

RESOLUTION TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

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

Seconded by:

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

WHEREAS, ANDREW GHISALBERTI (the "Applicant") has applied to the Zoning Board of Adjustment of the Township of Washington for variances from the zoning code to allow the Applicant to construct an addition and alterations to the existing ranch style dwelling as well as ancillary site improvements such as a new two (2) story addition along the rear elevation of the existing dwelling contiguous to a new second floor addition over the entire "footprint" of the existing structure. The Applicant will also be adding an ancillary exterior wood stairway and platform facilities as well as a new concrete paver walkway, new concrete paver patio at the rear of the dwelling and an expanded driveway area. The subject property is an interior lot located approximately 200 feet south of Lincoln Avenue and is developed as a ranch style single family residence. The subject property is located within the Class B Zoning District. The Application requires variances for maximum building coverage and minimum garage floor area. The Applicant seeks approval for a maximum building coverage of 26.08% where a maximum building coverage of 20.0% is permitted. The Current building coverage is 16.87%. The Applicant also seeks approval for a garage floor area of 312.00 square feet where a minimum of 500 square feet is required. The current garage floor area is 272.00 square feet which a pre-existing non-conformity. However, the proposed floor area is larger and will make the overall square footage closer to being in conformity with the Township's ordinance. The property is known as 342 Beech Street and designated as Lot 50, Block 4407 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment carefully considered the testimony of Applicant's Architect, Joseph J. Bruno, AIA and testimony of Applicant Andrew Ghisalberti, and evidence presented by the Applicants and their Architect and Board discussion and comments during the general public hearings held on August 14, 2018 and the July 9, 2018 report of Paul Azzolina, PE, CME of Azzolina & Fuery, Inc., 30 Madison Avenue, Paramus, New Jersey, 07652;

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

- a. Township of Washington Application for Variance by applicant, Andrew Ghisalberti, dated August 1, 2018 and consisting of thirty-five (35) sheets;
- b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated July 9, 2018 and consisting of five (5) sheets;
- c. A proposed Site Plan, Floor Plan and Elevations, prepared by Joseph J. Bruno, AIA, dated February 28, 2018 and last revised July 31, 2018 and consisting of two (2) sheets;
- d. A Property Survey prepared by Christopher J. Lantelme, P.E. & L.S., dated April 12, 2018, and consisting of one (1) sheet;
- e. A Photo Index with five (5) color photographs of the Applicant's property and other properties in neighborhood and consisting of six (6) sheets and marked 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 50, Block 4407 is presently being used as a residential ranch style dwelling and is located in the "Class B" residential zone. The Applicant's proposed used

of the property is permitted in the B Zone;

2. At the public hearing held on August 14, 2018, the Applicants' Architect, Joseph J. Bruno, AIA. was sworn in and accepted by the Board as an expert. Mr. Bruno testified that the Applicant intends to construct a new two (2) story addition along the rear elevation of the existing dwelling contiguous to a new second floor addition over the entire "footprint" of the existing structure. He further testified that the Applicant will also be adding an ancillary exterior wood stairway and platform facilities as well as a new concrete paver walkway, (front yard and side yard locations). Mr. Bruno further testified that the Applicant will also add a new concrete paver patio at the rear of the dwelling and an expanded driveway area.

3. Mr. Bruno testified the Applicant's proposed plans required two (2) variances. He testified that the first variance requested is for Maximum Building Coverage as the proposed plans have a building coverage of 26.08% where the Maximum Building Coverage permitted is 20.00%. Mr. Bruno also testified that almost half (1/2) of the overage for the Building Coverage is due to the Front Porch. However, he testified that the porch is not enclosed and will not have any livable space.

4. Mr. Bruno further testified that the second variance requested is for the Minimum Garage Floor area as the proposed plans have a floor area of 312 square feet where a minimum of 500 square feet is required. However, Mr. Bruno testified that the current garage floor area is only 273 square feet which is a pre-existing non-conformity and that the proposed plans would make the garage floor area more in conformity with the Township's ordinance in this regard. He further testified that if the garage was made any larger it would require more building coverage and could require other variances.

5. Mr. Bruno testified that the Minimum Front Yard Setback is 20.00 feet and the existing dwelling has a setback of 26.50 feet. He testified that proposed plans would have a front yard setback of 19.5 feet from the covered porch, however, this is a permitted projection as per Code Section 245-8D. He testified that no bulk variances are required such as side yards and height and that the Applicant

will keep the curb cut of the driveway which will accommodate two (2) automobiles. Mr. Bruno testified the addition at the rear of the property will only have crawl space underneath.

6. Mr. Bruno further testified that this design is in character with other homes in the neighborhood and would be a benefit to the community as it will be much more aesthetically pleasing compared to what is there now and would outweigh any potential detriment. In addition, the proposed plans will have a stormwater management system that does not exist now. Mr. Bruno further testified that proposed plans and improvements will advance the purpose of the Township's master plan.

7. The Applicant, Andrew Ghisalberti, was sworn in and testified that he will never enclose the front porch and/or convert it into it livable space.

8. Pursuant to N.J.S.A. 40:55D-70c(2), the applicant seeks a variance approval for hardship for maximum building coverage and minimum garage floor area. The Applicant seeks approval for a maximum building coverage of 26.08% where a maximum building coverage of 20.0% is permitted. The Applicant also seeks approval for a garage floor area of 312.00 square feet where a minimum of 500 square feet is required. The current garage floor area is 272.00 square feet which a pre-existing non-conformity.

9. 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 requested variances for the maximum building coverage and minimum garage floor area are justified under C2 of the statute, in light of the fact that the garage floor area is pre-existing and will now be more in conformity with Township Ordinance that it currently is. In addition, almost half of the overage for building coverage is attributed to the front porch which is not enclosed and which the Board believes will be an aesthetic improvement to the property and neighboring properties will also benefit from the addition of a stormwater management system that does not currently exist. The Board

believes that the overall benefits of the Applicant's proposed plans outweigh any detriment. However, the Board Approves the Application under the following conditions:

a) The Applicant and any future owner of the property are forever barred from enclosing the front porch and /or converting it into a livable space;

b) The Applicant and Architect must comply with all of the conditions noted in the report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated July 9, 2018.

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 of applicants' garage. 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 September 2018 that based upon the findings of fact and documents submitted for review as previously set forth, the application of Andrew Ghisalberty is hereby granted to allow applicants to construct additions and alterations to their dwelling in conformity with the plans

submitted to this Board as amended at the hearing and in compliance with the requirements outlined in the July 9, 2018 report of the Township of Washington Engineer, Paul Azzolina, P.E., C.M.E., Azzolina & Fuery Engineering Inc.;

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: September 18, 2018

BY: _____

A handwritten signature in black ink, appearing to read 'Frederic Goetz', is written over a horizontal line. The signature is fluid and cursive.

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, September 18, 2018.

[Handwritten Signature], Secretary

	Ayes	Nays	Abstain	Absent
Forray ✓	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Grimaldi ✓	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Hanna ✓	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
LaGratta	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>✓</u>
Ozment _	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>✓</u>
Plantamura	<u>_____</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
Werfel	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>✓</u>
Toro	<u>_____</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
Goetz ✓	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>