

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT**

RESOLUTION ZB-21-09

WHEREAS, FRANCES MONTELEONE AND ROBERT GALLAGHER (the “Applicant”) have applied to the Zoning Board of Adjustment of the Township of Washington for variance relief from the zoning code to grant the Applicant several variances with regard to the Applicant’s proposed interior and exterior renovations of an existing one (1) story, ranch style, single family residential dwelling. The proposed exterior renovations include a new 13.0 x 13.0 foot screened porch. The property is known as 402 Chestnut Street and designated as Lot 76, Block 3305 on the Tax and Assessment Map of the Township of Washington. The subject property is classified as an “interior lot” and is situated in the “Class A” Zoning District and is located between the easterly shoreline of Schlegal (a/k/a Washington) Lake and the westerly sideline of Chestnut Street, approximately 400.00 feet south of Sussex Road at its northerly intersection with Chestnut Street. The property is irregular rectangular shaped and has a total area of 13,729.00 square feet and is a conforming lot size. The Applicant seeks variance approval for maximum building coverage of 21.23% where the maximum permitted is 20.00%. The Applicant also seeks variance approval for a minimum rear yard setback of 25.00 feet where a minimum of 30.00 feet is required. The Application is found to conform with all other applicable zoning criteria for the “Class A” Zone.; and

WHEREAS, the Township of Washington Zoning Board of Adjustment has carefully considered the testimony of the Applicant, FRANCES MONTELEONE AND ROBERT GALLAGHER, and evidence presented by the Applicants and their professionals and Board discussion and comments during the general public hearing held on July 20, 2021 via electronic means and in compliance with the Open Public Meetings Act, prior to which time the Applicant

presented proof of notice and publication as required by law, and;

WHEREAS, the Township of Washington Zoning Board of Adjustment has reviewed the following:

- a. Township of Washington Application for Variance by applicant, FRANCES MONTELEONE AND ROBERT GALLAGHER, including an Affidavit of Service and Proof of Publication, dated July 4, 2021 and consisting of thirty (30) sheets;
- b. The report of the Board Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated July 16, 2021 and consisting of five (5) sheets;
- c. Site Plan, Floor plans and Exterior Elevations prepared by Raul G. Mederos, AIA, dated May 11, 2021 and consisting of five (5) sheets and marked into evidenced as Exhibit A-1;

WHEREAS, the Township of Washington Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

1. The property designated as Lot 76, Block 3305 currently has an existing one (1) story, ranch style, single family residential dwelling and is located in the "Class A" residential zone and is classified as an "Interior Lot". The Applicant's proposed use of the property is a permitted use in the "Class A" Zone;

2. At the public hearing held on July 20, 2021, the Applicant, Frances Monteleone, was sworn in and testified that she has lived in Washington Township for over 20 years and that she and her husband have recently retired. She further testified that she is in the process of making renovations to their home, such as wider doorways and support railings, that would allow her and her husband to age in place. She testified that the original plans included a 13.0' x 13.0' open deck that was accessible

from the bedroom, which was already approved by the building department. She testified that after further thought, for their comfort and ease of use, they decided that they wanted a screened porch. She testified that the change in plans to a screened porch required that they obtain variance approval from the Zoning Board of Adjustment.

3. Paul Azzolina, PE, CME, the Board's Engineer advised the Board that decks are considered open and permitted to project into the yard, however, the screening of the deck requires a roof which would make the deck a screened/covered porch. He advised that this change will require a rear yard setback variance to allow 25.00 feet where a minimum of 30.00 feet is required. He also advised that the covered/screened porch would require a variance for building coverage of 21.23% where a maximum of 20.00% is permitted. He advised that some type of storm water management system may be needed due to the excess building coverage. However, he also advised that it may be difficult to install a seepage pit due to the proximity of the dwelling to the lake.

4. Raul G. Mederos, AIA, the Applicant's Architect, was sworn in and accepted by the Board as an expert witness. He testified that the Applicant currently owns a one (1) story ranch style, single family residential dwelling. He testified that the Applicant is in the process of making interior renovations to their home to make it more accessible for them to age in place and is seeking approval to add a screened/covered porch to the rear of the property. He testified that the screened/covered porch would allow the Applicant to enjoy the outdoors free of insects and prevent them from getting wet during a sudden rainstorm as it could take longer for them to get back inside as they grow older. He testified that the Applicant needs a rear yard setback variance to permit a rear yard setback of 25.00 feet where a minimum of 30.00 feet is required. He also testified that the Applicant needs a building coverage variance to permit a building coverage of 21.23% where a maximum of 20% is permitted. Mr. Mederos testified that the dwelling is a great distance from the neighboring properties due to the lot configuration. He testified that there will be minimal impact of the screened/covered porch from the

street and little visual impact on the neighbors in the rear of the property. He testified that the screened/covered porch would be beneficial to the quality of life of the Applicant and will have minimal impact on the neighborhood.

5. The Board also noted that there is a lake association that owns the property immediately surrounding the lake so the actual setback from the lake is much further than 25 feet and any runoff would go into the lake. The Applicant also proposed using landscaping or a rain garden as a storm water management system. Mr. Azzolina advised the Board that this proposal would be acceptable and that the Applicant should consult with a professional to develop the proper design. Mr. Azzolina also advised that this application should be amended to request a C-2 Variance where the benefits of the proposal outweigh any detriments to the community. He advised that the Application will have to be revised to include the proposed rain garden which will help alleviate the impact of the additional impervious coverage.

6. During the public portion of the hearing, Tim O'Connell, who lives next to the Applicant at 412 Chestnut Street said he is the only neighbor who can see the rear of the property. He advised the Board that there is no water problem in the area and that he supported this application and encouraged the Board to approve it.

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the Applicant has satisfied the criteria for granting a C-2 variance and has accepted the testimony of the Applicant and their experts that the requested variances as revised at the hearing would be needed to construct the proposed renovations and would be a benefit to the adjacent properties and community.

WHEREAS, members of the public were invited to ask questions of the Applicant after testimony was given, and all questions offered by members of the public were answered to the

satisfaction of the Zoning Board of Adjustment;

WHEREAS, the Zoning Board of Adjustment has determined that the relief requested by the Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Washington, the enforcement of which would result in practical difficulty and unnecessary hardship in the use of applicants' property. Moreover, the Board finds that the plan represents a better planning alternative with the least impact on the property as a whole, and is not out of character, and is not likely to be a substantial detrimental impact upon any other properties in the neighborhood, and would blend into the surrounding properties;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 17th day of August, 2021 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Frances Montelone and Robert Gallagher is hereby granted with approval of the following variances and subject to the following conditions:

- a) Maximum Building Coverage of 21.23%;
- b) Minimum Rear Yard Setback of 25.0 feet;
- c) Application is amended to request a C-2 variance;
- d) The screened/covered porch cannot be completely enclosed and must remain as a screened/covered porch.
- e) The Applicant must install a rain garden to comply with recommendations of the Board's engineer regarding stormwater management.

BE IT FURTHER RESOLVED that the Applicant shall comply with all of the stipulations made during the hearing on this Application as set forth herein and on the record before the Board.

BE IT FURTHER RESOLVED the Applicant's 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.

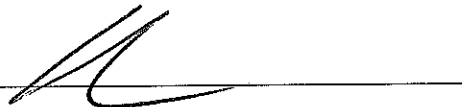
BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one (1) year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances warrant the same;

BE IT FURTHER RESOLVED, that the Secretary of the Zoning Board of Adjustment of the Township of Washington is hereby directed to mail a copy of this Resolution to applicant; to furnish a copy to the building department; to file a copy of this Resolution with the Township of Washington Clerk; and to cause a notice of this determination of the Zoning Board of Adjustment to be published in the official newspaper of the Township of Washington within ten (10) days of the date hereof and thereafter published according to law.

BY THE BOARD

Dated: August 17, 2021

BY: _____


Michael Werfel, Vice Chairman

Certified to be a true copy of the Resolution adopted by the Zoning Board of Adjustments of the Township of Washington at its meeting on Tuesday, August 17, 2021.

BOARD	MOTION	SECOND	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Callandrillo			X				
Capasso			X				
Hanna #1			X				
LaGratta		X	X				
Mahoney							
Moore							
Roberto #2							
Toro							
Werfel		X	X				