

**RESOLUTION
TOWNSHIP OF PEQUANNOCK PLANNING BOARD
MOUNTSHORE CAPITAL, LLC
DECIDED ON JANUARY 11, 2021
MEMORIALIZED ON FEBRUARY 1, 2021
FINAL MAJOR SUBDIVISION APPROVAL
TO CREATE FIVE (5) LOTS
FOR THE CONSTRUCTION OF FIVE (5) SINGLE-FAMILY DWELLINGS**

WHEREAS, Mountshore Capital, LLC (hereinafter “Mountshore” or “Applicant”) has made application to the Township of Pequannock Planning Board (hereinafter “Board” or “Planning Board”) for final major subdivision approval for property known and designated as Block 604, Lots 4, 5.01 and 5.02 as shown on the Tax Assessment Map of the Township of Pequannock and located at 101, 101A and 103 Mountain Avenue, Pequannock, New Jersey 07444 which premises are located in the Residential R-22 Zone District (hereinafter “R-22 Zone”); and

WHEREAS, a public hearing was held on January 11, 2021 after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Andrew M. Brewer, Esq. of the Law Firm Maraziti Falcon, LLP.

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which time a record was made.

The application before the Board is a request for final major subdivision approval for premises known and designated as Block 604, Lots 4, 5.01 and 5.02 as shown on the tax map of the Township of Pequannock and located at 101, 101A and 103 Mountain Avenue, Pequannock, New Jersey 07444 which premises are located in the R-22 Zone.

Counsel for the Applicant provided an overview of the application as well as detailing the Applicant’s efforts to satisfy conditions of the preliminary major subdivision approval granted by the Planning Board of the Township of Pequannock.

Testifying on behalf of the Applicant was Steven I. Smith, P.P., PLS, a licensed professional planner and land surveyor in the State of New Jersey. Mr. Smith confirmed that the Applicant is seeking final major subdivision approval in order to create a five (5) lot subdivision with proposed development of five (5) single-family dwellings with frontage on Mountain Avenue and a new proposed cul-de-sac road along the westerly side of the property. Condition 37 set forth in the Resolution granting preliminary major subdivision approval required the Applicant to identify the lot that would be responsible for the maintenance of the proposed grass area along the westerly side of the road pavement. Mr. Smith testified that proposed Lot 4.05 would have the maintenance responsibility for the grass area along the westerly side of the 10 foot utility easement.

Counsel for the Applicant represented that based upon conversations that he had with the Township Attorney, that no Developer's Agreement would be required. However, the Applicant would be required to post a performance and maintenance bond for all improvements in the public right-of-way including the new road inclusive of a bond for soil erosion and sediment control.

The meeting was opened up to members of the public and there were no members of the public present who expressed an interest in this application.

NOW, THEREFORE, the Planning Board makes the following conclusions of law based upon the foregoing findings of fact.

The application before the Board is a request for final major subdivision approval for property known and designated as Block 604, Lots 4, 5.01 and 5.02 as designated on the Tax Assessment Map of the Township of Pequannock and located at 101, 101A and 103 Mountain Avenue, Pequannock, New Jersey in the R-22 Zone.

The Board notes that it previously granted preliminary major subdivision approval and ancillary "c" variance relief in order to subdivide and reconfigure Lots 4, 5.01 and 5.02 into five

(5) individual lots proposed as Lots 4.01, 4.02, 4.03, 4.04 and 4.05 with frontage along Mountain Avenue and a new proposed cul-de-sac road. The individual lots are proposed for the construction of single-family dwellings. The total area of the tract to be subdivided is 3.5417 acres (154,277 square feet). The subject site is located in the R-22 Zone where the minimum lot area is 22,000 square feet.

The Board also determines that proposed Lot 4.01 has a lot area of 27,274 square feet which exceeds the minimum lot area requirement of 22,000 square feet in the R-22 Zone. Proposed Lot 4.02 has a lot area of 24,075 square feet which exceeds the minimum lot area requirement of 22,000 square feet in the R-22 Zone. Proposed Lot 4.03 has a lot area of 23,007 square feet which exceeds the minimum lot area requirement of 22,000 square feet in the R-22 Zone. Proposed Lot 4.04 has a lot area of 33,684 square feet which exceeds the minimum lot area of 22,000 square feet in the R-22 Zone. Proposed Lot 4.05 has a lot area of 22,207 square feet which exceeds the minimum lot area of 22,000 square feet in the R-22 Zone.

The Board also notes that it previously granted ancillary “c” or bulk variance relief for minimum lot depth for proposed Lots 4.03, 4.04 and 4.05 as well as waiver relief in regard to the submission of an Environmental Impact Statement and a de minimis exception from the Residential Site Improvement Standards (RSIS) for not requiring the Applicant to install sidewalks along the new road. Preliminary major subdivision with the aforementioned relief was granted by the Planning Board on January 6, 2020 and memorialized in a Resolution adopted by the Planning Board on February 3, 2020.

Upon consideration of the plans, testimony and application, the Board determines that the proposed final major subdivision application meets the minimum requirements of the Municipal Land

Use Law, Case Law and Township Ordinances to a sufficient degree so as to enable the Board to grant the relief being requested.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that the application of Mountshore Capital, LLC for Block 604, Lots 4, 5.01 and 5.02 on the Tax Assessment of the Township of Pequannock which premises are located at 101, 101A and 103 Mountain Avenue, Pequannock, New Jersey in the R-22 Zone, requesting land use relief is determined as follows:

1. Final major subdivision approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-50.

IT IS FURTHER RESOLVED that the granting of this application is subject to and conditioned upon the following conditions:

1. The development of the site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board with this Application.
2. The Applicant represents that all of its representations and stipulations made either by or on behalf of the Applicant to the Township of Pequannock Planning Board are true and accurate and acknowledges that the Planning Board specifically relied upon the Applicant's stipulations in the Board's granting of this approval. If any representation or stipulation is false, this approval is subject to revocation.
3. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the public hearing on January 11, 2021.
4. The Applicant shall provide a light pole at the bulb end of the cul-de-sac in the vicinity of proposed Lot 4.05. The height of the pole is anticipated to be approximately 14 feet and the exact location of the pole located along the westside of the cul-de-sac and the height of the light pole and type of light to be installed will all be subject to the review and approval of the Board Engineer.

5. The Applicant shall perfect the granting of final major subdivision approval in accordance with the Municipal Land Use Law and in accordance with the Map Filing Law, P.L. 1960, c.141.

6. Lot 4.05 shall be responsible for the maintenance of the proposed grass area along the westerly side of the road pavement. A Maintenance Agreement shall be prepared by the Applicant and submitted to the Planning Board Engineer for review and approval.

7. The Applicant shall prepare and file the stormwater detention basin maintenance plan as a supplement to the filing of Deeds for each individual lot. The stormwater detention basin maintenance plan shall be subject to the review and approval of the Board Engineer before recording.

8. The Applicant shall post a performance and maintenance bond for all improvements in the public right-of-way (including the new road). The cost estimates shall be subject to the review and approval of the Planning Board Engineer.

9. All terms and conditions of the Planning Board's prior Resolution shall remain in full force and effect except as satisfied or amended and not in conflict with this approval.

10. The granting of this application is subject to and conditioned upon the Township of Pequannock Tax Assessor assigning the appropriate Lot numbers in connection with this approval.

11. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid by the Applicant within twenty (20) days of said request by the Board Secretary.

12. Certification that taxes are paid current to date of approval.

13. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Pequannock, County of Morris, State of New Jersey or any other agency or entity having jurisdiction hereunder.

The undersigned secretary certifies the within Resolution was adopted by the Pequannock Township Planning Board on January 11, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on February 1, 2021.

Gerard Fitamant, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote: