

**RESOLUTION NO. 2019-002 OF THE
BOROUGH OF MANTOLOKING JOINT PLANNING BOARD –
ZONING BOARD OF ADJUSTMENT**

WHEREAS, WILLIAM and THERESA HAZELTON, whose mailing address is 1002 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 1002 Ocean Avenue, Mantoloking, New Jersey 08738, also known as Lot 18, Block 13 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 4, 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 13,002 square feet.
2. The tract in question is located in the R-4A Zone.
3. The Applicant is seeking variance relief to construct a new 15 ft. x 30 ft. in-ground swimming pool with surround and fencing as required by code. Variance relief is required as follows:
 - Minimum required average front-yard setback for an in-ground pool where 46.724 ft. is required and 27.57 ft. is proposed.

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

- A Zoning denial letter dated March 12, 2019.
- A variance application dated March 19, 2019.
- Letter dated March 20, 2019 from William Gage, Esq.
- Tax Certification dated March 7, 2019 indicating that all property taxes for this property are current as of that date.
- Certified list of property owners located within 200 feet of the property dated March 11, 2019.
- Plot Plan and Surface Water Management Plan prepared by R.C. Burdick, PE, PP, PC, dated January 3, 2019, revised January 16, 2019.
- Exhibit A1 – Photograph of subject property – Barnegat Lane side.
- Exhibit A2 – Photograph of subject property – Ocean Avenue side.
- Exhibit A3 – Photograph of subject property – Ocean Avenue side.

5. Theresa Hazleton, testified on behalf of the application as follows, to wit:

- A. She and her husband are the title owners to the subject property.
- B. After Superstorm Sandy, she and her husband purchased the storm damaged home and demolished same, thereafter constructing the current home that is situated on the property. They submitted for and obtained all necessary land use permits for the construction of the new single family home.
- C. She noted that the home that had previously existed on the site (which they demolished) was oriented with the front door toward Ocean Avenue and the rear of the home toward Barnegat Lane. As such, when they designed and constructed the current, new single family home onsite, the same orientation was provided.

Making reference to Exhibits A1, A2 and A3, she pointed out that the front door/front porch is oriented toward Ocean Avenue while the rear of the home and rear deck is oriented toward the Barnegat Lane side of the lot. As such, the proposal and intent is to provide for the proposed swimming pool in the yard on the Barnegat Lane side of the property which although defined by ordinance as the front yard is effectively utilized by the Applicant as their rear yard.

D. In conjunction with the proposed swimming pool, if approved, Applicant intends to provide for a landscape plan on the Barnegat Lane side so as to provide for improved aesthetics and privacy on that side of the property.

6. Robert Burdick, P.E., P.P., testified on behalf of the application as follows, to wit:

A. He prepared the Plot Plan for the variance relief requested and submitted in support of the application and as such is fully familiar with the subject property and the surrounding neighborhood.

B. He described the subject property noting that the existing lot is 13,002 sq. ft. in the R-4A Zone which requires a minimum of 10,000 sq. ft.

C. The single family residential proposed use with a swimming pool as an accessory is a permitted use in the R-4A Zone in which the property is located.

D. He testified that the dimensions of the lot meet or exceed all requirements for the zone.

E. Referring to the plot plan submitted, he noted that the subject property is bordered by two roadways with the property's front-yard defined by the ordinance as abutting Barnegat Lane while its rear-yard abuts Ocean Avenue (Rt. 35).

- F. As depicted on the plot plan, he pointed out the proposed in-ground pool location in the Barnegat Lane portion of the lot and its orientation to the existing home and driveway. He noted the proposed plan provides for code compliant pool surround fencing and a landscape plan (to be provided) for the pool area which will enhance the overall aesthetics at the site and provide for reasonable privacy for the Applicant as well as the surrounding properties.
- G. He testified that in the immediate neighborhood, other swimming pools are similarly located on the Barnegat Lane side of the properties with similarly located pools as to setback from Barnegat Lane. As such, he opined that the proposed application could be granted without any substantial detriment to the surrounding properties as well as to the zone plan of the Borough of Mantoloking. He testified that same is in conformity with the character of development in the immediate area.
- H. He opined that the proposed application advances purposes of zoning as set forth in N.J.S.A 40:55D-2(g) and (i) and the advancement of those purposes outweigh any detriment created by the proposed application, that he identified as de minimis.
- I. He addressed the Board Engineer Report dated March 20, 2019 as follows:
- As to Paragraphs 1 and 2, he agreed to correct the plan to accurately reflect the required average front-yard setback calculation at 46.724 ft.
 - As to Paragraph 3, he agreed to correct the attorney letter dated 3/19/19 to reflect the accurate front-yard setback calculation.

- As to Paragraph 4, he indicated that Applicant shall re-route the existing sanitary sewer lateral to the extent it is in conflict with the proposed pool.
 - As to Paragraph 5, he testified that to the extent the proposed grading between the side property line and the proposed pool conflict with a subsurface perforated pipe infiltration trench for the original site design for the subject dwelling; Applicant shall address the potential conflict via a revised grading/trench plan which shall be subject to the review and approval of the Board Engineer.
 - As to Paragraph 6, he agreed to revise the plan to accurately reflect the proposed setback distance for the pool at 27.57 ft.
7. Persons appeared in favor of the pool application. No persons appeared in opposition to the approval of the proposed swimming pool.
8. 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)(b)(c)(g) 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 adequate light, air and open space on the site and for the surrounding properties.
 - The proposed in-ground pool is appropriately located for this particular lot based upon its existing home location and orientation, the landscape

improvements to be made, together with the appropriate code compliant pool fencing.

- 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.

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 4th day of April, 2019, that the application for William and Theresa Hazelton 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.
8. Applicant shall submit a landscape plan that shall be subject to review and approval of the Board Engineer as to type, amount, and location of landscaping.
9. Applicant shall submit a revised grading/trench plan that shall be subject to the review and approval of the Board Engineer if the pool construction conflicts with an existing subsurface perforated pipe infiltration trench.

Moved by: Steve Gillingham

Seconded by: Robert McIntyre

ROLL CALL VOTE

Those in Favor: Robert McIntyre, Steve Gillingham, Susan Laymon, Jane White, John Wesson, Betsy Nelson, Joan Mattia, John Conti

Those Opposed: N/A

Those Absent:

Those Not Voting: Christine Beck, Denise Boughton, Beth Nelson

The foregoing is a true copy of a Resolution adopted by said Board at its meeting on April 4, 2019, as copied from the Minutes of said Meeting.


SECRETARY OF THE BOARD

DATED: 5/2/19

**RESOLUTION NO. 2019-002 OF THE
BOROUGH OF MANTOLOKING JOINT PLANNING BOARD –
ZONING BOARD OF ADJUSTMENT**

WHEREAS, WILLIAM and THERESA HAZELTON, whose mailing address is 1002 Ocean Avenue, Mantoloking, New Jersey 08738, have applied to the Borough of Mantoloking Joint Planning Board – Board of Adjustment for administrative approval to amend the previously approved plot plan with variance relief affecting premises located at 1002 Ocean Avenue, Mantoloking, New Jersey 08738, also known as Lot 18, Block 13 as designated on the Tax Map of said Municipality; and

WHEREAS, a public hearing was held on the said application on June 6, 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 13,002 square feet.
2. The tract in question is located in the R-4A Zone.
3. The Applicant is seeking administrative approval to modify the previously approved plan (Resolution No. 2019-001) as follows:
 - Relocation of the swimming pool 8 ft. to the south rendering an 18 ft. side setback as opposed to the previously approved 10 ft. side setback.
4. The Applicant submitted the following in support of the application:
 - 6/5/19 Correspondence/Application for administrative approval by Robert C. Burdick, P.E.

- Revised pool plan by R.C. Burdick, P.E., P.P.
5. No persons appeared in opposition to the application.
 6. The Board makes the following findings, to wit:
 - A. The revised pool plan submitted for administrative approval requires no additional variance relief for the subject project.
 - B. The 8 ft. relocation of the pool to the south was necessitated after Applicant's professionals had discussions with New Jersey Natural Gas related to the proposed relocation of the existing gas service line; and notice by New Jersey Natural Gas requiring the existing line configuration to remain for safety purposes.
 - C. The relocation of the pool allows for Applicant to maintain the gas line in its current location/configuration as required by New Jersey Natural Gas while creating no detriment to the surrounding property owners.

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 6th day of June, 2019, based on the findings herein above stated, it does hereby grant the administrative approval application subject to the following 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. All requirements and conditions of Resolution No. 2019-001 shall remain in full force and effect unless specifically modified herein.

Moved by: Steve Gillingham

Seconded by: Susan Laymon

ROLL CALL VOTE

Those in Favor: Robert McIntyre, Steve Gillingham, Susan Laymon, Jane White, John Wesson,
Betsy Nelson, Beth Nelson, John Conti

Those Opposed: NA

Those Absent: Joan Mattia

Those Not Voting: Christine Beck, Denise Boughton

The foregoing is a true copy of a Resolution adopted by said Board at its meeting on July 11, 2019,
as copied from the Minutes of said Meeting.

Colleen Malvasio
SECRETARY OF THE BOARD

DATED:

7/11/19