

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

**MATTER OF:** Al Dorso

**PROPERTY LOCATION:** Block 1204, Lot 25, 1 Saddle Drive

**APPROVED:** October 6, 2016

**MEMORIALIZED:** December 1, 2016

**WHEREAS**, Al Dorso (“Applicant”) has requested a building coverage variance to permit the construction of an addition consisting of a new front porch on a dwelling located at 1 Saddle Drive, known and designated as Block 1204, Lot 25 on the Tax Maps of the Township of Pequannock in the Township’s R-22 zone district (“Property”); and

**WHEREAS**, a public hearing was held before the Zoning Board of Adjustment of the Township of Pequannock (“Board”) on October 6, 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, is irregularly shaped, measures 22,006 square

feet and is located at Block 1204, Lot 25, at the corner of Saddle Drive and West End Avenue in the Township's R-22 Residential zone district.

3. The Property is improved with a two (2) story single-family dwelling with an attached deck.

4. Applicant desires to install a new front porch with roof improvements ("Addition") to the dwelling, which has frontage on Saddle Drive.

5. To permit the construction of the Addition, Applicant requires a variance from the requirements of the Township Zoning Ordinance ("Zoning Ordinance") for maximum building coverage. A maximum building coverage of 12% is permitted pursuant to the Zoning Ordinance. Applicants propose a building coverage of 13%.

6. Applicant's proposal is depicted on a map and plan prepared by Steven M. Coppa, A.I.A., of Comerro Coppa, P.C., Architects, entitled "Dorso Residence, Front Entry Modification, 1 Saddle Drive, Pompton Plains, New Jersey" consisting of two (2) sheets, dated August 9, 2016.

7. The Board also received a report from the Township Planner, Jill A. Hartmann, P.P., A.I.C.P., dated October 4, 2016 with regard to the application. Said report is hereby incorporated by reference as if set forth at length herein.

8. At the October 6, 2016 hearing, the Board heard the testimony of Al Dorso, the Applicant.

9. Mr. Dorso briefly summarized Applicant's request for relief from the Board.

10. Mr. Dorso testified that Applicant's dwelling was constructed in 1982. He is now seeking to modernize the dwelling through the construction of the Addition, which will compliment the existing dwelling.

11. The Board expressed concern with regard to errors in Applicant's "zoning information table". First, the Block and Lot numbers of the Property are incorrect. Second, Applicant's use of the term "minimum coverage" for building and impervious coverage in the table is confusing. Mr. Dorso stated that Applicant's plans will be revised to correct the Block and Lot number and will change the term "minimum coverage" to read "maximum coverage". This will be a condition of approval.

12. 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 maximum building coverage can be granted.
3. The proposed deviation from the maximum building coverage requirements of the Zoning Ordinance will not result in a negative impact on the Property, surrounding lots or the neighborhood.
4. The Addition will modernize the appearance of the Property and enhance the surrounding neighborhood. This is a purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(I).
5. In addition, the improvements will enhance the diversity of the Township's residential housing stock, also a purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(g).
6. Based upon the foregoing, the benefits to be obtained from granting the variance for maximum building coverage outweighs any detriments which might result therefrom.

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

8. Accordingly, the Board concludes that a variance from Zoning Ordinance requirements for maximum building coverage of 13% shall be and hereby is granted to Applicant 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 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 a bulk variance for maximum building coverage of 13% pursuant to N.J.S.A. 40:55D-70(c)(2) as outlined above. The Board voted on October 6, 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

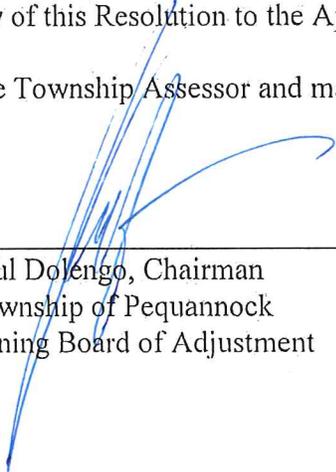
post all performance and maintenance bonds and guarantees in connection with the review of this application prior and subsequent to the approval of this application.

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's "zoning information table:" shall be (a) revised to correct the Block and Lot numbers of the Property; and (b) revised to change the term "minimum coverage" to read "maximum coverage".

**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 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 December 1, 2016.

Linda Zacharenko 12/2/16  
Linda Zacharenko, Secretary  
Township of Pequannock  
Zoning Board of Adjustment

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

Yes: Hebert, Imfeld, Melleno, Skvarca, Vitcavich, Way, Driesse, Wintemberg and Dolengo

No:

Abstain: