

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

**RESOLUTION GRANTING BULK VARIANCE WITH RESPECT TO THE
PROPERTY KNOWN AS
260 GRANT AVENUE
BLOCK 612, LOT 24, BOROUGH OF DUMONT,
COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, an Application for a bulk variance has been made to the Dumont Joint Land Use Board pursuant to N.J.S.A. 40:55D-70(c) by **MAURICIO PARADES** and **TANIA HOLGUIN**, (the "Applicant") in connection with proposed improvements upon the property commonly known as 260 Grant Avenue, more particularly described as Block 612 Lot 24 on the Tax Map of the Borough of Dumont, County of Bergen, State of New Jersey (the "Property"); and

WEHREAS, the Applicant is seeking to construct a second-floor addition to the existing one and one-half story dwelling; 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 Section 455-35 of the Zoning Ordinance of the Borough of Dumont:

Category	Allowed	Proposed	Variance
Setbacks	5'	5'	No
Aggregate Setback	15'	10'	Yes ¹

(1) Existing non-conforming condition

WHEREAS, the subject Application seeks a bulk variance for aggregate side yard setback (5' setback with 10' aggregate existing), which is a pre-existing non-conforming

condition, in connection with a proposal to expand the existing one and one half-story, one-family home; and

WHEREAS, the Application was duly considered by the Joint Land Use Board at a public hearing (via virtually and telephonically via Webex) on April 20, 2021; and

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. Application dated February 10, 2021; and
2. Architectural Plan consisting of 9 sheets titled "Proposed Addition to: Single-Family Dwelling, 260 Grant Avenue, Dumont, NJ 07628" prepared by Jose L. Diaz-Gonzalez, R.A. of Arch-Lab, LLC, 39 Newby Avenue, Woodland Park, NJ 07424 dated November 6, 2020, last revised January 21, 2021; and

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

WHEREAS, the Joint Land Use Board heard the sworn testimony from the Applicant's architect, Jose L. Diaz-Gonzalez, R.A. of Arch-Lab, LLC, having an address of 39 Newby Avenue, Woodland Park, NJ 07424, who testified in support of the Application; and

WHEREAS, the Board received a report on the Project dated March 4, 2021, from Board Engineer Carl P. O'Brien, P.E., P.P., C.M.E., C.P.W.M. of Colliers Engineering and Design; and

WHEREAS, following the hearing held on April 20, 2021, 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 voice recorded via the Webex application. 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 260 Grant Avenue, Dumont, New Jersey, and more particularly described as Block 612, Lot 24 on the Tax Map of the Borough of Dumont. Said property is located within the "RA" 1 Family Dwelling District pursuant to the Zoning Ordinance of the Borough of Dumont.
3. The Applicant's Architect, Jose L. Diaz-Gonzalez, R.A. ("Applicant's Architect") of Arch-Lab, LLC., presented an overview of the project stating that the residence has a garage structure on the east side, which encroaches into the side yard. A bulk variance is required to build a proposed second story addition to an existing non-conforming one and one-half story, single-family residence upon the existing lot that does not meet the minimum aggregate side yard setback of fifteen feet (15'), having one side yard of five feet (5') and the other existing side yard of five feet (5').
4. In support of the Application, Applicant's Architect was sworn in by the Board and was qualified as an expert in architecture and presented testimony on behalf of the Applicant, Mauricio Paredes.
5. Mr. Diaz-Gonzalez testified that the proposed house addition design meets all municipal bulk requirements without waivers or variances, including the 5' side yard setback and 15' aggregate side yard setback as it will only add a second story to the existing residence, not the non-conforming garage. Further, in his opinion, the design of the addition fits in with the design of the other houses in the neighborhood having second floor additions.

6. Mr. Diaz-Gonzalez testified that it is his opinion that the proposal is consistent with the neighborhood, and that approval of the existing, non-conforming 10' aggregate side yard setback will not be a detriment to the zone plan or zoning ordinance.
7. Finally, in response to a question from Board Member, Mr. Kenneth Armellino, Applicant's Architect testified that the footprint of the existing home will not be extended, but that only a vertical addition will be made to the house, not the garage portion.
8. At the conclusion of Applicant's Architect's testimony, the hearing was opened to questions from the public. No members of public had questions for Applicant's Architect.
9. At that time, the testimony of Applicant's Architect 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 satisfied the requirements for approval of the requested bulk variance where the aggregate minimum side yard setback is a non-conforming pre-existing condition, and the Board has determined that the relief sought can be granted without a substantial negative impact, 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 upgrading of the area through creative development techniques and good civic design and arrangement and complies with the Borough's site plan ordinance. The Board concludes and agrees that the site can operate safely with the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Dumont Joint Land Use Board, in the County of Bergen and State of New Jersey on the 20th day of April 2021 upon motion made by Ken Armellino, and seconded by Rafael Riquelme that the Application of **MAURICIO PARADES and TANIA HOLGUIN** for the variance approval sought be granted subject to the following terms and conditions:

CONDITIONS SPECIFIC TO THE APPLICATION

1. Applicant must comply with the requirements of the Board Engineer's review correspondence dated March 4, 2021.
2. Applicant must submit corrected plans reflecting consistent structure height on the zoning information table shown on the architectural plans, in particular, the proposed height of the structure in the limiting schedule and the number of stories in the Building Description are to be made consistent.

GENERAL CONDITIONS

1. The Applicant shall comply with all the stipulations made during the hearing on this Application.
2. The Application shall 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 prepare a detailed site plan, which shall be submitted to the Board for review. Applicant shall prepare and improve the subject premises to conform with all the details shown on the complete building 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 April 20, 2021, the Applicant shall comply with the recommendations of the Board's professional and any other post-approval reports. The Applicant's professionals shall prepare and submit 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 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 April 20, 2021 upon motion of Board Member, Ken Armellino, who also called for a motion to approve conditions, which motions were seconded by Board Member, Rafael Riquelme upon the roll call as follows:

Ayes: 6

Nays: 0

Absent: 3

Abstain: 0

ROLL CALL:

Nico Attanasio	Class I	A
Rafael Riquelme	Class II	Y
Jimmy Chae	Class III	Y
Kenneth Armellino	Class IV	Y
Graeme Dutkowsky	Class IV	Y
Paola Carolina Fajardo	Class IV	A
Alfred Moriarty	Class IV	Y
Andrew Warta	Class IV	A
Gino Zilocchi	Class IV	Y

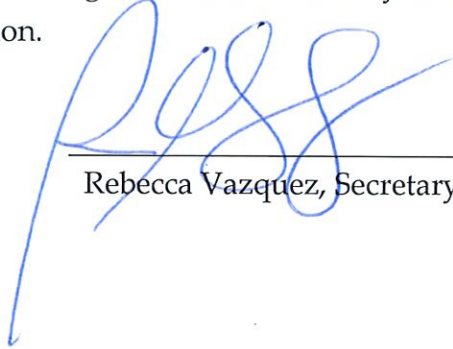
This Resolution was adopted on the 18th day of May, 2021 upon the motions of Ken Armellino and seconded by Rafael Riquelme and by a vote of Ayes and Nays.



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