decided to add an emergency generator. The newly constructed home is at the maximum coverage amount. In order to construct the generator platform, the applicants are seeking a variance for lot coverage.

Jay Madden with Jay Madden Architecture was sworn in. **Mr. Madden** designed the plan for the newly constructed home. Per **Mr. Madden**, the generator will be a Generac residential generator and the platform will meet the requirements for flood code.

Mindy Berman and **Mayor Jonathan Oldham** questioned the decision to build the platform further from the home. **Jay Madden** explained that the generator will be encompassed with landscaping. **Mayor Oldham** requested the distance to the next home that would be affected by the noise. **Mr. Madden** did not have the distance but mentioned that it is located to the garage of the neighboring property.

Richard Visotcky explained that a new ordinance is currently being adopted in the Borough of Harvey Cedars to exempt generator platforms from lot coverage. The applicants chose to move forward with their application so there is no hold up in the process of obtaining their certificate of occupancy.

Mayor Jonathan Oldham gave an overview of the ordinance to the board. He explained that a large number of new homes are being built to maximum coverage. With homes being at

maximum coverage, individuals putting generator platforms in would need to go to the board for approval. The new ordinance would allow these individuals to build their platforms without board approval. **Anna Grimste Zoning Officer** added that the ordinance has been passed and includes an exception for up to 24sqft for a generator or air conditioning platform.

Chairman Robert Romano questioned the power source of the generator. **Jay Madden** confirmed that the generator is natural gas.

Public portion was opened.

Public portion was closed.

Mark Simmons made a motion to approve the application as presented, seconded by **Commissioner John Imperiale**. The following vote was recorded: **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Mayor Jonathan Oldham, Kathy Sheplin, Commissioner John Imperiale, Craig Coddington, and Mindy Berman** all voted **Yes** to approve.

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Resolution – 2021:05 – 8 Hudson Ave. – Jefferey & Barbara Kutscher

Kevin Quinlan Esq. reviewed the Resolution of Memorialization before the board.

Tony Aukstikalnis made a motion to approve the resolution, seconded by **Mark Simmons**. The following vote was recorded: **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Kathy Sheplin, Craig Coddington, and Mindy Berman** all voted **Yes** to approve the resolution.

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Regular Meeting – May 20, 2021 – Minutes

Mindy Berman made a motion to approve the minutes of the May 20, 2021 Land Use Board meeting, seconded by **Kathy Sheplin**. The following vote was recorded: **Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Mayor Jonathan Oldham, Kathy Sheplin, Commissioner John Imperiale, Craig Coddington, and Mindy Berman** all voted **Yes** to approve.

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The Master Plan committee and **Frank Little** worked together to create and update the newly proposed Master Plan of the Borough of Harvey Cedars. After the final board review, no further changes or corrections were suggested.

Public portion was opened.

Public portion was closed.

Kathy Sheplin made a motion to approve the Master Plan document, seconded by **Craig Coddington**. The following vote was recorded: **Mark Simmons, John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Mayor Jonathan Oldham, Kathy Sheplin, Commissioner John Imperiale, Craig Coddington,** and **Mindy Berman** all voted **Yes** to approve.

Mayor Jonathan Oldham applauded the board members for their dedication on the Master Plan and Streetscape committee.

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At 9:11PM the meeting was adjourned.

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Christine Lisiewski, Secretary