

RESOLUTION# 2023-09 RESOLUTION OF  
APPROVAL

APPLICATION OF  
HARGIS CUSTOM HOMES, LLC  
APPLICATION #2021-03

IN THE MATTER OF  
HARGIS CUSTOM HOMES, LLC

: MANTOLOKING BOROUGH  
: LAND USE BOARD  
: NUMBER 2021-03  
: BLOCK 24; LOT(S)4, 4.01, & 5.01  
: 1025 BARNEGAT LANE

WHEREAS, an application has been made to the Borough of Mantoloking Land Use Board (the "Board") by Hargis Custom Homes LLC (the "applicant"), for a Minor Subdivision Approval. The property commonly located at 1025 Barnegat Lane, Mantoloking, NJ, Block 24 Lots 4, 4.01, & 5.01 as depicted on the Tax Maps of the Borough of Mantoloking, Ocean County, New Jersey, and said premises being located in the R-6A Residential 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 Borough of Mantoloking; and

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

WHEREAS, the Borough of 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 and received comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Mantoloking Land Use Board, County of Ocean, and State of New Jersey, on November 4, 2021, made the following findings:

1. The Board found the application complete.
2. The applicant is requesting Minor Subdivision approval for the consolidating and re-subdividing of existing Lots 4, 4.01, and 5.01 in Block 24 to create two (2) new proposed lots. Lot 4 (1025 Barnegat Lane) contains  $\pm 0.212$  acres (9,426 sf) and has frontage on Barnegat Lane. Lot 4.01 (1028 Ocean Avenue) contains  $\pm 0.059$  acres (2,586 sf), and Lot 5.01 (1030 Ocean Avenue) contains  $\pm 0.055$  acres (2,408 sf). Both

Lot 4.01 and 5.01 have frontage on Ocean Avenue, also known as New Jersey State Highway Route 35 under the jurisdiction of the NJDOT. The subject parcels are located within the R-6A - Single Family Residential zone district of the Borough and are currently vacant. A deed restriction exists on Lot 5.01 requiring the subject parcel to remain in a vegetative state without any physical improvements. The applicant proposes to file and record the Minor Subdivision by plat with the Ocean County Clerk's office. Existing Lots 4.01 and 5.01 are both pre-existing nonconforming with the bulk standards of the zone district for lot size and lot depth. Existing Lot 4 has a pre-existing nonconforming condition for lot depth. The two (2) proposed lots will be fully conforming with the bulk standards of the zone district, and at this time, the applicant is not proposing residential development for the subject parcels.

- A. The Applicant requires no variances.
  - B. The Applicant is not requesting any submission waivers.
  - C. No design waivers being requested:
3. In support of the application, the Applicant submitted the following documents:
- A. An application for Minor Subdivision, dated 9-20-21;
  - B. Copy of deeds for the subject parcel;
  - C. A correspondence from William T. Gage, Esq., dated 9-17-21;
  - D. Tax Certification dated 10-5-21 indicating that all taxes are current;
  - E. Certified List of Property Owners located within 200 feet of the subject properties, dated 9-7-21;
  - F. Boundary and Topographic Survey, prepared by Lindstrom, Diessner & Carr, P.C., dated 6-10-21; and
  - G. Minor Subdivision Plan, prepared by Lindstrom, Diessner & Carr, P.C., dated 9-10-21;
4. During the public hearing held on November 4, 2021; the Board discussed the following review letters prepared by the Board's professionals, the contents of which are hereby adopted and incorporated in full:
- A. Review letter dated October 25, 2021, by the Planning Board Engineer, Larry Plevier, P.E., C.M.E.

5. The Board received no review letters/memos from the Borough Officials and had no comments.
6. During the Public Hearing on November 4, 2021, Mr. William Gage Esq, Applicants attorney explained the application
  - A. Applicant is requesting no variance relief requested.
  - B. The deed restriction on a portion of the property will remain in the current vegetative state.
  - C. Mr. Gage commented that any decision by the Board would be contingent on the outcome of the pending litigation between Mr. Steve Gillingham and the Applicant.
7. During the Public Hearing on November 4, 2021, Charles Lindstrom, P.E. testified:
  - A. Mr. Lindstrom the property is in the R-6A zone.
  - B. Mr. Lindstrom testified Applicant is looking to create two conforming lots from three conforming lots.
  - C. Both lots will be approximately seventy feet wide.
  - D. Mr. Lindstrom discussed Lot 5 at length.
  - E. The building envelope for Lot 5 is sufficient and Applicant is not proposing any variances and the building envelope will not intrude in the conservation area.
  - F. There is also a six foot sanitary sewer easement.
  - G. The new proposed lots will not have access to Route 35.
  - H. The new lots will be two oversized lots.
  - I. Both of the new lots will be approximately 7,000 square feet.
  - J. Applicant will restore the area thirty-eight feet off of Ocean Ave and Route 35.
8. During the Public Hearing on November 4, 2021, the Applicant Bradley Hargis testified before the Board:
  - A. Mr. Hargis testified three lots merge into two conforming lots.
  - B. There is an environmental restriction on lot 5.01 and Applicant is agreeable to the continued restriction.
9. During the public hearing on November 4, 2021 Joseph Michelini represented the adjoining neighbor, Steve Gillingham, claiming that part of the property was subject to adverse possession.
10. The dispute between the adjoining property owners and the Applicant has been resolved and the applicant has clear title to the property

## CONCLUSIONS OF LAW

WHEREAS, the Board has entered into a settlement agreement with the Applicant, attached hereto, now approving the Minor Subdivision Approval pursuant to *N.J.S.A. 40:55D-47*; and

WHEREAS, the Applicant is not seeking any variances and the application for the minor subdivision is conforming to the Mantoloking Master Plan and Zoning Ordinances; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Mantoloking Land Use Board, in the County of Ocean and State of New Jersey, on the 2nd day of March 2023, upon a motion made by John Wesson and seconded by Brett Radi, that the application Hargis Custom Homes, LLC be Approved for a minor subdivision.

1. The Applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of November 4, 2021.
2. The Applicant shall comply with the requirements of the Board Engineer's Review Letter of October 25, 2021.
3. The Applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance, if required.
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 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.

**ADOPTED this 2nd day of March 2023.**

VOTE ON ROLL CALL:

IN FAVOR: Robert McIntyre, Brett Radi John Wesson, Betsy Nelson, Joan Mattia

OPPOSED:

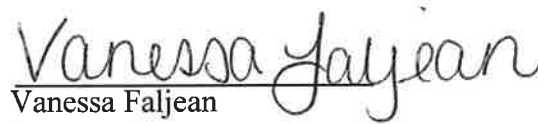
NOT- PRESENT: Christine Beck, Susan Laymon, Denise Boughton, Garret Vreeland,  
Beth Nelson, John Conti

**CERTIFICATION**

It is hereby certified that the attached is a true copy of the Resolution for Application #2021-03, approved on March 2, 2023 and duly adopted as to form by the Mantoloking Land Use Board and memorialized at its regular meeting held on the March 2, 2023.



Elizabeth Nelson  
Vice Chairwoman  
Borough of Mantoloking  
Land Use Board



Vanessa Faljean  
Secretary  
Borough of Mantoloking  
Land Use Board