

JOINT LAND USE BOARD OF THE
BOROUGH OF DUMONT

RESOLUTION

APPLICATION FOR BULK VARIANCES

In the Matter of the Application of:
JACOB PALATHINKAL

WHEREAS, JACOB PALATHINKAL the "Applicant", "Jacob", or "Owner") is the Applicant upon property located at 150 New Milford Avenue, and designated as Lot 7 in Block 816 on the Tax Map of the Borough of Dumont (the "Property"); and

WHEREAS, the Property is located in the RA Residential Zone and is developed with a Two Family House and a detached 3 car garage. The two family use is a pre-existing, conditional use. The Property has numerous existing variances; and

WHEREAS, the Property is an interior lot that fully "encircles" the adjoining corner lot. It has frontages on both New Milford Avenue and Fuller Street and has a garage that provides parking for 3 vehicles; and

WHEREAS, the Applicant originally sought the placement of a 22'x40' (880sf) parking pad in the middle of the Madison Avenue Front Yard. This would have permitted 4 parking spaces in that location and required these vehicles to back out onto New Milford Avenue; and

WHEREAS, during the course of the Application, the Applicant modified the Application to seek a 23' wide parking pad to the right of the existing garage on Fuller Street. This is intended to accommodate two vehicles in width with a walkway in the middle; and

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

WHEREA, the Applicant is represented by Dean Stamos, Esq., who presented the matter and gave an overview of the neighborhood and issues presents; and

WHEREAS, public hearings were held by the Board on October 30, 2018 at which time the Applicant, presented the matter, pro se, and presented the following:

A-1	Survey prepared by Thomas Sterns, PE, LS
A-2	Architectural Plans prepared by Rod Lewis, AIA, dated 11/17
B-1	Boswell Review Letter, dated 10/17/18

WHEREAS, at the aforesaid public hearings, the Applicant presented the testimony of the applicant.

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

1. The Property is located on the North side of New Milford Avenue and also fronts on Fuller Street. The neighborhood is residential, located on a County Road and near both the High School and the Railroad Tracks on the East side of Depew Street.
2. The Property presently contains a two family home with the following pre-existing variances:
 - A. Minimum Lot Width – Section 455-35 requires a minimum lot width of 120 ft. The existing lot width is 50 ft.
 - B. Minimum Side Yard – The required side yard setback for a 2 family dwelling in the RA zoning district is 15 ft. for one side and 40 ft. aggregate. The subject site has side yard setbacks of 4.55 ft. and 9.29 ft., respectively. Note, with frontage on two streets, it is considered the lot has two side yards.
 - C. Off-Street Parking – Section 455-17 B requires at least two (2) off-street parking spaces for dwellings. As a 2-family dwelling, four (4) parking spaces are required. The existing site includes three (3) parking spaces.
 - D. Minimum Side Yard – The required side yard setback for a 2 family dwelling in the RA zoning district is 15 ft. for one side and 40 ft. aggregate. The subject site has side yard setbacks of 4.55 ft. and 9.29 ft., respectively. Note, with frontage on two streets, it is considered the lot has two side yards.
 - E. Off-Street Parking – Section 455-17 B requires at least two (2) off-street parking spaces for dwellings. As a 2-family dwelling, four (4) parking spaces are required. The existing site includes three (3) parking spaces.
3. The Applicant seeks the following variances:
 - A. Second driveway for a lot per Zoning Official's denial of a permit.

- B. Section 455-20. A. requires a maximum driveway width of 10 ft. The Applicant is proposing a width of 22 ft.
- C. Section 455-20. A. requires a maximum curb cut of 15 ft. The Applicant is proposing a curb cut of 22 ft.
- 4. The Applicant seeks to add two parking spaces to the north side of the existing garage on Fuller Street. This parking pad would be no “deeper” than the existing garage and 23’ in width along Fuller Street. This pad is to create 2 additional parking spaces while providing room to continue the existing walkway in between the spaces. The Applicant has testified that this is not to create 3 parking spaces and that it is limited to 2 cars.

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) (2) provides that a variance may be granted where the Board finds that the benefits of the granting of the variances outweigh any detriments. The Board finds that the Applicant has demonstrated that this additional parking area provides a benefit to the community and parks a greater number of vehicles “off street”. The Property is currently deficient for parking and this application brings the property to the lawful parking standard.
- 4. N.J.S.A. 40:55D-70(c)(1) provides that a variance may be granted where the Board finds that there is a hardship on the applicant related to a unique property shape. The subject property has an extraordinarily unique shape which limits the location of additional parking. This application utilizes the best elements of the Property to provide additional parking.
- 5. The Board finds that the variance 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.

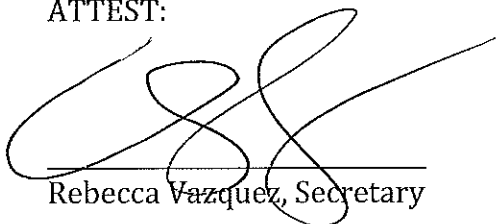
6. As such, the Board provides the following conditions:
- A. The Applicants shall comply with all of the ordinances of the Borough of Dumont and all applicable county, state, and federal ordinances, rules, statutes and regulations including the payment of real estate taxes.
 - B. Applicant shall be permitted to park 2 vehicles only in the newly created parking area.
 - C. The within approval does not permit any construction but for the requested parking pad.
 - D. Applicant shall comply with the Boswell Engineering Review Letter marked as Exhibit B-3, subsequent review letters, and all directions or drainage recommendations by the Board or Borough Engineer, including the installation of additional seepage pits as required.
 - E. Applicant shall comply with all other entities who might have jurisdiction over the matter.
 - F. Applicant shall provide revised plans which incorporate all changes and revisions discussed during public hearing.

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 November , 2018.

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Joint Land Use Board of the Borough of Dumont upon a roll call vote at its regular meeting held on November , 2018.

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

ATTEST:


Rebecca Vazquez, Secretary

SO APPROVED:


William Bochicchio, Chairman

Adopted: