

RESOLUTION

TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Burke Cumming DeSena Grimaldi LaGratta Mouravieff Ozment Toro Goetz

Seconded by:

Burke Cumming DeSena Grimaldi LaGratta Mouravieff Ozment Toro Goetz

WHEREAS, SZ REALTY INVESTMENTS INC. (the "Applicant"), who has applied to the Zoning Board of Adjustment of the Township of Washington pursuant to N.J.S.A. 40:55D-68 seeking affirmation and ultimately certification by the Township of Washington Zoning Officer of the continuous pre-existing nonconforming use, wherein the property is situated in a residential B Zone, and Lot 7 is currently used as a used car dealership for the sale and storage of cars that are for sale and with said use dating back to a time prior to the September 9, 1941 adoption of the Township of Washington Zoning Ordinance for the property known as 689.Pascack Road, designated as Block 3103, Lot 7 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment after carefully considering statements of applicant's attorney, Matthew S. Rogers, Esq., testimony by applicant, SZ Realty Investments Inc.'s principal, Sami Jwafar of 181-05 64th Ave. Fresh Meadows, NY 11365 and Kim Covello of 167 Mansfield Road, Park Ridge, NJ, the wife of the prior property owner, Peter Covello, principal of Covell Properties, and comments and discussion during the general public hearing held on

October 26, 2017, as well as, an April 10, 2015 letter of Russell R. Huntington, Esq. with attached five page Opinion by Magistrate Bernard Dorman Dated September 12, 1963 collectively marked as Exhibit A-1 and the 1996 Property Survey by Land Surveyor, E.A. Loram of 295 Merritt Dr. Oradell, NJ marked as Exhibit A-2;

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

- a. Township of Washington Application to the Zoning Board of Adjustment, signed by Petitioner's Attorney, Matthew S. Rogers on October 5, 2017;
- b. April 10, 2015 letter of Russell R. Huntington, Esq. with attached five page Opinion by Magistrate Bernard Dorman Dated September 12, 1963 collectively marked as Exhibit A-1;
- c. 1996 Property Survey by Land Surveyor, E.A. Loram of 295 Merritt Dr. Oradell, NJ marked as Exhibit A-2;

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 7, Block 3103 is presently used as a used car dealership for the sale and storage of cars that are for sale, and the property is located in a B Zone;
2. The Applicant seeks to continue the nonconforming use on Lot 7, and offered proofs of the continuity of said use dating back to a time prior to the September 9, 1941 adoption of the Township of Washington Zoning Ordinance in presenting the 1963 Opinion of Magistrate Dorman (Exhibit A-1) establishing said use dating back to a time prior to the adoption of the 1941 Zoning Ordinance, as well as, testimony by witness, Kim Covello confirming the continuous use as a used car dealership since the 1963 Opinion. Moreover, there was no evidence of abandonment of said use, nor any evidence to refute the continuity of said use;

3. Pursuant to N.J.S.A. 40:55D-68, the applicant seeks affirmation of the continuous pre-existing nonconforming use and ultimately a certificate by the Township of Washington Zoning Officer certifying that the use existed before the adoption of the ordinance which rendered the use nonconforming, that being the September 9, 1941 adoption of the Township of Washington Zoning Ordinance, wherein the property is situated in a residential B Zone, and that its current use as a used car dealership for the sale and storage of cars that are for sale dates back to a time prior to the 1941 ordinance;

4. At the public hearing conducted on October 26, 2017, applicant, SZ Realty Investments, Inc. presented testimony and evidence to meet its burden of proof that the use as a used car dealership for the sale and storage of cars that are for sale on Lot 7 has been a continuous pre-existing nonconforming use dating back to a time prior to the September 9, 1941 adoption of the Township of Washington Zoning Ordinance;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested affirmation of the continuous pre-existing nonconforming use as a used car dealership for the sale and storage of cars that are for sale on Lot 7 (only) is justified pursuant to N.J.S.A. 40:55D-68, where the use as a used car dealership for the sale and storage of cars that are for sale has existed for Lot 7 (only) continuously and pre-existed the 1941 Township of Washington Zoning Ordinance;

WHEREAS, the Zoning Board of Adjustment has determined that the affirmation of the continuous pre-existing nonconforming use and Certificate by the Township of Washington Zoning Officer certifying that the use existed before the adoption of the ordinance which rendered the use nonconforming as requested by the Applicant can be granted with the following conditions, while not mandated statutorily, applicant has

agreed to comply with and meet the requests of the Board, thereby waiving its right to object to performance of the following conditions: (1) Applicant will construct a fence without a gate between Lot 1 and Lot 7 as both adjacent lots are owned by applicant; (2) The box truck owned by applicant that is currently on the property shall be removed; (3) Applicant shall provide visitor designated parking spaces in front of the building on Lot 7 and parking of used vehicles will only be between the buildings on Lot 7; (4) Applicant shall provide a current survey with legal description for Lots 1 & 7 owned by applicant; (5) All work is to be done will be in compliance with township ordinances and proper permitting; (6) Any repairs or detailing of vehicles shall be done only for the used cars being sold which is endemic to the use of said business as a used car dealership; and (7) no automotive repairs or detailing of vehicles shall be conducted for the outside public, and any prior use for outside public automotive work and/or detailing is hereby abandoned. Moreover, the Applicant has represented to the Board that he will expeditiously remove from the property the existing car lift, and further represented that he intends clean up and make repairs to the buildings on Lot 7, such as repairing the roof and painting the building;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 21st day of November, 2017, that based upon the findings of fact and documents submitted for review as previously set forth, the application of SZ Realty Investments, Inc. is hereby granted affirming the continuous pre-existing nonconforming use as a used car dealership for the sale and storage of cars that are for sale on Lot 7 (only), conditioned upon compliance with the aforementioned seven (7) conditions and the representations made by applicant as to the

lift and improvements to the property all outlined above;

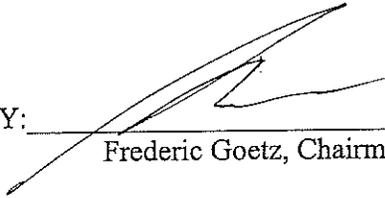
BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40:55D-68 the Zoning Officer of the Township of Washington shall rely upon the Board's Resolution herein for the issuance of the Certificate as requested by Applicant certifying that the use existed before the adoption of the ordinance which rendered the use nonconforming;

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: November 21, 2017

BY:


Frederic Goetz, 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, November 21, 2017.


Vince Corrado, Secretary

	Ayes	Nays	Abstain	Absent
Burke	✓		✓	
Cumming				
DeSena	✓			
Grimaldi	✓			
LaGratta				✓
Mouravieff	✓	✓		
Ozment				
Toro				✓
Goetz	✓			