

**RESOLUTION NO. 2019-004 OF THE
BOROUGH OF MANTOLOKING JOINT PLANNING BOARD –
ZONING BOARD OF ADJUSTMENT**

WHEREAS, E. ASPLUNDH, LLC, whose mailing address is 708 Blair Mill Road, Willow Grove, Pennsylvania 19090, has applied to the Borough of Mantoloking Joint Planning Board – Board of Adjustment for variance relief affecting premises located at 213 Channel Lane, Mantoloking, New Jersey 08738, also known as Lot 3, 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, a public hearing was held on the said application on July 11, 2019 in the Municipal Building 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 10,692 square feet.
2. The tract in question is located in the R-4A Zone.
3. The Applicant is seeking variance relief to make the following site modifications to the existing developed single family residential site: removal of existing brick driveway and walkway with replacement by cobblestone driveway and installation of stepping stones, walkway, and fieldstone wall. Variance relief is required as follows:

- Front yard setback where 34.5 ft. minimum is required and 20.6 ft. is existing (proposed to remain).
- Maximum permitted coverage where 4,811 sq. ft. is permitted, 5,454.6 sq. ft. is existing and 5,255.8 sq. ft. is proposed by the new development changes.
- Lot coverage where 3,207.6 sq. ft. is permitted and 4,705.9 sq. ft. is existing and 4,607.1 sq. ft. is proposed, by the new development.

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

- An application dated May 20, 2019.
- Letter dated May 16, 2019 from William Gage, Esq.
- Tax Certification dated May 20, 2019 indicating that all taxes are current.
- Certified list of property owners located within 200 feet of the property dated May 20, 2019.
- Letter denying the Zoning Permit for Permit Number H18-024, dated April 3, 2019.
- Plot Plan and Surface Water Management Plan prepared by Lindstrom, Diessner & Carr, PC, dated March 3, 2019, unrevised.

5. Charles Lindstrom, P.E., P.P., testified on behalf of the application as follows, to wit:

- A. He prepared the Plot Plan submitted for the application in support of the variance relief requested and as such is fully familiar with both the subject property and the surrounding neighborhood.
- B. As depicted on the plan, the subject property is located in the R-4A Zone in which single family residential development is a permitted use.

- C. He noted that the site is a fully developed single family residential property. He testified that there are no proposed modifications to the single family home nor to the covered deck to the bay-side of the property.
- D. He testified, as shown on the Plot Plan submitted under the portion of the plan identified as “existing conditions plan,” the existing development provides for a wet laid brick driveway and front walkway leading to the entranceway together with a wood retaining wall.
- E. As depicted on the Plot Plan submitted, under the portion of the plan identified as “proposed development plan,” the proposed application would eliminate the wet laid brick and replace same with a dry laid/crowned cobblestone driveway as depicted on the plan. The front brick walkway would be replaced with the stepping stones and granite steps as shown on the plan, while the wood retaining wall would be eliminated and replaced with the fieldstone wall as shown therein. As shown on the plan, the stepping stones are also provided from the cobblestone driveway to the front entranceway.
- F. He testified that the proposed modifications to the plan would greatly enhance the aesthetics at the site, while creating no detriment to the surrounding properties nor to the zone plan.
- G. As to the variances requested, he agreed that a front yard setback variance is required for an existing condition that will remain unchanged where 34.5 ft. is the minimum required for the subject property, and 20.6 ft. is the existing condition to the home which shall remain unchanged by the subject application. The proposed improvements would in no way modify or exacerbate that existing condition.

- H. He confirmed that a lot coverage variance is required for the subject site where 3,207.6 sq. ft. is allowed and the proposed plan provides for 4,607.1 sq. ft. He noted that while this is a non-conforming condition that requires variance relief, the existing development provides for 4,705.9 sq. ft. and thus the proposed development while improving aesthetics at the site, in fact reduces the lot coverage on site. As such, this is a zoning benefit for the subject property.
 - I. He confirmed that a variance is a required for proposed maximum lot coverage where 4,811.4 sq. ft. is allowed and 5,255.8 sq. ft. is proposed. He noted that while said proposal requires variance relief, it is an improvement from the existing condition, which provides for 5,454.6 maximum coverage. He noted that the site improvements, which are an aesthetic improvement to the site, in no way exacerbate the variance condition onsite. As such, this is a zoning benefit for the subject property.
 - J. He opined that the proposed application advances purposes of zoning as set forth in N.J.S.A. 40:55D-2(a) and (i) and the advancement of those purposes outweigh any detriment created by the proposed non-compliance of the application which he depicted as de minimis.
 - K. He opined that the variance relief could be granted without any negative impact to the surrounding properties nor would there be any substantial detriment to the zone plan, noting that the proposed application reduces the existing non-conformity onsite.
- 6. No persons appeared in opposition to the application.
 - 7. 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 proposed application advances purposes of zoning as defined in N.J.S.A. 40:55D-2(a) and (i). Those benefits outweigh any detriment by the deviation from the strict application of the zoning ordinance.
- The proposed development as set forth in the plot plan submitted provides for site improvements that are a significant aesthetic improvement to the existing property.
- The proposed site improvements not only create no additional variance relief for the site, but in fact reduce the amount of non-conformity for both the lot coverage and the maximum coverage existing onsite. Such improvement, while not achieving zoning ordinance compliance, is a better zoning alternative than that which is existing onsite.
- The variance relief requested creates no significant detriment to the public good and the Board notes that no persons appeared in opposition to the application.
- The variance relief requested creates no significant impairment to the intent or purpose of the zone plan, bringing the site closer to compliance with the zoning ordinance requirements for the R-4A Zone.

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 11th day of July, 2019, that the application for E. ASPLUNDH, LLC, 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 conditions specified in this Resolution.
6. 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.
7. An essential and non-severable condition of approval is compliance with the Borough's Affordable Housing and Growth Share Ordinance as applicable.

Moved by: Steve Gillingham

Seconded by: Susan Laymon

ROLL CALL VOTE

Those in Favor: Christine Beck, Steve Gillingham, Susan Laymon, Jane White, John Wesson,
Betsy Nelson, Beth Nelson

Those Opposed:

Those Absent: Robert McIntyre, Denise Boughton, Joan Mattia, John Conti

Those Not Voting: NA

The foregoing is a true copy of a Resolution adopted by said Board at its meeting on August 8,
2019, as copied from the Minutes of said Meeting.


SECRETARY OF THE BOARD

DATED: 8/8/19