

IN THE MATTER OF THE APPLICATION OF EDGAR & CYNTHIA CAMP	BERGENFIELD ZONING BOARD OF ADJUSTMENT
54 GLENWOOD DRIVE EAST BLOCK 291 - LOT 24 R-6 - RESIDENTIAL DWELLING ZONE	RESOLUTION OF FINDINGS AND CONCLUSIONS OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF BERGENFIELD

WHEREAS, EDGAR AND CYNTHIA CAMP, hereinafter referred to as "Applicant", is the owner of property at 54 GLENWOOD DRIVE EAST in Bergenfield, New Jersey, hereinafter referred to as "Property", has applied to the Bergenfield Zoning Board of Adjustment, hereinafter referred to as "the Board", for Final Site Plan approval with variance relief to construct a side/rear and second story addition and renovate the existing single-family dwelling; and

WHEREAS, the site is situated in the R-6 Residential Dwelling Zone and located in Lot 24 of Block 291 on the official Tax Map of the Borough of Bergenfield, commonly known as 54 Glenwood Drive East, and as shown on the land survey that is part of the submitted site plan, prepared by Schmidt Surveying, and dated May 3, 2015; and

WHEREAS the Applicant has applied for variances in accordance with N.J.S.A. 40:55D-70(c)(2) from the strict application of Section 186-37(A) of the Borough of Bergenfield Ordinance ("Ordinance"), Schedule "B", as modified by Borough Ordinance Nos. 05-2365 and 06-2376, in connection with: (1)

Minimum Lot Width; (ii) Maximum Lot Coverage; (iii) Maximum Improved Lot Coverage; and (iv) Minimum Side Yard; and

WHEREAS, the application was the subject of public hearings on November 2, 2015 and December 21, 2015, at which hearings the Applicant presented testimony and documents into evidence in favor of the Board granting the requested relief; and

WHEREAS the c(2) variances are more specifically described in the following chart:

DESCRIPTION OF VARIANCE FOR R-6 Zone	ALLOWED OR REQUIRED	PROPOSED
Minimum Lot Width (feet)	60	50
Maximum Lot Coverage	30%	37.03%
Maximum Improved Lot Coverage	35%	37.25%
Minimum Side Yard (feet)	15	9.7

WHEREAS, the Board found that the Applicant did not provide sufficient proofs to meet its burden for the variance relief requested under the Municipal Land Use Law and applicable case law; and

WHEREAS, the Board reviewed the testimony and evidence presented during the hearing and made the following findings of fact; and

WHEREAS, at the hearing held on December 21, 2015, the Board of Adjustment denied the application; and

WHEREAS, the Board now wishes to set forth its findings, conclusions, and conditions with respect to the application;

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment that the following facts are hereby made and determined:

FINDINGS OF FACT

1. All persons required to be served with notice of the hearing were duly served, as required by law and proof thereof has been filed with this Board. Publication of notice of the hearing was also made as required by law and proof thereof has been filed with this Board.

2. The proceedings in this matter were recorded. The 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. The subject property is located in Lot 24 of Block 291 on the official Tax Map of the Borough of Bergenfield, commonly known as 54 Glenwood Drive East (the "Property"). Said property is located within the R-6 Residential Dwelling Zone of the Borough of Bergenfield.

4. The Applicant seeks Final Site Plan Approval with variance relief to construct a side/rear and second story

addition and renovate the existing single-family dwelling (the "Project").

5. At the November 2, 2015 hearing, the Application was accepted as complete and marked into evidence as "A-1". The application included a land survey that was part of the submitted site plan, prepared by Schmidt Surveying and dated May 3, 2015. The land survey has drawings of the location and the property lines. The survey lot determined to be 5,998 s.f. The tax map has it at 6,000 s.f. If under 6,000 feet then in an R-5 zone which makes 5 foot side yard acceptable and existing 4.7 feet side yard just slightly under. Over 6,000 requires 7.5 feet side yard. The building would be acceptable if R-5 instead of R-6. Property is over R-5 by 1 s.f. and on tax table as R-6.

6. The Applicant's Architect, Albert Zaccone's presentation and testimony at the November 2, 2015 public hearing is summarized as follows:

7. The Architect gave his credentials and was accepted as architect and planner. He was sworn in and explained how the Applicant plans to demolish the existing home and build a new home on the current foundation. The plans, marked as Exhibits A-2, A-3 and A-4 describe the property as a house, detached garage and concrete walkway. He explained that removing the garage in the back and connecting a new garage to the house would provide a

smaller garage width than required to meet sideyard setback. Architect described current house and testified that Applicant wanted to bring home up to current standards with additional bathroom and bedrooms.

8. The Architect testified as to seepage pits and water runoff on the Property. The Board Engineer testified that with so much buildable space in the back, the Applicant could extend back, keeping the foundation and first floor walls and bring in the side yard setback to 7.5 feet. Mr. Zacccone testified it could be done but such changes would have an impact on the dining room and that Applicant was trying to minimize rear building by developing the side yard. Egress windows in old house will remain with one in the rear. Mr. Zacccone stated that four basic windows were designed for egress. If close to side, someone could fall into it. However, Mr. Zacccone stated that per Applicant, part of the existing house and rooms were for exercise room and office (not bedrooms) and windows were not needed. However, Architect stated they should be installed for safety reasons. Egress wells could be protected to prevent anyone from falling in. A Board member commented that the rooms could still be used as bedrooms.

9. The meeting was opened for comments from members of the public within 200 feet. Mr. Safiur, 50 Glenwood Drive East, indicated he is the owner of the property directly to the North

of the Applicant's property. He explained that the house would be totally oversized for the neighborhood. Also, it is too close to his house, that no other houses are this close together and that it is a fire hazard. He also indicated that he was concerned with moisture buildup and the reduction of sunlight to his home.

10. The Board questioned the Board Engineer about moisture buildup who said that seepage pits should take care of that. The floor was closed to property owners within 200 feet.

11. The meeting was then opened for comments from members of the public beyond 200 feet. Mr. Smith indicated that there are too many big houses being built on small lots. The floor was closed as no one else had any questions or comments.

Conclusion of Law

1. The Board of Adjustment has the power, pursuant to N.J.S.A. 40:55D-70(c)(1), to grant a variance when: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property; or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict

application of any regulation or ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the property owner.

2. Further, under N.J.S.A. 40:55D-70(c)(2), wherein an application or appeal relating to a specific piece of property, if a deviation from the zoning ordinance would advance the purposes of the zoning ordinances of the Borough of Bergenfield and the benefits of that deviation would substantially outweigh any detriment, the Board of Adjustment may grant the requested variance relief.

3. Such "c(1)" or "c"(2)" variances may only be granted upon a showing that one of the foregoing tests have been met. For the reasons previously set forth, the Applicant has not demonstrated, and the Board finds, that the granting of the "c(2)" variance relief with respect to (i) Minimum Lot Width, (ii) Maximum Lot Coverage, (iii) Maximum Improved Lot Coverage, and (iv) Minimum Side Yard will create a substantial detriment to the public good and will substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

4. There is a detriment to the neighborhood in connection with the variances, as the neighborhood would be negatively affected by the project. Moreover, the project would create a fire and safety hazard on the property.

5. The Board, therefore, finds that the Project would result in a negative impact to the Property and surrounding neighborhood.

6. The Board further finds that the within application does not meet the statutory requirements for the above-enumerated variances for the reasons more particularly set forth in the record. The denial of said variances is appropriate as the purposes of the Municipal Land Use Law are not advanced thereby and the detriments outweigh any benefits. The variances cannot be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Bergenfield Zone Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the Borough of Bergenfield hereby denied the Applicant's request for the above-aforementioned variances from the Bergenfield Zoning Ordinance to construct a side/rear and second story addition and renovate the existing single-family dwelling.

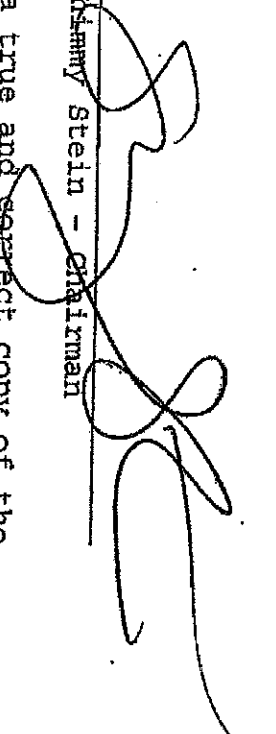
This application was denied by the Zoning Board of Adjustment of the Borough of Bergenfield at its meeting of December 21, 2015 upon the motion of Sara Berger and seconded by Buddy Deauna and upon the roll call as follows:

MEMBER	YES	NO	ABSTAIN	ABSENT
Shimmy Stein (Chairman)			X	
Richard Morf (Secretary)	X			
Sara Berger	X			
Richard T. Daly	X			
Buddy Deauna	X			
Steve Madsen	X			
Amnon Wenger		X		
Rafael Marte (Alternate No. 1)	X			

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Tax Assessor, Construction Code Official, the Zoning Officer of the Borough of Bergenfield and Board Engineer.

Adopted this 4th day of April 2016 by a majority of the members of the Board present at such meeting who voted for the action taken on the 21st day of December 2015.

Decided: December 21, 2015
Memorialized: April 4, 2016


Shimmy Stein - Chairman

I do certify that this is a true and correct copy of the Resolution as adopted by the Board of Adjustment of the Borough

of Bergenfield, County of Bergen, State of New Jersey, in the
within application.


Richard Morf - Secretary