

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
BARBARA CIAMPA  
14 LYNN PLACE, PEQUANNOCK TOWNSHIP, NEW JERSEY  
Block 2010, Lot 11

**WHEREAS**, the applicant is the owner of property located at 14 Lynn Place, Pequannock Township, New Jersey, Block 2010, Lot 11, located in the R-9 zone district; and

**WHEREAS**, the applicant proposes to construct an addition to a single family house which would cause the building coverage to be 23.3% instead of the maximum allowed of 17%; and

**WHEREAS**, testimony was taken at a public hearing on April 5, 2012, at which time the Board took sworn testimony and both the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

**WHEREAS**, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a flat rectangular parcel, presently improved with a single family residence. This matter comes before this Board as a result of the interaction of federal, state and local regulations which combine to create the necessity for the requested variance. The former residence on the subject property was demolished beyond repair by flood waters and was removed and replaced in accordance with federal regulations. Those regulations require, among other things, that the first floor elevation of the residence be above the base flood elevation. That has been accomplished, thereby raising the first floor of the house approximately 10' above the ground level. It should be noted that strict compliance with the flood regulations would permit a space of 7' above ground level, but that would make the space under the first floor virtually unusable. The applicant has raised the first floor 10' in order to provide adequate elevation for a 2 car garage.
3. In addition to the elevation requirements, the federal regulations regarding rebuilding in this flood area require that any new construction be built on the foundation of the original existing structure, which further limits the applicant's ability to adjust to the restrictions and requirements of the ordinance.
4. The previous impervious coverage was 22.1% of the lot area or substantially greater than the 17% permitted. The applicant has reduced the size of the footprint of the home by 214 sq. ft. and has made a further reduction of 196 sq. ft. by removing a shed. However, because the house has been raised up so high in order to comply with federal flood regulations, the stairs now require substantially greater area and the proposed deck can no longer be constructed at an elevation of less than 30" from the ground and therefore must be included in building coverage.

5. In order to give the front staircase, which will be the main front entrance to the house, an attractive appearance, the applicant proposes a substantial front porch. The size of the porch is basically dictated by the very substantial staircase which is required in order to comply with codes for landings at appropriate levels and access into the house itself. The proposed porch is only 6'8" wide which the Board finds to be a reasonable minimum width for porches.

6. The applicant proposes to add a deck to the rear of the property which would be 8'8" wide in the vicinity of the rear staircase and 14' x 14' in the main area of the deck. The area by the staircase appears to be the minimum safe dimensions for that arrangement and the deck appears to be a reasonable size for any utilitarian purpose.

7. Although the residence will now appear to be a two story structure, the lower level is restricted against any residential occupancy. Therefore, in effect the structure is a small one story residential unit. Consequently, the addition of the deck becomes a very important functional amenity for this very modest residence.

8. No members of the public appeared to testify in connection with this application.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicant has sustained her burden under N.J.S.A. 40:55D-70c(1)(a) by reason of the size and shape of this specific property and the interaction between federal, state and local regulations, in particular the required elevation of the first floor of this reconstructed residence, the applicant has demonstrated that the strict enforcement of the dimensional requirements of the zoning ordinance would impose an undue hardship on this property.

2. The applicant has sustained her burden for preliminary and final approval under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested variance substantially exceed any detriment which there may be and the Board finds that there is no detriment. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.

3. The requested variances can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

**NOW THEREFORE BE IT RESOLVED** by the Board of Adjustment of the Township of Pequannock this 3rd day of May, 2012 that it now memorializes, ratifies and adopts the action taken at its meeting on April 5, 2012 granting the application of Barbara Ciampa for building coverage of 23.3% instead of the maximum allowed of 17%, subject to the following conditions:

1. All construction will be in substantial conformity with the site plan filed with the application prepared by Richard J. Trautwein dated 3/21/12.

2. No permits or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on May 3, 2012.

  
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Linda Zacharenko, Secretary  
5/3/12

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
WILLIAM FERENCE  
11 CAROLINE AVENUE, PEQUANNOCK TOWNSHIP, NEW JERSEY  
Block 3307, Lot 3

**WHEREAS**, the applicant is the owner of property located at 11 Caroline Avenue, Pequannock Township, New Jersey, Block 3307, Lot 3, located in the R-9 zone district; and

**WHEREAS**, the applicant proposes to construct a front porch addition to an existing single family house which would create a front yard setback of 12.45' instead of the required 35' and building coverage of 19.1% instead of the maximum permitted of 17%; and

**WHEREAS**, testimony was taken at a public hearing on April 5, 2012, at which time the Board took sworn testimony and both the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

**WHEREAS**, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a flat, rectangular parcel, substantially undersized in area having 5,000 sq. ft. instead of the required 9,375 sq. ft. lot area. It is presently improved with an existing single family residence to which the applicant desires to construct a front porch and foyer entrance way primarily for aesthetic reasons and a rear deck. Because the elevation of the deck does not exceed 30" above existing ground level, it is not included in the calculations of building coverage.
3. The homes on both sides of this property have front porch projections and/or enclosures which project closer to the street than the one proposed in this application.
4. The house is an older model cape cod which has been slightly enlarged with an existing dormer and the front porch will simply add a certain attractiveness to entire street scape.
5. Although the excess building coverage is more than this Board would normally consider appropriate, especially for a small lot, the Board notes that the existing building coverage is 18.4% and therefore the increase is only .7% or approximately 35 sq. ft. of additional building coverage.
6. Although building coverage will be minimally increased, it appears that impervious coverage will be decreased because the concrete pad underneath the proposed deck will be removed and replaced with permeable material. Also a portion of the driveway and front walkway will be removed. One member of the public appeared to testify about his concern for excess building coverage in this flood prone neighborhood. However, the Board has determined that the overall project is a benefit to the neighborhood from a flood control standpoint because the overall impervious coverage on the property will be reduced.

7. A second member of the public appeared and testified strongly in favor of the project. He testified that he lives directly across the street and considers the proposal a significant visual enhancement to the property itself and the neighborhood in general.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicant has sustained its burden under N.J.S.A. 40:55D-70c(1)(a) by reason of the deficient lot depth, lot area and location of the existing structure on the property. The subject property has a zoning hardship which would make the strict imposition of the dimensional requirement of the ordinance an undue hardship for this property.

2. The applicant has sustained its burden for preliminary and final approval under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested variance substantially exceed any detriment which there may be and the Board finds that there is no detriment. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.

3. The requested variances can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

**NOW THEREFORE BE IT RESOLVED** by the Board of Adjustment of the Township of Pequannock this 3rd day of May, 2012 that it now memorializes, ratifies and adopts the action taken at its meeting on April 5, 2012 granting the application of William Ference front yard setback of 12.45' instead of the required 35' and building coverage of 19.1% instead of the maximum allowed of 17%, subject to the following conditions:

1. All construction will be in substantial conformity with the site plan filed with the application prepared by Richard J. Trautwein dated 1/13/12 and most recently revised 1/21/12.

2. No permits or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on May 3, 2012.

  
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Linda Zacharenko, Secretary  
5/3/12

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
MITCHELL McCULLOUGH  
320 SUNSET ROAD, PEQUANNOCK TOWNSHIP, NEW JERSEY  
Block 2801, Lot 1

**WHEREAS**, the applicant is the owner of property located at 320 Sunset Road, Pequannock Township, New Jersey, Block 2801, Lot 1, located in the R-87 zone district; and

**WHEREAS**, the applicant proposes to construct a free standing detached garage which would have a front yard setback of 60' instead of the required 75' and a building height of 21.5' instead of the maximum permitted of 18'; and

**WHEREAS**, testimony was taken at a public hearing on April 5, 2012, at which time the Board took sworn testimony and both the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

**WHEREAS**, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.

2. The subject property is a random shaped parcel, slightly in excess of 10 acres in size, fronting on the west side of Sunset Road. It is presently improved with a two story frame and stone single family residence, barn and several sheds. The applicant proposes to construct a barn style, detached garage to the north of the barn near the road. However, the topography of this lot is such that the first floor elevation of the barn will be approximately forty feet below the elevation of the roadway and therefore regardless of where the detached garage is placed, the only part of the garage which will be visible off site will be the roof. In fact, the closer this structure is to the street the less visible it will be.

3. The applicant testified that the sole purpose for the garage is the storage of antique automobiles in his personal collection. Therefore, there will not be any commercial use of the garage.

4. The proposed garage would be 64' long and 36' wide. Although the 36 foot width is in proportion to the length of the garage from an appearance standpoint, it requires that the roof ridge be at least 21 ft high in order to create an acceptable roof slope. Since the entire structure will be substantially below the elevation

of the street makes it highly unlikely that any passerby or other party offsite could detect a 3 foot difference in the height above the roof.

5. No members of the public appeared to testify in connection with this application.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicant has sustained its burden under N.J.S.A. 40:55D-70c(1)(a) by reason of the size and shape of this specific property and the interaction between federal, state and local regulations, and in particular the required elevation of the first floor of this reconstructed residence, the applicant has demonstrated that the strict enforcement of the dimensional requirements of the zoning ordinance would impose an undo hardship on this property.

2. The applicant has sustained its burden for preliminary and final approval under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested variance substantially exceed any detriment which there may be and the Board finds that there is no detriment. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.

3. The requested variances can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

**NOW THEREFORE BE IT RESOLVED** by the Board of Adjustment of the Township of Pequannock this 3rd day of May, 2012 that it now memorializes, ratifies and adopts the action taken at its meeting on April 5, 2012 granting the application of Mitchell McCullough to construct a detached garage as shown on the plan prepared by Scott M. Bleeker dated 6/8/02 and most recently revised 1/25/12 with a front yard setback of 60' and a height of 21.5', subject to the following conditions:

1. All construction will be in substantial conformity with the site plan filed with the application prepared by Mitchell M. McCullough dated 6/8/02 and most recently revised 1/25/12.

2. Use of the garage is limited to those uses in a typical residential garage.

3. No permits or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on May 3, 2012.

*Linda Zacharenko*

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Linda Zacharenko, Secretary

*5/3/12*