RESOLUTION

TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Asfar Burke Cumming Miras Mouravieff Smith

Seconded by:

Asfar Burke Cumming Miras Mouravieff Smith

WHEREAS, TEMPLE BETH OR (the "Owner") has authorized, NEETA DAS, PROGRESSIVE COMPHREHNSIVE SERVICES, LLC (the "Applicant"), who has applied to the Zoning Board of Adjustment of the Township of Washington pursuant to N.J.S.A. 40:55D-70 d (2) for a variance to expand a non-conforming use, in permitting the utilization of space to provide training and habilitative instructional services to individuals who are living with an intellectual and developmental disability, where the proposed utilization of the space requires a variance for an expansion of a non-conforming use, where the property is situated in an AA Zone, and the existing facilities are being utilized by Temple Beth Or for religious worship, and also provides a variety of educational support and developmental services to children and adults, and has done so since its founding in 1958, and seeks to expand services to allow a third party to provide similar services to intellectually and developmentally disabled individuals as a day center, which use is not a permitted use at 56 Ridgewood Road, designated as Block 2506, Lot 9 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment after carefully considering the testimony of applicant's attorney, Jeffrey Berkowitz, Esq., applicant's President/CEO, Neeta Das of Progressive Comprehensive Services LLC 100 Hanover Ave. Suite 103 Cedar Knolls, NJ, and Temple Beth Or President, Roger Gross of 15 Pascack Road, Woodcliff Lake, NJ, and public safety and traffic consultant, Captain Gregg Hackbarth, Traffic and Public Safety Officer of the Township of Washington Police Department, and the evidence presented by applicant, as well as, comments and discussion during the general public hearing held on January 12, 2016, and the January 11, 2016 report of Paul Azzolina, P.E. of Azzolina & Fuery, Inc., 30 Madison Ave., Paramus, NJ and the report of Captain Gregg Hackbarth of the Township of Washington Police Department;

WHEREAS, the Township of Washington Zoning Board of Adjustment has reviewed the following:

a. Township of Washington Application for Variance, signed by applicant's President/CEO, Neeta Das on January 5, 2016 and Temple Beth Or by Owner's President, Roger Gross on December 11, 2015;
b. The report of the Township Engineer, Azzolina & Fuery Engineering, Inc. dated January 11, 2016;
c. A set of architectural drawings entitled "Temple Beth Or, Washington Township" by architect, Genovese & Maddalene, AIA, Architects, Paramus, NJ, dated January 29, 1973, consisting of three (3) sheets;
d. An architectural drawing entitled "Temple Beth Or, Ridgewood Rd. Washington Township, Floor Plan" by architect, Morpurgo Architects, Ho-Ho-Kus, NJ, dated 1-28-97 consisting of one (1) sheet identified as "Sheet No. A-2" which was marked Exhibit A-1 during the hearing;

WHEREAS, the Township of Washington Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

1. The property is presently being used by synagogue for religious worship and also provides a variety of educational support and developmental services to children

and adults, and has done so since its founding in 1958, and the property is located in an AA Zone;

2. The Applicant seeks expand services to allow a third party, Progressive Comprehensive Services LLC to provide similar service to intellectually and developmentally disabled individuals as a day center, which use is not a permitted use, wherein a variance is required for an expansion of a non-conforming use, where the property is situated in an AA Zone and is being used for religious worship and a variety of education support and development to children and adults by the synagogue;

3. Pursuant to N.J.S.A. 40:55D-70d (2), the applicant seeks a variance to expand a non-conforming use;

4. At the public hearing conducted on January 12, 2016, applicant President, Neeta Das and owner, President Roger Gross testified that applicant seeks a variance to permit an expansion of a non-conforming use, in permitting a third party, Progressive Comprehensive Services LLC to provide services to intellectually and developmentally disabled individuals as a day center , and that said use is inherently beneficial to the community. Moreover Captain Gregg Hackbarth, as the safety and traffic expert hired by the Board testified as to his inspection of the site and proposed plan, and based upon his review, made various safety recommendations as outline in his four (4) page report of January 6, 2016, which he reviewed in great detail in his testimony and which recommendations applicant and owner accepted;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested variance is justified under D2 of the statute, where the use currently exists for existing facilities being used by the Temple Beth Or for various

educational support and developmental services to children and adults, and has done so since its founding in 1958 and would otherwise advance the purposes of land use law;

WHEREAS, the Zoning Board of Adjustment has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent purpose of the Zoning Ordinances of the Township of Washington, the enforcement of which would result in practical difficulty in not providing the much needed services for the intellectually and developmentally disabled individuals who were served in the Township of Washington community at the YJCC, which very recently closed its doors, leaving these disabled individuals without a facility in the community. Moreover the Board finds that the services are much needed and that with the safety measures recommended by Captain Hackbarth adopted and incorporated by the applicant and owner, represents a better planning alternative, compliments the existing uses, programs and charitable services provided by Temple Beth Or to the community, and is an inherently beneficial use in the community, as outlined in Sica v. Board of Adjustment of Tp. of Wall, 127 N.J. 152, 159 (1992), and is not likely to be a substantial detrimental impact upon any other properties in the neighborhood;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 9th day of February, 2016, that based upon the findings of fact and documents submitted for review as previously set forth, the application of Progressive Comprehensive Services LLC with the authorization of property owner, Temple Beth Or is hereby granted a variance to allow applicant to operate a day center for the intellectually and developmentally disabled individuals in

conformity with the plans submitted to this Board and conditioned upon the complete compliance with the recommendations outlined in the expert safety report of Captain Hackbarth dated January 6, 2016 and the requirements of the Township of Washington Engineer, Paul Azzolina , as outlined in his report of January 11, 2016, and with applicant and owner going forward with the outlined plans and recommendations in consultation with both experts, Captain Hackbarth and Paul Azzolina as to the recommendation and requirements as outlined in their respective reports;

BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variance granted will expire within one year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances warrant the same;

BE IT FURTHER RESOLVED, that the Secretary of the Zoning Board of Adjustment of the Township of Washington is hereby directed to mail a copy of this Resolution to the applicants; to furnish a copy to the building department; to file a copy of this Resolution with the Township of Washington Clerk; and to cause a notice of this determination of the Zoning Board of Adjustment to be published in the official newspaper of the Township of Washington within ten (10) days of the date hereof and thereafter published according to law.

BY THE BOARD

Dated: February 9, 2016

BY: _____
Thomas Asfar, Chairman

Certified to be a true copy of the Resolution adopted by the Zoning Board of Adjustments of the Township of Washington at its meeting on Tuesday, February 9, 2016.

Mary Ann Murphy, Secretary

	Ayes	Nays	Abstain	Absent
Asfar	✓			
Burke	✓			
Cumming	✓			
Miras	✓			
Mouravieff	✓			
Smith				✓

RESOLUTION

TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Asfar Burke Cumming Miras Mouravieff Smith

Seconded by:

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WHEREAS, TEMPLE BETH OR (the "Owner") has authorized, NEETA DAS, PROGRESSIVE COMPHREHNSIVE SERVICES, LLC (the "Applicant"), who has applied to the Zoning Board of Adjustment of the Township of Washington pursuant to N.J.S.A. 40:55D-70 d (2) for a variance to expand a non-conforming use, in permitting the utilization of space to provide training and habilitative instructional services to individuals who are living with an intellectual and developmental disability, where the proposed utilization of the space requires a variance for an expansion of a non-conforming use, where the property is situated in an AA Zone, and the existing facilities are being utilized by Temple Beth Or for religious worship, and also provides a variety of educational support and developmental services to children and adults, and has done so since its founding in 1958, and seeks to expand services to allow a third party to provide similar services to intellectually and developmentally disabled individuals as a day center, which use is not a permitted use at 56 Ridgewood Road, designated as Block 2506, Lot 9 on the Tax and Assessment Map of the Township of Washington;

WHEREAS, the Zoning Board of Adjustment after carefully considering the application to be presented and the Board's need to have input from the Township of Washington's Police Department's Traffic and Public Safety Officer with respect to safety concerns regarding the proposed site and plans for services; and

WHEREAS, the Zoning Board of Adjustment at a public hearing held on January 12, 2016 has determined the need to hire a Traffic and Public Safety Officer Police on the issue of public safety at the sole cost and expense of Applicant; and

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 9th of February 2016, that based upon the facts previously set forth, the Zoning Board of Adjustment of the Township of Washington shall consult with Captain Gregg Hackbarth, the Township of Washington's Police Department's Traffic and Public Safety Officer on the issue of public safety and any other input deemed necessary and appropriate during the course of said application; and

BE IT FURTHER RESOLVED that said expert shall be compensated from the escrow account of Applicant when statements are presented for payment thereof.

ZONING BOARD OF ADJUSTMENTS
OF THE TOWNSHIP OF WASHINGTON

By: _____
Thomas Asfar, Chairman

Certified to be a true copy of the Resolution adopted by the Zoning Board of Adjustments of the Township of Washington at its meeting on Tuesday, February 9, 2016.

Mary Anne Murphy, Secretary

	Ayes	Nays	Abstain	Absent
Asfar	✓			
Burke	✓			
Cumming	✓			
Miras	✓			
Mouravieff	✓			
Smith				N/A