

**BOROUGH OF HARVEY CEDARS  
LAND USE BOARD**

**Regular Meeting – Minutes  
September 19, 2024**

The September 19, 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 **Kevin Quinlan Esq.** at 07:00 PM.

**Kevin Quinlan Esq.** 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: **John Tilton, Commissioner Joseph Gieger, Kathy Sheplin, and Mindy Berman**

Members of the Board absent: **Mayor John Imperiale, Mark Simmons, William Montag, Robert Romano, and Anthony Aukstikalnis**

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

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

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**Kevin Quinlan Esq.** requested nominations for the position of Vice Chairman due to the absence of both Chairman and Vice Chairman. **Kathy Sheplin** nominated **John Tilton**, seconded by **Commissioner Joseph Gieger**. The following vote was recorded: **Commissioner Gieger, Kathy Sheplin, Richard Warren, Alcides Andril, Thomas Griffith, and Mindy Berman** all voted **Yes** to nominate **John Tilton** as **Vice Chairman**.

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**Application – 2024:04 – 16 E. Cape May Avenue**

**The following was entered into evidence:**

**A1** - Application

**A2** – Site Plan & Architectural Plans prepared by AHM Architects

**A3** – Survey Map prepared by Horn, Tyson, & Yoder

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

**Douglas Miller** from **AHM Architects** represented the applicant, **Anthony Aukstikalnis**. **Mr. Miller** explained the applicants are long- time residents in Harvey Cedars who live in an inverted style residence where all living spaces are above the ground floor which is in a flood area. Due to the difficult floor plan, the applicants are seeking C variances to construct a small enclosure on the west side of the property to allow for an elevator shaft. This structure will encroach 5.83' into his 8' setback from the westerly property line. The 15' deeded easement will not be affected by this enclosure. They have a pre-existing air conditioning condenser that encroaches 4.5' into the 8' setback which has been there for over 40 years. The owners would like to "age in place" and be able to remain in Harvey Cedars in their home. **Mr. Miller** stated that this elevator is a necessity, not a luxury.

**The following was entered into evidence:**

**A4** – Enlargement of bottom portion of A2

**Matthew Gindele** from **Singley, Gindele & Rinaldi** is representing **Amy Schmucker** of **14 E. Cape May Avenue** was sworn in. **Mr. Gindele** stated that **Ms. Schmucker's** residence is landlocked and only has access to her property through the 15' easement along the west side of the applicant's property. He said there is a bulk head on the applicant's property that encroaches into the easement which makes it narrower than required by ordinance. This proposed elevator shaft will be approximately 2' off of the easement and will have no where to turn around and back out with causing negative visual access. **Ms. Schmucker** would also request for the applicant to consider putting the elevator in a different location on the property where there won't be a negative visual impact while accessing her property as safety and location is her objection.

**Mindy Berman** questioned if there would be a possibility to construct the elevator in a different location on the property. **Douglas Miller** explained there would not be any way to construct it on any other than the west side of the property due to construction purposes.

**Kevin Quinlan, Esq.** spoke about the trend for houses having elevators. He also spoke about the personal need for the elevator shouldn't be taken into consideration as the variance, if approved, will remain with the land. More houses with elevators improve the housing stock.

**Public portion open.**

**Hillary Fiorella** - 23 W. 80<sup>th</sup> Street - was sworn in. She spoke about her elevator and growing old and staying in Harvey Cedars. She feels that elevators are a necessity and not a luxury especially with the reverse living many homes have. She asked the board to please be consistent and compassionate with this application.

**Amy Schmucker** answered a question from **Mindy Berman** about the vegetation on the bulkhead and if it would help with her line of sight if it was removed. Her opposition is regarding backing in and out of the driveway and if the applicant could find a better location for the elevator.

**Commissioner Joe Gieger** asked if the 2.17' from easement to edge of elevator shaft could be kept clear in order to help visual line of sight.

**Robert Wilding** – 7 E. Gloucester Ave. – was sworn in. He has lived in Harvey Cedars for 40 years and has a similar situation as the applicant whereas the elevator is a need and not a luxury.

**Steven McDonald** - 13 E. Cape May Ave. – was sworn in. Mr. McDonald is landlocked on the north side with same easement which is one lane to drive in and out. No objection for elevator because it doesn't impact easement and has no visual safety issues.

**Public portion closed.**

Board discussion began with **Kathy Sheplin** asking if removing any vegetation on the west side of the proposed elevator shaft could help. Where the elevator shaft is placed on the house is early on the back up process in the driveway and will not cause visual problems.

Multiple board members suggested keeping the 2.17' between the elevator shaft and easement clear of any vegetation.

**Richard Warren** shared that he believed the easement looked adequate for ingress and egress.

**Kevin Quinlan, Esq.** questioned if the applicants would be agreeable to keep vegetation open between the elevator shaft and the easement.

**Commissioner Joseph Gieger** made a motion to approve the application with the condition to keep the 2.17' between the elevator shaft and easement free of vegetation, seconded by **Mindy Berman**. The following vote was recorded: **John Tilton, Commissioner Gieger, Kathy Sheplin, Mindy Berman, Richard Warren, Thomas Griffith, and Alcides Andril** all voted **Yes** to approve the application.

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**Minutes – Regular Meeting – May 16, 2024**

**Mindy Berman** made a motion to approve the minutes of the May 16, 2024 regular meeting, seconded by **Alcides Andril**. The following vote was recorded: **John Tilton, Mindy Berman, Richard Warren, and Alcides Andril** all voted **Yes** to approve the minutes.

At 8:07 PM the meeting was adjourned.

Christine Lisiewski, Secretary