

October 14, 2021

Graeme Dutkowsky, Chairman  
Joint Land Use Board  
Borough of Dumont  
50 Washington Avenue  
Dumont, NJ 07628

199 New York Avenue  
Block 1005, Lot 25.01  
Borough of Dumont, Bergen County, NJ  
Joint Land Use Board Application Review  
Colliers Engineering & Design Project No. DUL-0023

Dear Mr. Dutkowsky:

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a Variance Application. The Applicant has constructed a stairwell leading to a side entrance to the basement in the side-yard of the property which encroaches into the building setback. This property previously was part of a subdivision application that divided the property into lots 25.01 and 25.02. The Applicant then obtained a building permit to construct the dwelling on lot 25.01 but a certificate of occupancy was not issued due to deviations from the approved site plan. The deviations from the approved plan include the construction of a stairwell encroaching into the side-yard setback.

- a) Previously approved Site Plan Received January 29, 2019 by the Borough of Dumont;
- b) As-built survey consisting of one (1) sheet, prepared and signed by Steven L. Koestner, P.E. & L.S., of Koestner Associates, dated June 23, 2021;
- c) Architectural Plan consisting of one (1) sheet, prepared and signed by Stanley J. Kufel Jr., R.A., of S.J. Kufel Associates/Architects, date unknown;
- d) Minor Subdivision Approval and Variance Relief Resolution for 199 New York Avenue;
- e) Transmittal Letter for October 19 hearing, prepared by Matthew H. Capizzi, Esq. of Capizzi Law Offices, dated October 8, 2021;
- f) Denial of Application Letter prepared and signed by Robert Sherrow, Borough of Dumont Zoning Officer, dated September 29, 2021;
- g) Variance Application form prepared by Kyle Khorozian for 199 New York Avenue and associated attachments.

After our review of these documents, we offer the following comments in this matter:

**General**

1. The Property Owner/Applicant is:

Kyle Khorozian  
199 New York Avenue  
Dumont, NJ 07628

Maser Consulting is now Colliers Engineering & Design

The Applicant/Owner shall notify the Borough of Dumont Joint Land Use Board of any changes to the above information.

2. The property is a rectangular shaped parcel fronting the south side of New York Avenue.
3. The site is currently comprised of a 2.5 story, single-family dwelling with attached garage, macadam driveway, and deck.
4. The property is located in Zone-X (areas determined to be outside the 0.2% annual chance floodplain) as shown on the Flood Insurance Rate Map (FIRM) for the Borough of Dumont. Bergen County, New Jersey, dated August 2019.
5. The Applicant has constructed a stairwell in the side-yard that serves as an entrance to the basement of the dwelling. The stairwell was not part of the originally approved application and it encroaches into the side-yard setback.
6. The lot is in residential Zone R-A where a single-family dwelling is an allowed use.

#### **Variance / Waiver Requests**

7. The Applicant is seeking variances from the following Borough Ordinance requirements:
  - a. §455-35, Limiting Schedule permits a minimum side-yard setback of five (5) feet. According to the as-built survey, the stairwell is four (4) feet from the property line.
8. The Applicant is seeking the following waivers according to the Application Checklist form:

##### **Application Checklist Form A**

- a. Key Map - Showing the location of the subject site in relation to the surrounding areas, within at least 200 feet of the site's boundaries.
- b. Zoning Map
- c. Existing Features Map – The Applicant has submitted a survey of the property but is requesting waivers pertaining to the information required to be shown
- d. Protective Covenants or Deed Restrictions

##### **Application Checklist Form H**

- a. Development Description
- b. Impact Evaluation
- c. Proposed Development Map

#### **Site Plan Review**

9. The trench drain in the driveway adjacent to the garage does not appear to be depicted on the approved site plan. The Applicant shall provide testimony regarding the trench drain and where stormwater drains to from this drain.
10. The Applicant shall provide testimony regarding the deviations from the approved site plan. Testimony shall be provided regarding the installation of the stairwell and entrance to the basement, which was

not depicted on the approved design plans. The Board should request testimony regarding the reason the Applicant needs the stairwell for the basement.

11. The Board should be aware of the following pre-existing non-conforming conditions for this lot:
  - a. §455-35 – Limiting Schedule requires a minimum lot area of 7,500 S.F. where 5400 S.F. is provided. This condition has already been previously approved during the lot subdivision.
12. Except for the variances and non-conformities listed in comment #7 and #11 above, the property appears to be in conformance with the Limiting Schedule District for the Residential R-A Zone.
13. The Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties as a result of the proposed improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.

Should you have any questions, you may contact me at (973) 398-3144, extension 4561.

Sincerely,

Colliers Engineering & Design



Carl P. O'Brien  
Department Manager - Municipal  
PE, PP, CME, CPWM

CPO/nhc

cc: Rebecca Vazquez, Joint Land Use Board Secretary (rvazquez@dumontboro.org)  
Board Members (via Joint Land Use Board Secretary)  
Douglas M Bern, Esq., Board Attorney (dbern@root.com)  
Paul Renaud, Zoning Officer (prenaud@dumontboro.org)  
Matthew G. Capizzi, Esq, Applicant's Attorney (matthew@capizzilaw.com)