

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
MARK AND VICTORIA BOSLAND
278 JACKSONVILLE ROAD
Block 2801, Lot 11

WHEREAS, the applicants are the contract purchasers of property located at 278 Jacksonville Road, Pompton Plains, New Jersey, Block 2801, Lot 11, located in the R-87 zone district; and

WHEREAS, the applicants propose to construct a new single family residence on a vacant parcel which would have a combined side yards of 66.5' whereas 70' is required, and 9.51% building coverage thereby exceeding the maximum permitted of 8.0%; and

WHEREAS, testimony was taken at a public hearing on October 7, 2010, at which time the Board took sworn testimony and the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

WHEREAS, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a long narrow lot with 160' frontage on the north side of Jacksonville Road and approximately 80' in width at the rear lot line. The lot is approximately 380' in depth. The lot slopes off substantially from Jacksonville Road where the elevation in the southwest corner is 832' to the rear lot line where the elevation is 794'.
3. There is an existing barn on the property which the applicants propose to remove. The applicants also propose to create several retaining walls on site in order to properly grade the property for residential purposes.
4. Because the sidelines are not parallel to each other the house cannot be constructed parallel to both sidelines. Consequently, the west facade of the house is 32' from the west side line near the front of the property, but only 25' from the west sideline at the rear of the residence. This orientation of the residence appears reasonable from a construction standpoint, but causes a combined side yard deficiency of 3.5'. In addition, the R-87 zone in which the property is located requires 200' lot width as well as 200' frontage, but this property has a lot width of 160' at the street line, which is reduced to 140' at the proposed front facade.
5. The lot is substantially undersized having approximately only half of the required lot area. The zone requires a minimum lot area of 87,120 sq. ft. whereas this lot is only 46,883 sq. ft. in area. The footprint of the proposed house is similar to that of other houses in this zone. However, because of the significant lot area deficiency, there is a minor excess of building coverage.

6. No members of the public appeared at the public hearing to testify in connection with this application.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicants have sustained their burden under N.J.S.A. 40:55-D-70c(1)(a) that by reason of the size, shape and topography of this specific piece of property there is a zoning hardship and the strict enforcement of the dimensional requirements of the zoning ordinance would impose exceptional practical difficulties to this property. The specific features of this property which cause this hardship are it's extreme narrowness, substantial lot area deficiency and a slope of almost 10%.

2. The requested variances can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 4th day of November, 2010 that it now ratifies, memorializes and adopts the action taken at its meeting on October 7, 2010 granting the application of Mark and Victoria Bosland to construct a new house on the subject property having combined side yards of only 66.5' instead of the required 70' and building coverage of 9.51% instead of the maximum of 8.0% required by the ordinance subject to the following conditions:

1. All construction will be in substantial conformity with the plans presented at the public hearing prepared by MianECKI Consulting Engineers dated 8/11/10 and the testimony given at the public hearing.

2. No permits and/or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on November 4, 2010.



Linda Zacharenko, Secretary

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PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
JOSEPH AND MARGARET GOBOSACK
22 CAROLINE AVENUE
Block 3305, Lot 6

WHEREAS, the applicants are the owners of property located at 22 Caroline Avenue, Pompton Plains, New Jersey, Block 3305, Lot 6, located in the R-9 zone district; and

WHEREAS, the applicants have requested approval to construct an in ground swimming pool in a side yard between residences contrary to section 189-07.020N, swimming pools, which mandates compliance with section 166.07 of the municipal ordinance governing swimming pools; and

WHEREAS, testimony was taken at a public hearing on October 7, 2010, at which time the Board took sworn testimony and the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

WHEREAS, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a flat rectangular lot fronting on the north side of Caroline Avenue and is presently improved with an existing one story frame dwelling and existing deck. The applicants propose to install an in ground swimming pool in the northwest corner of the lot, but because the lot is deficient in lot depth there is insufficient room behind the house to install the swimming pool in that location. Because of the location of the existing house, the only place where a swimming pool can be installed on this property is the northwest corner as proposed and the pool must be installed on a north south axis. A substantial portion of the pool is actually located in the rear yard, but a portion is also located in the side yard between residences.
3. There is an existing fence along the entire length of the west property line which is located on the adjacent property to the west. There also is a fence on a portion of the west property line and the entire north property line of the subject property. The applicants propose to install all required fencing around the entire swimming pool.
4. The front side of the pool is setback 54' from the front property line. In this zone the required front yard setback is only 35'. Consequently, the pool is almost 20' behind the front yard setback line and with appropriate screening will be virtually undetectable from the street.
5. No members of the public appeared at the public hearing to testify in connection with this application.

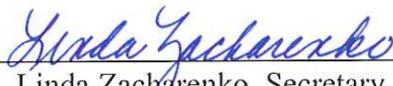
Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicants have sustained the burden under N.J.S.A. 40:55-D-70c(2) in that the benefits of granting the requested variance substantially exceed any detriment which there may be and the Board finds that there is no detriment. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.
2. The requested variance can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 4th day of November, 2010 that it now ratifies, memorializes and adopts the action taken at its meeting on October 7, 2010 granting the application of Joseph and Margaret Gobosack to install a 18' x 36' in ground swimming pool as shown on the plans submitted with the application subject to the following conditions:

1. All construction will be in substantial conformity with the plans presented at the public hearing prepared by James P. Cutillo Associates dated 7/8/10 and the testimony given at the public hearing.
2. Although no lighting is presently proposed, any additional lighting on the property as a result of the construction of this pool together with additional landscaping shall be subject to the reasonable review and approval of the board planner.
3. No permits and/or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on November 4, 2010.



Linda Zacharenko, Secretary

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PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
NICHOLAS & JOSEPHINE LABRIOLA
87 MANDEVILLE AVENUE
Block 4301 Lot 1

WHEREAS, the applicants are the owners of property located at 87 Mandeville Ave, Pequannock, New Jersey, Block 4301, Lot 1, located in the R-9 zone district; and

WHEREAS, the applicants have requested approval to construct a deck to the rear of an existing bi-level single family home which would reduce the rear yard to 18.58' instead of the required 25'; and

WHEREAS, testimony was taken at a public hearing on October 7, 2010, at which time the Board took sworn testimony and the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

WHEREAS, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a square, flat lot, 100' on each side, located at the southeast corner of the junction of Mandeville Avenue and John Street. It is presently improved with a frame bi-level single family dwelling located in the approximate center of the property. Although the lot contains 10,000 sq. ft., greater than the minimum lot area requirement of 9,375', because of the shape of the lot it does not have the required depth in this zone of 125'. Consequently, the rear yard of the property is 25' less than it should be because of the shape of the property.
3. The applicants propose to construct a second floor deck to the rear of the house. They have chosen the second floor because in this bi-level house the kitchen is located on the second floor and the deck is intended to be used partly in conjunction with the kitchen for a dining area during good weather.
4. Testimony revealed that the lot is substantially bare of landscaping and, therefore, has a very open feeling to it. Because of that openness and the height of the deck, there is a concern regarding the impact of the proposed deck on the privacy of the adjacent neighbors to the rear. Compounding the lot depth deficiency of the subject property is the similar lot depth deficiency of the adjacent property to the rear, which is also 100' square, and therefore 25' short of the required lot depth in this zone.
5. There are other houses in this neighborhood which have rear decks on lots of similar depths, and, therefore this deck would not constitute a significant deviation from the zone plan. However, careful thought must be given to some form of privacy landscaping for the benefit of both the subject property and the lot immediately to the rear.

6. One of the owners of the house to the rear, Helen Schoepf, testified that she has no general objection to the deck, but was disappointed that the deck would be placed at the second floor level and that the Labriola's had installed a sliding glass door in the kitchen where there had been none before. She apparently believed that the original design of the house was not intended to provide for a deck. In addition, both she and her husband objected to the size of the deck and would like to see the deck diminished, particularly the 14' width from the back of the house.

7. No other members of the public appeared to testify in connection with this application.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicants have sustained their burden under N.J.S.A. 40:55D - 70c(1) (a) that by reason of the shape of this specific piece of property there is a zoning hardship in that the depth of the property is 25' deficient and, therefore, the deck's intrusion into the rear yard setback is a direct result of the insufficient lot depth. The strict enforcement of that setback requirement would impose an impractical and undo hardship on this property.

2. The applicants also have sustained their burden under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested variance substantially exceed any detriment which there may be and the Board finds that although there is a *de minimus* potential detriment to the privacy of this lot and the adjacent lot to the rear, but that detriment can be substantially eliminated with appropriate landscaping. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.

3. The requested variance can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 4th day of November, 2010 that it now ratifies, memorializes and adopts the action taken at its meeting on October 7, 2010 granting the application of Nicholas and Josephine Labriola for a rear yard setback of 18.58' instead of the required 25', subject to the following conditions;

1. All construction will be in substantial conformity with the plans presented at the public hearing entitled Site Development Plan for Lot 1 in Block 4301, prepared by James P. Cutillo dated 6/22/10 and most recently revised 7/29/2010 and the testimony at the public hearing of this matter.

2. Prior to the issuance of a certificate of occupancy for the proposed deck, the applicants shall install a landscape buffer along the rear lot line of the property subject to the reasonable review and approval of the board planner. The species, location and number of plants shall be designed to provide reasonable privacy between the subject property and the adjacent property to the rear, both in the near term and in the long term.

3. Any additional lighting to be provided by the applicant for the deck shall be subject to the reasonable review and approval of the board planner to avoid to the maximum extent possible light spillage over the property lines and interference with the privacy of the adjacent property to the rear.

4. No permits and/or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on November 4, 2010.



Linda Zacharenko, Secretary
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