

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

MATTER OF: John and Stephanie Andronaco

PROPERTY LOCATION: Block 4304, Lot 9, 27 Boulevard

APPROVED: October 6, 2016

MEMORIALIZED: December 1, 2016

WHEREAS, John and Stephanie Andronaco (“Applicants”) has requested bulk variances for minimum primary and secondary front yard setbacks on a corner lot to permit the construction of three (3) additions consisting of a one (1) story garage addition, a front porch addition and a second floor master bedroom suite addition on a dwelling located at 27 Boulevard, known and designated as Block 4304, Lot 9 on the Tax Maps of the Township of Pequannock in the Township’s 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 October 6, 2016; and

WHEREAS, the Board heard 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. 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 Applicants, measures 15,374 square feet and is located at Block 4304, Lot 9, at the corner of the Boulevard and Mandeville Avenue in the Township's R-9 Residential zone district.

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

4. Applicants desire to add a new 14' x 24' 1" garage addition to the Property's existing first floor garage, a new 20' 9" x 8' attached and covered porch in the rear of the Property, and a new secondary 24' x 20' addition on the southern portion of the dwelling.

5. To permit the construction of the Addition, Applicants require variances from the requirements of the Township Zoning Ordinance ("Zoning Ordinance") for minimum primary front yard on the Boulevard and minimum secondary front yard setback on Mandeville Avenue. A minimum primary or secondary front yard setback of 35 feet is permitted pursuant to the Zoning Ordinance.

6. While the existing primary front yard setback on the Boulevard is conforming at 37.85 feet, the existing secondary front yard setback on Mandeville Avenue is non-conforming at 29.60 feet. Applicants propose a primary front yard setback on the Boulevard of 29.85 feet and a secondary front yard setback on Mandeville Avenue of 15.60 feet.

7. Applicants' proposal is depicted on a map and plan prepared by Vincent Benanti, R.A., of Vincent Benanti Architect, LLC, entitled "Addition & Alteration to Existing Single Family Residence for Andronaco, 27 Boulevard, Pequannock, NJ" consisting of two (2) sheets, dated August 19, 2016.

8. 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.

9. At the October 6, 2016 hearing, the Board heard the testimony of John and Stephanie Andronaco, the Applicants, and Mr. Benanti, the Applicants' Architect. .

10. Mr. Benanti testified that the proposed setbacks were consistent with those of other lots in the vicinity of the Property. For example, the adjacent lot to the west of the Property has a front yard setback of 12.59 feet. Members of the Board concurred in this analysis.

11. Mr. Andronaco testified that the proposed development would enable Applicants to more fully enjoy the Property.

12. Mr. Andronaco testified that Applicants also intend to improve the existing landscaping on the Property, which will further enhance the Property's appearance. .

13. Mr. Mihai Cristea, 46 Mandeville Avenue, appeared and advised that he had no objection to the application and opined that the proposed additions to the dwelling would be friendlier to neighbors of the Property.

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 for minimum primary front yard setback on the Boulevard and minimum secondary front yard setback on Mandeville Avenue can be granted.

3. The proposed deviations from the minimum front yard setback requirements of the Zoning Ordinance will not be detrimental to the Property, surrounding lots or the neighborhood.

4. The Board notes that other lots in the neighborhood of the Property have front yard setbacks ranging between 12 feet and 15 feet. Accordingly, the Property will not be incompatible with the neighborhood as a result of the development.

5. The development will enhance the appearance of the Property and the surrounding neighborhood. This is a purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(I).

6. The development will also enhance the diversity of the Township's residential housing stock, a purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(g).

7. Based upon the foregoing, the benefits to be obtained from granting the variances for minimum primary front yard setback and minimum secondary front yard setback outweigh any detriments which might result therefrom.

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

9. Accordingly, the Board concludes that variances from Zoning Ordinance requirements for minimum primary front yard setback on the Boulevard of 29.85 feet and minimum secondary front yard setback of 15.60 feet on Mandeville Avenue shall be and hereby are granted to Applicants pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70©(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

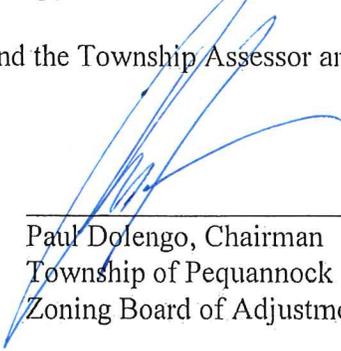
been shown to grant the Applicants' request for bulk variances for minimum primary front yard setback of 29.85 feet on the Boulevard and minimum secondary front yard setback of 15.60 feet on Mandeville Avenue pursuant to N.J.S.A. 40:55D-70©(2) as outlined above. The Board voted on October 6, 2016 to 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. 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(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. 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.

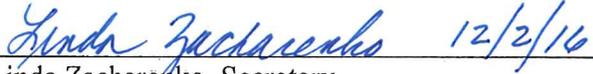
BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and

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 December 1, 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, Imfeld, Melleno, Skvarca, Vitcavich, Way, Wintemberg and Dolengo

No: Driesse

Abstain: