

Bulk variance for  
building coverage

**RESOLUTION  
LEONIA PLANNING BOARD  
APPLICATION OF ED DANTER  
CALENDAR NO. 2024-11**

WHEREAS, Ed Danter (hereinafter referred to as the “Applicant”) applied for a bulk variance for building coverage (hereinafter referred to as the “Application”), as further described herein; and

WHEREAS, the property subject of the Application is identified on the Tax Map of the Borough of Leonia as Block 1504, Lot 20, and is more commonly known as 190 Sylvan Avenue, Leonia, New Jersey (the “Property”); and

WHEREAS, the Property is located in the A-3 Zone; and

WHEREAS, the Property is improved with a single-family dwelling; and

WHEREAS, the application was called for public hearings on September 25, 2024 and October 23, 2024, on proper notice, at which time the Applicant was represented by Carmine Alampi, Esq., Law Offices of Carmine R. Alampi, LLC, 1 University Plaza, Suite 404, Hackensack, New Jersey; and

WHEREAS, the Applicant testified under oath and presented the sworn testimony of Abby Kanter (the homeowner) and Peter Pulice, Pulice Williams Architects, 244 Broad Avenue, Leonia, New Jersey, who was sworn and qualified as an expert in the fields of architecture and professional planning; and

WHEREAS, the following exhibits were marked into evidence at the hearing on September 25, 2024:

A-1: Modified floorplan design, dated September 23, 2024

A-2: Photo package (2 pages) dated September 25, 2024; and

WHEREAS, the Applicant submitted in support of the Application a 3-page plan entitled “Proposed Addition – Danter Residence” prepared by Pulice Williams Architects, dated August 1, 2024 and last revised September 25, 2024 that depicted the Property, the existing conditions, and the proposed addition (the “Plans”); and

WHEREAS, no members of the public appeared at the hearing and either asked questions or provided comments; and

WHEREAS, the Board has carefully considered the testimony of the Applicant; and

WHEREAS, the Board has made certain findings of fact and conclusions with respect to this Application.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Leonia that the following facts and conclusions of law are made and determined.

1. All of the recitals set forth above are incorporated herein by reference.
2. The Applicant is the owner of the Property.
3. The Property is located in the Borough of Leonia’s A-3 Zone.
4. The Property has an area of 6,000 square feet, which is larger than the minimum lot area required in the A-3 Zone. It has dimensions of 60’ x 100’ and is regularly shaped.
5. The Property is improved with a single-family dwelling that maintains nonconforming side yards of 6.4 feet and 8.7 feet where 10 feet are required.
6. The Applicant proposes to construct a primary bedroom addition within a 1-story addition at the rear of the dwelling. The bedroom dimensions are 15’ x 19’6” and will add 285 square feet of building coverage to the Property, which will produce a total coverage of 26.8% exceeding the 25% maximum in the A-3 Zone.

7. On September 25, 2024, the Applicant represented that it had reached an agreement with its neighbor to the south (Catherine Askari) to relocate the addition to provide a conforming 10-foot side yard and eliminate the side yard setback variance initially requested.

8. The Applicant submitted a revision to the Plans prior to the October 23, 2024 meeting that eliminated the side yard variance but maintained a 26.8% building coverage.

9. There is no bathroom on the ground floor in the dwelling. The Applicant proposes the ground floor addition in which he plans to add a primary bedroom suite containing combined bathroom and laundry facilities. The bathroom/laundry is to be located within an existing sunroom on the south side of the dwelling and the bedroom will be behind the existing dwelling in an area of the Property that is partially covered by a patio.

10. The Applicant and Ms. Kanter testified that they have difficulty going up and down the stairs in their home, but do not want to leave. Their grandchildren live close by and a primary suite on the ground floor would enable them to remain in their home for many more years.

11. The Board also finds that the benefits of granting the building coverage variance substantially outweigh the detriments and advance the purposes of zoning. It reaches this conclusion because the one-story addition is only marginally above the 25% limit in the A-3 Zone, is entirely within the rear yard, is well screened from neighboring lots (as reflected on Exhibit A-2), and will allow the current residents of the dwelling to remain in their home rather than relocate for alternative housing that suits their needs given their physical limitations. The development advances purpose (1) of the Municipal Land Use Law, which encourages the construction of senior citizen community housing. This was the reason the Applicants sought out Mr. Pulice's services and filed the Application. The alternative – converting the living room of

the dwelling into a bedroom is an inferior design choice as it does not allow the Applicant to age in place from a functional standpoint. Since there are no other alternatives other than an expansion, the proposed represents better zoning than a conforming design.

12. The Board concludes, for the reasons set forth above in Paragraph 10, that the grant of relief would not cause substantial detriment to the public good. The modest increase in building coverage will not cause the appearance of overdevelopment or crowding on the Property.

13. Likewise, the Board concludes that the grant of the requested variances will not substantially impair the intent and purposes of the zone plan and zoning ordinance. The Borough's Master Plan's goals mirror those in the MLUL, particularly those that allow aging in place. This development furthers the goals of the Borough's Master Plan without causing substantial impairment to the intent and purpose of the zoning ordinance.

**NOW THEREFORE, BE IT RESOLVED** the Application of Ed Danter for a building coverage variance as set forth herein is hereby approved, subject to the following conditions:

1. **Location and Type:** The Applicant shall be permitted to construct the improvements shown on the plans entitled "Proposed Addition – Danter Residence" dated August 1, 2024 and last revised September 27, 2024 prepared by Pulice Williams Architects subject to the following conditions:

A. Comply with the Board Engineer's Review Letter dated September 23, 2024, including stormwater management review.

B. The Applicant shall submit an as-built survey upon completion of all work on the Property to confirm conformance with this condition.

2. **Legal and Engineering Fees:** The Applicant shall be responsible for all legal and engineering fees of the Planning Board in connection with this application and no Certificate of Occupancy shall be issued until all such fees are paid.

3. **Other Fees:** All additional fees, if any, required by the Borough Ordinances shall be paid.

4. **Reliance by Board on Testimony and Application:** This approval is specifically granted based upon the testimony of the Applicant, the exhibits, the application, any and amendments to same, submitted to the Board, all of which have been relied upon by the Board.

5. **Compliance with Ordinance:** Except for the variance(s) approved herein, the Applicant shall comply with all other provisions of the Zoning Code of the Borough of Leonia.

6. **Compliance with Laws:** The Applicant shall comply with all Borough Ordinances, and any and all State and Federal laws and applicable regulations.

7. **Non-Severability of Conditions:** The relief granted to the Applicant is specifically made subject to the conditions referred to herein. In the event any condition is held to be invalid, unenforceable, or unlawful, the entire variance shall be unenforceable. It is the intent of the Board that the variance(s) not be approved if any condition is invalid, and that the conditions are not severable from any variances or relief granted herein.

8. **Appeal Period:** The Applicant has been advised that there is an appeal period for the relief granted herein for a period of forty-five (45) days from the date of publication of notice of the relief granted pursuant to this Resolution in a newspaper of general circulation approved by the Board. Accordingly, any work or construction done prior to the expiration of the appeal period is accomplished at the sole risk of the Applicant.

The Board rendered its decision on the Application by the following vote:

Moved by: Mayor Ziegler  
 Seconded by: Mr. Botten

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified To Vote</u>
Michael DeGidio, Chairman	X				
Mayor Ziegler	X				
Councilman Hesterbrink	X				
Ira Gold, Vice Chairman	X				
William Russell					X
Ron Wolf					X
Patrick Botten	X				
Timothy Ford	X				
Sean Thompson	X				
Haesok Ko					X
Damee Choi	X				

The Board memorialized its decision on the Application by adopting this Resolution by the following vote:

Moved by: Mr. Botten  
 Seconded by: Mr. Thompson

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified To Vote</u>
Michael DeGidio, Chairman	X				
Mayor Ziegler	X				
Councilman Hesterbrink	X				
Ira Gold, Vice Chairman	X				
William Russell					X
Ron Wolf					X
Patrick Botten	X				
Timothy Ford	X				
Sean Thompson	X				
Haesok Ko					X
Damee Choi	X				

Dated: October 23, 2024

LEONIA PLANNING BOARD

By: Michael B. DeGidio  
 Michael DeGidio, Chairman

CERTIFIED TO BE A TRUE COPY

By:   
 Michael Greco, Administrative Secretary to  
 the Planning Board