

**TOWNSHIP OF PEQUANNOCK ZONING BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION**

MORRIS COUNTY, NEW JERSEY

MATTER OF: Thomas Cheff

PROPERTY LOCATION: Block 3903, Lot 6, 33 Ackerson Avenue

APPROVED: September 1, 2016

MEMORIALIZED: November 3, 2016

WHEREAS, Thomas Cheff (“Applicant”) has requested a variance for minimum combined side yard setback to permit the construction of an addition consisting of a two (2) car garage with a master bedroom suite to an existing single-family residential dwelling on property located at 33 Ackerson Avenue, known and designated as Block 3903, Lot 6 on the Tax Maps of the Township of Pequannock in the R-15 zone district (“Property”); and

WHEREAS, a public hearing was held before the Zoning Board of Adjustment of the Township of Pequannock (“Board”) on September 1, 2016; and

WHEREAS, the Board heard the testimony of 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 16,429 square feet and is located at Block 3903, Lot 6, 33 Ackerson Avenue in the Township of Pequannock ("Township") in the Township's R-15 zone district.

3. The Property is wedge-shaped and has frontage on Ackerson Avenue.

4. The Property is improved with a 1 ½ story dwelling with an attached wood deck and above-ground swimming pool. The dwelling has no basement.

5. Applicant seeks to construct a 20' x 27' addition to the dwelling which will consist of a two (2) car garage with a master bedroom suite.

6. To permit the requested development, Applicant seeks a variance for minimum combined side yard setback (35 feet required pursuant to the Township Zoning Ordinance ("Zoning Ordinance"), 20 feet, 8 inches proposed)..

7. Applicant's proposal is depicted on a plan prepared by Lawrence Gonnello, P.E., entitled "Variance Application, Cheff Residence, 33 Ackerson Ave., Twp. of Pequannock, NJ, Block 3903, Lot 6" consisting of one (1) sheet, dated August 4, 2016.

8. The Board also received a report from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P., dated August 30, 2016, the contents of which are incorporated herein by reference.

9. The Board heard the testimony of Thomas Cheff, the Applicant, and Lawrence Gonnello, Applicant's Engineer.

10. Mr. Cheff testified that the Zoning Ordinance requires that all single family residences contain either an attached or detached garage. The Property does not have a garage.

The Applicant desires to add an attached two (2) car garage. A master bedroom suite with full bathroom, closet and walk-in closet will be located above the garage.

11. Mr. Cheff testified that neither the addition's second floor nor the master bedroom will have separate accesses. These areas will only be accessible from within the house.

12. Mr. Cheff testified that he is creating a new upstairs hallway in the home by reducing two (2) existing bedrooms. The new hallway will provide access to the new master suite.

13. Mr. Cheff testified that the proposed addition will provide storage space not presently available at the Property due to the absence of a garage or basement.

14. Mr. Cheff testified that a small shed presently located on the Property will be removed.

15. The Board's Planner, Ms. Hartmann, stated that, notwithstanding the need for the variance for combined side yard setback, Applicant's proposed garage will bring the Property into compliance with the Zoning Ordinance and make it more compatible with the other homes on Ackerson Avenue.

16. The Board noted that Mr. Gennello's plan did not show an existing fence on the Property, nor did it list property owners within 200 feet of the Property. Mr. Cheff testified that Mr. Gennello will add the fence and the list of 200 foot property owners to the plan. This will be a condition of approval.

17. 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 requested by Applicant for minimum combined side yard setback to permit the proposed garage/master suite addition can be granted.
3. Applicant's garage/master suite addition will bring the Property into compliance with the Zoning Ordinance's requirement for provision of a garage for a residential dwelling. The Property will also be more compatible with other lots in the neighborhood, on Ackerson Avenue and in the R-15 zone.
4. The addition will also result in an upgrade to the existing dwelling. This will enhance the diversity of the Township's housing stock, a purpose of zoning under the MLUL, N.J.S.A. 40:55D-2(g).
5. The addition will also promote a more desirable visual environment at the Property, a purpose of zoning as set forth in the MLUL, N.J.S.A. 40:55D- 2(i).
6. Based upon the foregoing, the benefits to be obtained from granting the variance for minimum combined side yard setback outweigh any detriments which might result therefrom.
7. The requested variance will not be detrimental to the Township Master Plan or Zoning Ordinance.
8. Accordingly, the Board concludes that a variance for minimum combined side yard setback of 20 feet, 8 inches shall be and hereby is 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 variance requested by Applicants for minimum combined side yard setback as set forth above. The Board voted on September 1, 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:

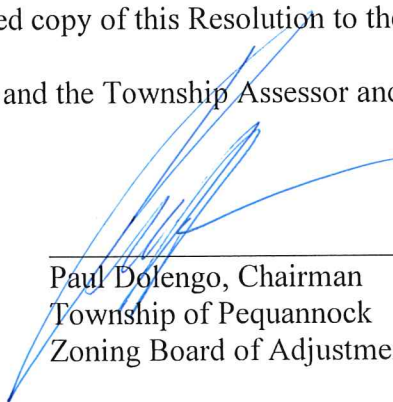
1. Applicants shall submit proof of payment of all real estate taxes applicable to the property.
2. Applicants shall submit a copy of this Resolution with accompanying documentation to verify the satisfaction of each condition stated herein to the Township Zoning Official. Said documentation shall be 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 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. 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.


6. Applicant shall revise its plan to add its fence and the list of property owners located within 200 feet of the Property.

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 Applicants, 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 November 3, 2016.



Linda Zacharenko, Secretary
Township of Pequannock
Zoning Board of Adjustment

11/3/16

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

Yes: *Hebert, Mullens, Sevarca, Way, Aruace, Dolengo*

No:

Abstain: