

**TOWNSHIP OF PEQUANNOCK ZONING BOARD OF ADJUSTMENT  
RESOLUTION OF MEMORIALIZATION  
MORRIS COUNTY, NEW JERSEY  
MATTER OF: Stephen Easterhoff  
PROPERTY LOCATION: Block 3103, Lot 11, 6 Birch Road  
APPROVED: November 2, 2017  
MEMORIALIZED: December 7, 2017**

**WHEREAS**, Stephen Easterhoff (“Applicant”) has requested variances for maximum building coverage and maximum impervious surface coverage to permit the construction of a second story addition to an existing one (1) story, single-family residential dwelling on property located at 6 Birch Road, known and designated as Block 3013, Lot 11 on the Tax Maps of the Township of Pequannock in the R-11 zone district (“Property”); and

**WHEREAS**, a public hearing was held before the Zoning Board of Adjustment of the Township of Pequannock (“Board”) on November 2, 2017; 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 (“MLUL”).

2. The Property, owned by Applicant, measures 15,072 square feet and is located at Block 3103, Lot 11, 6 Birch Road in the Township of Pequannock ("Township") in the Township's R-15 zone district.

3. The Property is rectangular in shape and is improved with a one (1) story ranch-style single-family dwelling with an attached paver patio and garage. An in-ground swimming pool is also located at the east side of the Property's rear yard.

4 Applicant seeks to construct an addition to the existing dwelling which will consist of a second story and a covered porch in the front of the dwelling. .

5. The Property has the following pre-existing, non-conforming conditions in the R-15 zone: minimum lot depth (150 feet required under the Township Zoning Ordinance ("Zoning Ordinance"), 129.93 feet provided); minimum front yard setback (50 feet required, 35.7 feet existing); maximum building coverage (15% permitted, 16.7% provided) and impervious surface coverage (35% permitted, 37.8% provided).

6. The pre-existing, non-conforming lot depth and front yard setback conditions will not be exacerbated pursuant to the instant application. However, Applicant will require variances for maximum building coverage (15.0% permitted, 16.7% existing, 18.8% proposed) and maximum impervious surface coverage (35% permitted, 37.8% existing, 40.2% proposed).

7. Applicant's proposal is depicted on plans prepared by Albert F. Zaccone, A.I.A., P.P., C.I.D., entitled "Addition and Alterations to Easterhoff Residence, 6 Birch Road, Pequannock Township, New Jersey" consisting of one (1) sheet, dated August 8, 2017.

8. The Board also received a report from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P., dated October 29, 2017, the contents of which are incorporated herein by

reference.

9. The Board heard the testimony of Mr. Zaccone, Applicant's Architect and Planner.

10. Mr. Zaccone testified that the existing ranch-style dwelling has no basement. Applicant seeks to construct the addition in order to meet the increasing space needs of his family.

11. Mr. Zaccone testified that the variances requested by Applicant from Zoning Ordinance requirements for maximum building coverage and maximum impervious surface coverage are necessitated because Applicant's addition and new porch, which connects the east and west sides of the dwelling, will increase the overall depth of the dwelling.

12. Mr. Zaccone testified that Applicant initially requested additional relief from the Board in the form of a front yard setback variance. However, the need for this variance has been eliminated, as Applicant has elected and agreed to (a) reduce the length of the front porch to 6 feet, 8 inches, lessening the encroachment of the porch into the Property's front yard, and (b) move the proposed front steps of the front porch back. This will be a condition of approval.

13. Returning to his testimony in support of the requested variances for maximum building coverage and impervious surface coverage, Mr. Zaccone testified that the Applicant's proposed development would not increase any other setbacks or necessitate any other relief.

14. Mr. Zaccone testified that all of the dwelling's bedrooms will be relocated to the addition. Applicant will install a stairway to the attic in the addition; however, the attic will not be used for living space. Instead, the attic will be exclusively used for storage and for the location of mechanical equipment.

15. There were no objections to the requested variances 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 variances requested by Applicant for maximum building coverage and maximum impervious surface coverage can be granted.
3. The Property is slightly oversized, and the proposed deviation from the maximum building coverage or impervious surface coverage requirements will not result in the dwelling being out of proportion with either the Property or homes in the neighborhood.
4. The addition will provide an upgrade in the dwelling to enhance its use by a family with children, further diversifying the Township's housing stock. This is a purpose of zoning pursuant to the MLUL, N.J.S.A. 40:55D-2(e).
5. The addition will also promote a more desirable visual environment at the Property, a purpose of zoning pursuant to the MLUL, N.J.S.A. 40:55D-2(i).
6. Based upon the foregoing, the benefits to be obtained from granting the variances for maximum building coverage and maximum impervious surface coverage outweigh any detriments which might result therefrom.
7. The variances for maximum building coverage and maximum impervious surface coverage will not conflict with the purposes of the R-15 zone district.
8. The variances will not be detrimental to the Township Master Plan or Zoning

Ordinance.

9. Accordingly, the Board concludes that variances for maximum building coverage of 18.8% and maximum impervious surface coverage of 40.2% shall be and hereby are 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 variances requested by Applicant for maximum building coverage and maximum impervious surface coverage as outlined above. The Board voted on November 2, 2017 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 shall (a) reduce the length of the front porch to 6 feet, 8 inches and (b) move the proposed front steps of the front porch back to eliminate the need for a front yard setback variance.

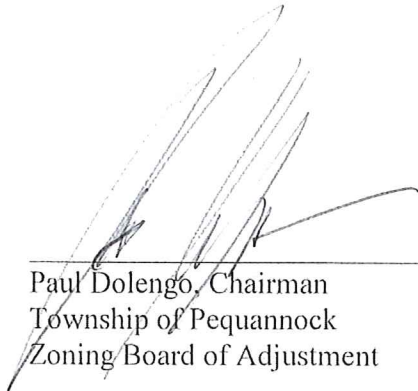
7. Applicant shall revise its plans to reflect the 2016 upgrade to the Property's septic system.

8. Applicant shall correct the "Legend" section on its plans to remove the reference to "New Construction"

9. Applicant shall comply with the comments and recommendations set forth in the October 29, 2017 report of Ms. Hartmann.

**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 7, 2017.



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Linda Zacharenko, Secretary  
Township of Pequannock  
Zoning Board of Adjustment

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

Yes:

No:

Abstain: