

RESOLUTION #2023-011_
RESOLUTION OF APPROVAL
APPLICATION OF
JEFFREY and JANE SEIBERT
APPLICATION PB#2023-002

IN THE MATTER OF : PLANNING BOARD OF THE
JEFFREY and JANE SEIBERT : BOROUGH OF MANTOLOKING
 : APPLICATION NUMBER 2023-002
 : BLOCK 8; LOTS 8
 : 945 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-6A Zoning District, at 945 Ocean Avenue (Block 8, Lot 8) with frontage on NJ State Route 35 (Ocean Ave). The Applicant proposes to demolish an existing detached garage and the construction of a proposed addition to the principal structure with an attached garage and habitable second story above the garage. 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 30-6.10.(a) of the Mantoloking Code, the minimum side yard setback for a principal structure is Ten (10) feet, and whereas, the applicant has an existing dwelling with a pre-existing nonconforming side yard setback of 6.4 feet., and

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, whereas the applicant has an existing detached garage with a preexisting nonconforming side yard setback of Five (5) feet.

WHEREAS per section 30-4.9.(e), section 30-6.2(b) and section 30-6.10.(a) of the Mantoloking code, the minimum rear yard setback for a deck is ten (10) feet and whereas ,the applicant has an existing at grade deck with a preexisting nonconforming rear yard setback of nine (9) feet.

WHEREAS per section 30-4.9.(e) and 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 has an existing elevated deck with a pre-existing nonconforming rear yard setback of approximately nine (9) feet.

WHEREAS per section 30-4.9.(e),section 30-6.2.(b) and section 30-6.10.(a) of the Mantoloking code, the minimum side yard setback for a deck is ten (10) feet, and whereas , the applicant has an existing at grade deck with a pre-existing nonconforming side yard setback of zero (0) feet.

WHEREAS per section 30-6.2.(b) and section 30-6.8.(a) of the Mantoloking code, the maximum Lot Coverage is 305, and whereas the zoning table n the plot plan identifies a pre-existing nonconforming lot coverage area of 2,047.7 square feet or 37.12% for the subject parcel.

WHEREAS per section 30-6.2.(c) and section 30-6.10.(a) of the Mantoloking code ,the maximum second habitable floor to first habitable floor ratio is 80%, and whereas , the applicant has a dwelling with pre-existing non-conforming second habitable floor to first habitable floor ratio of 95.37%.

WHEREAS, the Applicant, Jeffrey & Jane Seibert are 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 William T. Gage, Esq.; and

WHEREAS, the Applicant, Jeffrey & Jane Seibert, has indicated a desire to exceed lot coverage from 37.1% to 36.7% with the demolition of an existing garage and the construction of a proposed addition to the principal structure with an attached garage and habitable second story above the garage, where the Mantoloking Code only permits 30% Lot Coverage; and

WHEREAS the Applicants are also proposing the principal side yard setback of 8.7 feet from the southern side property line for the attached garage and second story addition whereas the minimum side yard setback for a principal structure s ten (10) feet. attorney stated the need for the generator, and this was the best place to place the generator; and

WHEREAS the Applicants are proposing to expand a pre-existing non-conforming habitable floor to first habitable floor ratio condition from 95.37 to 5.52 whereas the maximum second habitable floor to first habitable floor ration is 80%.

WHEREAS, the Applicant's Engineer and Planner, Chuck Lindstrom, discussed the free-standing garage which will be razed, testifying that the proposed attached garage improves the set back issue and lot coverage is improved. The street scape for the proposed addition and attached garage fits into the neighborhood. The proposal meets 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 Dan Lynch, the architect for the project, testified why the existing garage should be torn down and the benefit of adding a bedroom above the new attached garage. He testified that the side yard setback improved and decreased the lot coverage variance, and

WHEREAS, Jane Seibert, the property owner testified that it was a wonderful location, and that the addition would be beneficial to the family.

WHEREAS there was one member from the public James Murray commented on this application and supported the application; and

WHEREAS, the Planning Board of the Borough of Mantoloking was satisfied that the Applicants, Jeffrey and Jane Seibert, 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 removal of the detached garage and the proposed addition of the additional bedroom over the new proposed attached garage reduced the side setback and lot coverage setbacks; and

WHEREAS the demolition of the existing detached garage and the construction of a proposed addition to the principal structure with an attached garage and habitable second story above the garage reduces lot coverage from 37.1 % to 36.7% and reduces the side yard setback to 8.7 from the southern side property line where ten feet is required is an improvement and the pre-existing nonconforming second habitable floor to the first habitable floor ratio condition from 95.3% to 95.52% is deminis ,the proposed addition constitutes 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 Susan Laymon and seconded by John Wesson, that the application of Jeffrey and Jane Seibert 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:

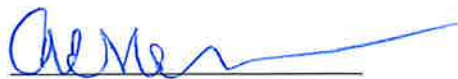
IN FAVOR, John Wesson, Brett Radi, Susan Laymon, Christine Beck, Joan Mattia, John Conti, Betsy Nelson, and Beth Nelson

OPPOSED:

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 #2023-002, 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