

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

MATTER OF: Larry Glynn

PROPERTY LOCATION: Block 3907, Lot 9, 72 Mandeville Avenue

APPROVED: June 2, 2016

MEMORIALIZED: July 21, 2016

WHEREAS, Larry Glynn (“Applicant”) has requested a variance for minimum front yard setback to permit the construction of a single-family residential dwelling on property located at 72 Mandeville Avenue, known and designated as Block 3907, Lot 9 on the Tax Maps of the Township of Pequannock in the R-9 zone district (“Property”); and

WHEREAS, a public hearing was held before the Zoning Board of Adjustment of the Township of Pequannock (“Board”) on June 2, 2016; and

WHEREAS, the Board heard the 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. 40:55D-1 et seq. (“**MLUL**”).

2. The Property, owned by Applicant, measures 10,000 square feet and is located at Block 3907, Lot 9, 72 Mandeville Avenue in the Township of Pequannock (“Township”) in the Township’s R-9 zone district. Applicant also owns the adjacent property at Block 3907, Lot 10, 74 Mandeville Avenue.
 3. The Property is square in shape and has frontage on Mandeville Avenue.
 4. The Property is vacant with the exception of a shed.
 5. Applicant seeks to construct a four (4) bedroom residential dwelling on the Property.
 6. To permit the requested development, Applicant seeks a variance for minimum front yard setback (35 feet required pursuant to the Township Zoning Ordinance (“Zoning Ordinance”), 24 feet proposed).
 7. The Property has one (1) pre-existing, non-conforming bulk condition, that of lot depth. Pursuant to the Zoning Ordinance, a minimum lot depth of 125 feet is required. The Property has a pre-existing lot depth of 100 feet. However, this pre-existing condition will not be exacerbated by the proposed development.
 8. Applicants’ proposal is depicted on plans prepared by Richard J. Trautwein, A.I.A., entitled “Proposed New Residence, Private Residence, 72 Mandeville Ave., Pequannock, N.J., Lot 9, Block 3907” consisting of three (3) sheets, dated April 20, 2016, revised as of May 9, 2016.
 9. The Board also received a report from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P., dated June 1, 2016, the contents of which are incorporated herein by reference.
 9. The Board heard the testimony of Larry Glynn, the Applicant. .

10. Mr. Glynn testified that Applicant seeks to construct a four (4) bedroom, colonial style home on the Property.
11. The Property has been vacant for an extended period of time prior to Mr. Glynn's purchase of same.
12. The Board heard the testimony of Richard J. Trautwein, A.I.A., Applicants' Architect.
13. Mr. Trautwein testified with regard to his architectural and site plan for the Property.
14. Mr. Trautwein testified that the Property is an oversized lot. Though a front yard setback variance is required, the setback will not be inconsistent or disparate in appearance from other such setbacks on surrounding properties or in the neighborhood generally.
15. On recall, Mr. Glynn testified that Applicant has received approval from the Township's Health Department for the proposed septic system at the Property.
16. Mr. Glynn testified that the existing shed will be removed from the Property. This will be a condition of approval.
17. Applicant proffered, and the Board accepted as evidence, Exhibit A-1, an aerial photograph of the Property and surrounding neighborhood.
18. 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 requested by Applicant for minimum front yard setback can be granted.
3. The development will serve the general welfare by adding diversity to the Township's housing stock, a purpose of zoning under the MLUL, N.J.S.A. 40:55D-2(a)
4. In addition, while the variance is material in nature, the size of the Property and the proposed location of Applicant's dwelling, deck and garage will moderate the visual and physical impact of the front setback deficiency and promote a desirable visual environment at the Property. This is also a purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(i).

5. 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.

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

7. Accordingly, the Board concludes that a variance for minimum front yard setback of 24 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).

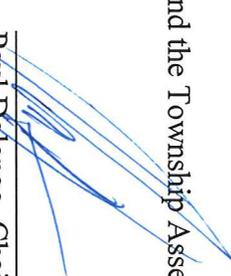
NOW, THEREFORE, BE IT RESOLVED, the Board having reviewed the application and considered the impact of the proposal on the Township and its residents, and having determined whether the proposal is in furtherance of the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the intent 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 variance requested by Applicant for minimum front yard setback as set forth above. The Board voted on June 2, 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 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. 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 remove the existing shed from the Property.

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

07-21-16

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 July 21, 2016.



Linda Zacharenko, Secretary
Township of Pequannock
Zoning Board of Adjustment

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

Yes: Hebert, Melleno, Vicavich, Way, Driesse, ~~Wintenberg~~, Dolengo

No: None

Abstain: