

PEQUANNOCK TOWNSHIP
APPLICATION FOR VARIANCE

Applicant's Name: _____

Fee Paid: _____

Date Received: _____

Escrow Paid: _____

Date Received: _____

DO NOT WRITE ABOVE THIS LINE

1. Applicant's Name, Address and Telephone Number: Passaic Valley Learning Center, 60 Sunset Road, Pompton Plains, New Jersey 07444
2. Present Owner's Name, Address and Telephone Number: Passaic Valley Learning Center, 60 Sunset Road, Pompton Plains, New Jersey 07444
3. Attorney's Name, Address and Telephone Number: Peter V. McArthur Esq. Peter McArthur Law LLC, 75 Lane Road, Suite 204, Fairfield NJ 07004 973 839-9062
4. N.J.S.A. 40:55D-70
- _____ (a) Review of Order _____ (b) Interpretation
- X (c) Hardship or C(2) Variance X (d) Use Variance
5. Permission to: _____ (a) Alter or add to an existing building
(Check applicable) _____ (b) Construct a new building on vacant land
_____ (c) Change from existing use
_____ (d) Subdivide land creating one or more nonconforming lots
X (e) Other Demolition of former Presbyterian Church and Parsonage. Construction of a 27,825 square foot school building.
6. Proposed building or use is contrary to the following sections of the Zoning Ordinance:
- | Section | Brief Description |
|---------|---------------------|
| _____ | <u>See attached</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
7. Location of Lot: Number and Street: 60 Sunset Road
- Block 2104 Lot 21 Zoning R-15

8. Dimensions of Lot 3.98 acres 173,411 square feet

Front yard setback 62.7 feet Rear yard setback 105.3 feet

Side yard setback N/A and N/A

Lot depth 339.7 Lot width 456.3

9. Do lots have frontage on a public street or ROW?

Yes X No _____

Property is located on a X Municipal, _____ County or
_____ State Road. (Check all that apply)

10. Has tract been involved in a prior application before the Zoning Board of Adjustment or the Planning Board? Yes X No _____

If Yes, name of Board see attached

Type of Application _____

Action Taken _____

11. Number of buildings or structures existing 4, proposed 1

Ground floor area of all structures 27,825 square feet

Dimensions of proposed addition not applicable square feet.

12. Have efforts been made to acquire additional land to be joined with the subject premises? Explain: No. De Wilde Avenue abuts the property to the North. Roome Avenue abuts the property to the East. Sunset Road abuts the property to the South. The property is otherwise surrounded by single-family residences to the West and Northwest.

13. Are there any existing covenants or deed restrictions on the property?

Yes _____ No X If Yes, Describe: _____

14. Is the property located in the 100 year Floodplain or Floodway as shown on the FEMA Maps dated July 3, 1986? Yes _____ No X

15. Name, Address and Title of person preparing the plats and exhibits

presented: Jake Modestow P.E. Stonefield Engineering and Design, 92 Park Avenue, Rutherford, New Jersey, 07070

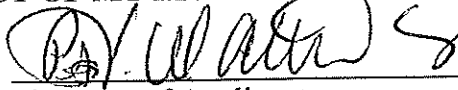
16. List all the plans and other exhibits submitted with this application:

See cover letter from Peter McArthur Law LLC accompanying this application

17. Explain reasons why relief should be granted (attach narrative giving complete factual and legal contentions)

See attached

**I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS
CORRECT TO THE BEST OF MY KNOWLEDGE.**



Signature of Applicant

Attorney for
PETER V. McARTHUR Esq.

Sworn to and Subscribed

Before me this 21st day

of October 2022



Notary

SAMUEL P. SOROKO
I.D. NO 60985
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 13, 2024

TOWNSHIP OF PEQUANNOCK

SUPPLEMENT TO VARIANCE APPLICATION

The following questions are necessary for the Health Department's review of your application. The completed form will also be made available to the Board of Adjustment prior to the hearing date. Filling out this form completely and accurately will facilitate the application process and is required for your application to be deemed complete.

Property Owner(s) Passaic Valley Learning Center

Address: 60 Sunset Road

Block 2104 Lot 21

Property to Sewered (☒) Property is on Septic (☐)

Number of bedrooms presently in structure (☐) unknown but it is believed that several exist

Number of bedrooms to be added (☐)

Number of bedrooms to be deleted (☐) All

Total number of bedrooms when project is completed (☐) None

Size of Septic (if known) not applicable

Type and size of disposal field (if known) not applicable

Please enclose an up to date plot plan or survey with this form. This survey should include all structures located on the property as well as any easements. The location of all septic system components must also be shown on the survey. The Health Department may have information that will assist you. Please contact them with your inquiries.

PASSAIC VALLEY LEARNING CENTER APPLICATION FOR VARIANCE ITEM 6

The Proposed building or use is contrary to the following provisions of the Pequannock Township Zoning Ordinance:

SECTION	DESCRIPTION
360-46(G)	Lot size is 3.98 acres. 5 acres required. Conditional Use Variance
360-12(B)(7)	Maximum Impervious Coverage 35% is required, 38.7% proposed
360-56(E)(5)	No parking spaces in residential zone front yard setback required. 2 spaces in Sunset Road front yard proposed.
360-58(B)	Minimum Number of parking spaces. 56 required. 43 proposed.
360-57	Loading space cannot be in located in the front yard required. Loading zone in the Sunset Road front yard proposed.
360-82(A)(2)	Number of signs for a commercial use in a residential zone. 1 required. 4 signs proposed.
360-82(A)(3)	Maximum sign area home occupation 2 square feet required for attached nameplate required. Attached sign area of 40 square feet is proposed.
360-82(A)(3)	Maximum sign area freestanding sign is 12 square feet. Freestanding sign of 15.1 square feet is proposed
360-82(A)(4)	Maximum height of freestanding sign is 3 feet required. Proposed height of freestanding sign is 6 feet
360-82(D)(2)	Signs for Institutional Uses. 1 changeable letter sign permitted, 2 freestanding signs proposed.
360-82(D)(2)	Signs for Institutional Uses. 1 attached sign permitted, 2 attached signs proposed.
360-82(D)(4)	Attached signs can't have top edge higher than 14 feet required. Top edge of attached sign 16 feet proposed.
360-46(P)(1)	Fences in Front yard shall have a height of 3 feet required and 6 feet height of fence in a front yard proposed.
360-46(P)(1)	Fences in a front yard shall be set back a minimum of 5 feet required. Fence in front yard setback 3 feet is proposed.

360-46-(P)(1)(2)

Fences in the secondary front yard shall have a maximum height of 4 feet required and fence in the secondary front yard has a height of 6 feet proposed.

360-46(P)(1)(2)

Fences in the secondary front yard shall be setback a minimum of 5 feet required and fence in the secondary front yard is setback 3 feet proposed.

360-46(P)(1)(3)

Fence in secondary front yard having a height of 4 feet but not exceeding 6 feet must meet setback requirements of underlying zone required. Fence with height of 6 feet set back 3 feet proposed.

PASSAIC VALLEY LEARNING CENTER ITEM 7 APPLICATION FOR SITE PLAN AND ITEM 10 APPLICATION FOR VARIANCE

In 1963 the Pequannock Township Planning Board approved an amended site plan to increase parking on the site for the former Pompton Valley Presbyterian Church to 35 parking spaces. There was no resolution in the file.

In February 1969, the Pequannock Township Planning Board approved an amended site plan for the Pompton Valley Presbyterian Church for an expansion of / addition to Fellowship Hall. Subsequently, in April 1969, the Pequannock Township Mayor and Council approved the amended site plan for purposes of issuing the building permit. There were no resolutions in the file for either of these approvals.

PASSAIC VALLEY LEARNING CENTER APPLICATION FOR VARIANCE ITEM 17

The proposed use of the property as a school is a conditional use in the R-15 zone in Pequannock. Per section 360-46(G), there are 8 conditions attached to schools in the R-15 zone. This application satisfies 6 of those conditions. The only two conditions of said ordinance which are not met are 1) Lot size – the proposed property is 3.98 acres in size and the conditional use standards require a minimum lot area of 5 acres; 2) Parking not permitted in a front yard and the proposed application will have 2 spaces out of 43 total parking spaces which are located in the Sunset Avenue front yard in the southwest portion of the property. Thus a conditional use variance is required for this application pursuant to N.J.S.A 40:55D-70(d)(3). In *Coventry Square v. Westwood Zoning Board of Adjustment*, 138 NJ 285 (1994) our New Jersey Supreme Court held that proof sufficient to satisfy a Board of Adjustment that the site proposed for the conditional use, in the context of the applicants proposed site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance. The conditional use variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems. Planning testimony will be presented by the applicant indicating the inability to purchase more land to put the application in compliance with the lot area condition. Additionally there are various methods of screening, fencing, landscaping and the like which offset the deviations from the conditional use standards. To be sure the proposed application is reducing the number of buildings on site from 4 to 1 and one of those buildings to be demolished is within the existing rear yard setback. Thus the proposed application will not constitute a substantial detriment to the public good nor a substantial impairment to the zone plan and zoning ordinance of Pequannock Township. In fact the application will bring the property more in compliance with the bulk standards which exist in the zone.

As to the Maximum impervious coverage variance, and the variances required by the applicant for off street parking, signage and the general requirements, the applicant will provide additional planning testimony that the required variances can be granted within the purview of *Kaufmann v. Planning Board for Warren Township*, 110 NJ 551(1988) and N.J.S.A. 40:55D-70(c)(2) in that the entirety of the application presents a better zoning alternative for the Township of Pequannock.