

RESOLUTION #2023-005
RESOLUTION OF APPROVAL
APPLICATION OF
JOHN and ESTEE KEEFE
APPLICATION PB#2022-007

IN THE MATTER OF
John and Estee Keefe

: PLANNING BOARD OF THE
: BOROUGH OF MANTOLOKING
: APPLICATION NUMBER 2022-007
: BLOCK 8; LOT 14
: 955 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 Residential Zoning District, 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 the principal structure is 10 feet, and the zoning and code information table on the architectural drawings identifies a pre-existing nonconforming side yard setback of 8.15 feet for the principal structure: and

WHEREAS, per section 30-6.2(b) and section 30-6.-8(a) of the Mantoloking Code, lot coverage shall not exceed 30% of the subject lot area, whereas the subject parcel has an existing lot coverage of 30.79%; and

WHEREAS, per section 30-6.2.(b) and section 30-6.10.(a) of the Mantoloking Code, the minimum front yard setback for the subject lot is 20.86 feet and the subject parcel has an existing front yard setback of 14.22 feet to the existing porch; and

WHEREAS, per section 30-6.2(b) and section 30-6.10 (a) of the Mantoloking Code, the minimum side yard setback for accessory structure is ten (10) feet and the subject lot has an existing accessory side yard setback for the existing A/C platform of approximately eight (8) feet; and

WHEREAS, per section 30-6.2(b) and section 6.10 of the Mantoloking Code, the minimum rear yard setback for accessory structure is ten (10) feet and the subject lot has an existing accessory rear yard setback for the existing at grade deck at 6.54 feet; and

WHEREAS, the Applicants, John and Estee Keefe, are the owners of the at issue property and requesting variance relief due to the existing hardship nature of the property; and

WHEREAS the Applicant, John Keefe, represented himself.; and

NOW, THEREFORE, BE IT RESOLVED, by the Mantoloking Planning Board, in the County of Ocean and State of New Jersey, on the 3rd day of November 2022, upon a motion made by John Wesson and seconded by Christine Beck, that the application of John and Estee Keefe 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 November 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. 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's Professional Engineer, Charles Lindstrom, PE, provided testimony that the Lot Coverage calculations on the architectural drawings, prepared by Anderson Campanella Architects, dated 2-10-22, were not accurate as compared to the requirements in the municipal code for certain coverage exemptions such as the exterior stairways, and Charles Lindstrom, PE stated that a signed and sealed letter with adjusted Lot Coverage calculations will be provided from his office for the application as a submittal and as a condition of approval. The revised calculations as testified by Charles Lindstrom, PE would reduce the impact to nonconformance and result in a de minimis increase in coverage as calculated by the Mantoloking code.
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 12th day of **January 2023**.

VOTE ON ROLL CALL:

IN FAVOR: Robert McIntyre, John Wesson, Brett Radi, Christine Beck, Susan

WHEREAS, the Applicants, John and Estee Keefe, have indicated that they desire to construct an attached storage unit (shed), an additional utility platform for a new A/C condenser unit, and a plunge pool with an associated at grade deck; and

WHEREAS the Applicant testified that they had an existing permit for a second story addition. He further testified for the need for a second A/C unit and a storage shed for the bicycles and the small plunge pool with a surrounding deck; and

WHEREAS, the Applicant's Professional Engineer and Professional Planner, Charles E. Lindstrom, PE, PP, testified to C-2 criteria and indicated that the positive criteria outweighed determining that what was proposed was minimal in nature. In fact, lot coverage was going to increase .081% in his opinion; and

WHEREAS, Carolen Amarante a neighbor at 951 Ocean Ave was in support of the application and the variances being requested; and

WHEREAS, the Planning Board of the Borough of Mantoloking was satisfied that the Applicants, John and Estee Keefe, 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, per section 30-6.2 (b) and section 30-6.8(a) of the Mantoloking Code the minimum lot coverage is 30 %, and whereas, the applicant request for expansion of the pre-existing nonconforming lot coverage from 30.79%-to 32.22% for the installation of a new A/C platform and attached 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, 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 applicant seeks a new A/C platform approximately eight (8) feet from the side property line which constitutes a hardship in accordance with *N.J.S.A. 40:55D-70(c)(1)* and (c)(2) given the uniqueness of the property; and

WHEREAS, the per section 30-6.2 (b) and section 30-6.10(a) of the Mantoloking Code, the minimum rear yard setback for accessory structure is ten (10) feet, and whereas, the applicant proposes the expansion of the preexisting nonconformance accessory rear yard setback from 6.54 feet to 6.46 feet for the expansion of the at grade deck around the proposed plunge pool, improving the existing condition, 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.

Laymon, Garret Vreeland, Joan Mattia, Betsy Nelson, and Beth Nelson

OPPOSED: John Conti

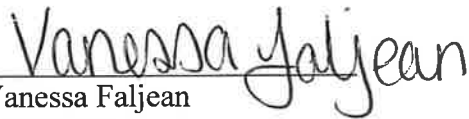
NOT- PRESENT: Denise Boughton

CERTIFICATION

It is hereby certified that the attached is a true copy of the Resolution for Application #2022-007, approved on November 3, 2022, and duly adopted as to form by the Mantoloking Planning Board and memorialized at its reorganizational meeting held on January 12, 2023.



Beth Nelson
Chairwoman
Borough of Mantoloking
Planning Board



Vanessa Faljean
Secretary
Borough of Mantoloking
Planning Board