

JOINT LAND USE BOARD OF THE  
BOROUGH OF DUMONT

RESOLUTION

APPLICATION FOR BULK VARIANCES

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In the Matter of the Application of:  
GREGORY AND CHRISTINA PARISI  
90 HOLT STREET, DUMONT (BLOCK 408; LOT 11)

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WHEREAS, GREGORY AND CHRISTINA PARISI, (the "Applicant" or "Owner") is the Applicant upon property located at 90 Holt Street which is also designated as Lot 11 in Block 408 on the Tax Map of the Borough of Dumont (the "Property"); and

WHEREAS, the Property is located in the RA One and Two Family Zoning District of the Borough and is presently developed with a single family structure; and

WHEREAS, the Property is a regular, interior, lot that is undersized and is 50' x 100'. The lot is also non-conforming as to lot area, lot width, and front yard setback. These non-conforming conditions are unchanged by the present application; and

WHEREAS, the Applicant proposes a 2<sup>nd</sup> story addition to the existing structure that maintains all setbacks and zoning criteria with minor exceptions. The existing structure has a front yard setback of 21.82' where 25' is required. The Applicant seeks a variance to extend the 21.82' nonconforming setback to the second story. This does not change the quantum of the front yard setback variance, but does expand the area of the amount of the structure that is "at variance". Additionally, the Applicant seeks to further exacerbate the front yard setback variance by the construction of an "overhang" or awning over the front door that has a front yard setback of 18.82; and

WHEREAS, the Applicant has made application to the Joint Land Use Board of the Borough of Dumont for the aforesaid bulk variances in connection with the proposed residential construction; and

WHEREAS, public hearings were held by the Board on May 28, 2019 at which time the Applicant, represented by counsel, Dean Stamos, Esq., presented the following:

A-1	Survey prepared by B. Criscenzo, dated 10/8/04
A-2	Architectural Plans prepared by Vincent Graziano, AIA, dated 6/22/18

WHEREAS, the Board also introduced Exhibits with regard to the Application as follows:

B-1	Report of Boswell Engineering, dated May 14, 2019
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WHEREAS, at the aforesaid public hearings, the Applicant presented the testimony of:

- (a) Vincent Graziano, AIA ("Graziano");

WHEREAS, at the aforesaid public hearing, the Board also accepted into evidence the following expert testimony:

- (a) Dennis Harrington, PE;

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings of fact with respect to the within Application:

1. Graziano testified that the Applicant seeks a 1238 sf, first and second story addition to the existing structure. The addition will follow the existing sides of the home upward and is conforming except as set forth below. After construction, the total sf will be 2,066 sf.
2. Graziano testified that the Existing front yard setback is 21.82' and that this setback shall be maintained for the second floor of the home. The Applicant requires a variance for the expansion of this non-conforming portion of the structure.
3. He also testified that the Applicant seeks a small awning or overhang that is 7' wide and covers the front steps. This overhang protrudes into the front yard setback and creates a setback of 18.82' over its small area.
4. The Applicant does not seek any additional variances.
5. The Applicant testified that he would add additional water detention as necessary to handle runoff in accordance with the review of the Board Engineer.

### CONCLUSIONS AND DETERMINATIONS

1. All findings of fact set forth above are made a part hereof as if set forth herein at length.
2. The proceedings in this matter were voice recorded. The foregoing facts in this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.
3. N.J.S.A. 40:55D-70(c) (1) provides that a variance may be granted where the Board finds that the Property suffers from a specific and unique hardship. The Board finds that the Applicant has demonstrated this hardship and the granting of the requested variance is warranted based on the testimony presented. The existing structure is located in a manner that limits the ability to create a conforming second floor.
4. The Board finds that the variances can be granted without detriment to the public good or any neighboring properties, as the non-conforming conditions are de minimus in nature. The Board further finds that this approval will not substantially impair the intent and purpose of the Dumont Zone Plan and Zoning Ordinance and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2. The Board finds that the continuation of the front yard variance is consistent with the area and the zoning is not detrimental.
5. As such, the Board grants the following variances:
  - a. Continuation/Expansion of Front Yard Setback to permit the second floor of the house to be located at the same setback as the first floor – 21.82’.
  - b. The approval for the “overhang” or awning that is 7’ wide to be permitted to project forward to 18.82’. This projection and variance is limited to the overhang only.

NOW, THEREFORE, BE IT RESOLVED that the application for variance relief is approved by this Board subject to the conditions set forth below.

### CONDITIONS

A. The Applicants shall comply with all of the ordinances of the Borough of Dumont and all applicable county, state, and federal ordinances, rules, statutes and regulations including the payment of real estate taxes.


B. The Applicants shall comply with all of the stipulations made during the hearing on this Application and shall comply with the suggestions contained in the review letters, as amended, of the Board Engineer and Planner. These include the construction of a new drainage as directed by the Board Engineer.

This Application was approved by the Dumont Joint Land Use Board upon a roll call vote of all members eligible to vote at its regular meeting on May 28, 2019.

A copy of this Resolution shall be given to the Tax Assessor, Applicants (through counsel), Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

**A NOTICE OF THE ADOPTION OF THIS RESOLUTION AND THIS DETERMINATION SHALL IMMEDIATELY BE PUBLISHED IN THE BOROUGH'S NEWSPAPER OF RECORD BY THE APPLICANT.**

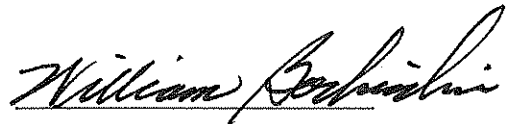
ATTEST:



Rebecca Vazquez, Secretary

Adopted:

SO APPROVED:



William Bochicchio, Chairman