

**RESOLUTION NO. 2017-003 OF THE
BOROUGH OF MANTOLOKING JOINT PLANNING BOARD –
ZONING BOARD OF ADJUSTMENT**

WHEREAS, Stephen and Aimee McLean, whose mailing address is 705 High Mountain Road, Franklin Lakes, New Jersey 07417 has applied to the Borough of Mantoloking Joint Planning Board – Board of Adjustment for variance relief affecting premises located at 1340 Bay Avenue, Mantoloking, New Jersey 08738, also known as Lot 10 and 10.01, Block 33 as designated on the Tax Map of said Municipality; and

WHEREAS, such proof of service as may be required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and Governmental bodies has been furnished; and

WHEREAS, a public hearing was held on the said application on June 1, 2017 in the Municipal Building (Firehouse – temporarily) of said Municipality and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, the said Board, having considered said application, testimony, exhibits submitted, and from its inspection of the site, it makes the following determinations:

1. The tract in question has an area of 7,748 square feet.
2. The tract in question is located in the R5A Zone.
3. The Applicant is seeking to renovate an existing single family residential dwelling to include a proposed second story addition and elevated rear deck with modified landing/staircase. Variance relief is required, as follows:
 - Lot depth where 100 feet is required and 93.35 is proposed/existing.

- Front set-back where 37.8 feet is required and 5 feet is proposed/existing for the existing deck; 6.2 feet is proposed for the proposed new deck; and 32.1 feet is proposed for the second story addition.
 - Side set-back where 10 feet is required and 9.7 feet is proposed/existing to the dwelling and 8.7 feet is proposed to the roof overhang.
 - Street rear set-back where 25 feet is required and 23.4 feet is proposed/existing to the garage roof overhang; and 19.3 feet is proposed/existing for the covered porch.
 - Lot coverage where 2,324.4 square feet is allowed and 3,083.7 square feet is proposed.
 - Vertical building envelope where 30 feet is allowed and 30.55 feet is proposed/existing.
 - Ratio of second habitable floor, second floor to first habitable floor where 80% maximum is allowed and 85.1% is proposed.
4. The Applicant submitted the following in support of the application:
- Exhibit A-1 – Board mounted sheet A 2.1
5. Aimee McLean, testified on behalf of the application as follows, to wit:
- A. She and her husband are the owners of the subject property.
 - B. She testified that they purchased the home in 2005 and sustained significant damage during Superstorm Sandy. She recounted that they first repaired the home without elevating while they awaited final figures from FEMA.
 - C. They then elevated the home to meet FEMA requirements.

- D. Their proposal is to provide for an elevated deck at the rear of the home so that same allows for a walk-out from the first living level as opposed to necessitating a walk downstairs to a ground level patio/deck. She further noted that with the elevated residence, the proposed elevated deck is much more aesthetically pleasing and consistent with the nature of the properties in the area.
 - E. She testified that the second portion of the application is a proposed second story addition to provide for an additional bedroom for their growing family.
6. Daniel Lynch, R.A., testified on behalf of the application as follows, to wit:
- A. He is a principal in BLDG Architecture, LLC and prepared the architectural plans submitted with the application for the proposed project.
 - B. He submitted as Exhibit A-1 architectural plan sheet A 2.1 which provided an elevation of the home without the proposed deck and compared same to sheet A 2.1a, which provides the architectural elevation for the residence with deck and addition as proposed. Comparing the two, he opined that the proposed renovation with deck and second story addition provides for improved aesthetics at the site. He also testified that the proposed construction of the elevated deck provides for improved safety and strength of the overall structure. He further confirmed the Applicant's testimony that the proposed layout provides for greater functionality for the owners in providing for the rear deck at the same level of the first finished floor.
7. Charles Linstrom, P.E., P.P. testified on behalf of the application as follows, to wit:
- A. He prepared the plot plan for variance submitted in support of the application and is fully familiar with the subject property and surrounding neighborhood.

- B. He testified and confirmed that the proposed application provides for greater functionality in providing for the rear deck off the first floor living space as necessitated by the elevation of the existing residential structure to comply with FEMA requirements.
 - C. He noted that the proposed structure is within the existing footprint and directly below the existing second floor deck.
 - D. He opined that the proposed application provides both a structural benefit in improving the overall structural integrity of the existing structure and decking as well as a significant aesthetic improvement to the site as depicted on the architectural plan/elevations presented.
 - E. He opined that the proposed application could be granted without substantial detriment to the surrounding properties in as much as the existing similar dual decks exist in the immediate neighborhood and the proposed design is a significant aesthetic improvement to the site in addressing the change to the structure created by the elevation of the existing residential home to comply with FEMA standards.
 - F. He opined that the proposed application could be granted without substantial detriment to the zone plan or the zoning ordinance in as much as most non-conformities are existing on the site and the proposed application significantly improves aesthetics, functionality as well as overall safety.
8. Persons appeared in favor of the application; while no persons appeared in opposition to the application.

9. The Board makes the following findings, conclusions of law:

A. The Board determines that the Applicant has met the requirements of N.J.S.A. 40:55D-70(c)(2) for the variance relief requested based upon the following:

- The existing single family home on the site was previously elevated following Superstorm Sandy repairs so as to elevate the home to current FEMA standards; said elevation being a safety benefit to the subject property and surrounding properties.
- The elevated single family residential home, however, negatively impacted the site from an aesthetic standpoint; as well as from a functional standpoint in the use of the rear yard deck which now required a significant descent of stairs.
- The architectural design of the proposed rear deck with landing/staircase as well as the proposed second story addition provides for an overall aesthetic improvement at the site in conjunction with improved safety and structural integrity of the structure.
- The proposed development as designed in the plot plan submitted provides for adequate light, air and open space on the site and for the surrounding properties.
- The proposed application advances purposes of zoning as defined in N.J.S.A. 40:55D-2(a), (b), (c) and (i). Those benefits outweigh any detriment by the deviation from the strict application of the zoning ordinance.

- The variance relief requested creates no significant detrimental impact to the public good and Board notes that two immediate neighbors spoke in favor of the application while no persons objected to the proposed application.
- The variance relief requested creates no significant impairment to the intent or purpose of the zone plan.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Mantoloking Joint Planning Board - Board of Adjustment in the County of Ocean and State of New Jersey on the 1st day of June 2017, that the application for Stephen and Aimee McLean be granted, subject to the following terms and conditions:

1. Applicant should obtain any other approvals with respect to the submission from any other Federal, County, State or Municipal Agency having jurisdiction over same.
2. Applicant should re-submit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.
3. Applicant shall construct at applicant's sole cost and expense all improvements reflected on the submitted documents or required by this Resolution.
4. The Applicant shall comply with all representations and agreements made by the applicant or the applicant's representative during the consideration of this Application.

5. The Applicant shall comply with all of representations and agreements made by the Applicant or Applicant's representative(s) during the consideration of this Application.
6. The Applicant shall comply with all conditions specified in this Resolution.
7. The Applicant shall provide a statement from the Borough Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.
8. A statement must be furnished by the Borough Engineer indicating that all required improvements on the site have been approved, or in the alternative, a cash bond and performance guarantee have been posted with the Borough Clerk in an amount sufficient to insure the completion of all required improvements. The amount of cash bond and performance guarantee is to be determined by the Borough Engineer. The performance guarantee is to be updated at six-month intervals at the discretion of the Borough Engineer.
9. The depositing of a cash bond and performance guarantee shall not operate to discharge or release the Applicant from the obligation and responsibility to cause required improvements to be installed and maintained as required by an applicable ordinance or other law. In the event that Applicant desires to be released or otherwise transfer obligations and responsibilities to another party under the terms of the guarantee posted with the Borough, the Applicant shall make Application to the Borough Council seeking this permission.
10. An essential and non-severable condition of approval is compliance with the Borough's Affordable Housing and Growth Share Ordinance as applicable.

Moved by: Courtney Bixby

Seconded by: Elizabeth Nelson

ROLL CALL VOTE

Those in Favor: Robert McIntyre, Courtney Bixby, Steve Gillingham, Susan Laymon, Denise Boughton, Michael Duggan, Jane White, Betsy Nelson, Christine Beck, Elizabeth Nelson

Those Opposed: NA

Those Absent: Joseph Daly

Those Not Voting: NA

The foregoing is a true copy of a Resolution adopted by said Board at its meeting on November 3, 2016, as copied from the Minutes of said Meeting.

DATED: July 13, 2017


SECRETARY OF THE BOARD