

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT

RESOLUTION ZB-22-06

WHEREAS, KBE BUILDING CORPORATION (the “Applicant”) have applied to the Zoning Board of Adjustment of the Township of Washington for variance relief from the zoning code to grant the Applicant a temporary Use Variance. The Applicant seeks permission to temporarily operate a construction office with parking at a vacant existing former TD Bank branch office building, for a period of up to sixteen (16) months, while the Applicant constructs the Capital Senior Housing (CSH) assisted living facility on the adjacent lot. The property is known as 590 Pascack Road and designated as Lot 12, Block 2202 on the Tax and Assessment Map of the Township of Washington. The subject property is classified as an “interior lot” and is situated in the “Class AA” Residential Zoning District and is located on the west side of Pascack Road approximately 95.00 feet north of Amherst Drive. The property is a triangular shaped lot occupying an area of approximately 91,388.88 square feet (2.098 acres). The proposed use of this site as a temporary construction office is not a permitted use in the Class AA Residential Zoning District and a Use Variance is required. The Applicant has no intention of modifying the existing building in any way and the existing building complies with the applicable Bulk and Dimensional setbacks of the Zoning District; and

WHEREAS, the Township of Washington Zoning Board of Adjustment has carefully considered the testimony of the Applicant, KBE BUILDING CORPORATION, and evidence presented by the Applicants and their professionals and Board discussion and comments during the general public hearing held on January 18, 2022 via electronic means and in compliance with the Open Public Meetings Act, prior to which time the Applicant presented proof of notice and publication as required by law, and;

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

- a. Township of Washington Application for Variance by applicant, KBE BUILDING CORPORATION, including an Affidavit of Service and Proof of Publication, dated January 6, 2022 and consisting of twenty-seven (27) sheets;
- b. The report of the Board Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated January 14, 2022 and consisting of five (5) sheets;

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

1. The property designated as Lot 12, Block 2202 currently has an existing one story Masonry Bank Building with a two (2) lane drive-thru banking facilities with a single by-pass lane. It has a one-way ingress driveway and one-way egress driveway along Pascack Road. The property has a paved off-street parking lot for approximately forty-five (45) vehicles including single accessible Parking spaces all situated on the north and west side of the existing building. The property has curbing, walkways and site lighting improvements and is located in the "Class AA" residential zone and is classified as an "Interior Lot". The Applicant's proposed use of the property is not a permitted use in the "Class AA" Zone;

2. At the public hearing held on January 18, 2022 the Applicant's Attorney, Gail Price, Esq of Price, Meese Schulman & D'Armenio made her appearance. Ms. Price advised the Board that the Applicant, KBE Building Corporation (KBE), has been nationally recognized for their performance and has received awards in this regard. Ms. Price advised the Board that this Application is connected to the Capital Senior Housing (CSH) application which was approved by the Board last year. She advised the Board that the Applicant is seeking permission to use the TD Bank Building, which is located

adjacent to the CSH property, as a construction office and as parking for KBE. Mark Staples, was sworn in and testified that he is the Senior Superintendent of the Project and has direct responsibility for same. He testified that there will not be any construction equipment or materials stored as the property and he will not be making any interior or exterior changes to the existing building including signage. He testified that KBE is under contract to complete the construction of CSH by February 2023. He testified that the Applicant has a one (1) year lease with the owner of the property through November 2022 and will then be a month-to-month tenant until the project is completed. Ms. Price advised the Board that the Use Variance is temporary and will be extinguished once KBD has completed construction. Mr. Staples testified that the office hours will be from 7:00a.m to sunset, Monday through Friday. The Applicant will not be working on Saturdays and Sundays. He testified that employees will start arriving around 6:30a.m. He testified that as per Township Ordinance everyone must leave by thirty (30) minutes after sundown. He testified that approximately twenty (20) to forty (40) people (including subcontractors) will be using the building once a week for meetings. He further testified that there will be four (4) to (6) KBE employees using the building on the other days of the week. He testified that there are forty-five (45) parking stalls and the drive thru lanes that will provide sufficient parking for all employees and subcontractors. There will not be any parking on the grass and at most there would be fifty (50) vehicles, however, most of the time it would be forty (40) vehicles or less. The Applicant will only park on paved areas and will comply with Township Parking ordinances for use of the property. Mr. Staples testified that there will not be any temporary signage and the owner of the property, who also owns Seasons Catering on the adjacent property, retains the right to use the parking lot on Friday nights and weekends. He testified that KBE understands and acknowledges that any approvals given by the Board will expire when the project is completed. The property will not be used as a marketing office and a Certificate Continued Occupancy must be obtained as a condition of approval if it has not already been obtained. Mr. Staples testified that there are three (3) lanes for the drive thru, two (2) canopied lanes and one (1) bypass lane. He testified that there will not be any parking in the bypass lane at any

time and it will remain as an egress lane at all times as the site has a one-way circulation. Mr. Staples testified that during the summer when the sun sets later in day, the Applicant will be permitted to work later, but will always comply with the Township's ordinance for hours of operation. Paul Azzolina, the Board's Engineer, advised the Board that so far he has not received any complaints from neighbors and the Applicant has complied with allowable work hours up to this point. He also advised that the inspection for the CCO will address emergency service awareness of the building's occupancy. Ms. Price agreed that she will update the Board on the status of construction and the occupancy status at the end of 2022 and that the Use Variance expiration date will coincide with the completion of the project.

WHEREAS, members of the public were invited to ask questions of the Applicant after testimony was given, and all questions offered by members of the public were answered to the satisfaction of the Zoning Board of Adjustment;

WHEREAS, the Zoning Board of Adjustment has determined that the relief requested by the Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Washington, the enforcement of which would result in practical difficulty and unnecessary hardship in the use of applicants' property. Moreover, the Board finds that the plan represents a better planning alternative with the least impact on the property as a whole, and is not out of character, and is not likely to be a substantial detrimental impact upon any other properties in the neighborhood, and would blend into the surrounding properties;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 15th day of February, 2022 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of KBE BUILDING CORPORATION is hereby granted with approval of the following variances and subject

to the following conditions:

- a) Temporary Use Variance to permit the use of an existing TD Bank Building as a temporary construction office and parking for KBE BUILDING CORPORATION employees and subcontractors as it relates to the construction of the Capital Senior Housing facility on the adjacent property;
- b) The Use Variance expiration date will coincide with the completion of the Capital Senior Housing project;
- c) There will not be any construction equipment or material stored at the property;
- d) Vehicles will only park on paved surfaces and no vehicles will be parked on any grass areas;
- e) There will not be any parking permitted in the bypass lane and it must remain clear at all times;
- f) The Applicant will comply with Township Ordinance for hours of operation.
- g) The Applicant's Attorney, Gail Price, Esq. will update the Board on the status of the project and applicant's occupancy at the end of the 2022 and will notify the Board in writing as to the completion date of the project and when the Applicant has vacated the property.

BE IT FURTHER RESOLVED that the Applicant shall comply with all of the stipulations made during the hearing on this Application as set forth herein and on the record before the Board.

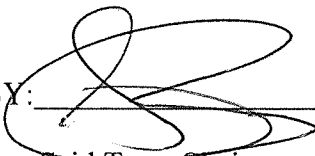
BE IT FURTHER RESOLVED the Applicant's failure to comply with conditions set forth in this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of either a building permit and/or Certificate of Occupancy of the premises, subject to reasonable notice and the opportunity to cure.

BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one (1) 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 applicant; 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 15, 2022

BY:  _____
Said Foro, 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 15, 2022.

BOARD	MOTION	SECOND	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Callandrillo			X				
Capasso		X	X				
Hanna			X				
LaGratta	X		X				
Mahoney			X				
Roberto			X				
Toro			X				