

**BOROUGH OF DUMONT  
COUNTY OF BERGEN  
JOINT LAND USE BOARD**

**RESOLUTION GRANTING VARIANCE RELIEF WITH RESPECT TO THE  
PROPERTY KNOWN AS 110 THOMPSON STREET  
BLOCK 912, BLOCK 6, BOROUGH OF DUMONT,  
COUNTY OF BERGEN, STATE OF NEW JERSEY**

**WHEREAS**, an Application for variance relief has been made to the Dumont Joint Land Use Board pursuant to N.J.S.A. 40:55D-70(c) by **George C. Harvilla**, (the "Applicant") in connection with proposed improvements upon the property commonly known as 110 Thompson Street, more particularly described as Block 912, Block 6 on the Tax Map of the Borough of Dumont, County of Bergen, State of New Jersey (the "Property"); and

**WHEREAS**, the Applicant has applied to this Board for variance relief pursuant to N.J.S.A. 40:55D-70(c) from the restrictions of the following sections of the Zoning Ordinance of the Borough of Dumont:

Ordinance Section 455-5    Use, Prohibited—Second Driveway not permitted

Ordinance Section 455-20    Driveways

The subject Application seeks approval of "c" variance relief to add a driveway and, as a consequence, must meet the statutory standard for such relief set forth in N.J.S.A. 40:55D-70(c); and

**WHEREAS**, the Application was duly considered by the Joint Land Use Board at a public hearing (via virtually and telephonically via Webex) on September 29, 2020; and

**WHEREAS**, it should be noted that Board Members, Barbara Chen, Rafael Riquelme, and Tom Kelly recused themselves from this Application.

WHEREAS, the Applicant gave proper notice in accordance with law; and

WHEREAS, at said public hearings the Joint Land Use Board received the following documents in evidence:

1. Land Surveyors, dated August 17, 2004 showing the location of the proposed new driveway;

2. Color Photo Exhibit showing the location of the proposed new driveway;

WHEREAS, the public had an opportunity to be heard on the Application at said hearings; and

WHEREAS, the Joint Land Use Board heard the sworn testimony from the Applicant, Mr. George C. Harvilla, who testified in support of the Application; and

WHEREAS, the Board received a report on the Project dated September 8, 2020, from Maser Consulting PA, Board Engineer; and

WHEREAS, following the hearing held on September 29, 2020, the Joint Land Use Board approved the Application, subject to certain conditions; and

WHEREAS, the Board now wishes to set forth its findings, conclusions and conditions with respect to the Application;

**NOW, THEREFORE, BE IT RESOLVED** by the Joint Land Use Board that the following facts are hereby made and determined:

1. The proceedings in this matter were stenographically transcribed and voice recorded. The 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.
2. The Applicant is the owner of the property commonly known as 110 Thompson Street, Dumont, New Jersey, and more particularly described as Block 912, Block 6 on the Tax Map of the Borough of Dumont. Said property is located within the "RA" Single Family Dwelling District pursuant to the Zoning Ordinance of the Borough of Dumont.

3. In support of the Application, the Applicant, **GEORGE C. HARVILLA**, was sworn in and stated that he will be representing himself. He described the project as the addition of a driveway on his property.
4. The house is on a corner lot, at Thompson Street and Blauvelt Avenue. There are no sidewalks on either side of the premises. The dwelling has an existing driveway on Thompson Street that accommodates two (2) vehicles.
5. Mr. Harvilla testified to needing an additional driveway to accommodate the number of cars (3) in his household. He explained that he cannot expand his current driveway which may compromise an existing town tree, although this would be permitted under the Ordinance.
6. Mr. Harvilla stated that the property footprint will remain unchanged. The second driveway would be 18 feet x 20 feet. He agreed to install a pervious surface to promote drainage so as to mitigate run-off. Mr. Harvilla explained that, to avoid endangering the existing town tree, he proposed to add a driveway on the Blauvelt Avenue side of the property, in an area that does not impact any town trees.
7. Mr. Harvilla produced an illustration depicting the proposed driveway on Blauvelt Avenue, identified as Exhibit A-1.
8. Mr. Harvilla further explained to the Board that the impact of adding the second driveway and curb-cut would be minimal, where Blauvelt Avenue is a dead-end and no thru-traffic would be impacted by cars exiting the driveway.
9. In response to the Board's questions, Mr. Harvilla assured the Board that no fire hydrant would be impacted by the proposed driveway.
10. At the conclusion of Mr. Harvilla's testimony, the hearing was opened to questions from the public. No members of public had questions for Mr. Harvilla.

11. At that time, the testimony of Mr. Harvilla was closed to the public and the Board felt all concerns were adequately addressed.

### CONCLUSIONS OF LAW:

WHEREAS, the Board, after careful deliberation, found that this Application has met the requirements of N.J.S.A. 40:55D-70(c)(1) (hardship) and (2); and the Board has determined that the relief sought can be granted without a substantial negative impact, and provided all conditions of approval are satisfied or met; and

WHEREAS, The Board finds that the purposes of zoning are advanced where the proposal promotes the upgrade of the property and good civic design and arrangement, thus satisfying the so-called "positive criteria". The Board concludes and agrees that given the limitations of the corner lot, and the fact that Blauvelt Drive is a dead-end street, the expansion of the driveway will not be a detriment to the Zone Plan or the Zoning Ordinance.

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Dumont.

NOW THEREFORE, be it resolved by the Joint Land Use Board of the Borough of Dumont that the within Application for variance relief shall be granted subject to the following conditions:

### CONDITIONS SPECIFIC TO THE APPLICATION

1. Applicant would comply with the requirements of the Board Engineer's review correspondence dated September 8, 2020.
2. The driveway expansion shall be 18 feet x 20 feet and the surface materials shall be pervious to promote drainage. The proposed pervious material shall be

approved by the Board Engineer prior to surfacing the driveway.

3. The driveway apron shall be concrete.

### GENERAL CONDITIONS

1. The Applicant shall comply with all of the stipulations made during the hearing on this Application.
2. The Application must comply with the necessary requirements of the zoning ordinances of the Borough of Dumont and the Municipal Land Use Act of the State of New Jersey, N.J.S.A. 40:55D-2 et seq.
3. The Applicant shall develop, prepare and improve the subject premises so as to conform with all of the details shown on the aforementioned plans and submissions, as presented to the Board and in accordance with the zoning ordinances, building codes and all other standards and ordinances unless expressly stated to the contrary within the approvals granted.
4. No building structure or land shall be occupied until such time as the Zoning Officer of the Borough of Dumont shall issue a final Certificate of Zoning Compliance to ensure compliance with the Board's decision.
5. Unless otherwise addressed herein or at the hearing held on September 29, 2020 the Applicant shall comply with the recommendations of the Board's professional and any other post-approval reports. The Applicant's professionals shall amend the architectural plans to reflect these recommendations in the form of drawing detail and/or written construction note detail format as necessary. In addition, the Applicant's professionals shall amend any engineering reports, engineering calculations that were presented as a part of the testimony before the Board as necessary and/or required by the Board Engineer and the Board Planner. All such amendments shall be submitted to the Board Engineer and Board Planner for review

within thirty (30) days of the adoption of this Resolution. A Planting Plan shall be submitted to the Board Planner for her approval. Failure to provide same within this time period may result in this Resolution being declared null and void.

6. Within thirty (30) days of the approval of this Resolution by the Board, the Applicant shall, if necessary, post any additional escrow funding that may be required to reimburse the Borough's professionals for the review of this Application. Failure to provide such escrow fees may result in this Resolution being declared null and void.
7. The completed revised plans and submissions must be approved and signed by the Board Chairman, and Board Secretary, prior to submission to the Zoning Officer of the Borough of Dumont Certificate of Zoning Compliance, and prior to the issuance of any building permits.
8. The Applicant is responsible for publishing notice of this decision as required by the M.L.U.L.

This Application was approved by the Joint Land Use Board at its regular meeting on September 29, 2020 upon motion of Board Member, Nico Attanasio and seconded by Board Member, Al Moriarty upon the roll call as follows:

Ayes: 7

Nays: 0

Absent:           

Abstain: 3

**ROLL CALL:**

Nico Attanasio	Class II	Y
Jimmy Chae	Class III	Y
Kenneth Armellino	Class IV	Y
Graeme Dutkowsky	Class IV	Y
Alfred Moriarty	Class IV	Y
Elmer Pacia	Class IV	Y
Gino Zilocchi	Class IV	Y

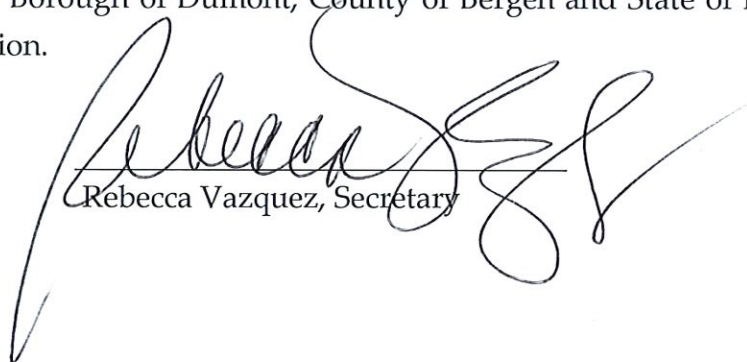
This Resolution was adopted on the 24th day of November, 2020 upon the motion of KENETH ARMBLIND and seconded by NICO ATTANASIO by a vote of 5 Ayes and 0 Nays.



Graeme Dutkowsky, Chairman

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Construction Code Official and Zoning Officer of the Borough of Dumont.

I do certify that this is a true and correct copy of the Resolution as adopted by the Joint Land Use Board of the Borough of Dumont, County of Bergen and State of New Jersey in the within Application.



Rebecca Vazquez, Secretary