

WHEREAS, the Applicants, Ralph and Susan DiRuggiero, 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, Ralph and Susan DiRuggiero, have indicated that they desire to construct/place a 33 inches by 54 inches utility platform with emergency generator in the (north side) yard of their property along Runyon Ave Lane; and

WHEREAS the Applicant testified the medical need for the generator, and this was the best place to place the generator; and

WHEREAS, the Applicant's Professional Engineer and Professional Planner, Charles E. Lindstrom, PE, PP, discussed the generator installation, testifying to the C-2 criteria and that the positive criteria outweighed any negative criteria, and determined the best place to locate the generator was where it was proposed; and

WHEREAS, Barbara Turro, from the Mantoloking Environmental Commission testified as to the concerns with the application by the Mantoloking Environmental Commission; and

WHEREAS, the Planning Board of the Borough of Mantoloking was satisfied that the Applicants, Ralph and Susan DiRuggiero, 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 per section 30-6.11. b.7.(a) of the Mantoloking Code, the utility platform shall be screened, and the proposed utility platform shall be screened on the west and east sides of the platform; and

WHEREAS the utility platform for the generator shall be located within the building envelope and the ten (10) foot minimum side yard setback, and the and proposed utility platform six (6) feet from the northern side property line 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 30-6.8 of the Mantoloking Code, the maximum lot coverage for the subject parcel is 2,640 square feet and the subject property has an existing condition of 3,077.4 square feet of lot coverage and the applicant proposes lot coverage of 3,089.8 square feet which constitutes a hardship in accordance with *N.J.S.A.* 40:55D-70(c)(1) and (c)(2); and

WHEREAS, per section 30-6.8a and 30-6.8c of the Mantoloking Code, the total impervious coverage for the subject parcel is 3,960 square feet applicant propose to expand the pre-existing nonconformance total impervious coverage of 4,087.4 square feet to 4,099.8 square feet which 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 3rd day of November 2022, upon a motion made by John Wesson and seconded by Susan Laymon, that the application of Ralph and Susan DiRuggiero 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 shall provide shop drawings, cut sheets, and/or manufacturer's specifications to the Board Engineer for review and approval for the proposed generator.
7. During the hearing, the applicant proposed to remove existing walkway stepping stones on the north side of the existing dwelling to offset the proposed utility platform coverage.
8. The applicant indicated that proper vegetation would be planted on the east and west sides of the utility platform to comply with the municipal code for screening.
9. With the proposed removal of 56 square feet of existing stepping stones, the result would be an overall reduction in both the pre-existing non-conforming Lot Coverage and Total Impervious Coverage.

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

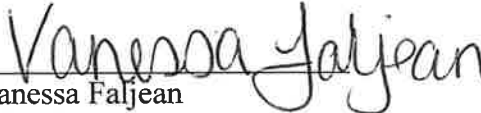
OPPOSED:

NOT- PRESENT: Denise Boughton

CERTIFICATION

It is hereby certified that the attached is a true copy of the Resolution for Application #2022-08, 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