

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
April 18, 2024**

The April 18, 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 07:02 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 times.”

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

Members of the Board absent: **Mark Simmons, William Montag IV, and Anthony Aukstikalnis**

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

Alternate members of the Board absent: **None**
Also present were the following: **Kevin Quinlan Esq., Frank Little P.E, Cecilia Morillo Zoning Officer**

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**Application – 2024:02 – 8001 Long Beach Blvd LLC – 8001 Long Beach Blvd**

**Mayor John Imperiale and Commissioner Joseph Gieger** recused themselves from hearing the application.

**The following was entered into evidence:**

**A1** – Application

**A2** – Preliminary Final Site Plan prepared by Morgan Engineering & Surveying

**A3** – Survey prepared by Morgan Engineering & Surveying

**A4** – Architectural Plans prepared by Jay Madden Architecture

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

**Duncan Prime** represented the applicants, **8001 Long Beach Blvd LLC**. **Mr. Prime** explained that the applicants are seeking a minor site plan and a conditional site plan. He shared that the property is situated on the corner of Long Beach Boulevard and east 80<sup>th</sup> Street. The property is currently developed with a former restaurant and residential use situated above. The applicants are seeking to make minor additions and upgrades to the property. Revisions include expansion of a second-floor deck, construct a small one-story addition that will include two ADA compliant

bathrooms, an outdoor dining area under the proposed deck, new staircase, and a vinyl roll down enclosure.

**Duncan Prime** stated that property is located in the LC district and the restaurant use is permitted, however dual-use is not permitted.

**Anthony Marino** was sworn in. **Mr. Marino** is the hospitality consultant and general manager of the establishment. He shared that the proposed restaurant will be a full service high-end Italian restaurant. He added that they are hoping to remain open year-round with indoor and outdoor dining. **Mr. Marino** stated that the restaurant is looking to operate all days of the week from 3PM to 10PM with 6-8 employees.

**Kevin Quinlan Esq.** asked **Mr. Marino** to share more details on how the to-go process would work for the restaurant. **Mr. Marino** explained that to-go will not be advertised and they will be focusing on full-service dining. He added that it is not their priority but they will not turn to-go customers away.

Moving through the engineer review letter, **Kevin Quinlan** requested more information on trash pick-up. **Mr. Marino** shared that they are scheduled for two pick-ups per week during non-business hours.

**Donna M. Bullock** with **Morgan Engineering and Surveying** was sworn in. **Ms. Bullock** outlined the existing conditions. The property currently consists of a 9000sqft lot, two-story mixed-use building, exterior freezer, several sheds, paver area adjacent to Long Beach Boulevard, parking area with striping, and a handicap accessible parking lot. She added that the main parking area is accessible to Long Beach Boulevard.

**Chairman Robert Romano** questioned how many parking spaces are currently marked at the property. **Donna Bullock** confirmed that there are seventeen undersized spaces with seven being situated in the right-of-way and two straddling Long Beach Boulevard. She reminded the board that this is existing.

**The following was entered into evidence:**

**A5 – Colorized Site Plan**

**Donna M. Bullock** moved into the proposed changes. She shared that the applicants are proposing to expand the 16ft wide deck along northern and eastern side of the building, fix the staircase to the second-story, designate future loading zone, trash enclosure with chain link fence, low-intensity wall mount lighting, and remove current sheds and replace with new. The second-story deck will cover an outside dining area. **Ms. Bullock** stated that the property will maintain accessibility off of Long Beach Boulevard with a 38.5ft access aisle. She added that on the easterly side of the property, an 8.5ftx25ft loading zone onto 80<sup>th</sup> Street with a 60sqft gravel area that would increase the impervious coverage on the lot.

Returning to the topic of parking, **Ms. Bullock** shared that there will be two employee parking

spots to the west of the building off of Long Beach Boulevard. **Kevin Quinlan Esq.** requested some details on how the employees would be accessing the spaces. **Ms. Bullock** shared that the tandem spaces are accessible from 80<sup>th</sup> Street and will include pavement markings. **Duncan Prime** confirmed that the spots are for employees only and though they are tricky, they will only be turned over once a day. **Frank Little** added that the spaces have always been there.

**Ms. Bullock** added that there is no new signage proposed, residential fencing will be repaired, and easterly planting area will remain.

**Kevin Quinlan Esq.** redirected attention to the wall mounted lighting that is proposed. Ms. Bullock confirmed that it will be shielded and will not redirect onto neighboring property.

**Donna Bullock** moved onto the parking criteria of the application. She explained that the restaurant will have thirty-nine seats, making thirteen spaces required. The parking lot will hold a total of seventeen spaces that include two employee spaces and two handicap spaces.

**Chairman Romano** asked how many tables are in the restaurant. **Anthony Marino** confirmed that there are six spaces inside the building and five outside. Each table will have between two and four seats. **Duncan Prime** confirmed again the thirty-nine seats.

**Kevin Quinlan Esq.** requested confirmation on how many of the seventeen spaces would be conforming. **Frank Little Esq.** and **Donna Bullock** confirmed that nine were conforming. A variance for eight spaces would be required.

Touching on the other variances that will be needed, **Donna Bullock** listed the following: a variance for stall size of 9x18ft where 9x20ft is required; a variance for a loading zone of 8.5ftx25ft, where a 9ftx25ft is required; a variance for parking in the side yard; a variance for lot area; a variance for lot width of 90ft where 100ft is required; variance for lot coverage where 75% is required; waiver for landscape buffer and screenings; waiver for sight triangle to Ocean County.

**Kevin Quinlan Esq.** asked for more details on the landscaping strip that they are requesting a waiver for. **Donna Bullock** shared that the plantings are not depicted on the plans but there are shrubs and trees on the easterly side.

**Chairman Romano** asked for more details on the lighting. **Donna Bullock** reviewed the lighting plan with the board.

**Kevin Quinlan Esq.** questioned if the bike racks that are mentioned in the Board Engineer Review Letter will be added to the plan. The applicants professionals agreed.

**Amanda Sapp** with **Jay Madden Architects** was sworn in.

**The following was entered into evidence:**

**A6** – Renderings of West & Partial South Elevations / Material Samples

**Amanda Sapp** began testimony with an overview of what is existing on the property. She explained that the building on the property was built in the 1980's and has not been modified since then. Proposed updates include two bathrooms, second floor deck that will cover outdoor dining area, roll down vinyl for enclosures, a solid awning, and polished concrete flooring.

**Chairman Romano** asked if there would be heating in the outdoor area. **Ms. Sapp** confirmed that there would be a mini split that would offer air conditioning if needed.

**Mindy Berman** questioned if screens would be added. **Ms. Sapp** stated that they are focusing on open air and would not utilize screens.

**Chairman Romano** requested some information on the kitchen ventilation. **Ms. Sapp** confirmed that the ventilation and kitchen would remain the same. **Anthony Marino** added that the ventilation runs along the easterly side of the building.

**Kathy Sheplin** and **Chairman Romano** asked for some more information on any draining. **Duncan Prime** stated that there are gutters built into the overhang of the roof. **Ms. Sapp** confirmed that there are no other additional plans for drainage and run-off.

**Creigh Rahenkamp** with **Creigh Rahenkamp Associates** was sworn in. **Mr. Rahenkamp** explained that a majority of the bulk variances are pre-existing conditions. He added that the board could grant the variances based on the qualitative improvements of the site and the efficient use of the land. Based on a planning perspective, **Mr. Rahenkamp** believes this an improvement to the neighborhood and urged the board to approve.

**Chairman Romano** questioned if the applicants had knowledge of the site working as a restaurant before and if there were any problems prior. **Mr. Rahenkamp** has no prior knowledge of issues at the site. He added that he believes the site has the proper circulation for a fine dining restaurant.

**Chairman Romano** shared that he doesn't agree with the parking plan that is proposed for this application. From a planning perspective, he believes the site is not being improved.

**Kathy Sheplin** asked if there was a doorway to come in through the northside of the property. **Anthony Marino** confirmed that there is not but there are access areas through the patio.

Public portion was opened.

**Alan Wechsler** – 15 E. 86<sup>th</sup> Street – was sworn in. **Mr. Wechsler** shared that he believes the new establishment would enhance the community.

**Patrick Greber** – 5 E. 80<sup>th</sup> Street – was sworn in. **Mr. Greber** is one of the neighboring properties. He shared concerns over parking and issues that may arise over parking spaces being blocked because they are not designated on the street. He added that the loading zone could potentially be blocked on loading day. **Mr. Greber** also raised concerns over the apartment

being rented out to non-employees and those individuals seeking parking spaces. Ultimately, he does not agree with the parking and seating plan for the property.

**Kim DiDonato** – 1 E. Burlington Avenue – was sworn in. **Ms. DiDonato** shared her excitement over Harvey Cedars and the possibility of a new restaurant.

**Julie Ringel** – 5 E. 86<sup>th</sup> Street – was sworn in. **Ms. Ringel** also shared excitement over the proposed project and is happy that the building will remain a restaurant.

**Michael Giacobelli** – 12 E. 86<sup>th</sup> Street – was sworn in. **Mr. Giacobelli** is one of the proprietors of the new proposed restaurant. He shared the background of the LLC. **Mr. Giacobelli** shared that they are looking to be a part of Harvey Cedars for a long time.

**Debbie Floyd** – 6312 Long Beach Boulevard – was sworn in. **Ms. Floyd** shared her experience with parking in the busy season. She stated that you grow used to maneuvers, walking, and biking to restaurants and establishments. **Ms. Floyd** doesn't see the plan to be an issue and thinks the proposed would be an excellent addition.

**Elizabeth Greber** – 5 E. 80<sup>th</sup> Street – was sworn in. **Ms. Greber** appreciates the enthusiasm of the application but asked if deed restricting was an option. **Kevin Quinlan Esq.** explained that it was not possible since the use is permitted.

**Bryan McCann** – 8 E. Bergen Avenue – was sworn in. **Mr. McCann** shared that he believes a business is needed in the vacant space and is a fan of the mixed-use space.

**Hilary Fiorella** – 23 W. 80<sup>th</sup> Street – was sworn in. **Ms. Fiorella** explained that she understands the pros and cons of living on 80<sup>th</sup> Street. She asked the board to think thoroughly on this application because of how serious the parking issues become in the summer.

Public portion was closed.

The board took a brief intermission.

Prior to a motion, **Chairman Robert Romano** asked if each board member could voice their opinions of the application.

**John Tilton** began the discussion. **Mr. Tilton** shared that he had visited the previous establishments and has parked in that lot. He added that it can be a dangerous situation with pedestrians and boulevard traffic. **Mr. Tilton** proposed the idea of possibly shifting spaces in the front lot. In closing, he asked if the bathroom on the outside of the building would be open to the public. **Anthony Marino** confirmed it is for restaurant patrons only.

Being a resident of 80<sup>th</sup> Street, **Mindy Berman** is familiar with the parking issues. She shared that the municipality was in the process of opening a new municipal parking lot on 80<sup>th</sup> Street.

**Ms. Berman** shared that she loves the idea of a new establishment in Harvey Cedars.

**Kathy Sheplin** shared **Ms. Bermans** excitement over a new establishment. She added that she is

concerned over the parking and made a suggestion to adjust where the handicap space would be located. **Frank Little** confirmed it can be changed if the applicants agree.

The board asked for more details on how the loading zone would operate. **Donna Bullock** explained that the loading zone is intended to be in front of the shed. She explained that the gravel that is proposed is to deter individuals from thinking there is an outlet. The gravel would be situated in front of the loading zone.

**Tom Griffith** shared that he thinks a vibrant business community is important to Harvey Cedars. He added that it is important to me mindful of boulevard safety and the issues that may arise with the proposed parking plan. Overall, he believes the proposed use of this property is a reasonable request.

**Richard Warren** echoed **Mr. Griffiths** comments and believes this is a positive change that is proposed. He added that the site is problematic but most of the issues are pre-existing.

**Chairman Robert Romano** focused on the traffic and parking issues that arise because of where the property is situated. He explained that the traffic signal on the corner can cause issues with entering and exiting the property.

**Mindy Berman** asked for confirmation on where the handicap spaces would be located in the lot. Frank Little confirmed that the handicap space that is located on the property now would be divided into two regular spaces. He added that the new handicap spaces would be situated in front of the proposed employee spaces.

**Kevin Quinlan Esq.** reviewed the application and conditions with the board. The application and conditions include: year round restaurant; open seven days a week; maximum of eight employees; no take-out service, but not prohibited; lighting will be shielded; impervious coverage would be reduced; parking lot will be striped; no new signage proposed; easterly property line will be landscaped; 6ft fence will be rehabilitated; waiver for parking stalls; employee and apartment parking will be marked on the pavement; signage for one-way; no outlet sign; bike rack will hold 8 bike racks.

**Mindy Berman** made a motion to approve the application, seconded by **Kathy Sheplin**. The following vote was recorded: **John Tilton, Kathy Sheplin, Mindy Berman, Richard Warren, Alcides Andril, and Thomas Griffith** voted **Yes** to approve. **Chairman Robert Romano** voted **No** to approve.

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Resolution – 2024:01 – Harvey Hideaway LLC – 1 E. 69th Street

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

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**Resolution Extension – 2022:06 – 17A W. 76<sup>th</sup> Street – Kunz & Aly**

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

With changes in the board from when the resolution was initially approved, **Mayor Imperiale** made a motion to approve and voted **Yes** to approve as the only eligible vote.

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Minutes – Regular Meeting – March 21, 2024

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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The Land Use Board reviewed an ordinance for seating and outdoor music in the commercial district. **Kevin Quinlan Esq.** believes the borough may run into issues with the enforceability of the outdoor music portion of the ordinance. **Chairman Romano** shared that the ordinance needs to be more specific in order for the code enforcement officer to enforce.

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At 9:27PM the meeting was adjourned.

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Christine Lisiewski, Secretary