

# MENDHAM TOWNSHIP

Form 1

ZONING BOARD OF ADJUSTMENT

## APPLICATION FOR DEVELOPMENT

FOR OFFICIAL USE ONLY:

Application No.: <u>8-23</u>	Escrow Account Number:
Date Filed: <u>July 28, 2023</u>	Date Deemed Complete:
Amount Application Fee Paid: <u>\$1600</u>	Expiration Date:
Amount Technical Review Fee Paid: <u>\$3000.00</u>	Expiration Date / Extension On: _____ To: _____

CHECK ALL THAT APPLY:

- |  |  |
|--|--|
| <input type="checkbox"/> Concept Plan                    | <input type="checkbox"/> Appeal of Ruling (40:55D-70a)         |
| <input type="checkbox"/> Minor Subdivision               | <input type="checkbox"/> Interpretation (40:55D-70b)           |
| <input type="checkbox"/> Minor Site Plan                 | <input checked="" type="checkbox"/> Bulk Variance (40:55D-70c) |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input checked="" type="checkbox"/> Use Variance (40:55D-70d)  |
| <input type="checkbox"/> Major Subdivision - Final       | <input type="checkbox"/> Extension of Time                     |
| <input type="checkbox"/> Major Site Plan - Preliminary   | <input type="checkbox"/> Other _____                           |
| <input type="checkbox"/> Major Site Plan - Final         | <input type="checkbox"/> Other _____                           |

APPLICANT'S NAME

Marina Kenigel and Paul Zarou

Address

918 8th Street, Union Beach, NJ 07735

Phone

c/o Attorney

Fax

c/o Attorney

Is Applicant a

Corporation

Partnership

Individual?

IF APPLICANT IS A CORPORATION OR PARTNERSHIP, SET FORTH THE NAMES AND ADDRESSES OF ALL STOCKHOLDERS OR PARTNERS HAVING A 10% OR MORE INTEREST. *Attach sheet if necessary.*

Name

N/A

Address

Name

N/A

Address

OWNER'S NAME

Same as Applicant

Address

Phone

Fax

# PLANNING BOARD BOARD OF ADJUSTMENT APPLICATION CHECKLIST

APPLICATION NO. \_\_\_\_\_

SECTION 13-17

SUBMISSION REQUIREMENTS										ITEM DESCRIPTION	APPLICANT MARK	STATUS	TOWNSHIP MARK	NOTES/ LAND USE ORDINANCE REFERENCE
ITEM NO.	PLANNING BOARD OR BOARD OF ADJUSTMENT						BOARD OF ADJUSTMENT							
	MINOR		MAJOR				VARIANCE 40.55D-70							
	SUBDIVISION	SITE PLAN	PRELIM.	FINAL	SUBDIVISION	SITE PLAN	(a) & (b)	(c)	(d)					
1	•	•	•	•	•	•	•	•	•	Twenty (20) copies of completed application forms for PB Eighteen (18) copies for BOA	X	COMPLIES		Per application instructions, Applicant is submitting 8 copies of all materials initially and will provide the remaining required copies upon a completeness determination.
												NA		
												WAIVER		
2	•	•	•	•	•	•	•	•	•	20 Copies to Planning Board, 18 copies to Board of Adjustment of requisite plats prepared, signed and sealed by N.J. licensed professional in compliance with N.J. A.C. 13:40-7, 1 et sec, folded with title block exposed to view. Plat sheets shall be no larger than 24" x 36"	X	COMPLIES		
												NA		
												WAIVER		
3	•	•	•	•	•	•	•	•	•	20 copies to Planning Board, 18 copies to Board of Adjustment of documents other than plats necessary to accompany the application.	X	COMPLIES		
												NA		
												WAIVER		
4	•	•	•	•	•	•	•	•	•	Completed Filing Fees Calculation Sheet and payment of required filing fees inclusive of application fees and escrow deposits. See Appendix 1.	X	COMPLIES		
												NA		
												WAIVER		
5	•	•	•	•	•	•	•	•	•	Certification issued by the Tax Collector that no taxes or assessments for local improvements are due or delinquent on the subject property.	X	COMPLIES		16-5.8
												NA		
												WAIVER		
6	•	•	•	•	•	•	•	•	•	Certification of submittal to the Morris County Planning Board and the Morris County Soil Conversation District.	X	COMPLIES		16-5.4
												NA		
												WAIVER		
7	•	•	•	•	•	•	•	•	•	Title block placed in the lower right corner of each sheet containing all information drawn in a format shown in Appendix 2.	X	COMPLIES		16-8.5g; 16-8.1a,1a,b,c,d
												NA		
												WAIVER		
8	•	•	•	•	•	•	•	•	•	Name(s) and address(es) of the owner(s) and applicant(s) of the subject tract.	X	COMPLIES		16-8.5g; 16-8.1a, 1e, 1f
												NA		
												WAIVER		
9	•	•	•	•	•	•	•	•	•	North arrow and graphic scale appearing on all plat sheets as applicable.	X	COMPLIES		16-8.1, a2
												NA		
												WAIVER		
10	•	•	•	•	•	•	•	•	•	Key Map showing the subject tract and its relation to the surrounding area at a scale of not less than 1"=500'		COMPLIES		Applicant provides the required map but uses a different scale. 16-8.1.a.9
												NA		
											X	WAIVER		
11	•	•	•	•	•	•	•	•	•	Area Map based on Tax Map information at scale of 1"=200' with the following information: 1. Adjoining property owners Lot and Block No. 2. Block limits, Zoning districts and municipal boundary lines.		COMPLIES		Applicant provides the required information but uses a different map scale. 16-8.1.a.10
												NA		
											X	WAIVER		
12	•	•	•	•	•	•	•	•	•	A list of the full names and addresses, with Block and Lot numbers, of owners of all land within 200' of the subject tract, as furnished by the Mendham Township Tax Assessor and keyed to the Area Map.	X	COMPLIES		16-8.1.a.8
												NA		
												WAIVER		
13	•	•	•	•	•	•	•	•	•	Plat. Signature Box as illustrated by Appendix 3.	X	COMPLIES		16-8.1.a.1.g
												NA		
												WAIVER		
14	BOA •				•					Plat Signature Boxes as illustrated by Appendix 4.	X	COMPLIES		16-8.5a
												NA		
												WAIVER		

TOWNSHIP OF MENDHAM

ITEM NO.	SUBMISSION REQUIREMENTS						BOARD OF ADJUSTMENT			ITEM DESCRIPTION	APPLICANT MARK	STATUS	TOWNSHIP MARK	NOTES/ L.U.O. REF.
	PLANNING BOARD OR BOARD OR ADJUSTMENT						VARIANCE 40.55D-70							
	MINOR		MAJOR				(a) & (b)	(c)	(d)					
	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN								
15	•	•	•	•	•	•	•	•	Lot lines, Tax Map Block and Lot numbers of each adjoining property; including properties across a street or a municipal boundary line.	X	COMPLIES		16-8.1, 9.8	
											N.A.			
											WAIVER			
16	•	•	•	•	•	•	•	•	The area, Lot and Block number as assigned by the Township Engineer, of each existing and/or proposed lot within the subject tract.	X	COMPLIES		16-8.4.a; 16-8.1.a.4	
											N.A.			
											WAIVER			
17	•	•	•	•	•	•	•	•	The bearing, length, or arc description of each course of the tract boundary.	X	COMPLIES		16-8.1.9.3	
											N.A.			
											WAIVER			
18			•	•					The dimensions of each course of all lots, easements and rights-of-way comprising of the subject tract.	X	COMPLIES			
											N.A.			
											WAIVER			
19	•	•			•	•	•	•	The bearing, length or arc description of each course of all lots, easements and rights-of-way comprising the subject tract.	X	COMPLIES		16-8.2.9a & b	
											N.A.			
											WAIVER			
20	•	•	•	•	•	•	•	•	Any protective covenants and/or deed restrictions applying to the subject tract.	X	COMPLIES		16-8.1.f	
											N.A.			
											WAIVER			
21	•	•	•	•	•	•	•	•	Required front, side and rear set back lines shown for each lot.	X	COMPLIES			
											N.A.			
											WAIVER			
22	•	•	•	•	•	•	•	•	Tabular zoning schedule of required bulk conditions and identification of any non-conforming conditions in a format illustrated by Appendix 5.	X	COMPLIES		16-8.1.a.7; 16.8.1.a.11	
											N.A.			
											WAIVER			
23	•	•	•	•	•	•	•	•	Tabulation of the original area of the subject tract and any component parcel and each individual lot and parcel of land proposed including open space and rights-of-way areas.	X	COMPLIES		16-8.1.b.1	
											N.A.			
											WAIVER			
24	•	•	•	•	•	•	•	•	The footprint and uses of all existing structures and facilities within 200' of the subject tract including access ways, parking areas, walks, fences and walls, drawn to scale.	X	COMPLIES		16-8.1.b.3; 16-8.6a,b	
											N.A.			
											WAIVER			
25	•	•	•	•	•	•	•	•	The footprint, setbacks, dimensions and uses of all existing and proposed structures and facilities on the subject tract including access ways, parking and/or loading areas, walks, fences and walls, drawn to scale.	X	COMPLIES		16-8.1.b.3; 16-8.6a, b	
											N.A.			
											WAIVER			
26	•	•	•	•	•	•	•	•	Wooded areas indicating predominant species and sizes, and any areas to be cleared in and within 200' of the subject tract.	X	COMPLIES		16-8.1.b.4	
											N.A.			
											WAIVER			
27	•	•	•	•	•	•	•	•	The location and identification of utility easements; other easements or rights-of-way on and within 200' of the subject tract.	X	COMPLIES		16-8.1.b.6; 16-8.5d	
											N.A.			
											WAIVER			
28	•	•	•	•	•	•	•	•	Wetlands and wetland transition areas delineated by qualified professional on tract and within 150' thereof and described by metes and bounds, (unless an absence of wetlands determination by N.J.D.E.P.E. is furnished).	X	COMPLIES		Wetlands and transition areas shown on plan. Wetlands Deed Notice with metes and bounds description is enclosed Waiver requested for providing within 150 feet of property.	
											N.A.			
											WAIVER			

TOWNSHIP OF MENDHAM

SUBMISSION REQUIREMENTS										ITEM DESCRIPTION	APPLICANT MARK	STATUS	TOWNSHIP MARK	NOTES/ LAND USE ORDINANCE REFERENCE
ITEM NO.	PLANNING BOARD OR BOARD OR ADJUSTMENT						BOARD OF ADJUSTMENT							
	MINOR		MAJOR				VARIANCE 40.55D-70							
	SUBDIVISION	SITE PLAN	PRELIM. SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	(a) & (b)	(c)	(d)					
29					•					Bodies of water, streams and wetlands and wetland transition areas as verified by L.O.I. (or absence of wetlands determination by N.J.D.E.P.E.) and waterways within the subject tract.	X	COMPLIES NA WAIVER		16-8.1.b.7; 16-5.9
30	•	•	•	•		•		•		Bodies of water, streams wetlands, wetland transition areas, State open waters, water ways, swales, ditches, bridges, culverts, storm drainage piping and other structures on and within 200' of the subject tract.	X	COMPLIES NA WAIVER		16-8.1.b.7; 16-5.9
31	•	•	•	•		•				Soft types baed on Soil Survey of Morris County as prepared by the Soil Conservation Service.	X	COMPLIES NA WAIVER		16-8.1.d.1
32	•	•	•	•		•				Location of all soil permeability test pits with respective soil log and permeability data to include date of test, depths and identification of horizons, depth to ground water and bedrock.	X	COMPLIES NA WAIVER		16-8.1.d.1
33	•	•	•	•		•				Location of all existing and proposed water supply wells on the subject tract and those existing within 100 feet thereof.	X	COMPLIES NA WAIVER		16-8.1.d.2
34	•	•	•	•		•				Location of all existing and proposed sewerage disposal systems on the subject tract and those existing within 100 feet thereof.	X	COMPLIES NA WAIVER		16-8.1.d.2
35	•	•	•	•						Environmental impact Study as required by Chapter XVII of the Land Use Ordance.	X	COMPLIES NA WAIVER		16-8.1.a.1; 16-8.4.g
36	•	•	•	•		•				Environmental Constraints Map with all details required by 17-3.1 (f) shown for the subject tract and within 200' thereof.	X	COMPLIES NA WAIVER		17-3.1(f).
37	•	•	•	•		•				Soil Erosion and Sediment Control Plan as required by Chapter XIX. of the Land Use Ordinance.	X	COMPLIES NA WAIVER		16-8.1.a.2; 16-8.4.h
38	•	•	•	•		•				Site Grading Plan as required by section 16-8.4 (F) of the Land Use Ordinance.	X	COMPLIES NA WAIVER		16-8.1.e.3; 16-8.4.1
39	•	•	•	•	•	•		•	•	Development Permit or application therefore as required by Chapter XVII, for the Subject tract, if any portion thereof lies within an area of special flood hazzard.	X	COMPLIES NA WAIVER		Chapter XVII No special flood hazard area.
40	•	•	•	•	•	•				Proof of approval by or proof of submission for approval, to the Mendham Township Board of Health and/or other agency of jurisdiction for individual or central sewerage disposal system(s).	X	COMPLIES NA WAIVER		
41	•	•	•	•	•	•				Proof of approval by or proof of submission for approval, to the Mendham Township Board of Health and/or other agency of jurisdiction for individual or central potable water supply system(s).	X	COMPLIES NA WAIVER		
42	•	•	•	•	•	•		•	•	Plats and plans drawn at a scale not less than 1"=500' (A scale of 1" = 100' may be used in instances when the standard 24"x36" sheet size will not properly accomodate the tract.)	X	COMPLIES NA WAIVER		Waiver requested as a smaller scale better depicts the subject property.

TOWNSHIP OF MENDHAM

SUBMISSION REQUIREMENTS										ITEM DESCRIPTION	APPLICANT MARK	STATUS	TOWNSHIP MARK	NOTES/ LAND USE ORDINANCE REFERENCE				
ITEM NO.	PLANNING BOARD OR BOARD OR ADJUSTMENT						BOARD OF ADJUSTMENT											
	MINOR		MAJOR				VARIANCE 40.55D-70											
	SUBDIVISION	SITE PLAN	PRELIM.	SUBDIVISION	SITE PLAN	FINAL	SUBDIVISION	SITE PLAN							(a) & (b)	(c)	(d)	
43	•	•	•	•	•	•					•	•		Lot line and/or lot development layout plan. Proposed development features shall be represented graphically by solid lines, existing features to be removed shall be represented by dashed lines, "joining symbols" shall be used to indicate lot consolidation or common ownership where appropriate.	X	COMPLIES		16-8.1.a.4
																NA		
																WAIVER		
44	•	•	•	•		•								Engineering details of any proposed improvements at an appropriate scale and, where mandated, in compliance with Mendham Township "Standard Construction Details"	X	COMPLIES		16-8.4.k
																NA		
																WAIVER		
45	•	•	•	•		•								Topographic Map of the subject tract and lands within 200' thereof at a contour interval of 2 feet with elevation data referenced to sea level. (A contour interval of 5 feet may be used for areas sloped 15% or more).	X	COMPLIES		16-8.4.b
																NA		
																WAIVER		
46			•	•		•								Cross sections of all existing and proposed streets at 50' station intervals within and adjoining the subject tract at a 1"=5' horizontal and vertical scale.	X	COMPLIES		16-8.4.c
																NA		
																WAIVER		
47			•	•		•								Street Plans and Profiles for all existing and proposed streets within and adjoining subject tract with R.O.W. and pavement widths, sanitary and storm sewer facilities with sizes, grades and invert elevations drawn in a "plan over profile" format at scale of 1"=30' horizontal and 1"=5' vertical.	X	COMPLIES		16-8.4.c
																NA		
																WAIVER		
48			•	•		•								Existing and proposed storm drainage information including: streams, water courses, swales, bridges, culverts, drainage pipes, inlets, man holes, detention facilities and any other structures.	X	COMPLIES		16-8.4.e.2
																NA		
																WAIVER		
49	•	•	•	•		•					•	•		Location and description of existing and proposed utility facilities including: water mains, fire hydrants, gas mains, electric, telephone and C.A.T.V. service lines.	X	COMPLIES		16-8.4.1
																NA		
																WAIVER		
50			•	•										Surface and storm water drainage calculations and data with information relating to storm water management as required by Section 16-8.4 (e) and Section 16-10.9.	X	COMPLIES		16-8.4.e; 16-10.9
																NA		
																WAIVER		
51	•	•	•	•										Slope Analysis Map and tabulation as required by Section 16-10.8 in a format illustrated by Appendix 6.	X	COMPLIES		16-10.8
																NA		
																WAIVER		
52		•	•	•		•								Landscaping plan showing existing and proposed vegetation and screening, including plant material schedule identifying species, number, spacing and sizes.	X	COMPLIES		16-8.6a.4; 8.6b.6
																NA		
																WAIVER		
53		•		•		•								Location of existing and proposed area lighting including type of fixture(s) and luminaire(s), number, lumen power, time of use, mounting and illumination details with direction and isolux diagram.	X	COMPLIES		16-8.6a.35; 8.6b.4
																NA		
																WAIVER		
54		•		•		•								Location dimension and setbacks of all existing and proposed signs, including details of materials, finishes, mounting, illumination, lettering and message.	X	COMPLIES		16-8.6b.3a
																NA		
																WAIVER		
55		•		•		•					•	•		Architectural drawings, including dimensioned building floor plans, showing layout of interior uses and functions and calculation of floor areas, and elevations showing building heights, finishes, materials and colors drawn to a scale of not less than 1/8"=1'	X	COMPLIES		16-8.6b.8
																NA		
																WAIVER		
56		•		•		•								Statement of facts in support of a conditional use pursuant to Section 21-4.6.	X	COMPLIES		21-4.6.
																NA		
																WAIVER		

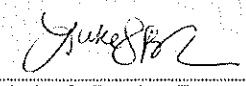
ITEM NO.	SUBMISSION REQUIREMENTS						BOARD OF ADJUSTMENT			ITEM DESCRIPTION	APPLICANT MARK	STATUS	TOWNSHIP MARK	NOTES/ LAND USE ORDINANCE REFERENCE
	PLANNING BOARD OR BOARD OR ADJUSTMENT						VARIANCE 40.55D-70							
	MINOR		MAJOR				(a) & (b)	(c)	(d)					
	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN								
57	•	•	•	•	•	•	•	•	Existing and proposed streets within and adjoining the subject tract, including names, R.O.W. and pavement widths and any R.O.W. dedication.	X	COMPLIES			
											N.A.			
											WAIVER			
58	BOA	•			•				The location and identification of all existing and proposed monuments location.	X	COMPLIES		16-8.5c	
											N.A.			
											WAIVER			
59					•	•			Construction drawings entitled "Improvement and Utility Plans" pursuant to Section 10-4.2.	X	COMPLIES		16-8.5f	
											N.A.			
											WAIVER			
60						•	•	•	Verification of denial by the Zoning Officer or Construction Official of the intended use, occupancy and/or construction.	X	COMPLIES		Applicant understands variance relief is required and requests a waiver from having to seek a zoning denial.	
											N.A.			
											WAIVER			
61			•	•	•				Information and data to indicate compliance with required fire protections systems pursuant to Section 16-10.2 (w) including location sizes and rating of any hydrants and/or water storage tanks and distances thereof to all proposed buildings.	X	COMPLIES		16-8.4e	
											N.A.			
											WAIVER			
62			•	•	•				Design and identification of any proposed private streets, labeled "Not Dedicated for Public Use" in compliance with Section 16-10.4, including proximity to nearest existing private street and special requirements applicable to backland development.	X	COMPLIES		16-8.1.a.12; 16-8.5e	
											N.A.			
											WAIVER			
63	•	•	•	•	•				Landscape Plan and Plant Material Schedule in accordance with Chapter XIII of the Land Use Ordinance.	X	COMPLIES		16-8.1.(b)8;	
											N.A.			
											WAIVER			
64									RESERVED		COMPLIES			
											N.A.			
											WAIVER			
65									RESERVED		COMPLIES			
											N.A.			
											WAIVER			
66									RESERVED		COMPLIES			
											N.A.			
											WAIVER			

Name of Applicant Marina Kenigel and Paul Zarou

Name of Owner Same as Applicant

Project Name Kenigel/Zarou Residential Construction Type of Application BOA (c) & (d) variance

Location: Block# 127 Lot# 119 Street Address 3 Old Orchard Terrace

Signature of Applicant  Date July 24, 2023

Luke S. Pontier, Esq. - Attorney for Applicant



ATTORNEY'S NAME Luke S. Pontier, Esq.

Firm and Address Day Pitney LLP, One Jefferson Road, Parsippany, NJ 07054

Phone 973-966-8714 Fax 973-840-2140

Note: Corporation must be represented by a New Jersey attorney.

NAME(S) AND ADDRESS(ES) OF PERSON(S) PREPARING PLANS: ATTACH SHEET IF NECESSARY.

Name Ryan L. Smith, PE & LS

Address Yannaccone, Villa & Aldrich, LLC, 460 Main Street, PO Bo 459, Chester, NJ 07930

Phone / Fax 908-879-6646 ext 17 / Fax: 908-879-8591

Profession Engineer NJ License No. 42575

Name David H. Feldman, RA, AIA

Address Feldman & Feldman Architects, 1670 Route 34 North, Suite 1B, Wall, NJ 07727

Phone / Fax 732-761-8182

Profession Architect NJ License No. AI11721

LOCATION OF PROPERTY

Tax Map Block 127 Lot No. 119 Total Tract Area 1.6835 acres

Street Address 3 Old Orchard Terrace, Mendham, NJ 07945

Zone District R-3

Are the premises fronting on a  Township Street  County Road  State Highway

NAME OF SUBDIVISION OR DEVELOPMENT (IF ANY) N/A

For subdivision, number of proposed lots N/A

For site plans, floor area of building(s) in sq. ft. N/A

EXISTING USE(S) NOW LOCATED ON PREMISES Vacant Land

PROPOSED USE(S) OF PREMISES Single family dwelling

IF THIS APPLICATION IS FOR ZONING VARIANCE RELIEF, HAS A DECISION BEEN RENDERED OR AN ORDER ISSUED BY THE CONSTRUCTION OFFICIAL? Yes  No

Date of Decision or Order

**LIST ANY VARIANCES AND/OR WAIVERS SOUGHT. IF NONE, STATE "NONE." IF ANY ARE REQUIRED, ATTACH HERETO AS A SEPARATE RIDER THE FACTUAL BASIS AND LEGAL THEORY FOR THE RELIEF SOUGHT.**

Please see enclosed Project Proposal. Applicant is requesting a (d)(4) FAR variance and a (c) steep slope variance.

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**A. DEED RESTRICTIONS THAT EXIST. (If no restrictions, state "none", if "yes" attach copy.)**

Please see enclosed deed notice at Deed Book 24414, Page 762.

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**B. PROPOSED DEED RESTRICTIONS**

No

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**BRIEFLY DESCRIBE ANY PRIOR OR CURRENTLY PENDING PROCEEDINGS BEFORE THIS APPROVING AUTHORITY OR ANY OTHER FEDERAL, STATE, OR LOCAL BOARD OR AGENCY INVOLVING THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION. *Attach sheet if necessary.***

Please see discussion of prior approvals in the Project Proposal.

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**LIST ANY OTHER MATERIAL ACCOMPANYING THIS APPLICATION, I.E. PLANS, EIS, DRAINAGE CALCULATIONS, ETC. *Attach sheet if necessary.***

Please see cover letter.

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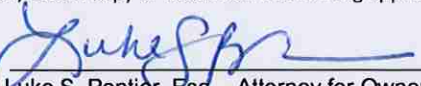
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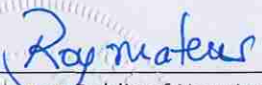
The undersigned applicant does hereby certify that all of the statements contained in this application are true.

APPLICANT'S SIGNATURE  DATE 7/18/2023  
Luke S. Pontier, Esq. - Attorney for Owner/Applicant

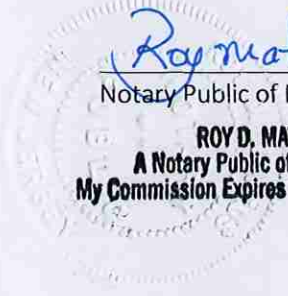
CONSENT OF OWNER: I, the undersigned, being the owner of the lot or tract described in the foregoing application, hereby consent to the making of this application and the approval of the plans submitted herewith. Further, I hereby give permission to the members of the Approving Authority and its authorized representatives and experts to enter onto and inspect the premises identified herein above for the purpose of evaluation of the application for development presently pending before the Approving Authority. (If owned by a corporation, attach copy of resolution authorizing application and officer signatures.)

OWNER'S SIGNATURE  DATE 7/18/2023  
Luke S. Pontier, Esq. - Attorney for Owner/Applicant

SWORN AND SUBSCRIBED TO BEFORE ME THIS 18<sup>th</sup> day of July, 20 23.

  
Notary Public of New Jersey

**ROY D. MATEUS**  
A Notary Public of New Jersey  
My Commission Expires February 21, 2028



# Township of Mendham

INCORPORATED MARCH 29, 1749

P.O. BOX 520

BROOKSIDE, NEW JERSEY 07926

(973) 543-4555 / FAX (973) 543-6630

## FORM # 2 CERTIFICATION OF TAXES PAID

BLOCK(S) 127 LOT(S) 119

OWNER OF PROPERTY Zarou, Paul / Kenigel, Marina

STREET ADDRESS 3 Old Orchard Terrace

This is to certify that all taxes and assessments for local improvements have been paid, and that no taxes or assessments for local improvements are due or delinquent as to the premises which are the subject of the application for development as of the date indicated below.

Sydia Biede

Tax Collector or Authorized Signature

6-6-2023

Date of Certification

8-10-2023

Certification Expiration Date

\*Please note that the above information is not a formal tax search or improvement search pursuant to NJSA 54:1 et seq. The information supplied is preliminary in nature, designed to assist the processing of applications before the Planning and Zoning Boards. In the event that the applicant desires to reply upon the information, a formal tax search and municipal improvement search shall be applied for and the fees posted for said search in accordance with the prevailing statutes.

# MENDHAM TOWNSHIP

Form 4

ZONING BOARD OF ADJUSTMENT

## AFFIDAVIT OF APPLICANT

State of New Jersey  
County of Morris

Luke S. Pontier of full age, being duly sworn according to law on oath  
deposed and says that all of the proceeding statements contained in the application submitted  
herewith are true.

Sworn and subscribed to before me on 18<sup>th</sup> day of July, 20 23

Roy D. Mateus  
Notary Public of New Jersey

Luke S. Pontier  
Signature of Applicant  
Luke S. Pontier, Esq. - Attorney for Owner/Applicant

**ROY D. MATEUS**  
Notary Public of New Jersey  
My Commission Expires February 21, 2028

## AFFIDAVIT OF OWNERSHIP

State of New Jersey  
County of Morris

*owner  
is  
Applicant*

\_\_\_\_\_ of full age, being duly sworn according to law on oath deposes and  
says that deponent resides at \_\_\_\_\_ in the  
County of \_\_\_\_\_ and the State of \_\_\_\_\_ that he/she  
is the owner in fee of all that certain parcel of land situated in the Township of Mendham and  
known and designated as Lot No. \_\_\_\_\_ Block No, \_\_\_\_\_ and that  
\_\_\_\_\_ is hereby authorized to make the within application or  
appeal.

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
Signature of Owner

**TOWNSHIP OF MENDHAM**  
**OFFICE OF THE TAX ASSESSOR**  
**P.O. Box 520**  
**Brookside, NJ 07926**

**Scott J. Holzhauer, CTA, SCGREA**  
**Tax Assessor**

**Phone: (973) 543-4555 x219**

**Fax: (973) 543-6630**

**Email: sholzhauer@mendhamtownship.org**

**May 18, 2023**

Terence Ford, Esq.  
Day Pitney LLP  
1 Jefferson Road  
Parsippany, NJ 07054-2891

**RE: Certified List of Property Owners (200')**  
**Certifying Municipality: Township of Mendham**  
**Subject Prop Blk / Lot: 127 / 119 (3 OLD ORCHARD TERRACE)**

Dear: Sir/Madam:

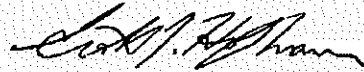
Attached please find a complete list of all property owners in Mendham Township that appear to be situated within 200 feet of the above referenced parcel(s). This information is certified as that which appears in the Mendham Township municipal tax book, including any ownership changes that have been recently received in the form of new deeds.

The initial printout titled "Buffer Report" takes data directly from our GIS database. The properties provided on the list were determined electronically from this website – which takes scaled offsets from the subject property as identified on the electronic Tax Maps for the Township (as maintained by Civil Solutions).

The attached "Addendum" includes any other entities that require notification in accordance with the provisions of the M.L.U.L. and pursuant to Subsection (h) of N.J.S.A. 40:55D-12 (agencies that have registered to receive notice with regard to Planning and/or Zoning applications).

If you have any questions, feel free to contact my office.

Sincerely,



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Scott J. Holzhauer, CTA, SCGREA  
Tax Assessor

SH/pw  
Attachment  
Via Regular Mail & Email

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**Subj Blk / Lot:** 127 / 119  
**List Date:** 05/18/23

200-FT NOTIFICATION LIST

ADDENDUM

The following entities marked "X" must also be included in the 200-ft notification for the subject property in question:

<b>Include</b>	<b><u>Roads / Associations / Utilities</u></b>	<b><u>Address / Contact Info</u></b>
	Associations:	None known or specified
X	Utilities Companies: PSE&G	P.O. Box 490, Cranford N.J. 07016
X	JCP&L c/o First Energy	76 South Main St, Akron OH 44308
X	Comcast	One Comcast Ctr., Philadelphia PA 19103
X	Verizon FIOS	P.O. Box 4830, Trenton NJ 08650-4830
X	Southeast Morris Cty MUA	19 Saddle Rd, Cedar Knolls NJ 07927
X	Morris Cty Municipal Utilities Authority	214A Center Grove Rd, Randolph, NJ 07869
X	NJ American Water	1025 Laurel Oak Rd, Voorhees, NJ 08043
	Adjacent Municipalities	

OWNER & ADDRESS REPORT

MENDHAM TOWNSHIP

05/18/23 Page 1 of 1

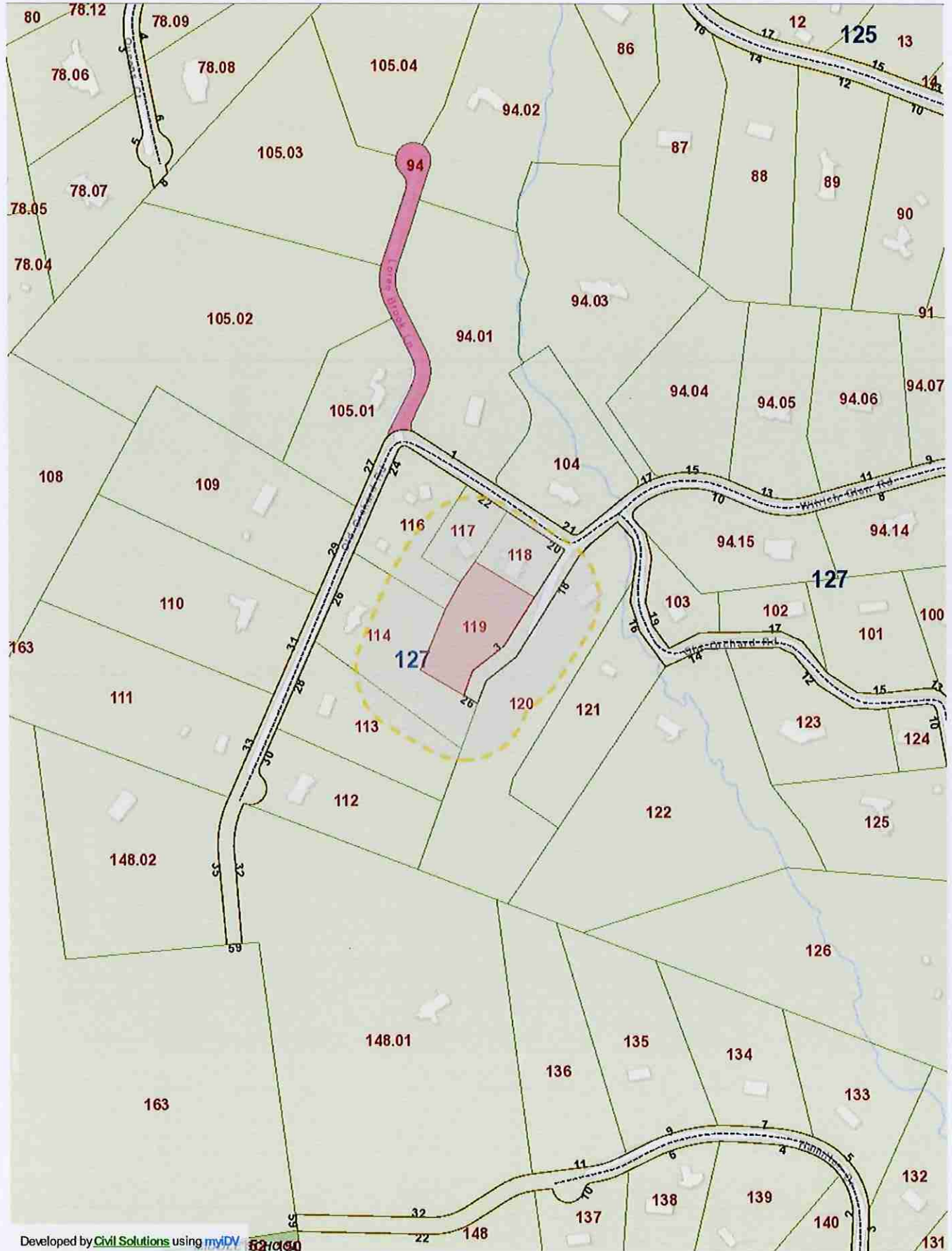
200-FT PROPERTY OWNERSHIP LIST BASED ON CURRENT MOD-IV DATA AT TIME OF LIST  
SUBJECT PROPERTY > BLOCK 127, LOT 119

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
127	113		2	COY, BRENT E & BONNIE H 28 OLD ORCHARD RD MORRISTOWN NJ 07960	28 OLD ORCHARD RD	
127	114		2	WALSH, THOMAS J & PATRICIA J ZAJAC- 26 OLD ORCHARD RD MORRISTOWN, NJ 07960	26 OLD ORCHARD RD	
127	116		2	STEPHENS, M JUNE TRUS 24 OLD ORCHARD RD MORRISTOWN, NJ 07960	24 OLD ORCHARD RD	115
127	117		2	IRELAND, AIMEE M & KEITH 22 OLD ORCHARD RD MORRISTOWN, NJ 07960	22 OLD ORCHARD RD	
127	118		2	MOTIUK, ALEX/NARDONE, ASHLEY 20 OLD ORCHARD RD MORRISTOWN, NJ 07960	20 OLD ORCHARD RD	
127	119		1	ZAROU, PAUL/KENIGEL, MARINA 918 8TH ST UNION BEACH, NJ 07726	3 OLD ORCHARD TER	
127	120		2	PETERS, RYAN W/KATHRYN E 18 OLD ORCHARD RD MORRISTOWN, NJ 07960	18 OLD ORCHARD RD	



# Mendham Township - Map

Buffer Report



# MENDHAM TOWNSHIP

Form 10

ZONING BOARD OF ADJUSTMENT

## FLOOR AREA RATIO (FAR) CALCULATIONS

The FAR (Floor Area Ratio) calculation may be information necessary to determine the type or extent of relief being sought from the Zoning Board of Adjustment.

The calculation, applicable to the R, R-1, R-2, R-3, and R-5 zoning districts, is as follows: "Total permitted floor area= 2600 sq. ft.+ (1700 sq. ft. x acreage of the lot)."

Block: 127 Lot 119 Zone R-3

Location 3 Old Orchard Terrace

Acreage of lot:	<u>1.684</u>	acres
Acreage x 1700:	<u>2,862.8</u>	sq. ft.
+	<u>2,600</u>	sq. ft.
=	<u>5,462.8</u>	sq. ft. permitted floor area

Total applicable floor area of all applicable structures:

Existing: 0 sq. ft.

Existing to be removed: 0 sq. ft.

Proposed to be added: 5,789 sq. ft.

Proposed total 5,789 sq. ft.

  
Signature of Applicant

7/18/23  
Date

Luke S. Pontier, Esq.  
Attorney for Applicant

## PROJECT PROPOSAL

Marina Kenigel and Paul Zarou (the "Applicant") are seeking variance relief pursuant to N.J.S.A. 40:55D-70(c) and (d) in order to construct a single family dwelling (the "Proposed Dwelling") on their property located at 3 Old Orchard Terrace, Mendham, New Jersey and designated as Block 127, Lot 119 on the official tax map of the Township of Mendham (the "Property"). The Property is approximately 1.68 acres and is located in the R-3 zoning district.

The Property is currently vacant land. In addition to the four (4) bedroom Proposed Dwelling, the Applicant is proposing to install a pool, patio, chain link fence, driveway, septic tank and wastewater treatment system, and related site improvements as shown on the enclosed plans. The Proposed Dwelling is two (2) stories and approximately 34.7 feet high.

The first floor of the Proposed Dwelling will include the kitchen, dining room, foyer, living room, study, bathroom, and garage, and will connect to the proposed patio. The second floor will include a master bedroom and master bathroom, two additional bedrooms with en-suite bathrooms, laundry and closet space.

The Property was the subject of a Board of Adjustment resolution dated December 14, 2000 (the "Resolution"), a copy of which is enclosed herein. The Resolution granted variance relief pursuant to N.J.S.A. 40:55D-70(c) to permit the construction of a single-family dwelling on the undersized lot, as the Property is approximately 1.68 acres and a minimum lot size of 3 acres is required. The previously approved dwelling was never constructed and the variance expired. As the Resolution notes, the Board also previously granted "a similar application" for the Property in 1989. This application is similar to the 1989 and 2000 applications as it proposes to develop the Property with a single-family dwelling.

In order to rectify the undersized lot, the Applicant reviewed the surrounding lots to determine whether there was excess land available to acquire. However, the review concluded that abutting lots 116, 117, and 118 in Block 127 are also below the three (3) acre minimum and abutting lot 114 is barely compliant at 3.05 acres. The Resolution also concluded that no additional land was available.

In connection with this application, the Applicant respectfully requests a variance pursuant to N.J.S.A. 40:55D-70(c) and Section 15-8(c) of the Mendham Township Land Development Ordinance (the "Ordinance") to permit steep slope disturbance in excess of that which is permitted; namely, to permit up to 58.4% of slopes with a slope of 10-15%, where a maximum disturbance of 25% is permitted, up to 60.4% of slopes with a slope of 15-25%, where a maximum disturbance of 15% is permitted, and up to 69.6% of slopes with a slope in excess of 25%, where a maximum of 5% is permitted. The majority of steep slopes on the Property were created by the removal of prior existing improvements, the bulk of which were within the building envelope. Prior owners of the Property removed the existing improvements out of the ground, leaving an unstable cliff-like slope running through the building envelope on the Property. The Applicant proposes to remedy the unstable slopes by leveling the grade of the Property as much as possible and terracing portions of the Property to eliminate the steeper areas,

using two retaining walls, one in the front yard and one in the rear, to minimize the proposed slopes and rectify the existing steep slopes.

The Applicant is also requesting a variance pursuant to N.J.S.A. 40:55D-70(d)(4) and Section 15-8(d)(4) of the Ordinance to permit a floor area ratio ("FAR") of approximately 5,789 square feet, whereas a maximum of 5,462.8 square feet is permitted.

Additional testimony will be put forth on the record to support this application and the relief requested.