

**RESOLUTION NO. 2018-001 OF THE
BOROUGH OF MANTOLOKING JOINT PLANNING BOARD –
ZONING BOARD OF ADJUSTMENT**

WHEREAS, John Harper Snyder and Harriet Tuck Snyder, whose mailing address is 944 Ocean Avenue, Mantoloking, New Jersey 08738, has applied to the Borough of Mantoloking Joint Planning Board – Board of Adjustment for variance relief affecting premises located at 219 Channel Lane, Mantoloking, New Jersey 08738, also known as Lot 1 and 1.01, Block 19 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, public hearings were held on the said application on February 22, 2018 and April 5, 2018, 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 14,586 square feet.
2. The tract in question is located in the R4A Zone.
3. The Applicant is seeking to construct a new single family residential dwelling on the site to replace a home that was previously destroyed by a fire. The plans (amended between the 2/22/18 meeting and the 4/5/18 meeting) requires variance relief as follows:

- Maximum permitted vertical building envelope (VBE) – whereas the maximum permitted VBE in this zone is 30 feet and proposed VBE for the architectural cupolas are 32 feet 11 inches and 31 feet 5 inches, respectively.

4. The Applicant submitted the following in support of the application:

- Certified Application.
- Plot Plan for height variance, prepared by DW Smith Associates, LLC (last revision date 3/8/18).
- Architectural Plans prepared by Peter D. Dorne, Architect, A.I.A., dated 9/25/17 (last revision date 3/19/18).
- Exhibits A1 to A12 – Photos of similar cupolas/architectural features in the neighborhood.

5. John H. Snyder, Applicant, testified on behalf of the application as follows, to wit:

- A. He and his wife are the owners of the subject property and are constructing this new residence with the intent to reside there on a full time basis.
- B. He entered as Exhibits A1 through A12, photographs of neighborhood homes with similar cupolas and architectural features. He testified that the cupolas being proposed (which are the only elements requiring variance relief from the ordinance) are not only an aesthetic improvement to the overall architectural design, but are similar in design and scope as many of the architectural features on other homes in the neighborhood.
- C. He testified that as the Applicant, he provided the required notice to the surrounding property owners and he has received no objection to the proposal from any adjoining property owners.

6. Peter Dorne, A.I.A., testified on behalf of the application as follows, to wit:

- A. He is a Registered Architect in the State of New Jersey and designed the home proposed and submitted to the Board for approval. As initially designed, the application required variance relief for front yard setback, rear yard setback, VBE (for the cupolas only), and second floor ratio.
- B. After appearing before the Board at the February 22, 2018 hearing, the Applicant and his professionals amended the architectural design of the home so as to eliminate all variance relief with the exception of the variance relief required for VBE for the two architectural cupolas as shown on the final plans submitted.
- C. It was his professional opinion that the two cupolas significantly enhance the design of the structure presented and are an overall improvement to the aesthetics at the site. He further noted that the photographs presented show that the architectural elements are in keeping with the character of the upscale coastal design of homes in the neighborhood.
- D. He testified that the cupolas are approximately 4 feet at their base and approximately 2 feet at the window.
- E. He confirmed that the internal space within the cupolas are not habitable nor are they illuminated.
- F. He confirmed that the proposed cupolas would have no negative impact on the neighbors views nor any significant impact on light, air and open space on the site.

7. Joseph Lalka, P.E., P.P. testified on behalf of the application as follows, to wit:

- A. He testified that he is the project engineer and planner, and as such is fully familiar with the subject property, the proposed plans, and the surrounding neighborhood.
- B. He noted that the subject property is located in the R4A Zone in which single family residential is a permitted use.
- C. He testified that the lot size is 14,586 square feet and complies with the zone requirement which is 10,000 square feet.
- D. He testified that the home that was destroyed in the fire previously was non-conforming as to the front yard setback (bay side). He noted that the application that was originally designed required variance relief for front yard setback, rear yard setback, second floor ratio and building height (cupolas); however, after the February 22, 2018 meeting, Applicant in conjunction with his professionals redesigned the home so as to eliminate the need for variance relief for front yard setback, rear yard setback as well as second floor ratio. As such, the only variance relief being requested for the subject application is for the VBE non-conformity for the two architectural cupolas proposed on the home. Maximum permitted VBE for a dwelling in this zone is 30 feet whereas cupola #1 is 32 feet 11 inches to the top of the dome and 31 feet 5 inches to the top of the dome for cupola #2.
- E. He noted that elimination of the architectural cupolas would bring the application into full conformity and require no variance relief; however, it was his professional opinion that the architectural design including the two cupolas provided for greater aesthetics in the overall site design. These improved

aesthetics are a benefit to the neighborhood and warrant the minor deviation from full compliance with the VBE requirement.

- F. He testified that development in this bayfront neighborhood, provides for a maritime environment in which the architectural cupolas are consistent with that tradition and neighborhood scheme. He noted that the inclusion of the cupolas would not negatively impact the neighbors in terms of light, air and open space, nor views of the bay. As such, it was opinion that the variance relief could be granted without any substantial detriment to the public good, nor any substantial detriment to the zone plan.
8. No persons appeared in opposition to the application.
9. The Board makes the following findings and 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 damaged and destroyed by a fire and the Applicant seeks to construct a new single family home on this bayfront lot fully compliant to current FEMA standards.
 - As amended, the plan submitted meets all bulk requirements of the zone with the exception of maximum permitted vertical building envelope (VBE) as applied solely to two architectural cupolas in the design. All roof lines/peaks meet VBE requirements.
 - The architectural design of the proposed home has incorporated numerous features to provide not only an aesthetic design, but to minimize the visual mass of this significant home. The two proposed cupolas are in keeping with that

design and provide an improvement to the overall design that is in character with the upscale coastal design of the bayfront neighborhood.

- The proposed development as designed in the plot plan and architectural 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 for maximum permitted VBE related solely to the two proposed architectural cupolas.
- The variance relief requested creates no significant detrimental impact to the public good.
- The variance relief requested creates no significant impairment to the intent or purpose of the zone plan.
- The Board notes that no neighbors spoke in opposition to the proposed application.

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 5th day of April, 2018, that the application 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: Beth Nelson

Seconded by: Jane White

ROLL CALL VOTE

Those in Favor: Robert McIntyre, Susan Laymon, Jane White, Betsy Nelson, Beth Nelson

Those Opposed: NA

Those Absent: Mayor George Nebel, Steve Gillingham, Joe Daly

Those Not Voting: Denise Boughton, John Wesson, Christine Beck

The foregoing is a true copy of a Resolution adopted by said Board at its meeting on May 3, 2018, as copied from the Minutes of said Meeting.



SECRETARY OF THE BOARD

DATED: 5/3/18