

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK  
PLANNING BOARD  
IN THE MATTER OF DRIESSE DEVELOPMENT, LLC  
DECIDED ON JUNE 21, 2010  
MEMORIALIZED ON JULY 19, 2010  
PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL  
AND WAIVER RELIEF**

**WHEREAS**, Driesse Development, LLC (hereinafter "Driesse" or "Applicant") has filed an application with the Pequannock Township Planning Board, (hereinafter "Planning Board" or "Board"), seeking preliminary and final major subdivision approval and waiver relief for property located at 62 West End Avenue, Pompton Plains, New Jersey and known and designated as Lots 27 and 28 in Tax Block 1802, on the Tax and Assessment Map of the Township of Pequannock, (hereinafter "Township"), which premises are located in the R-15 Residential Zone District (R-15 Zone); and

**WHEREAS**, a public hearing was held on June 21, 2010, after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Frank Scangarella, Esq. (hereinafter "Scangarella").

**NOW, THEREFORE**, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which time a record was made.

The application before the Board is a request for preliminary and final major subdivision approval and waiver relief for property known and designated as Lots 27 and 28 in Tax Block 1802 on the Tax and Assessment Map of the Township of Pequannock, which premises are located at 62 West End Avenue, Pompton Plains, New Jersey in the R-15 Zone.

Testifying on behalf of the Applicant was Thomas E. Donohue, P.E. (hereinafter "Donohue") a licensed professional engineer in the State of New Jersey. The subject site is approximately 2 acres in area and consists of approximately 87,157 square feet. The lots front on West End Avenue and have limited frontage on Sanders Place. Presently, the site contains an existing single family residence with an in ground pool, barn and detached garage. Donohue testified that all existing structures will be removed prior to the perfection of the subdivision by recording the subdivision deed. The nature of the application is to create a three (3) lot subdivision with one (1) lot fronting on West End Avenue and two (2) lots fronting on the extension of the Sanders Place cul-de-sac. Donohue testified that the Applicant seeks to create three (3) lots identified as proposed Lot 1, Lot 2, and Lot 3. The lot area of proposed Lot 1 is 18,988 square feet, proposed Lot 2 is 19,698 square feet and proposed Lot 3 is 36,135 square feet.

Donohue also testified that the Applicant will extend the water main approximately 36 feet in order to provide water for the two (2) houses on Sanders Place. The Applicant will also extend the gas lines to service the two (2) houses on Sanders Place. Donohue also testified that the electric utilities will be run underground for the two (2) houses on Sanders Place, but that electric utilities would be via overhead wires for the house to be constructed on West End Avenue.

With respect to stormwater management measures, Donohue testified that the Applicant intends to install two (2) seepage pits approximately 10 feet by 20 feet in size, which seepage pits will be located on either side of the Sanders Place cul-de-sac.

Donohue also testified in regard to a request to obtain waiver relief from the Planning Board from Section 163.05.020(B)(1) of the Land Development Ordinances of the Township of Pequannock in order to reduce the cul-de-sac right-of-way (ROW) radius from the required 50 feet to an RSIS compliant 48 feet. Donohue requested that the Board grant the waiver for the right-of-way radius because the proposed 48 feet is RSIS compliant. Secondly, the Applicant requested a waiver from Section 163.04.070 sidewalks of the Land Development Ordinances of the Township of Pequannock. Donohue testified that there are no sidewalks on West End Avenue or Sanders Place. Therefore, there would be no place for the sidewalks to connect to. As a result, Donohue requested that the Board grant waiver relief so as to eliminate the need for sidewalks for this development application.

Donohue also testified that the Applicant would comply with Section 163.04.090 of the Land Development Ordinances of the Township of Pequannock relative to the planting of street trees as directed by the Shade Tree Commission.

The proposed single family dwellings will be serviced by municipal water and sewer systems.

The meeting was opened up to the public and the Board was addressed by Darlene Kennedy (hereinafter "Kennedy") 37 Sanders Place, Pompton Plains, New Jersey. Kennedy inquired as to the adequacy of stormwater management measures in regard to the development on this site. Donohue confirmed that the seepage pits proposed would be adequate to handle a 100 year storm event.

**NOW, THEREFORE,** the Planning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The application before the Board is a request for preliminary and final major subdivision approval and waiver relief for property known and designated as Tax Block 1802 and Lots 27 and 28 as shown on the Tax and Assessment Map of the Township of Pequannock and located at 62 West End Avenue, Pompton Plains, New Jersey in the R-15 Zone. The Board determines that the existing property area is approximately 87,157 square feet. The Applicant proposes to remove the existing single family residence, in ground pool, barn and detached garage as part of a planned three (3) lot subdivision. Access to proposed Lot 1 will be via West End Avenue while access to proposed Lots 2 and 3 will occur via the Sanders Place extension and the construction of a new cul-de-sac. The Board recognizes that the site is located in the R-15 Residence District wherein the minimum lot area is 15,000 square feet. The Applicant proposes a lot area of 18,988 square feet for proposed Lot 1, a Lot area of 19,698 square feet for proposed Lot 2 and a lot area of 36,135 square feet for proposed Lot 3. With respect to the remainder of the bulk or dimensional requirements in the R-15 Zone. The Board determines that the Applicant meets or exceeds all of these requirements and, as a result, no variance relief is required.

However, the Applicant also seeks waiver relief from Section 163.05.020(B)(1) of the Land Development Ordinances of the Township of Pequannock in order to reduce the cul-de-sac right-of-way (ROW) radius from the required 50 feet to an RSIS compliant 48 feet. The Board determines that it is appropriate to grant waiver relief because a right-of-way radius of 48 feet is RSIS compliant and is consistent with the existing right-of-way (behind the curb) and the pavement radius will meet the required 40 feet. The Board notes that the Township Engineer who has reviewed the application

and attended the public hearing, has no objection to the granting of waiver relief by the Board. Secondly, the Applicant also requires waiver relief from Section 163.04.070 sidewalks of the Land Development Ordinance of the Township of Pequannock. The Board accepts the representations of the Applicant's Engineer that there are no sidewalks existing that are adjacent to the subdivision on West End Avenue nor Sanders Place. As such, the Board concludes that imposing the requirement to install sidewalks which would not connect to any other sidewalks in the area would constitute bad planning. The Board determines that it is appropriate to grant waiver relief from this section of the ordinance.

Therefore, pursuant to the Land Development Ordinances of the Township of Pequannock as well as the Municipal Land Use Law under N.J.S.A. 40:55D-51, the Board finds that it is appropriate to grant waiver relief as set forth herein because the enforcement of these ordinance provisions would be impracticable.

The Applicant has also agreed that it will satisfactorily address any comments or conditions contained in the Board Planner's review report dated June 21, 2010 and the Township Engineer's review reports dated June 3, 2010 and June 21, 2010. The Board also recognizes that the Applicant has agreed to comply with the requirement to install street trees at the discretion of the Shade Tree Commission pursuant to ordinance Section 163.04.090. The Board also acknowledges that the Applicant has agreed that all existing structures will be removed prior to the perfection of the subdivision by recording a subdivision deed. Finally, the Applicant agreed to provide Will Serve letters from the necessary utility companies.

Upon consideration of the plans, testimony and application, the Board determines that the proposed preliminary and final major subdivision application is met with the minimum requirements of the Municipal Land Use Law, case law and Township ordinances to a sufficient degree so as to enable the Board to grant the relief being requested. The Planning Board further finds that the granting of this application will not adversely impact or impair the use and enjoyment of adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Driesse Development, LLC for premises commonly known and designated as Lots 27 and 28 in Tax Block 1802, on the Tax and Assessment Map of the Township of Pequannock and located at 62 West End Avenue, Pompton Plains, New Jersey in the R-15 Zone requesting preliminary and final major subdivision approval and waiver relief is determined as follows:

1. Preliminary major subdivision plan approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-48 as well as the Land Development Ordinances of the Township of Pequannock.
2. Final major subdivision approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-50 as well as the Land Development Ordinances of the Township of Pequannock.
3. Waiver relief from Section 163.05.020(B)(1) to reduce the cul-de-sac right-of-way radius from the required 50 feet to an RSIS compliant of 48 feet as well as to eliminate the requirement to

provide sidewalks as required under Section 163.04.070 is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-51.

4. The subdivision of this parcel shall be implemented in accordance with a subdivision plan prepared by Thomas E. Donohue, P.E. dated April 20, 2010 and revised through June 15, 2010 as well as any subsequent revisions thereto as directed by the Planning Board or the Board Engineer in connection with the hearing process.
5. The Applicant represents that all of its representations and stipulations made by it or on its behalf to the Township of Pequannock Planning Board are true and accurate, and acknowledges that the Planning Board specifically relied upon said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.
6. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the public hearing on June 21, 2010.
7. The granting of this application is subject to and conditioned upon the Applicant perfecting this subdivision approval in accordance with Municipal Land Use Law. If the subdivision is to be perfected by the recording of a subdivision deed, said subdivision deed shall

be subject to the review and approval of the Township Engineer and Planning Board attorney prior to recording.

8. The granting of this application is subject to and conditioned upon the Applicant removing all existing structures on the subject site prior to the perfection of the subdivision by recording a subdivision deed.
9. The granting of this application is subject to and conditioned upon the Applicant submitting to the Planning Board "Will Serve" letters from all appropriate utility companies.
10. The granting of this application is subject to and conditioned upon the Applicant complying with Section 163.04.090 of the Land Development Ordinances of the Township of Pequannock in regard to the planting of street trees, if required and under such terms and conditions as set forth in the ordinance and by the Pequannock Township Shade Tree Commission.
11. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Board Planner's review report dated June 21, 2010.
12. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Township Engineer's review reports dated June 3, 2010 and June 21, 2010.

13. The granting of this application is subject to and conditioned upon the Township of Pequannock Tax Assessor assigning appropriate lot numbers in connection with this approval.
14. The granting of this application is subject to and conditioned upon Morris County Soil Conservation District approval, if required.
15. The granting of this application is subject to and conditioned upon New Jersey Department of Environmental Protection (NJDEP) approval, if required.
16. The granting of this application is subject to and conditioned upon the Applicant granting to the Township of Pequannock a right-of-way dedication consisting of an area of approximately 8,849.79 square feet in regard to the extension of the Sanders Place cul-de-sac. If the dedication is by deed, the deed shall be subject to the review and approval of the Township Engineer and Board Attorney prior to recording of the deed.
17. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, if required.
18. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
19. Certificate that taxes are paid current to date of approval.

20. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Pequannock, County of Morris, State of New Jersey or any other jurisdiction.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on June 21, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on July 19, 2010.

  
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Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

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