RESOLUTION
TOWNSHIP OF PEQUANNOCK PLANNING BOARD
IN THE MATTER OF HANDEL CONSTRUCTION COMPANY, INC.
DECIDED ON OCTOBER 15, 2012
MEMORIALIZED ON NOVEMBER 19, 2012
MINOR SUBDIVISION APPROVAL

WHEREAS, Handel Construction Company, Inc. (hereinafter "Handel" or "Applicant") has filed an application with the Pequannock Township Planning Board (hereinafter "Planning Board" or "Board"), seeking minor subdivision approval for property known as Block 704, Lot 18, on the Tax and Assessment Map of the Township of Pequannock and located at 3 Ramapo Road, Pompton Plains, New Jersey, in the R-11 Single Family Residential Zone District (hereinafter "R-11 Zone"); and

WHEREAS, a public hearing was held on October 15, 2012, after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Steven Schepis, Esq.

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 minor subdivision approval for property known and designated as Block 704, Lot 18, on the Tax and Assessment Map of the Township of Pequannock, which premises are located at 3 Ramapo Road, Pompton Plains, New Jersey, in the R-11 Zone.

Testifying on behalf of the Applicant during the course of the hearing process was Michael Handel.

The subject site is an oversized 32,834 square foot corner lot at the intersection of Newark Pompton Turnpike and Ramapo Road. At the present time, there is an existing two and one-half story single family residence located on the lot. The Applicant seeks minor subdivision

approval in order to subdivide the existing Lot 18 in order to create proposed Lots 18.01 and 18.02, which lots will then be developed with single family residential structures.

Mr. Handel informed the Board that the application as originally proposed sought a three-lot subdivision with "c" variance relief for minimum lot frontage width and minimum lot area on one lot. However, he testified that based upon the comments of the Board during the workshop session and comments from various members of the public in advance of the public hearing, he eliminated one of the lots and now presents the amended application seeking a two lot minor subdivision which is fully conforming to all bulk requirements in the R-11 Zone and requires no variance relief.

The Applicant also reviewed with the Board the contents of the Board Engineer's review report dated October 11, 2012. The Applicant confirmed that it would comply with items 1, 3, 4 and 5 of the Board Engineer's review report. Item no. 2 is no longer applicable because this item addressed issues from the original proposed three-lot subdivision which is no longer being pursued by the Applicant.

Handel also testified that there is a 22 inch in diameter tree on the corner of Newark Pompton Turnpike and Ramapo Road within the perimeter of proposed Lot 18.01, which tree would be removed as a result of the construction activities. Handel indicated that it was his intention to replace some of the trees to make up for the loss of trees due to the proposed development on the site. Handel also confirmed that there would be no conflicts between the driveway and utilities that will service the site. Handel also stated that for any driveway with direct access to Newark Pompton Turnpike, there would be enough room on the lot for vehicles to turn around on the lot before accessing Newark Pompton Turnpike.

The meeting was opened up to the public and the Board was addressed by Richard Sliker (hereinafter "Sliker"), 4 Ramapo Road, and Michael Carlin (hereinafter "Carlin"), 35 Ramapo

Road. Sliker was concerned about the orientation of the house on the corner of Newark Pompton Turnpike and Ramapo Road and requested that the Applicant orient the house to face Ramapo Road. In addition, Sliker was looking for replacement trees to be planted to take the place of any trees removed as a result of the construction activities. Carlin had concerns about the Applicant being able to return to the Board to seek a three-lot subdivision, if the Board were to grant the application for a two-lot subdivision.

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 minor subdivision approval for property known and designated as Tax Block 704, Lot 18, as shown on the Tax and Assessment Map of the Township of Pequannock and located at 3 Ramapo Road, Pompton Plains, New Jersey, in the R-11 Zone. The site consists of an oversize 32,834 square foot corner lot that is fully developed with an existing two and one-half story single-family residence. The Applicant proposes to demolish the existing single-family residence and to create two new building lots for the construction of single-family dwellings.

The minimum lot area in the R-11 Zone is 11,250 square feet. The Applicant seeks approval for a minor subdivision, wherein proposed Lot 18.01 will have a lot area of 19,335 square feet and proposed Lot 18.02 will have a lot area of 13,499 square feet. In addition, the two lots as proposed will conform to all bulk requirements in the R-11 Zone. Therefore, this is a fully conforming minor subdivision application. The Board Planner issued a review report dated October 15, 2012. The Board Planner, in her review report, states "The subdivision of existing Lot 18 into two (2) lots is consistent with the pattern along Newark Pompton Turnpike and with Lot 17 to the subject site's west on Ramapo Road; with Lot 25 to its north on Newark Pompton

Turnpike and Ramapo Road; with Lot 19 to its south on Newark Pompton Turnpike and with Block 801, Lots 4 and 5 to its east on Newark Pompton Turnpike."

The Board, after having reviewed the application as amended, is in agreement with the opinion of the Board Planner that a two lot subdivision as proposed would be consistent with the pattern of development along Newark Pompton Turnpike and Ramapo Road. The Board also finds that the granting of minor subdivision approval would be in keeping with the character of the developed area and that there would be no negative impact on the neighborhood.

The Board also accepts the representations of the Applicant that it will comply with all appropriate terms and conditions as outlined in the Board Engineer's review report. Furthermore, the Applicant will provide replacement trees as required, the two (2) houses will be serviced by underground utilities and that any portion of the concrete pavement along Newark Pompton Turnpike that is damaged as a result of the development of the site will be repaired or replaced by the Applicant.

Upon consideration of the plans, testimony and application, the Board determines that the proposed minor subdivision plan approval has met 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 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 Handel Construction Company, Inc. for premises commonly known and designated as Tax Block 704, Lot 18, on the Tax and Assessment Map of the Township of Pequannock, located at 3 Ramapo Road, Pompton Plains, New Jersey, in the R-11 Zone requesting minor subdivision approval is determined as follows:

A. Minor subdivision approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-47 as well as the land development ordinances of the Township of Pequannock.

IT IS FURTHER RESOLVED that the above land use relief is granted subject to the following terms and conditions:

1. The subdivision of this parcel shall be implemented in accordance with the proposed subdivision plans prepared by Frederick C. Meola, P.E. – PLS, with revisions through 10/12/12 and consisting of three sheets and introduced into evidence as Exhibit A-1 during the public hearing process, as well as any further amendments as required by the Planning Board or the Board professionals.

2. The Applicant represents that all of his representations and stipulations made by him or on his 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.

3. 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 October 15, 2012.

4. The Deed recorded memorializing the minor subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Deed within 190 days of the memorializing

Resolution being adopted. Failure to do so shall render the approval null and void.

5. The Applicant shall comply with all terms and conditions set forth in items 1, 3, 4 and 5 of the Board Engineer's review report dated October 11, 2012, to the satisfaction of the Board Engineer.

6. 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.

7. The granting of this application is subject to and conditioned upon Morris County Soil Conservation District approval, if required.

8. The granting of this application is subject to and conditioned upon New Jersey Department of Environmental Protection (NJDEP) approval, if required.

9. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, if required.

10. The granting of this application is subject to and conditioned upon the Township of Pequannock Health Department approval of the septic systems, if required.

11. 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.

12. Certificate that taxes are paid current to date of approval.

13. 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.

14. The granting of this application is subject to and conditioned upon the Applicant planting replacement trees which shall be subject to the review and approval of the Board Planner and Board Engineer.

15. The granting of this application is subject to and conditioned upon the Applicant providing underground utilities to service the residential dwellings to be constructed on each of the proposed lots.

16. The granting of this application is subject to and conditioned upon the Applicant repairing or replacing any portion of the concrete pavement along Newark Pompton Turnpike which is damaged as a result of the development of the subject lots.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on October 15, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on November 19, 2012.

Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote: