

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

**MATTER OF:** Larry Glynn

**PROPERTY LOCATION:** Block 3907, Lot 10, 74 Mandeville Avenue  
**APPROVED:** June 2, 2016

**MEMORIALIZED:** July 21, 2016

**WHEREAS**, Larry Glynn (“Applicant”) has requested variances for primary and secondary front yard setback to permit the construction of a single-family residential dwelling on property located at 74 Mandeville Avenue, known and designated as Block 3907, Lot 10 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 10, 74 Mandeville Avenue at the corner of Mandeville Avenue and Henry Street in the Township of Pequannock (“Township”) in the Township’s R-9 zone district. Applicant also owns the adjacent property at Block 3907, Lot 9, 72 Mandeville Avenue.

3. The Property is a corner lot, square in shape. The Property has primary frontage on Mandeville Avenue and secondary frontage on Henry Street, an unimproved wooded 40-foot right of way.

4. The Property is improved with a single-family residential dwelling.

5. Applicant seeks to demolish the existing dwelling and construct a four (4) bedroom residential dwelling with attached garage and rear deck on the Property.

6. To permit the requested development, Applicant seeks variances for minimum primary front yard setback on Mandeville Avenue (35 feet required pursuant to the Township Zoning Ordinance (“Zoning Ordinance”), 24 feet proposed) and minimum secondary front yard setback on Henry Street (35 feet required pursuant to the Zoning Ordinance, 29 feet, 8 inches 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, 74 Mandeville Ave., Pequannock, N.J., Lot 10, 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. The first floor of the house will be an “open” floor plan.

11. Mr. Glynn testified that the proposed dwelling on the Property was intentionally designed differently from the dwelling to be constructed by Applicant on adjacent Block 3907, Lot 9, 72 Mandeville Avenue.

12. For example, the proposed garage on the Property will be placed on the left side of the dwelling, whereas the garage will be placed on the right side of the dwelling at 72 Mandeville Avenue.

13. Mr. Glynn testified that Applicant has received approval from the Township’s Health Department for the proposed septic system at the Property.

14. The Board heard the testimony of Richard J. Trautwein, A.I.A., Applicants’ Architect.

15. Mr. Trautwein testified with regard to his architectural and site plan for the Property.

16. Mr. Trautwein testified that the Property is an oversized corner lot.

17. Though front yard setback variances are required, the proposed setbacks will not be inconsistent or disparate in appearance from other such setbacks on surrounding properties or in the neighborhood generally.

18. Mr. Trautwein testified that the design and location of the proposed dwelling, including the location of the deck and garage, would present a different appearance than the dwelling to be built at 72 Mandeville Avenue and would also allow for more open or “green” space between the dwelling on the Property and the dwelling at 72 Mandeville Avenue.

19. 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 variances requested by Applicant for minimum primary and secondary 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 variances, particularly the primary front yard setback variance, are material in nature, the proposed location and configuration of Applicant’s dwelling and its deck and garage will moderate the visual and physical impact of the primary and secondary front setback deficiencies 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 variances for minimum primary and secondary front yard setback outweigh any detriments which might result therefrom.

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

7. Accordingly, the Board concludes that variances for minimum primary front yard setback of 24 feet on Mandeville Avenue and secondary front yard setback of 29 feet, 8 inches on Henry Street shall be and hereby are granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

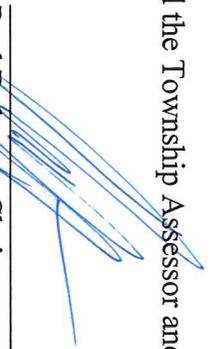
**NOW, THEREFORE, BE IT RESOLVED**, the Board having reviewed the application and considered the impact of the proposal on the Township and its residents, and having determined whether the proposal is in furtherance of the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the intent 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 Applicant for minimum primary and secondary 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.

**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.

  
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Paul Dolenigo, 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.

  
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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: Hebert, Melleno, Vitcavich, Way, Driesse, ~~Wintenberg~~, Dolengo

No: None

Abstain: