

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

RESOLUTION ZB-21-11

WHEREAS, DARIO SFORZA AND BERNADETTE SFORZA (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 and one-half (1½) story, Cape Cod style single family residential dwelling. The proposed renovations include a new "L shaped" one (1) story open covered porch at the front(east) and side (north), a two (2) story addition along the entire limits of the northern elevation. The proposed renovations also include a new second floor addition across the entire limits of the expanded building "footprint" as well as spanning approximately 50% of the depth of the proposed one (1) story open covered porch along the front and side elevations of the dwelling. There will also be a cantilever design along a portion (approximately 42 feet) of the rear elevation. The property is known as 664 Hickory Street and designated as Lots 1.033 and 5, Block 4102.01 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" Residential Zoning District with its street frontage being exhibited along the west side of Hickory Street approximately 278 feet north of the intersection of Washington Avenue. The property has a rectangular shaped configuration and is 100 feet wide by 295 feet deep wide and has a total area of 29,506.00 square feet and is a conforming lot size. The Applicant seeks variance approval for a Minimum Front Yard Setback of 18.54 feet at the one (1) story open covered porch and 20.54 feet at the second-floor addition where a minimum setback of 30.00 feet from the front lot line to the building proper, not including open porches, is required. The Applicant also seeks a Minimum Side Yard Setback of 16.76 feet (South side), 12.72 feet (adjusted to 14.00 feet) (North side at Open Covered Porch) and 15.05 feet (North side at Fully Enclosed

Masonry Stairway) where a minimum setback of 15.00 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, DARIO SFORZA AND BERNADETTE SFORZA, and evidence presented by the Applicants and their professionals and Board discussion and comments during the general public hearing held on September 21, 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, DARIO SFORZA AND BERNADETTE SFORZA, including an Affidavit of Service and Proof of Publication, dated June 16, 2021 and consisting of twenty-five (25) sheets;
- b. The report of the Board Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated September 17, 2021 and consisting of eight (8) sheets;
- c. Site Plan, Floor plans and Exterior Elevations prepared by Cesar F. Padilla, R.A. dated August 27, 2021 and consisting of four (4) sheets and marked into evidenced as Exhibit A-1;
- d. Property Survey prepared by Steven L. Koestner, P.E. & L.S. of Koestner & Associates, PC, dated August 2, 2021 and consisting of one (1) sheet.

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 Lots 1.03 & 5, Block 4102.01 currently has an existing one and one half (1½) story, Cape Cod 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 September 21, 2021, the Applicant’s Architect, Cesar F. Padilla, R.A, was sworn in and accepted by the Board as an expert witness. Mr. Padilla testified that the Applicant proposes a ten (10) foot addition on the north side along with a wrap-around open covered front porch. He further testified that there will be a new second floor addition over the entire limits of the expanded building “footprint” that will contain bedrooms, a bathroom and a laundry area. He testified that the first floor will have ten (10) foot high ceilings and the second floor will have eight (8) foot high ceilings. He testified that the Applicant was seeking the following variances:

a. Minimum Front Yard Setback of 18.54 feet at the one (1) story open covered porch and 20.54 feet at the second-floor addition where a minimum setback of 30.00 feet from the front lot line to the building proper, not including open porches, is required.

b. Minimum Side Yard Setback of 16.76 feet (South side), 12.72 feet (adjusted to 14.00 feet) (North side at Open Covered Porch) and 15.05 feet (North side at Fully Enclosed Masonry Stairway) where a minimum setback of 15.00 feet is required.

He further testified that the Application is found to conform with all other applicable zoning criteria such for the “Class A” Zone. Mr. Padilla testified that there are several homes on the same street with similar porches and second floor additions and the proposed dwelling will fit in with the character of the neighborhood. Paul Azzolina, the Board’s engineer, advised the Board that he agreed with Mr. Padilla’s calculations and confirmed that the proposed height of 30.00 feet, was permitted

3. The Applicant, Dario Sforza, was sworn in and testified that dwelling was originally

built in the 1940s and was built closer to the property line than what is permitted today so he has a pre-existing non-conforming condition which is a hardship and which requires a variance. He testified that his property is an oversized lot with a lot of green space so that the impact of the porch from the street will be minimal. He further testified that the porch is practically identical to a neighbor's porch and that there will be appropriate landscaping. He testified that a storm water management system will not be necessary due to the oversized lot and the conforming building coverage of six percent (6.0%) when the maximum permitted is twenty percent (20.00%). He testified that a wrap-around front porch is attractive and the benefits of his proposed renovations outweighs any detriments. Mr. Azzolina advised the Board that the "L shaped" portion or wrap around portion of the covered porch requires a variance. However, he further advised the Board that the covered stairway into the basement complies with zoning codes. Mr. Azzolina also advised that he agreed with the Applicant that no stormwater management system is required as it's a large property and there would not be any negative impact to the neighbors or the sewer system. Mr. Azzolina asked the Applicant if any trees would be removed and Mr. Sforza testified that at the present time he had no plans to take down any trees.

4. During the public portion of the Application the Applicant's next-door neighbor, Steve Reich, asked about the location of the air conditioning units as he was concerned about the noise they would generate. Mr. Sforza testified that he will re-locate the air conditioning units to the other side of the property further away from Mr. Reich's property. Mr. Reich also expressed his concern about his privacy as the porch wraps around on the side of Mr. Sforza's house that is closest to Mr. Reich's house, the porch is elevated and would be closer to his property line than what is permitted. After further discussion between the Applicant, Mr. Reich and the Board, the Applicant agreed to amend the side yard setback from 12.72 feet to 14.00 feet. Mr. Azzolina recommended the Applicant perform a closed-circuit inspection of the sewer connection and that his Architect provide specific framing details on the revised plans to avoid height issues.

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 19th day of October, 2021 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Dario Sforza and Bernadette Sforza is hereby granted with approval of the following variances and subject to the following conditions:

- a) Minimum Front Yard Setback of 18.54 feet at the one (1) story open covered porch and 20.54 feet at the second-floor addition;
- b) Minimum Side Yard Setback of 16.76 feet (South side), 14.00 feet (North side at Open Covered Porch) and 15.05 feet (North side at Fully Enclosed Masonry Stairway);
- c) The open covered porch must remain open and cannot be enclosed.

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: October 19, 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, October 19, 2021.

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