

**TOWNSHIP OF PEQUANNOCK ZONING BOARD OF ADJUSTMENT  
RESOLUTION OF MEMORIALIZATION**

**MORRIS COUNTY, NEW JERSEY**

**MATTER OF:** Michelle and John Zaccardi

**PROPERTY LOCATION:** Block 304, Lot 19, 11 Debow Terrace

**APPROVED:** May 5, 2016

**MEMORIALIZED:** June 2, 2016

**WHEREAS,** Michelle and John Zaccardi (“Applicants”) have requested variances for minimum front yard setback and minimum combined side yard setback to permit the construction of an addition consisting of a two (2) car garage with attic storage, a mud room, laundry room and front portico covering to an existing single-family residential dwelling on property located at 11 Debow Terrace, known and designated as Block 304, Lot 19 on the Tax Maps of the Township of Pequannock in the R-15 zone district (“Property”); and

**WHEREAS,** a public hearing was held before the Zoning Board of Adjustment of the Township of Pequannock (“Board”) on May 5, 2016; and

**WHEREAS,** the Board heard the testimony by Applicants, as well as receiving testimony from the Board’s own experts; and

**WHEREAS,** Applicants filed an Affidavit of Proof that Notice of Hearing was given as required by law; and

**WHEREAS,** a complete application has been filed, the fees required by ordinance have been paid, and the jurisdiction and powers of the Board have been properly invoked and exercised;

**NOW, THEREFORE, BE IT RESOLVED** that the Board makes the following findings of fact with regard to the application.

1. Applicants provided adequate notice of the application and the hearing in

accordance with the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”).

2. The Property, owned by Applicants, measures 15,417 square feet and is located at Block 304, Lot 19, 11 Debow Terrace in the Township of Pequannock (“Township”) in the Township’s R-15 zone district.

3. The Property is rectangular in shape with a slight irregularity at the Property’s rear (northeast) boundary. The Property has frontage on Debow Terrace.

4. The Property is improved with a two (2) story dwelling with a concrete/paver patio and above-ground swimming pool.

5. Applicants seek to construct an addition to the dwelling which will consist of a two (2) car garage with attic storage, a mud room, laundry room and a portico over the front stoop/entrance of the dwelling.

6. To permit the requested development, Applicants seek variances for minimum front yard setback (50 feet required pursuant to the Township Zoning Ordinance (“Zoning Ordinance”), 46 feet proposed) and minimum combined side yard setback (35 feet required, 25 feet, 7 inches proposed)..

7. Applicants’ proposal is depicted on plans prepared by Vincent Benanti, R.A., entitled “Garage and Mud Room Addition, Existing Single Family Residence For: Zaccardi, Lot 19, Block 304, 11 Debow Terrace, Township of Pequannock, NJ” consisting of two (2) sheets, dated March 23, 2016, revised as of March 23, 2016.

8. The Board also received a report from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P., dated May 4, 2016, the contents of which are incorporated herein by reference.

9. The Board heard the testimony of Michelle and John Zaccardi, the Applicants.

10. Applicants seek to add the garage to the Property, which does not have a garage. Most homes on Debow Terrace have garages on their lots. Indeed, the Zoning Ordinance now requires that a single-family dwelling must have a garage. The proposed garage will bring the Property into compliance with the Zoning Ordinance and make it more compatible with surrounding lots and the neighborhood in general.

11. The Board heard the testimony of Vincent Benanti, R.A., Applicants' Architect.

12. Mr. Benanti testified with regard to his architectural and site plans.

13. The Board noted errors on the zoning table of Applicants' plans unnecessarily indicating a need for a variance for non-combined side yard setback and a discrepancy of building height. Mr. Benanti testified that he will correct these errors. This will be a condition of approval.

14. There were no objections to the requested variances by the Board's professionals or members of the interested public.

### **CONCLUSIONS OF LAW**

Based upon the foregoing findings, the Board makes the following conclusions of law:

1. Applicants have shown by testimony, exhibits and other evidence that the relief sought can be granted.

2. The variance requested by Applicants for minimum front yard setback to permit the proposed portico over the front stairs can be granted.

3. The proposed portico will provide protection for the front stairway from the elements, promoting greater safety to those using the stairs for ingress and egress. This is a

purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(a). The covering of the front stairway will also aesthetically integrate the design elements of the existing dwelling and the addition, resulting in an enhanced appearance of the dwelling and addition. This is also a purpose of zoning under the MLUL, N.J.S.A. 40:55D-2(i).

5 In addition Applicants' proposed garage addition will bring the Property into compliance with the Zoning Ordinance's requirement for provision of a garage for a residential dwelling. The Property will also be more compatible with other lots in the neighborhood, on Debow Terrace and in the R-15 zone.

6. Based upon the foregoing, the benefits to be obtained from granting the variance for minimum front yard setback outweigh any detriments which might result therefrom.

7. The requested variance will not be detrimental to the Township Master Plan or Zoning Ordinance.

8. Accordingly, the Board concludes that a variance for minimum front yard setback of 46 feet shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

9 The variance requested by Applicants for minimum combined side yard setback can be granted.

10. Though requiring a moderate deviation from the minimum combined side yard setback requirements of the Zoning Ordinance, the variance will not result in a detrimental impact upon the Property or adjacent lots.

11. As discussed above, the proposed garage addition will bring the Property into compliance with the Zoning Ordinance's requirement for provision of a garage for a residential

dwelling and make the Property more compatible with other lots in the neighborhood, on Debow Terrace and in the R-15 zone

12. Based upon the foregoing, the benefits to be obtained from granting the variance for maximum combined side yard setback outweigh any detriments which might result therefrom.

13. The requested variance will not be detrimental to the Township Master Plan or Zoning Ordinance.

14. Accordingly, the Board concludes that a variance for minimum side yard setback of 25 feet, 7 inches shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

**NOW, THEREFORE, BE IT RESOLVED**, the Board having reviewed the application and considered the impact of the proposal on the Township and its residents, and having determined whether the proposal is in furtherance of the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the intent and purpose of the Zoning Ordinance and the laws of the Township of Pequannock and whether the proposal is conducive to the orderly development of the Property and the general area in which it is located, the Board concludes that good cause has been shown to grant the variances requested by Applicants for minimum front yard setback and minimum combined side yard setback as set forth above. The Board voted on May 5, 2016 to approve the application for development as above described.

**BE IT FURTHER RESOLVED** that the Board hereby memorializes the approval of the application for development subject to the following terms and conditions:

1. Applicants shall submit proof of payment of all real estate taxes applicable to the

property.

2. Applicants shall submit a copy of this Resolution with accompanying documentation to verify the satisfaction of each condition stated herein to the Township Zoning Official. Said documentation shall be numbered to indicate compliance with these conditions.

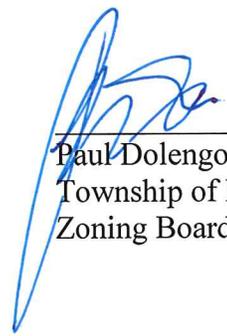
3. Applicants shall pay in a timely manner all outstanding and future fees, including, but not limited to, development fees, escrow charges, connection fees and usage fees, and shall post all performance and maintenance bonds and guarantees in connection with the review of this application prior and subsequent to the approval of this application.

4. Applicants shall be bound by all representations made in testimony, exhibits and reports presented to the Board as well as all representations set forth in the transcripts of the hearing on the date referred to above and shall comply with all reports and comments submitted by the Board's Planner and/or Engineer in connection with the application.

5. Applicants shall obtain the approval of any and all other necessary and appropriate City, County, State and Federal governmental agencies and comply with any and all governmental regulations except those specifically waived or modified in this Resolution.

6. Applicants' architect shall correct errors on the zoning table of Applicants' plans unnecessarily indicating a need for a variance for non-combined side yard setback and a discrepancy of building height.

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in *Suburban Trends* at the Applicant's expense and to send a certified copy of this Resolution to the Applicants, the Township Clerk, the Township Engineer and the Township Assessor and make same available to all other interested parties.

 6/10/16  
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Paul Dolengo, Chairman  
Township of Pequannock  
Zoning Board of Adjustment

I hereby certify this to be a true and accurate copy of a Resolution adopted by the Township of Pequannock Zoning Board of Adjustment, Morris County, New Jersey, at a public meeting held on June 2, 2016.

 6/10/16  
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Linda Zacharenko, Secretary  
Township of Pequannock  
Zoning Board of Adjustment

The Vote on the Resolution to approve this Memorialization was as follows:

Yes: *Debord, Melleno, Way, Brisse, Wintenberg, Dolengo*

No:

Abstain: