

Application was presented by the Applicants, through counsel, Matthew G. Capizzi, Esq., (“Capizzi”). The Applicants, through counsel, Capizzi, presented the matter and provided an overview and background of the Application and marked all relevant Exhibits into evidence.

The Board considered the following Exhibits in their review of the matter:

1. Survey, Schmidt Surveying, dated May 17, 2024;
2. Application for Variances.
3. Architectural Plans, prepared by Thomasz Bona, RA, dated May 22, 2024.
4. Colliers Engineering Letter, dated June 26, 2024.

The following witnesses appeared and offered sworn testimony on behalf of the Applicants:

1. Thomaz Bona, RA (“Bona”)

The subject property is located in the Residence Zone D within the municipality. The address of the Property is 62 Central Avenue, and it is also designated as Block 70; Lot 81 on the Borough’s Tax Assessment Map of the Borough (hereinafter, “the Property”)

Capizzi provided the Board with an overview of the Application and the legal issues and underlying law as it related to the Property. It was explained that the Property is an existing, rectangular, undersized lot containing an existing frame dwelling. The structure presently has two stories. The rear of the structure has an attached, roofed porch of approximately 325 sf. The entire Application concerns the conversion of this porch into habitable space which requires a variance for Livable Floor Area (LFA) – the Borough’s functional equivalent of a Floor Area Ratio (FAR). All other deviations from the Zoning Code set forth above – and on **Exhibit 4** – are pre-existing.

Bona testified as to **Exhibit 3** and that his porch enclosure would match the home and would be constructed in a manner that would make it appear to have been part of the original construction. He noted that porch is part of the existing footprint and coverage of the home and does not alter the “presence” of the home or create any negative or detrimental impact. He further noted that LFA variance – in its’ entirety – was for the conversion of this space into “Livable Floor Area,” rather than a “porch”. He further testified the home was relatively small and that this additional living area was consistent with enhancing the use of the home. He testified that the current LFA was under the 30% required (at 26.2%) and the proposed LFA of 30.3% represented only 27 sf. in excess of that which is permitted. In short, he testified that the entire Application was for less than 30 sf. of LFA. There is no alteration or reduction of existing, conforming, setbacks as a result of the Application.

CONCLUSIONS OF LAW; RESOLUTION

The Application before the Board is for a slight increase in LFA. All other deviations from Borough Code are existing – or related to existing Lot Dimensions.

The Board finds that the requested variance can be approved based on the facts known to the Board and the evidence presented. The Property is an existing undersized lot that has an existing home thereon. The Board notes that the requested variance is for the sole purpose of enclosing an existing porch – and the vast majority of that enclosure (approximately 300 sf. of the requested 325 sf.) can

be accomplished without the need for any variances whatsoever.

The Board finds in light of the lot size, the design proposed, and the maintenance of all setbacks the requested variances are reasonable and appropriate.

The Board finds that the Applicants have satisfied the proofs required for a variance pursuant to NJSA 40:55D-70(c)(1) or (c)(2). The proofs indicate that the Applicants both have a hardship as to the undersized property, as well as the exceptional conditions resulting from the existing structure. Additionally, the proposed development uniquely satisfies the purposes of zoning and maintains an older home with improvements by enhancing the living area.

The Applicants require a variance as to Maximum Livable Floor Area requiring proofs pursuant to NJSA 40:55D-70(d). The Applicants have demonstrated that a smaller home would not be a satisfactory use of the Property and that the deviation from the permitted LFA is warranted.

The Applicants have demonstrated that the within Application advances the purposes of the Municipal Land Use Law and that the benefits of any such deviation would substantially outweigh any detriment to the purposes of zoning.

Motion was made by: *Vice Chair Woods*
Motion was seconded by: *Mr. McLain*

Roll Call to Approve:

	YES	NO	ABSENT	OTHER
Vice Chair Woods	X			
Mr. Davis	X			
Mr. Corrado				<i>Not Eligible</i>
Mr. McLain	X			
Mr. Park	X			
Mr. Adelman			X	
Chair Hayden	X			
Mr. Hirsch A#1				<i>Not Eligible</i>
Ms. Pavlova A#2				<i>Not Eligible</i>

Accordingly, a majority of the Board voted to approve the Application as presented.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment at its meeting held on



Dorothy Hayden, Board Chair



Michael Greco, Board Secretary