

JOINT LAND USE BOARD OF THE BOROUGH OF DUMONT

RESOLUTION

MINOR SUBDIVISION APPROVAL AND VARIANCE RELIEF

In the Matter of the Application of:
WILLIAM BECKETT

WHEREAS, WILLIAM BECKETT (the "Applicant") is the owner of the property located at 62 Locust Avenue, designated as Lot 14 in Block 1204 on the Tax Map of the Borough of Dumont (the "Property"); and

WHEREAS, the Property contains 8,000 square feet, with an existing home, located on the North Side of Locust Avenue between Johnson Avenue and Cooper Avenue, in the RA Zoning District; and

WHEREAS, the Applicant seeks to subdivide the Property, leaving the existing home on Proposed Lot 14.01 (containing 4,036.89 square feet) and constructing a new home on Proposed Lot 14.02 (containing 4,033.85 square feet); and

WHEREAS, Applicant has made application for the subdivision of the Property together with an application for variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) for variances from the Borough's bulk requirements; and

WHEREAS, public hearing in the within matter was held on December 29, 2015 wherein the Applicant presented evidence and testimony upon proper notice to the public; and

WHEREAS, at said public hearings, the Applicant adduced the testimony of the following witnesses: 1) Michael Hubschman, PP, PE, of the Engineering Firm of Hubschman Engineering ("Hubschman"); and 2) William Beckett, the Applicant ("Beckett"); and

WHEREAS, at said public hearings the Applicant presented the following Exhibits:

- A-1 Various Property Deeds
- A-2 Proposed Subdivision Plat, prepared by Hubschman Engineering, dated through July 15, 2015.
- A-3 Colorized portion of Tax Map Sheet, depicting Land Uses.
- A-4 Various photographs of Existing Conditions and similar subdivisions in the area.

WHEREAS, at said public hearings, the Applicant was represented by Richard Kelly, Esq.; and

WHEREAS, at public hearing the Board adduced the testimony of the acting Board Engineer and presented the following Exhibits:

- B-1** Boswell Engineering Review Letter, dated November 20, 2015

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

NOW, THEREFORE BE IT RESOLVED, by the Board that it does hereby make the following findings of fact and conclusions based thereon:

1. The Applicant seeks to subdivide the Property into two lots: Proposed Lot 14.01 (containing 4036 square feet) would continue to contain the existing home and Proposed Lot 14.02 (containing 4,033 square feet) wherein the Applicant would construct a new single family home. Both Lots would front on Locust Avenue.
2. Both of the proposed Lots would require variances as to Lot Area, since 7,500 square feet is required. The Lots would also require variances as to Lot Width, since 60' is required and 40' is proposed; and Lot Frontage, since 75' is required and 40' is proposed. In addition to the aforesaid variances due to the dimensions of the Proposed Lots, additional variances would be required as follows:
 - a. Lot 14.01 (Existing Home) – Side Yards: Required 5 feet for one side yard and 15 feet for both Side Yards; Provided 9.50 feet for combined side yard setbacks.

b. Lot 14.02 (Proposed Home) – None but for those set forth above.

3. Hubschman testified that the newly proposed home on Lot 14.02 would require no bulk variances. The existing home on Lot 14.01 requires the bulk variances set forth above. He indicated that the new home would have adequate seepage pits to accommodate drainage and that there would be no modifications proposed for the existing home except for the general renovation of the home.

4. Hubschman further testified that all utilities were available and that the site would function without any difficulty as a two lot subdivision with the construction of a new home on the vacant lot. He testified that there were 36 lots in the area and that 27 of them were 40' wide. Several additional lots were 50'-60' in width but that only 4 lots were wider than 80'. He further testified that proposed 40' lots would fit into the area and that they were consistent with the zoning plan; created appropriate population densities and were aesthetically beneficial to the area. While requiring variances, he testified that the proposed subdivision and development were more conforming with the area than permitted configurations. His opinion was offered as both an Engineer and a Planner.

5. Hubschman testified that the development would require the removal of minimal trees and several shrubs.

6. Beckett testified as to the architectural configuration of the home. He testified that the home would be 3 bedrooms. He testified that the existing home would be upgraded and beautified and that the new home would be a quality home and consistent with the area. He further drew the Board's attention to a similar project, recently undertaken, within 200' so that the Board could have an idea of the work being done.

CONCLUSIONS AND DETERMINATIONS

7. All findings of fact set forth above are made a part hereof as if set forth herein at length.
8. 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.
9. 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 Board finds that the benefits of the proposed improvements substantially outweigh any possible detriment. The Board further finds that the purposes of the MLUL are advanced by this Application by promoting a more desirable visual environment through creative development techniques and the provision of appropriate housing at appropriate densities for the area which it is proposed.
10. The Board finds that the variances can be granted without detriment to the public good or any neighboring properties. 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.
11. As such, the granting of the variances requested by the Applicant are appropriate as the purposes of the MLUL are advanced and by so doing, the benefits substantially outweigh any detriment from the deviations.

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

12. The aforesaid approval is subject to 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. The Applicants shall comply with all of the stipulations made during the hearing on this Application.

13. The Applicants may be required to submit "As Built" drawings to the Borough Building Department that substantially comport with the plans approved by the Borough upon completion of the proposed improvements and before the issuance of a permanent Certificate of Occupancy.

14. The Applicant shall submit amended plans incorporating all revisions and conditions presented during the public hearing.

15. The Applicants' failure to comply with conditions set forth in this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of either a building permit and/or Certificate of Occupancy of the premises, subject to reasonable notice and the opportunity to cure.

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Dumont upon a roll call vote at its regular meeting held on 1-26-16, 2016. A copy of this Resolution shall be given to the Tax Assessor, Applicants (through counsel), Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

Motion By:

Seconded By:

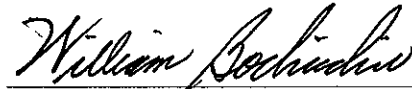
ROLL CALL: _____ AYES _____ NAYS _____ ABSTAIN _____

ATTEST:



, Secretary

SO APPROVED:



William Bochicchio