

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
March 21, 2024**

The March 21, 2024 regular meeting of the Land Use Board of the Borough of Harvey Cedars was held in the meeting room of Borough Hall 7606 Long Beach Boulevard, Harvey Cedars, New Jersey.

The meeting was called to order by **Robert Romano** at 07:00 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, William Montag, Robert Romano, Anthony Aukstikalnis, Commissioner Joseph Gieger, Kathy Sheplin, and Mindy Berman**

Members of the Board absent: **Mark Simmons**

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

Alternate members of the Board absent: **Richard Warren**

Also present were the following: **Kevin Quinlan Esq., Frank Little P.E, Cecilia Morillo Zoning Officer**

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Prior to hearing the first application of the night, **Kevin Quinlan Esq.** shared that docket 2024:02 would be holding their application until the April 18<sup>th</sup> meeting. Applicants would be re-noticing their affected neighbors and submitting revised plans for board review.

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**Application – 2024:01 – Harvey Hideaway LLC – 1 E. 69<sup>th</sup> Street**

**The following was entered into evidence:**

**A1-** Application

**A2 –** Plot plan prepared by James Brzozowski

**A3 –** 2 Photographs of the Property

**B1 –** Engineer Review Letter prepared by Frank Little P.E.

**Roy Breslow Esq.** gave a brief introduction of the professionals present. **Mr. Breslow**

represented the applicant **Harvey Hideaway LLC**.

**James Brzowski** with **Horn, Tyson, and Yoder** was sworn in. **Roy Breslow** shared that the applicants are seeking to construct a pool, waterfall, and firepit. **James Brzowski** shared that the property is located on the corner of 1 E. 69<sup>th</sup> Street and Long Beach Boulevard with 81.5ft of frontage on 69<sup>th</sup> Street and 80ft of frontage on the boulevard. He added that the lot is currently developed with a two-story single-family home that complies with all of the zoning requirements.

**Mr. Brzowski** stated that the applicants are seeking variances to install an inground swimming pool on the westside of the property between the structure and Long Beach Boulevard. The proposed pool would have a setback of 10ft off of the boulevard and 5.6ft off of the structure, where 8ft is required. A waterfall feature is also included in the plans for the pool with a 9ft setback off of Long Beach Boulevard.

**James Brzowski** highlighted other applications that came before the board with similar requests. He explained that variances have been granted for those individuals in the past if there were no safety concerns regarding jumping off of decks into the pool. **Mr. Brzowski** shared that there are no decks on the westerly side of the structure and limited available windows that would cause potential safety concerns. He added that what the applicants are proposing would fit in with the current homes in the area.

In addition to the pool and waterfall feature, a 7ft in diameter firepit is also being proposed. The firepit will be located north of the swimming pool with an 8.8ft setback from the boulevard. **Mr. Brzowski** explained that the 7ft diameter is the inside of the coping leaving a 5ft in diameter burning area. He added that a variance would be required since the maximum width of accessory structures such as firepits is 24inches.

**Kevin Quinlan Esq.** asked for clarification on the height of the waterfall and firepit. **James Brzowski** shared that the waterfall and firepit are less than 24inches in height and would be 5.3ft from the property line. **Roy Breslow** added that the firepit will utilize propane.

In response to the **Engineer Review Letter** prepared by **Frank Little P.E.** **James Brzowski** confirmed that the future fence that will be constructed will be 2ft in from the westerly property line. He added that the planned retaining wall and patio will then shift east 2ft.

**Anthony Aukstikalnis** started board discussion. **Mr. Aukstikalnis** commented on the quality of the survey and expressed disappointment in how difficult it was to follow.

**Commissioner Joseph Gieger** questioned if there was an existing retaining wall on the eastside of the property. **Mr. Breslow** confirmed there is no retaining wall currently located there but a retaining wall will eventually be constructed.

**Commissioner Gieger** asked if the applicants would be willing to make the firepit smaller. The applicants were open to potentially adjusting. In addition to shrinking the firepit, **Mindy Berman** questioned if the applicants would be open to shrinking the pool. **James Brzowski**

shared that the pool is already narrow at under 10ft wide and to remove the need for a variance the applicants would need to adjust to 6ft.

**Mayor Imperiale** asked the board professionals for confirmation on whether this application was in bounds with approvals they have made in the past. **John Tilton** added that this type of application has come before the board before and asked **Frank Little** to go into more detail on boulevard right of way.

**Frank Little** explained that the purpose of the ordinance was to create an additional 2ft safety barrier on Long Beach Boulevard and to prepare for Ocean County potentially widening the shoulder. **John Tilton** added that the 2ft right of way also allows for better sight triangles.

**Roy Breslow Esq.** shared that a very similar application was approved by the board only a few years prior. **Chairman Robert Romano** urged the board to consider each application on its own.

**Kevin Quinlan Esq.** requested information on the height of the fence. **James Brzozowski** shared that the height of the fence on the westside of property will be 4ft and the retaining wall will be to the east of the fence.

**Kathy Sheplin** asked about the positioning of the pool in relation to the two windows that are on the westside of the structure. **James Brzozowski** stated that only the southern window slightly overlooks the pool.

Public portion was opened.

Public portion was closed.

**Anthony Aukstikalnis** questioned when the home will become available for seasonal rentals. **Roy Breslow Esq.** confirmed that the home will be rented from Memorial Day to Labor Day. **Kevin Quinlan Esq.** explained to the board that they cannot vote based on whether the home will be occupied by the homeowners or tenants.

Concluding board discussion, **Kevin Quinlan Esq.** wrapped up the application as follows: amended plans are required, the fence on the property had previously been relocated to 2ft off of the property line and will conform with the ordinance, the retaining wall will be located on the easterly side of the fence, the proposed gas or propane firepit would be a maximum diameter of 4ft and have conforming setbacks of 8ft and 10ft, and both the waterfall feature and firepit will remain under the 24inch height requirement. He explained to the board that they will be approving a variance for the distance to the pool from the structure and diameter of the firepit.

**Anthony Aukstikalnis** raised concerns over the home being newly constructed and adding the pool after completion. The applicant, **Michael Massaro**, was sworn in. **Mr. Massaro** explained that he purchased the home from a builder that did not plan for the addition of a pool.

**Mayor John Imperiale** echoed earlier comments about the poor quality of the application and supporting documents. He added that ultimately the plan fits in with the other homes in the

neighborhood and with no opposition from neighbors a motion for approval was made.

**Mayor Imperiale** made a motion to approve the application, seconded by **William Montag**. The following vote was recorded: **Mayor Imperiale, John Tilton, William Montag, Robert Romano, Commissioner Gieger, Kathy Sheplin, Mindy Berman, and Alcides Andril** voted **Yes** to approve. **Anthony Aukstikalnis** voted **No** to approve.

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**Resolution Extension – 2023:02 – 6 E. 75<sup>th</sup> Street – Anthony & Alice Coscia**

**Kevin Quinlan Esq.** briefly reviewed the extension request that was submitted to the board for consideration.

**Mindy Berman** made a motion to approve the request for the extension, seconded by **Kathy Sheplin**. The following vote was recorded: **William Montag, Anthony Aukstikalnis, Kathy Sheplin, and Mindy Berman** all voted **Yes** to approve the request.

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**Minutes – Regular Meeting – November 16, 2023**

**Kathy Sheplin** made a motion to approve the minutes of the November 16, 2023 regular meeting, seconded by **Mindy Berman**. The following vote was recorded: **John Tilton, Robert Romano, Kathy Sheplin, and Mindy Berman** all voted **Yes** to approve.

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**Minutes – Reorganization Meeting – January 19, 2024**

**Kathy Sheplin** made a motion to approve the minutes, seconded by **Mindy Berman**. The following vote was recorded: **Mayor Imperiale, Robert Romano, Anthony Aukstikalnis, Commissioner Gieger, Kathy Sheplin, Mindy Berman, Alcides Andril, and Thomas Griffith** all voted **Yes** to approve.

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Prior to wrapping up the meeting, **Kevin Quinlan Esq.** and **Chairman Robert Romano** had a brief discussion with the board about decorum.

At 7:56PM the meeting was adjourned.

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Christine Lisiewski, Secretary