

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

RESOLUTION ZB-22-08

WHEREAS, FJP2, LLC (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 new Shed Roof Structures along the front elevation, a 446 square foot expansion of the existing first floor footprint with a new attached one (1) car garage and a new 1,148 square feet 2nd floor expansion across the entire limits of the expanded footprint area. The property is known as 247 Fern Street and designated as Lot 13, Block 4413 on the Tax and Assessment Map of the Township of Washington. The subject property is classified as an “interior lot” and is situated within the “Class B” Residential Zoning District. The property is located on the east side of Fern Street approximately 250.00 feet north of Ridgewood Road. The property has a rectangular configuration (75’ wide x 100’ deep) and occupies an area of approximately 7,500 square feet (.17 acres). The Applicant seeks variance approval for a Maximum Building Coverage of 22.3% where a Maximum Building Coverage of 20.0% is permitted. The Applicant also seeks variance approval for a Maximum Building Height of 27.49 feet where a maximum Building Height of 25.00 feet is permitted. The Applicant also seeks variance approval for a Minimum Garage Floor Area of 339 square feet where a minimum of 500 square feet is required. The Application is found to conform with all other applicable zoning criteria for the “Class B” Zone.; and

WHEREAS, the Township of Washington Zoning Board of Adjustment has carefully considered the testimony of the Applicant, FJP2, LLC, and evidence presented by the Applicants

and their professionals and Board discussion and comments during the general public hearing held on February 15, 2022 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, FJP2, LLC, including an Affidavit of Service and Proof of Publication, dated December 13, 2021 and consisting of thirty-one (31) sheets;
- b. The report of the Board Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated February 7, 2022 and consisting of nine (9) sheets;
- c. Site Plan, Floor plans and Exterior Elevations prepared by S.J. Kufel Associates/Architects, dated November 10, 2021 and last revised January 25, 2022 and consisting of three (3) sheets and marked into evidenced as Exhibit A-1;
- d. Property Survey prepared by Surtech, Surveying Technologies, Inc., Peter C. Kirch P.L.S., dated November 29, 2021 and last revised January 25, 2022 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 Lot 13, Block 4413 currently has an existing one and one-half (1½) story “Cape Cod” style dwelling and is located in the “Class B” residential zone and is classified as an “Interior Lot”. The Applicant’s proposed use of the property is a permitted use in the “Class B” Zone;

2. At the public hearing held on February 15, 2022 the Applicant's Attorney, Karen Baker, Esq. made her appearance. Ms. Baker advised the Board that she will have two (2) witnesses.

3. Joseph Prezzia was sworn in and testified that he is a fifty percent (50%) owner of FJP2, LLC. He testified that he is renovating an existing dwelling and is seeking variances for Maximum Building Coverage, Maximum Building Height and Minimum Garage Area. He testified that the Maximum Building Coverage will be 22.3% where a maximum of 20.0% is permitted. The Maximum Height will be 27.49 feet where a maximum of 25.0 feet is permitted. The Garage will be 339 square feet where a minimum of 500 square feet is required. He testified that since the building foundation is already existing and the lot slopes down in the front it would not be possible to comply with a 25.0 building height, particularly when the foundation sticks up far out of the ground. The height variance is needed to have an adequate roof pitch. If the roof was lowered it would create a flat roof vulnerable to poor runoff conditions, snow and ice damming and gutter problems. He testified that the proposed garage is an oversized one (1) car garage and that currently there is no garage on the property. A two (2) car garage would require an additional side yard variance to comply. He testified that the house is designed to fit the character and style of the neighborhood and will be aesthetically pleasing to the owner and its neighbors.

4. The Applicant's Architect, Francois Nicolas, was sworn in and was accepted by the Board as an expert. Mr. Nicolas testified that the dwelling will have 4½" roof pitch which is very tight and that is the lowest they can go. If the height is reduced it compromise the function of the roof as well as its aesthetics as well. He also testified that a two (2) car garage would necessitate an additional side yard variance and a combined side yard variance. Accordingly, a one (1) car garage is proposed to avoid the additional variances and also plays into the need for a building coverage variance. He also testified

that currently there is no garage. He testified that ceiling height on each floor is eight (8) feet so only the roof pitch could be adjusted but that is already as low as it can be. The driveway will be widened to 20 feet and one (1) tree will be removed. The Applicant will replace it with two (2) trees

5. The Board's Engineer, Paul Azzolina, advised the Board that in order to ensure strict compliance with the approved height the Applicant must submit to his office for review a Plan of Survey, prepared by a New Jersey Licensed Land Surveyor depicting and certifying the Maximum Ridge Elevation. This must be provided once the dwelling has been framed and prior to the installation of any roof materials. He advised the Board that the Stormwater Management system is adequate and a seepage pit will be added. The concrete sidewalk will be partially replaced at the driveway widening and any further damage will need to be repaired by the Applicant and video inspection of the 50 year old sewer line is recommended.

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 15th day of March, 2022 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of FJP2, LLC is hereby granted with approval of the following variances and subject to the following conditions:

- a) The Applicant must submit to Mr. Azzolina's office for review a Plan of Survey, prepared by a New Jersey Licensed Land Surveyor depicting and certifying the Maximum Ridge Elevation. This must be provided once the dwelling has been framed and prior to the installation of any roof materials;
- b) The Applicant must replace the tree that will be removed with two (2) trees which must have a minimum trunk circumference of two and one-half (2½) feet;
- c) The Applicant will install a seepage as recommend by Mr. Azzolina.

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: March 15, 2022

BY: 
Sean Mahoney, 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, March 15, 2022.

BOARD	MOTION	SECOND	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Capasso						X	
Callandrillo			X				
Hanna		X	X				
LaGratta			X				
Mahoney			X				
Roberto	X		X				
Tekirian (1)			X				
Toro						X	
Parrino(2)						X	