

TOWNSHIP OF PEQUANNOCK ZONING BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION
MORRIS COUNTY, NEW JERSEY
MATTER OF: James and Robyn Tarantino
PROPERTY LOCATION: Block 804, Lot 7, 21 Oping Road
APPROVED: June 3, 2021
MEMORIALIZED: July 15, 2021

WHEREAS, James and Robyn Tarantino (“Applicants”) have requested variances for minimum secondary front yard setback and maximum building coverage pursuant to N.J.S.A. 40:55D-70(c)(2) to permit the construction of a one (1) story addition on property known and designated on the Tax Lots of the Township of Pequannock (“Township”) as Block 804, Lot 7, 21 Oping Road (“Property”), with the Property located in the Township’s R-11 zone district; and

WHEREAS, a public hearing was held before the Zoning Board of Adjustment of the Township of Pequannock (“Board”) on June 3, 2021; and

WHEREAS, the Board heard the testimony by Applicants, as well as receiving testimony from the Board’s own experts; and

WHEREAS, Applicants 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. Applicants 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 Applicants, is located at Block 804, Lot 7, measuring 18,726 square feet in area.

3. The Property is a corner lot with frontage on Oping Road and Garden Place and is improved with a one (1) story ranch-style single family dwelling ("Dwelling"), shed and above ground pool. The Property is located in the Township's R-11 zone district.

4. Applicants seek to construct a 18 foot x 14 foot, one (1) story addition ("Addition") on the south side of the Dwelling and to erect a conforming fence of varying heights of 6 feet and 4 feet.

5. The Property has two (2) pre-existing, non-conforming conditions, of minimum front yard setback on Oping Road and minimum side yard setback. Pursuant to the Township Zoning Ordinance ("Zoning Ordinance") §189.03.050 B.(4) and (6), a minimum front yard setback of 50 feet and, a minimum side yard setback of 10 feet, respectively, are required in the R-11 zone. A front yard setback on Oping Road of 40.8 feet and a side yard setback of 9.4 feet presently exist at the Property. These pre-existing non-conforming conditions will not be exacerbated by the proposed development.

6. To permit the requested development, Applicants require bulk variances from R-11 zone district requirements for minimum secondary front yard setback on the south, or Garden Place, side of the Property (50 feet required pursuant to the Zoning Ordinance, §189.03.050B.(4), 50.1 feet existing, 32.8 feet proposed) and for maximum building coverage (16 % required under the Zoning Ordinance, §189.03.050B.(7), 16.8 % proposed) pursuant to N.J.S.A. 40:55D-70(c)(2).

7. Applicants' proposal is depicted on plans prepared by James P. Cutillo

Associates, James P. Cutillo, R.A., P.P., entitled “ Addition & Alterations To Existing Residence for Mr. & Mrs, J. Tarantino, at 21 Oping Road in Pompton Plains, NJ”, consisting of four (4) sheets, dated February 22, 2021.

8. The Board also received a report from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P., dated June 1, 2021, the contents of which are incorporated herein by reference.

9. Applicants, James and Robyn Tarantino, testified with regard to the application.

10. Mr. Tarantino testified that Applicants desired to construct the Addition to provide additional living space in the Dwelling for his son’s bedroom, which is very small, and the master bedroom in the Dwelling.

11. Other features of the Addition will include a bathroom, a large closet, a home office and a laundry room relocated from the Dwelling’s basement.

12. 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. Applicants have shown by testimony, exhibits and other evidence that the relief sought can be granted.

2. The variance requested by Applicants from Zoning Ordinance requirements for minimum secondary front yard setback on the south, or Garden Place side of the Property can be granted.

3. The proposed development will result in the upgrading and enlargement of an existing single-family home, thus diversifying the Township’s housing stock. This is a purpose

of zoning as set forth in the MLUL, N.J.S.A. 40:55D-2(g).

4. The Addition will enhance the enjoyment of the Property for Applicants' family members. This is a purpose of zoning as set forth in the MLUL, N.J.S.A. 40:55D-2(a)

5. The requested variance for minimum secondary front yard setback will not negatively affect the appearance of the Dwelling, which will remain one (1) story, the Property, or lots adjacent thereto.

6. Based upon the foregoing, the benefits to be obtained from granting the requested variance for minimum secondary front yard setback outweigh any detriments which might result therefrom

7. The variance for minimum secondary front yard setback will not conflict with the purposes of the R-11 zone district.

8. The requested variance will not be detrimental to the Township Master Plan or Zoning Ordinance.

9. Accordingly, the Board concludes that a variance from Zoning Ordinance requirements for a minimum secondary front yard setback of 32.8 feet on the south, or Garden Place side, of the Property shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

10. The variance requested by Applicants from Zoning Ordinance requirements for maximum building coverage can be granted.

11. The variance will upgrade the appearance and enhance the Applicants' usage and enjoyment of the Property while preserving the Property's residential character, including existing light, air and open space conditions thereon. This is a purpose of zoning under the

MLUL, N.J.S.A. 40:55D-2(e).

12. Based upon the foregoing, the benefits to be obtained from granting the variance for maximum building coverage outweigh any detriments which might result therefrom.

13. The variance for maximum building coverage is moderate in nature and will not conflict with the purposes of the R-11 zone district.

14. The variance will not be detrimental to the public good, nor will it substantially impair the intent or purpose of the Township's Master Plan or Zoning Ordinance.

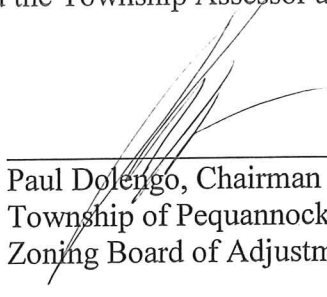
15. Accordingly, the Board concludes that a variance from Zoning Ordinance requirements for a maximum building coverage of 16.8 % shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

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 Applicant variances for minimum secondary front yard setback and maximum building coverage pursuant to N.J.S.A. 40:55D-70(c)(2) as outlined above. The Board voted on June 3, 2021 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:

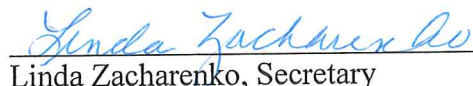
1. Applicants shall submit proof of payment of all real estate taxes applicable to the property.
2. Applicants shall submit a copy of this Resolution with accompanying documentation to verify the satisfaction of each condition stated herein to the Township Zoning Official. Said documentation shall be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

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 Applicants' 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 July 15, 2021.



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: