

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
THOMAS P. GITIN & NANCY M. GITIN
28 Greenview Drive, Pequannock, NJ 07440
Block 4202, Lot 17

WHEREAS, the applicants are the owners of property located at 28 Greenview Drive, Pequannock, New Jersey, Block 4202, Lot 17 located in the R-15 zone district; and

WHEREAS, the applicants received a variance approval by resolution adopted May 6, 2004 granting their application for a front yard setback of 46' 5" instead of the required 50'; and

WHEREAS, the time within which the applicants should have begun construction of the project which received the approval has expired and no construction was ever begun on that project and therefore the applicants seek the approval of this Board for a variance to extend the time limit prescribed by Pequannock Township ordinance § 16.05.020; and

WHEREAS, a public hearing was held on September 3, 2009, at which time the Board took sworn testimony and both the applicants 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 hearing 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, including certified mail return receipt requested notification to all persons entitled to notice of variance applications.
2. The applicant testified that there has been no change to the neighborhood surrounding the subject property since the time the variance was originally granted.
3. The board takes notice that there has been no change in the zoning ordinance regulations which apply to this property since the time the variance was originally granted.
4. The applicant testified that there has been no change to the architectural plans of the proposed addition to the subject property other than minor internal modifications which do not affect the exterior of the structure or the footprint of the proposed addition.
5. The applicant testified and the board accepts as accurate that there are many other homes in this neighborhood to which additions have been constructed similar to the one proposed by the applicant. The applicant further testified that he has spoken with the neighbors in the immediate vicinity of his house and none of them have expressed any objection to him concerning the proposed construction.
6. No 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. Good cause has been shown for the requested relief of extending the time limit for dimensional variances and the Board reaffirms its conclusion expressed in its resolution of May 6, 2004 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.

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 1st day of October 2009 that the application of Thomas P. Gitin and Nancy M. Gitin to extend the time limit to begin construction pursuant to the previous grant of a variance for a front yard setback of 46' 5" instead of the required 50', being the same is hereby approved subject to the following conditions:

1. Construction of the proposed addition shall begin on or before June 30, 2010.
2. All the conditions to the original grant of this variance remain in effect.
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 October 1, 2009, by a vote of 7 to 0.



Linda Zacharenko, Secretary

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
JOSEPH MOLOUGHNEY & JOANNE MOLOUGHNEY
4 Sanders Place, Pompton Plains, NJ 07444
Block 2104, Lot 26

WHEREAS, the applicants are the owners of property located at 4 Sanders Place, Pompton Plains, New Jersey, Block 2104, Lot 26 located in the R-15 zone district; and

WHEREAS, the applicants propose to construct an addition to an existing single family home, including a wrap around front porch which will intrude into the front yard reducing it to 44' instead of the required 50'; and

WHEREAS, testimony was taken at a public hearing on September 3, 2009, at which time the Board took sworn testimony and both the applicants 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 an odd shaped lot located on the south side of a 90° curve in Sanders Place. It is currently improved with a single family dwelling, 10' x 8' accessory shed and an in-ground swimming pool.
3. The existing dwelling is only 22.9' from the west sideline of the property although the lot is 142' wide, and therefore significantly restrains the applicant's choices for constructing an addition to the house.
4. There is an existing porch on the east side of the house which the applicants intend to enclose to create a new family room and related expansion to the kitchen. That portion of the project requires no variances. However, in order to aesthetically balance the addition and integrate it into the overall appearance of the house they propose to construct a wrap-around front porch. Because of the odd shape of the lot and the unusual location of the house on the lot small portions of that proposed wrap-around porch will intrude into the front yard setback. However, those intrusions are only two small triangular portions of the porch. Therefore, although at the maximum point of intrusion the front yard setback will only be 44', the overwhelming majority of the porch will be within the allowable building envelope.
5. There is an accessory shed in the south west corner of the property which the survey shows to be at an angle to the rear property line. A small corner of that shed intrudes into the required 5 foot setback for accessory buildings. The applicant testified that the shed is in the same position now as it was when they purchased the property in 1991 and they were unaware that it was

in violation of the setback requirement. However, testimony revealed that there is no foundation and no footings for the shed and apparently the shed can easily be moved to a conforming position on the property.

6. The applicants have also requested a waiver of the requirement to submit a new survey for the property. Testimony indicated that there are no structures on the property which are not shown on the survey as submitted. There is a small portion of the driveway near the house which has been widened to provide an additional parking space which is not shown on the survey.

7. No members of the public appear 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 odd shape of this specific piece of property and the location of the existing house on the property there is a zoning hardship and the strict enforcement of the setback requirements of the zoning ordinance would impose exceptional practical difficulties to this property.

2. The applicants 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 there is no detriment. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.

3. The Board concludes that the applicants have not demonstrated sufficient zoning hardship or benefit to the community for the setback violation of the accessory shed and that shed should be moved to a conforming location.

4. Based upon the testimony at the hearing the Board concludes that the survey submitted with the application is adequate for the Board's purposes in this application and therefore the waiver of the survey submission requirement may be waived.

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

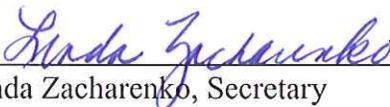
NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 1st day of October 2009 that it now memorializes, ratifies and adopts the action taken at its meeting on September 3, 2009 granting the application of Joseph Moloughney and Joanne Moloughney to construct an addition to an existing single family home, including a wrap around front porch which will intrude into the front yard reducing it to 44' instead of the required 50', subject to the following conditions:

1. Granting of this variance does not relieve the applicants of compliance with any other governmental regulations which affect the subject property.

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.

3. The shed on the property is to be moved to a conforming location so that it is at least 5' from all property lines.

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 October 1, 2009, by a vote of 7 to 0.



Linda Zacharenko, Secretary