

**BOROUGH OF HARVEY CEDARS
LAND USE BOARD**

**Regular Meeting – Minutes
October 17, 2024**

The October 17, 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: **Robert Romano, Mark Simmons, John Tilton, Kathy Sheplin**
Members of the Board absent: **Mayor John Imperiale, Commissioner Joseph Gieger, William Montag, Tony Aukstikalnis, Mindy Berman**
Alternate members of the Board present: **Richard Warren, and Alcides Andril**
Alternate members of the Board absent: **Thomas Griffith**
Also present were the following: **Kevin Quinlan Esq., Frank Little P.E., Cecilia Morillo Zoning Officer**

Application – 2024:03 – John and Mary Beth Sheridan - 8004-C S. Anchor Street

The following was entered into evidence:

- A1** - Application
- A2** - Architectural Plans prepared by Jay Madden Architecture
- A3** - Variance Map prepared by Horn, Tyson, & Yoder, Inc.
- A4** - Copy of prior resolution from 1/19/2012
- B1** - Engineer Review Letter prepared by Frank Little, P.E.

Richard Visotcky, Esq. with **Kelly & Visotcky, LLC.** represented the applicants. **Mr. Visotcky** explained the applicant’s property is located off an access easement on Kinsey Cove in the RA-single Family Residential Zone. The existing single-family residence is two stories and the homeowners are seeking to renovate the second floor to add two bedrooms, one bathroom and an extra living/flex space. **Mr. Visotcky** emphasized this is exactly the same application submitted by the previous homeowner and

was approved by the Harvey Cedars Land Use Board in 2011. The application is for both Floor Area Ratio and side yard setback variances. By raising the ceiling on the second floor, the Floor Area Ratio will increase to 54.8 percent which exceeds 50 percent allotted by zoning. The two portions of the proposed renovation will match up to the first floor which have existing side yard setbacks. This is an undersized lot and all other non-conformities are preexisting. The Sheridans are asking only to renovate the second floor and not expand any further than the existing footprint.

Kevin Quinlan, Esq. explained that the application is for a D variance and side yard setback variance.

James Brzozowski, PE from Horn, Tyson & Yoder, Inc. was sworn in. **Mr. Brzozowski** explained the property is a single-family two-story residence located off the access easement on Kinsey Cove and is an undersized lot due to the upland area being 2,347.6 sq. ft. whereas in the RA district 5,000 sq. ft. is required. The purpose of the application is to renovate/dormer the second floor to create additional habitable space. Several existing non conformities are the side yard setbacks which are 2.2 ft.(east) and 2.9 ft (west) where 10 ft. is required on each side per zoning. The rear yard setback is 12 ft. (from steps to bulkhead) where 15 ft.is required by zoning. This dormer will create an additional 300 sq ft. of living space. By doing this, the Floor Area Ratio will increase from 992 sq ft. to 1,286 sq. ft. which equates to 54.8 percent whereas 50 percent is permitted. The side yard setbacks and lot coverage won't be changing. The dormer will extend out over the first floor therefore a side yard setback variance is required but they are already existing.

The following was entered into evidence:

A5 - 2 (8x10) colorized photos of existing structure

John Tilton questioned if the side yard setbacks proposed are not for the full length of the first floor just the portions of it and if the second floor will occupy only the east and west side of the first floor. He also questioned if raising the roof 3.5 ft. will be conforming to the zoning ordinance of 24 ft. By adding 300 sq. ft. of habitable space to an under sized lot will equate approximately 10 percent Floor Area Ratio and would not exceed the 50 percent allotted by the zoning ordinance.

Kevin Quinlan, Esq. asked **Mr. Brzozowski** if all of the existing non conformities will not be expanding and not exceeding the ground coverage. **Mr. Brzozowski** confirmed they would not be exceeding the existing footprint.

Board members discussed the location of the shower and air conditioning unit that was on the previous set of plans from 2011 and its current location.

Jay Madden architect, from **Jay Madden Architect**, was sworn in. **Mr. Madden** explained these plans are the exact plans from the previous owner from 2011. The second floor will be two bedrooms with a bath and an additional living/flex room. The goal was to be as modest as possible and to push the addition east or west over the wall below to accommodate a bath and more room in bedroom. The proposed deck is over a heated space below that will not expand out over the house and not affect any nonconformities.

The following was entered into evidence:

A6 – Copy of a variance map indicating a switch of location for the shower and air conditioner approved by Harvey Cedars Land Use Board 12/15/2011

John Sheridan – 8004C S. Anchor St. - was sworn in. **Mr. Sheridan** confirmed the air conditioning unit and shower were switched from the original location and are currently in place.

Public portion open.

Public portion closed.

Kevin Quinlan, Esq. explained the application is for a D variance for the Floor Area Ratio of 54.8 percent requested whereas 50 percent is permitted. Preexisting non conformities are not being expanded. The side yard is not being expanded although it is a second floor expansion of preexisting nonconformities.

Mark Simmons made a motion to approve the application and was seconded by **John Tilton**. The following vote was recorded: **Mark Simmons, John Tilton, Chairman Robert Romano, Kathy Sheplin, Rich Warren and Alcides Andril** all voted YES to approve the application.

Resolution 2024-04 16 E. Cape May Ave. – Aukstikalnis

John Tilton made a motion to approve the resolution and seconded by **Kathy Sheplin**. The following vote was recorded: **John Tilton, Kathy Sheplin, Richard Warren** and **Alcides Andril** all voted YES to approve the resolution.

Minutes – Regular Meeting - September 19, 2024

Kathy Sheplin made a motion to accept the minutes of the September 19, 2024, regular meeting, seconded by **John Tilton**. The following vote was recorded: **John Tilton, Kathy Sheplin, Richard Warren** and **Alcides Andril** all voted YES to approve the minutes.

At 7:26 PM the meeting was adjourned.

Christine Lisiewski, Secretary

