



**J Caldwell  
& Associates, LLC**  
Community Planning Consultants

March 29, 2021

**MEMORANDUM TO:** Vernon Township Land Use Board

**FROM:** Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. – G. A., Land Use Board Planner

**SUBJECT:** Evan Dolcimascolo and Emily Ross  
LU# 2-21-1  
Block 458, Lot 92  
Located at 203 Alturas Road  
Vernon Township, Sussex County

Dear Board Members:

The Applicants, Evan Dolcimascolo and Emily Ross, have submitted a variance application for the construction of a front deck, entrance landing and new staircase for the above-referenced property. The subject property is in the PLC Private Lake Community Zone. The deck extends into the front yard setback, requiring a variance pursuant to N.J.S.A. 40:55D-70(c).

1. **Items Submitted:** The Applicant has submitted the following
  - A. Survey of Block 458, Lot 92, Township of Vernon Sussex County, New Jersey prepared by Behre Associates Inc., dated August 25, 1988.
  - B. Copy of Site Application and Checklists with supporting documentation
2. **Existing Site & Use:** The subject property is located at 203 Alturas Road in the PLC Private Lake Community Zone. The property is developed with an existing one-story single-family dwelling. The existing structure has a pre-existing non-conforming front yard setback of 33.25 feet where 40 feet is required.
3. **Highlands Area Designation:** The subject property is located in the Highlands Preservation Area. The property qualifies for Highlands Area Exemption #5 for a home which existed prior to August 10, 2004.
4. **Proposed Development:** The Applicant is seeking site plan approval to construct a front deck, entrance landing and new staircase with an approximate square footage of 328 square feet. The proposed deck extends into the front yard setback with a setback of 21.25 feet where 40 feet is required. A variance is required.

5. **Area and Bulk Requirements:** The subject site is located in the PLC, Private Lake Community Zone. The following table reviews existing and proposed requirements.

**PLC Private Lake Community**

Standard	Required	Existing	Proposed
Min. Lot Area	10,000 SF	17,598 SF 0.404 Acres	N/C
Min. Lot Width	100 FT	@ 55 FT (E)	N/C
Min. Front Yard Setback	40 FT	33.25 FT (E)	21.25 FT (V)
Min. Side Yard Setback	10 FT	19.62 FT	N/C
Min. Rear Yard Setback	25 FT	@ 130 FT	N/C
Max. Building Height	35 FT 2 ½ Stories	1 Story	N/C
Max. Building Coverage	25%	@ 4.27%	N/C
Max. Lot Coverage	35%	@ 0.45%	@ 2.32%

(E) = Existing Non-Conforming  
 @ = Approximate

(V) = Variance Required  
 N/C = No Change

6. **Review:**

- A. **Front Yard Exceptions:** According to Section 330-173(A), where a lot is situated between two lots, each of which is developed with a principal building which has a non-conforming front yard setback, the minimum front yard setback requirement for such lot may be the average of the front yards supplied with respect to the existing non-conforming buildings on the said adjacent lots. The Applicant has an existing non-conforming front yard setback of 33.25 feet. Block 458, Lot 93 and Block 458, Lot 91 are adjacent to the subject property. Lot 93 has a front yard setback of approximately 30 feet and Lot 91 has an approximate front yard setback of 26 feet. The average front yard setback between the two lots is 28 feet. The Applicant is proposing 21.25 feet, which is less, therefore a variance is required.
7. **Criteria for Granting "C" Variances:** Variances can be granted by the Board, pursuant to N.J.S.A. 40:55d-70c where two provisions exist for the granting of bulk variances:
- i. The first provision for granting a "c" variance is under N.J.S.A. 40:55D-70c(1) where the Board must find whether there has been a showing of peculiar exceptional practical difficulties or exceptional undue hardship arising out of the exceptional narrowness, shallowness, or shape of a piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures lawfully existing thereon.
  - ii. The second provision for granting a "c" variance is under N.J.S.A. 40:55D-70c(2) where the Board must find that the application relates to a unique situation on a specific piece of property, that the purposes of the MLUL would be advanced by the requested deviation, that the variance can be granted without substantial detriment to the public good, that the benefits of granting the variance outweigh

any detriments and that the variance will not substantially impair the zone plan or ordinance. Under c(2), the Applicant should show that the proposal is a better zoning alternative to that which is permitted by the ordinance and provides benefits to the community as a whole, not just the applicant.

- iii. In both cases, the negative criteria must be met, which includes a showing that the proposed variances will not cause a substantial detriment to the public good (the neighborhood) or substantial impairment of the master plan and zoning.
- iv. The Applicant should provide testimony to the Board with respect to the criteria noted above and as described in their application.

Very truly yours,



Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. - G.A.  
**J. CALDWELL & ASSOCIATES, LLC.**  
Vernon Land Use Board Planner

cc: Via E-Mail Only

Kimberley Decker, Land Use Administrator  
Glenn C. Kienz, Esq., Board Attorney  
Cory Stoner, P.E., Board Engineer  
Evan Dolcimascolo, Applicant