

**TOWNSHIP OF PEQUANNOCK ZONING BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION
MORRIS COUNTY, NEW JERSEY**

MATTER OF: Netherlands Reformed Christian School

PROPERTY LOCATION: Block 3001, Lot 5, 164 Jacksonville Road

APPROVED: December 1, 2016

MEMORIALIZED: January 19, 2017

WHEREAS, Netherlands Reformed Christian School (“Applicant”) has requested s
variance from Conditional Use standards for maximum building coverage pursuant to N.J.S.A.
40:55D-70(d)(3) to permit the location of a temporary classroom trailer and a storage shed on
property located at 204 Jacksonville Road, known and designated as Block 3001, Lot 5 on the
Tax Maps of the Township of Pequannock in the Township’s R-87 zone district (“Property”);
and

WHEREAS, a public hearing was held before the Zoning Board of Adjustment of the
Township of Pequannock (“Board”) on December 1, 2016; and

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

WHEREAS, Applicant 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. Applicant provided adequate notice of the application and the hearing in
accordance with the New Jersey Municipal Land Use Law, N.J.S.A. 40:55-D-1 et seq.

("MLUL").

2. The Property, owned by Applicant, measures 6.97 acres and is located at Block 3001, Lot 5, at 204 Jacksonville Road in the Township's R-87 Residential zone district.

3. The Property is adjacent to an Airport Hazard Zone which is under the Jurisdiction of the New Jersey Department of Transportation ("NJDOT").

4. The Property is the location of the Netherlands Reformed Christian School ("Applicant" or "School").

5. At present, the School is comprised of a 1.5 story U- shaped masonry building and an adjacent temporary classroom trailer at the rear of the aforementioned building.

6. Applicant seeks to install a second temporary classroom trailer, measuring 24' x 30', atop existing pavement and next to the existing classroom trailer.

7. In addition, Applicant previously installed a 10' x 12' storage shed in the front yard of the U- shaped masonry building.

8. To permit the installation of the trailer and shed, Applicant requires a variance from the conditional use standards of the Township Zoning Ordinance ("Zoning Ordinance"), pursuant to N.J.S.A. 40:55D-70(d)(3) to permit a deviation from maximum building coverage requirements (a maximum of 8% building coverage permitted pursuant to the Zoning Ordinance; 9.28% coverage presently on the Property, 9.6% proposed by Applicant).

9. The Property has another existing, non conforming condition, that of maximum impervious surface coverage (20% permitted pursuant to the Zoning Ordinance, 21.63% provided). This non-conforming condition will not be exacerbated by the installation of the trailer and shed on the Property.

10. Applicant's proposal is depicted on a map and plan prepared by Darmofalski

Engineering Associates, Inc., Paul P. Darmofalski, P.E., entitled “Proposed Trailer For Netherlands Reformed School, Lot 5, Block 3001, situated in the Township of Pequannock, Morris County, New Jersey” consisting of two (2) sheets, dated November 2, 2016.

11. Applicant also submitted a copy of an April 20, 2016 electronic mail transmission transmitted from Ronald D. Harbist, Aeronautical Operations Specialist of the NJDOT to Warren Hook, the Chairman of Applicant’s Buildings and Grounds Committee, indicating that the NJDOT Bureau of Aeronautics had no objection to Applicant’s installation of a temporary trailer on the Property.

12. The Board also received a report from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P. dated November 30, 2016 with regard to the application. Said report is hereby incorporated by reference as if set forth at length herein.

13. At the December 1, 2016 hearing, Applicant’s attorney, Drew Murray, Esq., briefly summarized the application.

14.. The board heard the testimony of Warren Hook, the Chairman of Applicant’s Buildings and Grounds Committee.

15. Mr. Hook testified that Applicant needs the proposed trailer to relieve severe classroom space limitations which will be exacerbated by the planned expansion of Applicant’s curriculum. The shed is also needed to provide the School with additional storage space. 16.

However, the trailer and shed will intensify the already non-conforming building coverage calculation on the Property from 9.28% to 9.6%. Therefore, a variance from conditional use requirements is needed.

17. Mr. Hook testified that the trailer is temporary, as the School is working on obtain a connection to the Township sewer line and also attempting to raise money for an addition. Mr.

Hook could not provide a time as to when such an addition would be built or when the trailer would be removed.

18. Mr. Hook testified that the NJDOT had no objection to the installation of the trailer and referred the Board to the April 20, 2016 e-mail of the NJDOT's Ronald D. Harbist (See Paragraph 11).

19. The Board heard the testimony of Paul P. Darmofalski, P.E., Applicant's Engineer and Planner.

20. Mr. Darmofalski testified as to the history of the existing classroom trailer on the Property, as well as Applicant's proposed trailer.

21. Mr. Darmofalski testified that Applicant installed its existing classroom trailer in or about 1998 when the NJDOT would not consent to Applicant conducting development at the Property.

22. Mr. Darmofalski testified that, like the existing trailer, the proposed trailer will be located at the rear of the Property and will not be visible. Neither trailer will have sanitary facilities.

23. There were no objections to the requested variance 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. Applicant has shown by testimony, exhibits and other evidence that the relief sought can be granted.

2. The variance for the deviation from the conditional use standards of the Zoning Ordinance for maximum building coverage can be granted.

3. The installation of the trailer and shed on the Property will result in only a nominal increase in building coverage at the Property.

4. Applicant's testimony and exhibits indicate that the proposed trailer and shed will satisfy the positive criteria required for relief under N.J.S.A. 40:55D-70 (d)(3). The School provides a significant educational benefit to the general welfare of the children of both the Township of Pequannock and surrounding municipalities. Installation of the trailer and shed will enable the School to continue to provide that educational benefit. This is a purpose of the MLUL, N.J.S.A. 40:55D-2(a).

5. In addition, the requested variance from conditional use requirements for maximum building coverage can be granted without further impairment to the intent and purpose of the Township Master Plan and Zoning Ordinance, satisfying the negative criteria required for said variances under N.J.S.A. 40:55D-70(d)(3).

6. Accordingly, the Board concludes that a variance for deviation from the conditional use requirements of the Zoning Ordinance to permit building coverage of 9.6% on the Property shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(d)(3).

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 MLUL, 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 Applicant's request for relief pursuant to N.J.S.A. 40:55D-70(d)(3) for

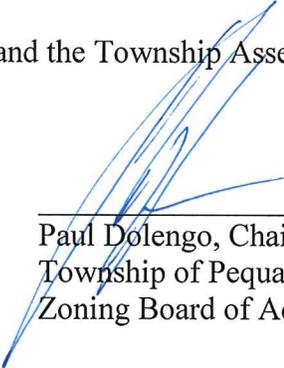
deviation from the conditional use standards of the Zoning Ordinance to permit a building coverage of 9.6% as outlined above. The Board voted on December 1, 2016 to approve the application for development as above described.

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

1. Applicant shall submit proof of payment of all real estate taxes applicable to the property.
2. Applicant 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. Applicant 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. Applicant 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(s) on the date(s) 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. Applicant 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. Applicant shall comply with all comments and recommendations set forth in the November 30, 2016 report of the Board's Planner.

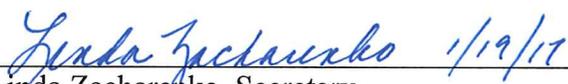
7. Applicant shall revise its plans to reflect the location of the shed on the Property and shall revise the zoning table on said plans to reflect a maximum building coverage of 9.6%.

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 Applicant, the Township Clerk, the Township Engineer and the Township Assessor and make same available to all other interested parties.



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 January 19, 2017.



Linda Zacharenko, Secretary
Township of Pequannock
Zoning Board of Adjustment

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

Yes:

No:

Abstain: