

JOINT LAND USE BOARD OF THE BOROUGH OF DUMONT

RESOLUTION OF APPROVAL FOR BULK VARIANCES AND/OR WAIVERS

APPLICANT: **DOUGLAS OSTERMANN**

PREMISES: **10 RANGER ROAD
BLOCK 412; LOT 14**

WHEREAS, the within Application is brought before the Board by Douglas Ostermann (“the Applicant”), who owns the Property, and resides thereon; and

WHEREAS, the Property is located in the “RA” Residential Zone of the Borough; and

WHEREAS, the Applicant made an application to the Joint Land Use Board of the Borough of Dumont for Bulk Variances and Waivers and was heard by the Board at public hearing on January 29, 2019 (hereinafter, “the Hearing” or “Public Hearing”) for the single family dwelling located on the Property; and

WHEREAS, the Applicant sought a 31 x 16’ addition to the first floor of the Property on the western side of the existing structure as well as the construction of 2 dormers on the existing second floor of approximately 5 x 7’ in dimension; and

WHEREAS, in connection with the aforesaid development, the Applicant requires the following approvals, variances, and/or design waivers:

- Lot Coverage as 30% is permitted, 31.32% is existing, and 30.46% is proposed.
- Western Side yard setback as 5’ is required and 3’ is proposed.
- Aggregate Side yard coverage as 15’ is required and 10.9’ is proposed.
- The waiver of various submission requirements.

WHEREAS, the Applicant and the Board introduced the following Exhibits into evidence:

Exhibit A-1 Property Survey, prepared by Lantelme, Kurens & Associates, PC, dated 8/15/18;
Exhibit A-2 Architectural Plans, prepared by Joseph J. Bruno, AIA, dated 9/21/18;
Exhibit A-3 Photo display of existing conditions and area (7 photos);

WHEREAS, Planning Board Engineers, Boswell McClave Engineering, Dennis Harrington, PE, submitted a Letter Report, dated November 8, 2018, which report was accepted into evidence and made part of the submission; and

6. N.J.S.A. 40:55D-70(c) (2) provides that a variance may be granted where the Board finds that the purposes of the Municipal Land Use Law ("MLUL") would be advanced by a deviation from the zoning requirements and that the benefits of the deviation would substantially outweigh any detriment. The standard is no different for waivers. The Board finds that the benefits of the proposed improvements substantially outweigh any possible detriment that could occur by the granting of the waivers and variance. The Board further finds, based upon the testimony of the Applicant's experts and its own determination that the purposes of the MLUL would be advanced by virtue of a grant of variance from the requirements of the Borough's zoning ordinances as follows:
 - (a) N.J.S.A. 40:55D-2(a) by promoting the development of land in a manner which will promote public health, safety and general welfare.
7. N.J.S.A. 40:55D-2(c) by providing adequate light, air and open space. The Application does not compromise any of these concerns and the addition is accomplished by the least intrusive means to provide additional parking.
8. N.J.S.A. 40:55D-2(i) by promoting a desirable visual environment through creative development techniques and good civic design and arrangement. The use of the addition at a limited size without overcrowding or overdevelopment is without detriment to neighbors or adjoining property owners.
9. The Board finds there is no substantial detriment to the zone plan or zoning ordinance to the granting of the requested variances, waivers or deviations.

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

- A. Compliance with the recommendations of the Fire Official, if any.
- B. The Applicant shall comply with the requirements of the Board Engineer, as contained in review letters, subsequent reports, and can include the provision of seepage pits as necessary;
- C. The Applicant shall comply with all other applicable Federal, State, County and Municipal rules and regulations.

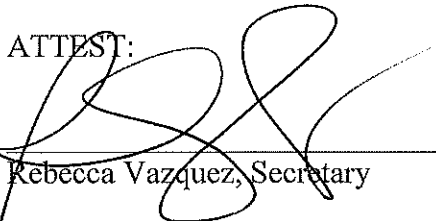
This Application was approved by the Dumont Joint Land Use Board upon a roll call vote of all members eligible to vote at its regular meeting on January 29, 2019.

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 February 26, 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.

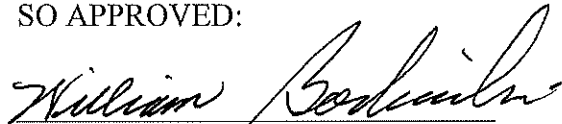
ATTEST:



Rebecca Vazquez, Secretary

Adopted:

SO APPROVED:



William Bochicchio, Chairman