

RESOLUTION TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Grimaldi, Hanna, LaGratta, Moore, Ozment, Plantamura, Werfel, Toro, Goetz (Chairman)

Seconded by:

Grimaldi, Hanna, LaGratta, Moore, Ozment, Plantamura, Werfel, Toro, Goetz (Chairman)

WHEREAS, PAUL T. IMBARRATO (the "Applicant") was represented by counsel, Charles Sarlo, Esq. and has applied to the Zoning Board of Adjustment of the Township of Washington for variance relief from the zoning code to grant the Applicant a variance for minimum front yard setback and a minimum rear yard setback for a patio relative to their proposed construction of an inground swimming pool. The property is known as 191 Linwood Avenue and designated as Lot 17.01, Block 2502.01 on the Tax and Assessment Map of the Township of Washington. The subject property is situated at the intersections of Rose Court (Private Driveway) and Linwood Avenue and is located in the "Class AA" Zoning District. The property exhibits a total frontage of 153.00 feet with a lot depth of 144.29 feet for a total lot area of 22,227.05 square feet which is in conformance with the zoning requirements of the Class AA Zone. The Applicant seeks approval for a minimum front yard setback (at private driveway) of 16.5 feet (to coping at Proposed Pool) where a minimum front yard setback of 25.0 feet is required. The Applicant also seeks approval for a minimum rear yard setback of +/- 4.0 feet for the patio (at the proposed pool) where a minimum of 15.0 feet is required. The Applicant proposes a Maximum Coverage by an accessory building within required rear yard of +/-47% where a maximum of 15% is permitted. However, as per Township Code Section 580-9(b) a swimming pool used in conjunction with a private residential use in a residential zone may exceed the limitation of 15%. The Application is found to conform with all other applicable zoning criteria for the Class AA Zone.; and

WHEREAS, the Township of Washington Zoning Board of Adjustment carefully considered the testimony of the Applicant, Paul T. Imbarrato, and evidence presented by the Applicant and their professionals and Board discussion and comments during the general public hearings held on May 21, 2019 and;

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

- a. Township of Washington Application for Variance by applicant, Paul T. Imbarrato, dated April 15, 2019 and consisting of eighteen (18) double sided sheets;
- b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated March 28, 2019 and consisting of five (5) sheets;
- c. Pool Plan, prepared by Michael J. Hubschman, P.E., P.P. and Robert J. Mueller, P.L.S., dated August 16, 2018 and consisting of one (1) sheet and marked into evidenced as Exhibit A-1;
- d. Location Survey, prepared by Robert J. Mueller, P.L.S., dated October 13, 2016 and consisting of one (1) sheet and marked into evidenced as Exhibit A-2;
- e. Affidavit of Service with exhibits, prepared by Paul T. Imbarrato, dated May 7, 2019 and consisting of eleven (11) double sided sheets.

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 17.01, Block 250012 is presently used as a residential dwelling and is located in the "Class AA" residential zone. The Applicant's proposed used of the

property is a permitted use in the "Class AA" Zone;

2. At the public hearing held on May 21, 2019 the Applicant's Attorney, Charles Sarlo, Esq. advised the Board regarding the history of the property. Mr. Sarlo advised the Board that this property was part of an oversized lot that was subdivided into four (4) lots and a new street, Rose Court, was created as a private driveway as it does not meet the width standards of a conforming roadway. Mr. Sarlo advised the Board that property is a corner lot and Rose Court is considered the front yard and the Applicant proposed installing a 16.00 foot by 33.00 foot inground swimming pool and patio at the rear of the dwelling. He advised the Board that the proposed pool and patio violates the front yard and rear yard setbacks. As per the plans submitted, he advised that the Applicant seeks approval for a minimum front yard setback (at private driveway) of 16.5 feet (to coping at Proposed Pool) where a minimum front yard setback of 25.0 feet is required. The Applicant also seeks approval for a minimum rear yard setback of +/- 4.0 feet for the patio (at the proposed pool) where a minimum of 15.0 feet is required. Mr. Sarlo advised that the Applicant also proposes a Maximum Coverage by an accessory building within required rear yard of +/-47% where a maximum of 15% is permitted. However, as per Township Code Section 580-9(b) he advised that a swimming pool used in conjunction with a private residential use in a residential zone may exceed the limitation of 15%. He also advised that certain requirements that apply to an open porch do not apply to a patio. He advised that the Application conforms with all other applicable zoning criteria for the Class AA Zone.

3. Mr. Sarlo advised the Board that the Application would improve the visual aesthetics of the property and there would be a fence and proper landscaping to screen the pool from neighbors. He advised that there would not be any substantial detriment to the neighboring properties. He advised that the pool would only be visible to other neighbors when they are driving in or out of Rose Court. He advised that the pool was within the property lines and not a substantial deviation from the zoning plan and fits in with the residential neighborhood.

4. Paul Azzolina, PE, CME, the Township's Engineer was present at the meeting and advised the Board that the Applicant only needed the two (2) variances that were requested in his Application. He further advised that Rose Court was not a street but a private driveway and that the previously approved Minor Subdivision defines what it is. With regard to some questions about impervious coverage Mr. Azzolina advised the Board that the Township does not does not have an impervious coverage limitation. He advised that the increase in the volume and rate of stormwater runoff from the site would be de minimis and would be effectively controlled by the stormwater management facilities that currently exist on the site and throughout the subdivision so that no supplemental stormwater management measures are required.

5. The Applicant, Paul T. Imbarrato was sworn in and testified that he initially received approval from the Planning Board in 2012 for three (3) dwellings in the subdivision and then he went back to the Planning Board in 2014 and the Planning Board approved four (4) dwellings. He testified that there is a Homeowners Association (HOA) for the subdivision, however, all dwellings are located on separate lots and the HOA does require prior approval to install a swimming pool. He further testified that this was the best and required location on the property to locate the pool and all properties within 200 feet of the property were notified of the application.

6. Pursuant to N.J.S.A 40:55D—70c(1), the Applicant seeks approval for a minimum front yard setback (at private driveway) of 16.5 feet (to coping at Proposed Pool) where a minimum front yard setback of 25.0 feet is required. The Applicant also seeks approval for a minimum rear yard setback of +/- 4.0 feet for the patio (at the proposed pool) where a minimum of 15.0 feet is required. The Applicant's proposed is a permitted use in the "Class AA" Zone.

7. The application complies in all other respects as to all other setbacks, height, coverage, etc.;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the Applicant has satisfied the criteria for granting a c(1) variance and has accepted the testimony of the Applicant and their Attorney that the variances would be needed due to the property being a corner lot and the rear of the dwelling being considered a front yard as designated by the Amended Minor Subdivision Application. The addition of the swimming pool would also improve the aesthetics of the property and is another reason why the Board believes it is justified in granting the variance request.

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 purpose of the Zoning Ordinance of the Township of Washington, the enforcement of which would result in practical difficulty and unnecessary hardship in the renovation and 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 18th day of June, 2019 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Paul T. Imbarrato is hereby granted to allow a minimum front yard setback (at private driveway) of 16.5 feet (to coping at Proposed Pool) and a minimum rear yard setback of +/- 4.0 feet for the patio (at the proposed pool) in

conformity with the plans submitted to this Board as amended at the hearing;

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.

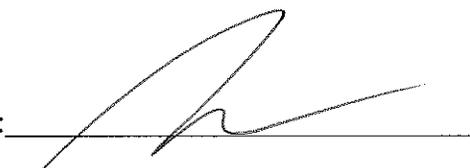
BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one (1) year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances 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: June 18, 2019

BY: _____


Frederic Goetz, 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, June 18, 2019.


BARBARA J. COLEMAN Secretary

	Ayes	Nays	Abstain	Absent
Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grimaldi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LaGratta	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ozment _	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plantamura	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Werfel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Toro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goetz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>