

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

RESOLUTION ZB-22-07

WHEREAS, DLK PARTNERS, LLC (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 expansion of a non-conforming use and Site Plan approval for proposed signage installation. The Applicant seeks permission to replace and install commercial signage in a residential zoning district. The signage consists of two (2) 48” (wide) x 24” (high) wall mounted signs and one (1) 60” (wide) x 45” (high) double sided street sign. The property is known as 647 Pascack Road and designated as Lot 1, Block 3201 on the Tax and Assessment Map of the Township of Washington. The subject property is situated in the “Class PRTD” Planned Residential Townhouse Development Zoning District and is located on the southeast corner formed by the intersection of Pascack Road and Washington Avenue. The property occupies an area of approximately 10,145 square feet (.23 acres). The property was once utilized as a Bridal Dress Shop and the Applicant obtained the required Use Variance Approval from the Zoning Board of Adjustment in 2019 to operate a Dental Practice at this location. The Applicant seeks to modify and supplement the 2019 Application which did not include the appropriate level of detail for re-use of the existing illuminated sign frame, or any additional wall mounted commercial signage on the structure. The Applicant has completed all interior and exterior alterations to the structure and the remaining site improvements are currently in progress and will be completed when weather conditions permit.; and

WHEREAS, the Township of Washington Zoning Board of Adjustment has carefully considered the testimony of the Applicant, DLK PARTNERS, LLC, and evidence presented by the Applicants and their professionals and Board discussion and comments during the general public

hearing held on February 15, 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, DLK PARTNERS, LLC, including an Affidavit of Service and Proof of Publication, dated December 14, 2021 and consisting of fifty (50) sheets;
- b. The report of the Board Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated February 8, 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 1, Block 3201 currently has an existing two and one-half (2½) story building with on-site parking. It has a one-way ingress driveway on Pascack Road and a one-way egress driveway onto Washington Avenue. The subject property is located situated in the “Class PRTD” Planned Residential Townhouse Development Zoning District. The Applicant’s proposed use of the property is not a permitted use in the “Class PRTD” Zone but for Use Variance Approval granted in 2019;

2. At the public hearing held on February 15, 2022 the Applicant’s Attorney, Robert Falkenstern, Esq made his appearance. Mr. Falkenstern reminded the Board that the Applicant, DLK PARTNERS, LLC was approved by this Board for a Use Variance on April 16, 2019 to operate a dental office. He advised the Board that the Applicant seeks a d(2) variance for the installation of commercial

signage in a residential zone.

3. Kevin Ma was sworn in and testified that he is a dentist and partner of DLK PARTNERS, LLC. He testified that there is only one entrance to the property from Pascack Road and one exit onto Washington Avenue. There is also no left turn from the South bound lane of Pascack Road onto the property. If someone misses the sign or sees it at the last second they may take a dangerous driving maneuver to avoid missing the entrance. He also testified that if a patient missed the sign they will have to drive around the block to get back to the property. He testified that that when he obtained the Use Variance in 2019 he indicated at that time that he would use the existing illuminated sign but would apply at a later date if additional signage was needed. He now believes that additional signage is needed. He testified that the office is not open yet as he is still renovating the property and that he had issues with the ADA ramp which were delayed due to the winter, but believes it will be finished in the Spring.

4. Mr. Ma testified that he would like to replace the current ground sign with a new sign which would be the same size and in the same location. He intends to use the same ground illumination lighting that already exists but which is currently disconnected. He also would like to install two (2) new signs on the building. One (1) sign will be located above the front door on the Pascack Road side, between the upper floor windows. One (1) sign will also be located on the Washington Avenue side, most likely between the upper floor windows as well. He testified that the wall signs will not be illuminated. He will not use any LED illumination of the ground sign. The sign lights will be on during business hours only and will be on a timer with a motion sensor during evening hours. The lights will not be on all day and there are motion sensor lights in the parking lot. He testified that the hours of operation could be 8:30a.m. to 8:30p.m. but since he has another location he may not be open that many hours. Paul Azzolina, the Board's Engineer, advised that he was not aware of any time limits that address the PRTD district, but the shopping center commercial zone time limit is 11:00pm. The PRTD Zone does not have any sign standards and the ground sign was an existing installation that has existed for

many years. The Applicant intends to continue to use with a new sign in the same location with a similar size.

5. Joanne Lent, was sworn in and testified that she is the manager of Sign-A-Rama located in Nanuet. She testified that her company will install the Applicant's signs. She testified that store owner has been to the property and did a site survey. She provided two (2) sheets that she prepared and which show pictures of the proposed signs as well as their dimensions and which was marked into evidence as Exhibit A-1. The ground sign will be 60" wide x 45" high and 2" deep and will be a doubled sided painted and carved sign. She testified that the existing posts will be replaced with wood treated posts with white vinyl sleeves and caps. The sign will be in the same location and will be the same size as the existing sign. The sign is not electronic and will not have an internal illumination. It will be lit by the already existing ground lights. She testified that there will be two (2) individually carved building signs posted on the front and side of the building. The building signs will be 48" x 24" x 1" and will not be illuminated. The Pascack Road sign will be above the front door between the two (2) windows. The Washington Avenue Sign will be between the four (4) existing windows. She testified that the signs will not have an adverse impact to the area and will be an improvement from what was previously there. It will provide safety to patients by properly identifying the building and its location. The Applicant agreed to have the illumination brightness reviewed by the town to make sure it will not disturb neighbors or interfere with incoming traffic. Mr. Azzolina requested that the electrician contact his office once the lighting plan has been established. He also advised the Board that he measured the existing sign post remnants and confirmed that the new sign is very similar to what was previously there.

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 March, 2022 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of DLK PARTNERS, LLC is hereby granted with approval of the following variances and subject to the following conditions:

- a) The Applicant's electrician will contact Mr. Azzolina once the lighting plan has been established to address any concerns;

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.

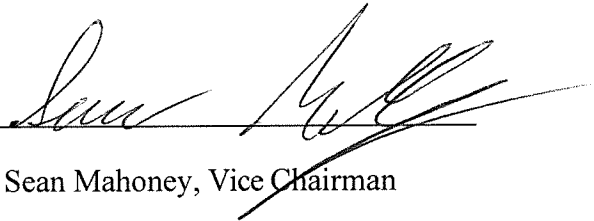
BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one (1) year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this

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: March 15, 2022

BY: 
Sean Mahoney, Vice 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, March 15, 2022.

BOARD	MOTION	SECOND	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Capasso						X	
Callandrillo			X				
Hanna			X				
LaGratta	X		X				
Mahoney		X	X				
Roberto			X				
Tekirian (1)			X				
Toro						X	
Parrino (2)						X	