

**RESOLUTION OF MEMORIALIZATION OF THE  
LAND USE REVIEW BOARD OF THE BOROUGH OF Harvey Cedars  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2017-10**

**WHEREAS**, Walters Design-Build, LLC has made application to the Land Use Review Board of the Borough of Harvey Cedars for Minor Subdivision approval without variances for Lots 9 & 10 in Block 83. The applicant proposes to acquire Lot 10, consolidate Lots 9 and 10 and re-subdivide the property into two new lots with dimensions of 50 ft x 125 ft and each fronting toward the Atlantic Ocean.

**WHEREAS**, the Land Use Review Board considered this application at a public hearing on January 18, 2018. The applicant was represented by Richard Vistcky, Esq. The application received December 5, 2017 was entered into evidence as Exhibit A-1; the plan prepared by French & Parrello Associates title "Minor Subdivision and Variance Plan Lots 9 & 10, Block 83, Borough of Harvey Cedars, Ocean County New Jersey" (1 page) dated 10/6/2017 and revised 10/24/17 and 12/20/2017 under the signature of Thomas J. Ertle, PLS, was entered into evidence as Exhibit A-2; Color photos (2) depicting the existing conditions were entered into evidence as Exhibit A-3; Color photo (1) depicting the existing structure was entered into evidence as Exhibit A-4; The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated December 14, 2017 was entered into evidence as Exhibit B-1. Testimony was offered by Thomas J. Ertle, PLS who was qualified as an expert in planning and surveying and Edward Walters on behalf of the applicant.

Public comment was offered by several members of the public who spoke against the proposed subdivision; and

**WHEREAS**, the Land Use Board after considering the Application, documentation entered into evidence, testimony of the witnesses, argument of counsel and public comment has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The applicant represents through counsel that he is the authorized representative of Walters Design-Build, LLC the owner of Lot 9 and is authorized to act on behalf of the LLC and has the permission of the property owner of Lot 10 to make the application.

3. The applicant is the contract purchaser of Lot 10. The property is located in the RA Single Family Residential District.
4. Presently on the site is one (1) two story structure.
5. The applicant proposes to combine lots 9 and 10 and re-subdivide into two new building lots identified as Lot 10.01 and Lot 10.02 upon which a new dwelling will be constructed on each conforming lot. New lot 10.01 will have a maximum building envelope of 1,798 SF and new lot 10.02 will have a maximum building envelope of 1,800 SF. The existing structure to be demolished.
6. The new lots and proposed improvement will comply with all zoning requirements.
7. No variances are being sought.

**WHEREAS**, the Land Use board after considering the Application, documentation entered into evidence, testimony of the witness', arguments of counsel and public comment has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The Applicant is the owner of Lot 9, and the contract purchaser of Lot 10, Block 83 which is owned by Anthony J.Curreri.
3. The property is located in the RA Single Family Residential Zone. The existing and proposed lots have the following conditions:

BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY BULK ZONING REQUIREMENTS SINGLE FAMILY, RESIDENTIAL ZONE (RA)				
REGULATION	REQUIRED	PROPOSED NEW LOT 10.01	PROPOSED NEW LOT 10.02	COMMENTS
MINIMUM LOT DIMENSIONS				
MINIMUM LOT AREA (S.F.)	5,000	6,250	6,250	
MINIMUM LOT WIDTH (FEET)	50	50	50	
MINIMUM YARD REQUIREMENTS				
FRONT YARD (FEET)	20/15 <sup>(1)</sup>	15 <sup>(1)</sup>	23 <sup>(1)</sup>	<sup>(1)</sup> (ORD. No. 20041-12 §2)
SIDE YARD (FEET)(EACH)	10	N/A	10	
REAR YARD (FEET)	10	10	42	
LOT COVERAGE REQUIREMENTS				
LOT COVERAGE (%)	33	28.4	32.6	
BUILDING FOOTPRINT (%)	29	24.8	28.8	
IMPERVIOUS COVERAGE (%)	75	< 75	< 75	

4. The applicant proposes a 15 FT wide access easement within new Lot 10.01 and 10.02 to provide access to new Lot 10.02 which is in accordance with Ordinance Section 16-7.3(c).
5. All construction shall be in accordance with the applicable flood zone regulations.

6. Applicant agrees to located any air conditioning units and heating exhaust vents between the structures to minimize noise to the adjoining neighbors.
7. Applicant agrees that all utilities shall be un underground.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Review Board of the Borough of Harvey Cedars that the relief requested by the applicant, Walters Design-Build, LLC for minor subdivision approval to create two conforming lots for property identified as Lots 9 and 10, Block 83 to be known as new Lots 10.01 and 10.02\* in the borough of Harvey Cedars, County of Ocean and State of New Jersey is hereby approved.

\*subject to approval of the new lot numbers by the Tax Assessor of the Borough of Harvey Cedars.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned to Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr. P.E., P.P., and C.M.E., dated December 14, 2017, as entered into evidence as Exhibit B-2.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements and all buildings, fire and safety Codes.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules, regulations, statutes and ordinances effecting this development and proposed use.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicants' payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required, in amounts established by the Borough Engineer, and in such form as required by the Borough Solicitor.

**BE IT FURTHER RESOLVED** that the applicant is required to comply with all ordinances of the Borough of Harvey Cedars, and failure to specify compliance herein shall not

be deemed a waiver or recommendation by the Land Use Board with respect to Borough Ordinances, including the Zoning Ordinances.

**BE IT FURTHER RESOLVED** that this approval is subject to approval of the proposed new lot numbers by the Borough of Harvey Cedars Tax Assessor.

**BE IT FURTHER RESOLVED** that this approval is conditioned upon the Applicant filing a subdivision map in a form acceptable to the borough engineer and/or board engineer, with the Ocean County Clerk's Office.

**BE IT FURTHER RESOLVED** that this approval is subject to all conditions and representations as set forth herein and as placed on the record at the public hearing conducted on January 18, 2018 when this matter was considered.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicants complying with any and all technical revisions and submissions as the Borough Engineer may require.

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**MARY PAT BREARLEY, SECRETARY**

**CERTIFICATION**

**I, MARY PAT BREARLEY**, Secretary of the Land Use Review Board of the Borough of Harvey Cedars, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Land Use Review Board of the Borough of Harvey Cedars at a public meeting held on January 18, 2018.

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**MARY PAT BREARLEY, SECRETARY**