

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
August 19, 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 07:02 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, Tony Aukstikalnis, Robert Romano, Daina Dale, Mayor Jonathan Oldham, Commissioner John Imperiale**

Members of the Board absent: **Kathy Sheplin**

Alternate members of the Board present: **Craig Coddington**

Alternate members of the Board absent: **Mindy Berman**

Others present: **Kevin Quinlan Esq. and Frank Little PE**

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**Application: 2021:08 – 10 W. 81<sup>st</sup> Street – Margaret Buchholz & Hilary Fiorella**

**Robert Rue Esq.** represented the applicants, **Margaret Buchholz** and **Hilary Fiorella**. **Mr. Rue** was sworn in. The application is for a minor subdivision with no variances. **Ms. Buchholz** is seeking to adjust a lot line of her property in order to give **Ms. Fiorella** ownership of a waterfront portion and access to a boat slip.

**Margaret Buchholz** was sworn in. **Ms. Buchholz** confirmed the testimony of Robert Rue.

**Hilary Fiorella** was sworn in. **Ms. Fiorella** would obtain formal access to the waterfront portion of her home, along with a boat slip on the southeast corner. The board questioned the non-conformity of the height of the **Fiorella** home. **Ms. Fiorella** explained that during the time she built the house, the home was conforming.

**James Brzozowski with Horn, Tyson, and Yoder** was sworn in. He added to the testimony regarding the non-conformity of the **Fiorella** residence. **Mr. Brzozowski** confirmed that the home was built and designed within compliance before the ordinances changed. The applicants are not looking to do any changes to the existing building. **James Brzozowski** added that both

lots are conforming. The addition of the 88sqft from **Ms. Buchholz** property would bring **Ms. Fiorella's** property to 5000sqft.

**Tony Aukstikalnis** made a motion to approve the application, seconded by **Craig Coddington**. The following vote was recorded: **John Tilton, Daina Dale, Chairman Robert Romano, Tony Aukstikalnis, Mayor Oldham, Commissioner Imperiale, and Craig Coddington**.

**Application: 2021:09 – 16 E. 85<sup>th</sup> Street – Levanic Inc.**

The following was entered into evidence:

**A1 – Application**

**A2 – Variance Plan prepared by Nelke Tyska**

**A3 – Hand drawn sketch of proposed elevator and equipment room**

**A4 – 12 Color Photographs**

**A5 – Deed Restriction**

**A6 – Updated Variance Plan prepared by Nelke Tyska**

**B1 – Board Engineer Review Letter**

**Matt Dopkin** with **Dopkin Law Firm LLC** was sworn in. **Mr. Dopkin** is representing the applicants **Levanic Inc. Levanic Inc.** is made up of the **Kowalski** family. The applicant is seeking a variance for a 3.8ft side yard setback on the westside of the home. Due to an error on the variance plans, **Mr. Dopkin** submitted an updated variance plan prepared by Nelke Tyska (A6).

**James Brzozowski** gave an overview of the property. The property is an oceanfront property with the building line located 35ft from the westside property line. The lot is developed with a two-story single-family home. The building is set back 38.4ft from 85<sup>th</sup> street, 8ft off of the west property line, 9ft from the south property line, and runs alongside the easterly building line. **Mr. Brzozowski** added that non-conformities currently exist on the property. The nonconformities include a side yard setback of 8 ft where 10 ft is required and a rear yard setback of 9ft where 10ft is required. The applicant is proposing to construct an elevator on the westside of the building. The elevator will project 4.8ft from the building into the side yard. The total area the applicant is seeking including the elevator, equipment room, and shaft will be 47.6sqft. The adjacent property to the west is 7.8ft off of the property line leaving 11ft between the structures after the construction of the elevator. In closing, **Mr. Brzozowski** believes that there is no detriment to the neighboring properties.

**Matt Dopkin** asked **Mr. Brzozowski** if there was any other location the elevator could be located. With a deed restriction in the front of the property preventing any building and the building line on the easterly side, the applicant is limited to building in the westerly side yard.

**Frank Little PE** requested an updated variance map for the file.

**Mayor Jonathan Oldham** questioned the fencing on the western side of the property. **James**

**Brzozowski** explained that there is a small retaining wall, fence, and railroad ties that run along the ground. He provided additional photographs showing the area in question.

**John Tilton** questioned the necessity of the equipment room attached to the elevator. **James Brzozowski** explained that the original plans were prepared and designed by **Jay Madden Architects** in 2003. The lower 9ft of the equipment room will house the elevator mechanics and the remaining top portion will include duct work for air conditioning and no mechanicals.

**Daina Dale** shared concerns of the lack of room on the westerly side for emergency personnel. **James Brzozowski** added that the wall can be removed to maintain a clear 3ft perimeter around the elevator shaft. **Ms. Dale** questioned if the elevator could be moved inside. **James Brzozowski** explained that once it gets moved inside the home, it becomes a major renovation.

Public portion was opened.

Public portion was closed.

**Commissioner John Imperiale** made a motion to approve the application with amendments to clear 5ft of landscaping ties and landscaping from around the elevator shaft and mechanical room, seconded by **Tony Aukstikalnis**. The following vote was recorded. **Daina Dale** voted to deny the application. **Mark Simmons, John Tilton, Chairman Robert Romano, Tony Aukstikalnis, Mayor Oldham, Commissioner John Imperiale,** and **Craig Coddington** all voted **Yes** to approve the application.

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Resolution: 2021:06 – 10-A E. 68th Street – Ziman Development

Kevin Quinlan Esq. reviewed the Resolution and discussed corrections that were made.

Tony Aukstikalnis made a motion to approve the Resolution as amended, seconded by **Craig Coddington**. The following vote was recorded: **Mark Simmons, John Tilton, Tony Aukstikalnis, Mayor Jonathan Oldham, Commissioner John Imperiale,** and **Craig Coddington** all voted **Yes** to approve.

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**Resolution: 2021:07 – 6 E. 73<sup>rd</sup> Street – Paul & Dana D’Aloia**

**Kevin Quinlan Esq.** reviewed the Resolution and discussed corrections that were made.

**Tony Aukstikalnis** made a motion to approve the Resolution as amended, seconded by **Craig Coddington**. The following vote was recorded: **Mark Simmons, John Tilton, Tony Aukstikalnis, Daina Dale, Mayor Jonathan Oldham, Commissioner John Imperiale,** and **Craig Coddington** all voted **Yes** to approve.

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**Approval of Minutes – August 19, 2021**

**Tony Aukstikalnis** made a motion to approve the minutes of the **August 19, 2021** regular meeting, seconded by **Mark Simmons**. **Mark Simmons, John Tilton, Daina Dale, Tony Aukstikalnis, Mayor Oldham, Commissioner John Imperiale,** and **Craig Coddington** all voted **Yes** to approve the regular meeting minutes.

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At 8:00PM the meeting was adjourned.

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Christine Lisiewski, Secretary