

**HARDWICK TOWNSHIP PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**Decided: July 11, 2018  
Memorialized: August 8, 2018**

**IN THE MATTER OF SMITH  
C VARIANCE  
BLOCK 1001 LOT 12.02  
APPLICATION NO. #18-001**

**WHEREAS**, application has been made to this Board by Andrew and Mary Smith current owners of the subject property. This request is made with respect to the property known as 31 Spring Valley Road and as Block 1001, Lot 12.02, as depicted on the Tax Maps of the Township of HARDWICK, said property lying within the LOAR Zone, and

**WHEREAS**, the Applicant filed a complete application and otherwise appeared, to the satisfaction of this Board, to have invoked the jurisdiction and powers of this Board, and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of HARDWICK as follows:

**ACCEPTED FACTS**

1. The accepted facts of this matter:
  - a. This application is for a bulk variance to place a new residence 75' from the rear property line in the LOAR zone. The LOAR zone requires a rear yard setback of 100'.
  - b. The applicant discussed and the Board accepted the unique features of his property including topography and other matters that supported the granting of a C-Variance at his property respecting a 75' setback for the construction of the proposed residential primary structure.
2. The Board considered the report of its Engineer dated June 8, 2018.
3. The Board had benefit of the Boundary and Topo Survey of the property in question prepared by LJ Brill & Associates with latest revision date of April 30,

2018.

The meeting was opened to the public at which time there was no public comment.

### **CONCLUSIONS**

- A. The Board having reviewed the application and letter with supporting exhibits submitted by applicants' legal counsel as well as hearing the testimony as to the legal background of the property in question, as well as the proposed owners intended use finds it appropriate to reverse the denial of the zoning permit.
- B. In order to be granted relief under N.J.S.A. 40: 55 D-70(c)( 2 )1 the applicant must show that the application (1) relates to a specific piece of property; (2) that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements; (3) that the variance can be granted without substantial detriment to the public good; (4) that the benefits of the deviation would substantially outweigh any detriment and; (5) that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
- C. The Board found that the applicant met his burden under the law and should be granted the relief requested.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of HARDWICK that the Variance for read yard setback to 75' where 100' is required is approved as to the primary residential structure only for the property known as Block 1001, Lot 12.02 with an address of 31 Spring Valley Road.

This approval is subject to the following terms and conditions:

1. This approval is subject to the approval of the Warren County Planning Board and any other governmental agency properly exercising jurisdiction and powers with respect thereto, together with the performance of any terms and conditions of such approval if such approvals are necessary.

2. The Applicant is required to reimburse the Township of HARDWICK for all costs and fees incurred by it in the disposition of this application, including, but not limited to, the expenses attributable to the review of this application by the Board's professional consultants, as well as the preparation of this Resolution.

3. All taxes and fees shall be paid on the property in question as a condition of this application and no permit shall be issued prior to such fees and taxes being paid in full.

Prepared by: Glenn T. Gavan, Esq.

4. Any and all changes required by the board engineer to the boundary and topo survey must be made to his satisfaction.

Adopted this 8 th day of August, 2018, by a majority of the members of the Board present at such meeting who voted for the action taken on July 11, 2018.

**HARDWICK TOWNSHIP PLANNING BOARD**

By: \_\_\_\_\_  
Alfia Schemm, Secretary

**MEMBERS VOTING IN FAVOR OF THE ACTION TAKEN:**

**OPPOSED: None**

**ABSTAIN: None**

**MEMBERS RECUSING THEMSELVES:**