

**RESOLUTION****JOINT LAND USE BOARD OF THE BOROUGH OF DUMONT****APPLICATION FOR BULK VARIANCES**

---

In the Matter of the Application of:

EMAD BARSOUM

65 Niagara Street (BLOCK 120; LOT 11)

---

WHEREAS, EMAD BARSOUM, (the "Applicant" or "Owner") is the Applicant upon property located at 65 Niagara Street, and designated as Lot 11 in Block 120 on the Tax Map of the Borough of Dumont (the "Property"); and

WHEREAS, the Property is located in the RA One and Two Family Zoning District of the Borough and is presently developed with a single family structure that has been uninhabited and "boarded up" for some time; and

WHEREAS, the Property is an irregular, corner, lot that is slightly undersized. The structure faces Niagara Street and has an existing non-conforming front yard setback of 16'9" on Niagara Street and 19'10" on Johnson Avenue. The Applicant seeks to renovate and expand the existing structure through an addition to the rear of the structure - which would serve to extend the length of the structure and add a rear deck - and to expand the second floor to be over the entire first floor and to cantilever over the proposed rear deck.

WHEREAS, the Front Yard setback on Niagara Street remains the same distance and same two story configuration as presently exists. The Front Yard Setback on Johnson Avenue remains the same as presently exists. Notwithstanding this, the length of the house has been extended and more of the structure is setback at the existing, nonconforming, distance. As a

result, the Applicant requires a variance for the expansion of a non-conforming structure; and

WHEREAS, the Applicant had sought - and withdrawn - a variance as to the rear yard setback for the garage which was originally proposed at 4' and has been altered to 5'. Accordingly, the request for said variance has been withdrawn; and

WHEREAS, the Applicant has made application to the Joint Land Use Board of the Borough of Dumont for necessary bulk variances in connection with the proposed residential construction; and

WHEREAS, public hearings were held by the Board on September 26, 2017 at which time the Applicant, represented by counsel, Dean Stamos, Esq., presented the following:

A-1	Photographs of Existing Condition
A-2	Architectural Plans prepared by Karnak Architecture, LLC and dated 6/9/17

WHEREAS, the Board also introduced Exhibits with regard to the Application as follows:

B-1	Report of Boswell Engineering, dated September 20, 2017
-----	---------------------------------------------------------

WHEREAS, at the aforesaid public hearings, the Applicant presented the testimony of:

- (a) Emad Barsoum;

WHEREAS, at the aforesaid public hearing, the Board also accepted into evidence the following expert testimony:

- (a) Dennis Harrington, PE;

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings of fact with respect to the within Application:

1. The Property is located on the south side of Niagara Street on the southwest corner of Niagara Street and Johnson Avenue. The Property is 7,167 square feet and is located in the RA Residential Zone.
2. The Property presently contains an older single family home that is in poor condition.
3. The Applicant seeks to renovate the existing structure and provide an addition and deck to the rear of the structure at the first floor and a cantilevered second floor that extended fully over the first floor structure and deck.
4. The application seeks the continuation of the front yard setback variance on Niagara Street and the continuation and expansion of the front yard setback on Johnson Avenue.
5. At the hearing held the Applicant testified as to the planned renovations and the need for the continuation and new variances. The Applicant testified that this was the result of the corner, undersized lot. Additionally, a portion of the uniquely shaped lot is impossible to develop and, while adding square footage, does not add useful area.
6. The Applicant testified that he would add a 1000 gallon seepage pit to handle runoff in accordance with the review of the Board Engineer.

#### CONCLUSIONS AND DETERMINATIONS

1. All findings of fact set forth above are made a part hereof as if set forth herein at length.
2. The proceedings in this matter were voice recorded. The foregoing facts in this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.

3. N.J.S.A. 40:55D-70(c) (1) provides that a variance may be granted where the Board finds that the Property suffers from a specific and unique hardship. The Board finds that the Applicant has demonstrated this hardship and the granting of the requested variances is warranted based on the testimony presented.
4. The Board finds that the variances can be granted without detriment to the public good or any neighboring properties, as the non-conforming conditions are de minimus in nature. The Board further finds that this approval will not substantially impair the intent and purpose of the Dumont Zone Plan and Zoning Ordinance and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2.
5. As such, the Board grants the following variances:
  - a. Continuation/Expansion of Front Yard Setbacks on Niagara Street and Johnson Avenues. No variance is granted in connection with the garage, though such a variance was originally sought.
6. The Applicant has sought, and is hereby granted, a waiver from the various submission requirements set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the application for variance relief is approved by this Board subject to the conditions set forth below.

#### CONDITIONS

- A. The Applicant shall comply with all of the ordinances of the Borough of Dumont and all applicable county, state, and federal ordinances, rules, statutes and regulations including the payment of real estate taxes.
- B. The Applicant shall comply with all of the stipulations made during the hearing on this Application and shall comply with the suggestions contained in the review letters, as

amended, of the Board Engineer and Planner. These include the construction of a new sidewalk on Niagara Street, the installation of a new 1000 gallon seepage pit, and the development of the garage and driveway in a conforming manner.

Motion was made by:

Motion was seconded by:

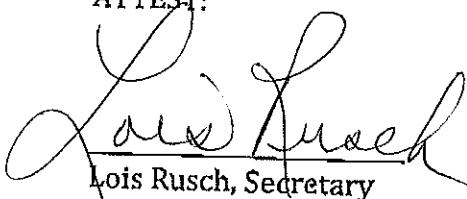
Roll Call to Approve:

	Yes	No	Absent	Abstain	Recuse
Ron Burkert					
Michael Affrunti					
Jared Geist					
Michael Worner					
Timothy Hickey					
Elmer Pacia					
Michael Cremin					
Barbara Chen					
Ken Armellino Alt #1					
Alfred Moriarty Alt #2					
Janet Masio Alt #3					
Nicole Talmo Alt #4					
Chairman William Bochicchio					

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Joint Land Use Board of the Borough of Dumont upon a roll call vote at its regular meeting held on October , 2017.

A copy of this Resolution shall be given to the Tax Assessor, Applicants (through counsel), Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

ATTEST:

  
Lois Rusch, Secretary

Adopted:

SO APPROVED:

  
William Bochicchio, Chairman

