

**RESOLUTION NO. 2016-001 OF THE
BOROUGH OF MANTOLOKING JOINT PLANNING BOARD – BOARD OF
ADJUSTMENT**

WHEREAS, *GREG and DIANE ESHLEMAN*, whose mailing address is 42 Scribner Court, Princeton, New Jersey 08540, has applied to the Borough of Mantoloking Joint Planning Board – Board of Adjustment for variance relief affecting premises located at 1315 Ocean Avenue, Mantoloking, New Jersey 08738, also known as Lot 4, Block 35, 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 April 7, 2016 in the Municipal Building (Fire House – 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 25,000 square feet.
2. The tract in question is located in the R1 Zone.
3. The Applicant is seeking variance relief approval to renovate and elevate an existing single family residential dwelling. Variance relief is required, as follows:

- Maximum allowable lot coverage – where 5,260 square feet maximum is allowed and as-built lot coverage (proposed) is 5,950.1 square feet (690.1 square feet over allowable area).

- Minimum required side yard setback – 15 feet is required and 12.8 feet is

provided (proposed).

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

- An Application dated January 14, 2016.
- Tax Certification dated January 4, 2016 indicating that all taxes are current.
- Flood Elevation Certification prepared by William Doolittle of Lindstrom, Diessner & Carr, P.C., dated June 4, 2015 and containing no revisions.
- Certified List of Property Owners located within 200 feet of the property dated January 20, 2016.
- Plot Plan, prepared by Lindstrom, Diessner & Carr, P.C., dated November 9, 2015, containing no revisions.
- Topographic Survey prepared by Lindstrom, Diessner & Carr, P.C., dated November 4, 2015.
- Exhibit A1 – Photograph – pre-storm photo of home.
- Exhibit A2 – Photograph – post storm photo of home.
- Exhibit A3 – Photograph – post storm photo of home.
- Exhibit A4 – Photograph – post storm photo of home.
- Exhibit A5 – Photograph – post storm photo of walkway (side of lot).
- Exhibit A6 – Coverage calculation document.
- Exhibit A7 – Color coded plot plan.

5. Gregory Eshleman testified on behalf of the Application as follows, to wit:

A) He, together with his wife, are the title owners of the subject property.

B) He and his wife purchased the property approximately 17 years ago.

The existing home was a historic Victorian home which was severely damaged during Super Storm Sandy.

C) After assessing the damage to the home and the need to elevate, Applicant's determined to preserve the historic Victorian home while elevating the home as required to meet FEMA requirements and renovating/repairing to improve the overall aesthetics and functionality of the home.

D) Due to the modification to the garage configuration, the driveway area needed to be modified to allow for effective and efficient ingress and egress from the garage.

E) Based on the contractor's recommendation, they also widened the width of the driveway to 14 feet to provide for safer and more efficient ingress and egress to the site. He incorrectly believed same could be accomplished without requiring variance relief for lot coverage. However, same was identified at the time of the as-built survey at completion of construction.

F) As to the request for the side setback variance for the wood walkway within the side setback, he noted that same has been done as a necessary accommodation for Applicant's elderly parents.

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

A) He is the engineer and planner on the project and prepared the plot plan for variance submitted for the board's review and approval.

B) He noted that following the storm damage to the existing historic

Victorian home, Applicant embarked to preserve the home while elevating to meet FEMA requirements and renovating to improve overall aesthetics and functionality of the site.

C) Those renovations are as depicted on the plot plan for variance submitted which details the reconfigured garage, the new breeze way connecting the garage to the home, together with the side yard grade level wood walkway which provides ground level access from the garage/breeze way area to the rear yard deck.

D) He noted that due to the location/elevation of the dune area to the south side of the property, this grade level wood walk way could not be relocated to said area to avoid encroachment into the north side set back area.

E) He opined that the renovations at the existing site significantly improve the safety of the site by elevating the home to current FEMA standards while maintaining the historic Victorian aesthetic appeal of the home together with its porches in a way that has improved overall aesthetics at the site.

F) He noted that the renovations proposed via the reconfigured garage and modified walk way area, (while contributing to the need for the coverage variance) provides for better safety and site circulation.

G) He testified that the prior driveway from Ocean Avenue to the garage was only 10 feet wide, whereas the proposed Application provides for 14 foot wide driveway. He opined that this is a better zoning alternative for efficient and safe use of the site. As to the paver driveway, he testified that the use of gravel and/or seashells will not significantly change the drainage in any way. He noted that the driveway area is curbed and sloped toward the street.

H) He agreed as a condition to provide for onsite recharge structures as

necessary, together with a drainage report that confirms that post development runoff shall not exceed predevelopment runoff. Said report and proposed recharge structures shall be subject to the review and approval of the Borough engineer.

7. No persons appeared in opposition to the application.

8. 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 on the following findings:

- The need to renovate the home on site was precipitated by storm damage and by elevating the home to construct to FEMA requirements, same is a safety benefit to the subject and surrounding property.

- The architectural design of the renovation preserves the historic Victorian nature of the home and visually mitigates against the increased height/elevation of the home as required to comply with FEMA regulations.

- That architectural design which includes maintaining of the significant porches together with providing for a breeze way connecting the garage to the home contributes to the need for the coverage variance but that deviation is outweighed by the overall aesthetic improvement of the site in conjunction with the improved safety of the design as well.

- 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 reconfigured garage and driveway area/width provides for a better zoning alternative in that it provides for safer and more efficient ingress/egress at the site.

- The encroachment of the ground level wood walkway to the side

yard setback on the north side of the property creates no significant negative impact to the overall design of the project while providing a significant benefit for those persons on site that would otherwise have difficulty with stairs. The Board acknowledges that due to the dune location/slope of the property on the south side of the lot, the location of the walkway on that side of the property in an area outside of the side setback would be impracticable.

- 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 deviation from the strict Application of the zoning ordinance.

- The variance relief requested creates no significant detrimental impact to the public good, nor does it impair 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 7th day of April, 2016 that the Application for ***GREG and DIANE ESHLEMAN***, be granted, subject to the following terms and conditions:

1. The applicant shall comply with all representations made before the Planning Board, by the applicant and/or its attorney and its expert(s). In the event that the resolution does not embody any stipulations that were made by the applicant or its witnesses and/or experts during the hearing or by the board in approving the motion, those stipulations shall nevertheless be applicable. It shall be the responsibility of the applicant to comply with all stipulations and conditions made at the hearing.

2. Applicant shall obtain all approvals required by any federal, state, county or municipal agency having regulatory jurisdiction of this development. Upon receipt of such

approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Borough of Mantoloking Planning Board for approval of that change. Applicant shall obtain any and all other approvals required by this proposal including but not limited to, appropriate building permits.

3. All materials, methods of construction and details shall be in conformance with the current engineering and building requirements of the Borough of Joint Mantoloking Planning Board – Board of Adjustment, which are on file in the office of the borough engineer.

4. Applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of this resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant

5. The Applicant agreed as a condition to provide for onsite recharge structures as necessary, together with a drainage report that confirms that post development runoff shall not exceed predevelopment runoff, said report and proposed recharge structures to be subject to the review and approval of the Borough engineer.

6. The applicant is required to post all necessary site performance bonds, inspection fees and all professional review fees in accordance with the Ordinance.

7. An essential and non-severable condition of this approval is compliance with the Development Fee Ordinance of the Borough of Mantoloking, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.

ROLL CALL VOTE

MOVED BY: Steve Gillingham

SECONDED BY: Jane White

THOSE IN FAVOR: Robert McIntyre, Courtney Bixby, Steve Gillingham, Stan Witkowski, Mark Hawkings, Jane White, Joe Daly, Betsy Nelson, Susan Laymon, Michael Duggan

THOSE OPPOSED:

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded by the Zoning Board Secretary, to the Applicant's Attorney, the Mantoloking Joint Planning Board – Board of Adjustment and the Affidavit of Publication be provided to the Planning Board Clerk.

ADOPTED, on this __5th__ day of May, 2016.

VOTE TO ADOPT: May 5, 2016

MOVED BY: Steve Gillingham

SECONDED BY: Michael Duggan

THOSE IN FAVOR: Robert McIntyre, Courtney Bixby, Steve Gillingham, Stan Witkowski, Mark Hawkings, Jane White, Betsy Nelson, Susan Laymon, Michael Duggan

THOSE OPPOSED:

CERTIFICATION

I hereby certify that I, the undersigned, am the secretary of the Joint Planning Board – Board of Adjustment of the Borough of Mantoloking, County of Ocean, State of New Jersey and I hereby certify that the foregoing Resolution was adopted by the Planning Board of Mantoloking at a regular meeting held on 7th day of April, 2016 and memorialized at the meeting held on the __5th__ day of May, 2016.


Mantoloking Joint Planning Board, Secretary
Board of Adjustment