

RESOLUTION #2023-010
RESOLUTION OF APPROVAL
APPLICATION OF
JIM and SUZANNE MURRAY
APPLICATION PB#2023-001

IN THE MATTER OF : PLANNING BOARD OF THE
JIM & SUZANNE MURRAY : BOROUGH OF MANTOLOKING
: APPLICATION NUMBER 2023-001
: BLOCK 13; LOTS 6
: 944 OCEAN AVENUE

WHEREAS the Planning Board of the Borough of Mantoloking is a duly constituted body as authorized by statute with the responsibility to supervise and to be concerned with the orderly development and planning of the Borough as authorized by the statutes and ordinances made and provided; and

WHEREAS, the property is located in the R-4A Zoning District, at 944 Ocean Avenue (Block 13, Lot 6) the bulk area requirements for this zoning district are referred to in ordinance 30-6.2(b) of Chapter XXX- Land Use Regulations of the Borough of Mantoloking

WHEREAS per section 30-6.2. b. and section 30-6.7 of the Mantoloking Code, the minimum lot size for the R-4A zone is 10,000 square feet, and whereas, this subject lot area is 8,235 square feet, a pre-existing nonconforming lot, and

WHEREAS per section 30-6.2.(b) and section 30-6.10 of the Mantoloking Code, the minimum front yard setback for a principal structure for the subject lot is 25 feet, whereas the subject parcel has 21.8 feet a preexisting nonconforming front yard setback.

WHEREAS per section 30-6.2.(b) and section 30-6.8.(a) of the Mantoloking code, the maximum lot coverage is 30% and whereas , the applicant is requesting approval for exceeding the lot coverage from 37.2% (existing) to 35.6% for the construction of the in-ground pool and associated at grade decks and the removal of a section of an existing paver patio.

WHEREAS per section 30-6.2.(b) and section 30-6.10.(a) of the Mantoloking code, the minimum side yard setback for an accessory structure is ten (10) feet, and whereas, the applicant is proposing the accessory side yard setback of approximately four (4) from the southern side property line for the at-grade deck around the in-ground pool.

WHEREAS per section 30-6.2.(b) and section 30-6.10.(a) of the Mantoloking code, the minimum side yard setback for an accessory structure is ten (10) feet, and whereas, the applicant is proposing the accessory side yard setback of approximately five (5) from the western side property line for the at-grade deck around the in-ground pool.

WHEREAS, the Applicant, Jim & Suzanne Murray is the owner of the at issue property and requesting variance relief due to the existing hardship nature of the property; and

WHEREAS, the Applicant is represented by John J. Jackson, Esq.; and

WHEREAS, the Applicant, Jim & Suzanne Murray, has indicated a desire to construct an at grade deck around the in-ground pool four (4) feet on southern side and five (5) feet on the western side of the in-ground pool. where a 10 feet minimum side yard setback is required; and

WHEREAS the Applicant's attorney stated the need for the generator, and this was the best place to place the generator; and

WHEREAS, the Applicant's Engineer and Planner, Robert Burdick, discussed the at grade decking around the in-ground pool, testifying to the C-1 and C-2 criteria and that the positive criteria outweighed any negative criteria, and determined there was no substantial detriment to the Mantoloking zoning plan.; and

WHEREAS Robert Burdick introduced an exhibit, A-1 (consisting of 7 pages) color photos of the house, close up of the side area and existing bushes/trees and showing the screening from the street and aerial photos of the subject property. The engineer/ planner further testified that positive criteria outweighed any negative criteria and provided open light and space which was unique to an undersized lot. and

WHEREAS, Ryan Doyle, the pool contractor testified that he installed the at grade deck not understanding that would create a variance for side setback. He became aware of the situation when the as built was submitted to the Borough.

WHEREAS, Jim Murray, the property owner testified that it was mistake and now seeks a variance to keep the at grade deck for safety purposes around the in-ground pool.

WHEREAS there was one member from the public Jeff Siebert commented on this application and supported the application; and

WHEREAS, the Planning Board of the Borough of Mantoloking was satisfied that the Applicants, Jim and Suzanne Murray, and the Board determined that the Applicant's variance relief pursuant to *N.J.S.A. 40:55D-46* and *N.J.S.A. 40:55D-50* were found to be sufficient as to style and design, and the Board approved the Applicant's request; and

WHEREAS the Board determined that the at grade deck around the in-ground pool had existing screening on the southern side property line and western property line; and

WHEREAS the at grade deck around the in-ground pool shall be located four (4) feet from the southern side property line and five (5) from the western property line, which constituted a hardship in accordance with *N.J.S.A. 40:55D-70(c)(1)* and *(c)(2)*; and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Mantoloking.

NOW, THEREFORE, BE IT RESOLVED, by the Mantoloking Planning Board, in the County of Ocean and State of New Jersey, on the 1st day of June 2023, upon a motion made by John Conti and seconded by Joan Mattia, that the application of Jim and Suzanne Murray be granted, subject to the following terms and conditions:

1. The Applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of June 1, 2023.
2. The Applicant shall provide all required Site Performance Bond, Inspection Fees, and professional review fees in accordance with the Municipal Ordinance, if required.
3. The Applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the Applicant shall comply with any requirements or conditions of such approvals or permits.
4. The Applicant must comply 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.
5. The Applicant is required to provide for any and all of the regulatory approvals required by law including, but not limited to the Ocean County Planning Board, if required.

Publication of a notice of this decision will be published in the official newspaper of the Mantoloking Planning Board at the cost of the Applicant.

ADOPTED this 13th day of **JULY 2023**.

VOTE ON ROLL CALL:

IN FAVOR, John Wesson, Christine Beck, Susan Laymon Joan Mattia, John Conti,

OPPOSED: Brett Radi, Betsy Nelson, and Beth Nelson

NOT- PRESENT: Garret Vreeland, Robert McIntyre, Denise Boughton

CERTIFICATION

It is hereby certified that the attached is a true copy of the Resolution for Application #2023-001, approved on June 1, 2023, and duly adopted as to form by the Mantoloking Planning Board and memorialized at its Board meeting held on July 13, 2023.



Beth Nelson
Chairwoman
Borough of Mantoloking
Planning Board



Vanessa Faljean
Secretary
Borough of Mantoloking
Planning Board