

**RESOLUTION #2022-02  
RESOLUTION OF APPROVAL  
APPLICATION OF  
BENJAMIN and ANNE HUNEKE  
APPLICATION PB#2022-002**

IN THE MATTER OF : LAND USE BOARD OF THE  
BENJAMIN and ANNE HUNEKE : BOROUGH OF MANTOLOKING  
: APPLICATION NUMBER 2022-002  
: BLOCK 3; LOT (S) 1 AND 1.01  
: 935 EAST AVENUE

**WHEREAS**, the Land Use 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-3B Residential Zoning District, the bulk area requirements for this zoning district are referred to in ordinance 30-6.10 of Chapter XXX- Land Use Regulations of the Borough of Mantoloking, the minimum required side yard setback for an accessory structure (generator platform) is ten (10) feet where only five and six tenths (5.6) feet is proposed; and

**WHEREAS**, the Applicants, Benjamin and Anne Huneke, are the owners of the at issue property and requesting variance relief due to the existing hardship nature of the property; and

**WHEREAS**, the Applicants were represented by William T. Gage, Esq.; and

**WHEREAS**, the Applicants, Benjamin and Anne Huneke, have indicated that they desire to construct/place a new 5.12 foot by 7.58 foot platform, elevated approximately eight (8) feet from existing grade to bottom of girder, platform with generator on the northern side yard of the property (south beach side) requiring a variance where ten (10) feet is required and only 5.6 feet is provided and Applicant will comply with all other requirements for the construction of their new house; and

**WHEREAS**, the Applicant will be installing a 22KW Kohler gas generator, and louvers are proposed to screen the generator subject to review by the Board Engineer; and

**WHEREAS**, the Applicant's Engineer, Charles Lindstrom, P.E. testified that the generator would not conform anywhere on the property, the generator is the least intrusive on the northern side of the lot as the south side is close to a neighbor; and

**WHEREAS**, the Land Use Board of the Borough of Mantoloking was satisfied that the Applicants, Benjamin and Anne Huneke, 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 need for the minimum side yard setback for an accessory structure variance is due to conditions of the lot which 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 Land Use Board, in the County of Ocean and State of New Jersey, on the 7th day of April 2022, upon a motion made by John Wesson and seconded by Brett Radi, that the application of Benjamin and Anne Huneke 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 March 3, 2022.
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. Proposed louver screenings, based on the exhibit provided at the hearing, to satisfy the requirements of the municipal code are subject to the review by the Board Engineer.
4. 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.
5. 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.
6. 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.

7. The applicant shall provide shop drawings, cut sheets, and/or manufacturer's specifications to the Board Engineer for review and approval for the proposed generator.

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

**ADOPTED** this 7th day of **April 2022**.

VOTE ON ROLL CALL:

IN FAVOR: Robert McIntyre, John Wesson, Brett Radi, Beth Nelson, Denise Boughton, Joan Mattia

OPPOSED: None

NOT- PRESENT: Betsy Nelson, Christine Beck, Susan Laymon, Garret Vreeland, John Conti

#### CERTIFICATION

It is hereby certified that the attached is a true copy of the Resolution for Application #2022-002, approved on April 7, 2022 and duly adopted as to form by the Mantoloking Land Use Board and memorialized at its regular meeting held on the April 7, 2022.



Beth Nelson  
Chairwoman  
Borough of Mantoloking  
Land Use Board



Kaitlyn Ippolito  
Secretary  
Borough of Mantoloking  
Land Use Board