

**RESOLUTION# 2024-05 RESOLUTION OF
APPROVAL APPLICATION OF
SUSAN STERK KIRCH,
APPLICATION #PB-2024-001**

IN THE MATTER OF SUSAN STERK : PLANNING BOARD OF THE BOROUGH
KIRCH : OF MANTOLOKING
: APP NUMBER 2024-001
: BLOCK 23; LOT 39
: 1097 OCEAN AVENUE

WHEREAS, an application has been made to the Borough of Mantoloking Land Use Board (the "Board") by Susan Sterk Kirch (the "applicant") for a Variance approval. The Applicant proposes to construct two (2) new dormers above the second habitable floor on the east side of the existing principal residential structure. The existing east side of the house currently has (1) existing dormer which is approximately one-third of the width of the roof ridge line. The two (2) new dormers will be located on both the north and south sides of the existing dormer. The subject parcel is commonly known as Lot 39 in Block 23 commonly known as 1097 Ocean Avenue in the Borough of Mantoloking, Ocean County, New Jersey, and said premises being located in the R-3B Zone; and

WHEREAS, the Applicant has satisfied the noticing requirements of the New Jersey Municipal Land Use Law and provided proof of same to the Mantoloking Land Use Board; and

WHEREAS, the Applicant was represented by William T. Gage, Esquire; and

WHEREAS, the Mantoloking Land Use Board reviewed the application, documents, plans and exhibits as submitted, and listened to the applicant and received information from its professional staff; and

WHEREAS, the Board heard the testimony and the evidence presented by the applicant.

NOW, THEREFORE BE IT RESOLVED, that the Land Use Board of the Borough of Mantoloking, County of Ocean, and State of New Jersey, on April 4, 2024, made the following findings:

1. The Board found the application complete.
2. According to the application, the Applicant is requesting to construct two (2) new dormers above the second-floor habitable

floor on the east side of the existing principal residential structure. The existing east side of the house currently has one (1) existing dormer which is approximately one-third of the width of the roof ridge line. The two (2) new dormers will be located on both the north and south sides of the existing dormer, which requires one variance:

- A. The one variance being requested:
 - 1. Pursuant to the Mantoloking code SECTION 30-4.7. (a), the aggregate width of dormers above the second habitable floor shall not exceed one-third of the width at the roof ridge line of the sloping roof in which they or it are situated. Since the applicant proposes two (2) dormers above the second habitable story which in the aggregate with the existing dormer, this would exceed one-third of the roof ridge line, a variance is needed.
 - B. The Applicant has not requested any design waivers, and none have been identified.
3. In support of the application, the Applicant submitted the following documents:
- A. An application and letter dated January 11, 2024 submitted by William T. Gage, Esq,
 - B. Tax certification dated January 12, 2024, indicating all taxes are paid;
 - C. Certified list of Property Owners located within 200 feet of the properties dated January 15, 2024.
 - D. Mantoloking Zoning Denial letter dated November 20, 2023.
 - E. An impervious coverage calculations and Zone table, prepared by Lindstrom, Diessner dated November 1, 2023, unrevised (1 sheet);
 - F. Preliminary Site Plan, prepared by David Bruce Mann, dated January 15, 2024, unrevised (1 Sheet);
 - G. Existing & Proposed Plans & Elevations of Proposed Dormers, prepared by Davis Bruce Mann, dated July 28, 2023, unrevised (1 Sheet)
4. During the public hearing held on April 4, 2024; the Land Use Board discussed the following review letters prepared by the Board's professionals, the contents of which are hereby adopted and incorporated in full:
- A. Zoning denial letter dated November 20, 2023, by the Land Use Board Deputy Land Use Official, Larry

Plevier.

B. Completeness letter dated February 10, 2024, by the Land Use Board Engineer and Deputy Land Use Official Larry Plevier.

5. The Land Use Board has received no other review letters/memos from the Mantoloking Officials.
6. During the public hearing, one exhibit was marked into evidence. Exhibit A-1 a color photograph of the existing house.
7. Based upon the comments of the Applicant's Attorney, William T. Gage, Esquire, the Board heard the following:
 - A. The Applicant is requesting to add two dormers onto the east side of the house. The two new dormers will be located on both the north and south side of the existing dormer. The dormers will have sloping head room for closet space.
8. Based upon the comments of the Applicant, Susan Sterk Kirch, the Board heard the following:
 - A. Ms. Kirch described the proposed dormers to the house.
 - B. Ms. Kirch stated they owned the residence for several years.
 - C. The dormers were being added for closet space only and no actual living area is included.
9. Based upon the sworn and qualified testimony of David Bruce Mann, licensed architect, the Board made the following findings of fact:
 - A. Mr. Mann prepared the plans submitted to the board.
 - B. There will be no living area, including in the dormers, only closet space expansion.
 - C. By adding the two dormers it will look architecturally pleasing and will fit into the neighborhood and the adjacent properties.
 - D. Mr. Mann described the head space will not exceed 7 ft as referred to the submitted plans. He added there

are no other non-conforming issues with the applicant's proposal.

10. There was no public comment on the application.
11. During the Board discussion, Board member John Wesson submitted Exhibit B-1 consisting of 12 pages. Explaining the difference between a dormer and roof ridge line.

CONCLUSIONS OF LAW

WHEREAS, the Board determined that the Applicant's request for a variance 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 need to construct two dormers on the east side of the residence contrary to Mantoloking Ordinance section 30-4.7 (a) for closet space and no actual living space is acceptable and constituted a hardship in accordance with *N.J.S.A. 40:55D-70(c)(1)* and (c)(2); and

WHEREAS, there will be no substantial negative impact on the surrounding property owners; 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 4th day of April 2024, upon a motion made by John Wesson and seconded by Garret Vreeland, that the application of Susan Sterk Kirch 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 April 4, 2024.
2. The Applicant shall provide all required Site Performance Bond and Inspection 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.
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. 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.
8. The Applicant shall comply with all the review comments and requirements in the Deputy Land Use Official, Larry Plevier's review letter dated February 10, 2024

ADOPTED this **4th** day of **APRIL 2024**.

VOTE ON ROLL CALL:

IN FAVOR: Robert McIntyre, John Wesson, Brett Radi, Paul Low, Garret Vreeland, Joan Mattia, and Chairwoman Beth Nelson

OPPOSED: None

NOT- PRESENT: Bradford Batcha, Denise Boughton

CERTIFICATION

It is hereby certified that the attached is a true copy of the Resolution for Application #2024-01, approved on April 4, 2024, and duly adopted as to form by the Mantoloking Land Use Board and memorialized at its regular meeting held on May 2, 2024.



Beth Nelson
Chairwoman
Borough of Mantoloking
Land Use Board



Vanessa Faljean
Secretary
Borough of Mantoloking
Land Use Board