

Amended site plan and
bulk variances for
monument signage

**RESOLUTION
LEONIA PLANNING BOARD
APPLICATION OF GRAND LEE 2023, LLC
CALENDAR NO. 2024-06**

WHEREAS, Grand Lee 2023, LLC (hereinafter referred to as the “Applicant”) applied for amended site plan bulk and bulk variances for monument sign variances (hereinafter referred to as the “Application”), as further described herein; and

WHEREAS, the property subject of the Application is identified on the Tax Map of the Borough of Leonia as Block 803, Lot 34, and is more commonly known as 363 Grand Avenue, Leonia, New Jersey (the “Property”); and

WHEREAS, the Property is located in the B – Multifamily Zone; and

WHEREAS, the Property is improved with a garden apartment complex; and

WHEREAS, the application was called for a public hearing on May 22, 2024, on proper notice, at which time the Applicant was represented by Matthew G. Capizzi, Esq., 205 Fairview Avenue, Westwood, New Jersey; and

WHEREAS, the Applicant presented the sworn testimony of the property manager for the garden apartment complex, David Koslowitz, 2105 West County Lane Road, Jackson, New Jersey, and its engineer, Sean McClellan, P.E., McClellan Engineering, 84 Gettysburg Way, Lincoln Park, New Jersey, who was qualified as an expert in the field of civil engineering; and

WHEREAS, no exhibits were marked into evidence at the hearing;

WHEREAS, the Applicant submitted in support of the Application a one (1) page plan entitled “Sign Plan” prepared by Clearpoint Services, dated September 28, 2023, that depicted the existing improvements on the Property, including the monument signage that had already been constructed prior to the filing of the Application; and

WHEREAS, the following members of the public appeared at the hearing and either asked questions or provided comments:

Lydia Maurice, 392 Grand Avenue, Leonia, New Jersey; and

WHEREAS, the Board was aided in the hearing by its planner, Sanyogita Chavan, P.P.; and

WHEREAS, the Board has carefully considered the testimony of the Applicant; and

WHEREAS, the Board has made certain findings of fact and conclusions with respect to this Application.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Leonia that the following facts and conclusions of law are made and determined.

1. All of the recitals set forth above are incorporated herein by reference.
2. The Applicant is the owner of the Property.
3. The Property is located in the Borough of Leonia’s B – Multifamily Zone at the northeast corner of the intersection of Grand Avenue and Fort Lee Road.
4. The Property is improved with a garden apartment complex having a main address on Grand Avenue but a sole means of vehicular ingress and egress on Fort Lee Road, although there is pedestrian access via stairs and sidewalk from Grand Avenue, which is in close proximity to a New Jersey Transit bus stop. There are seven (7) separate garden apartment

buildings on the Property of varying sizes containing numerous apartments for many residents of the Borough.

5. Prior to the filing of the Application, the Applicant, through its contractor, caused the installation of two monument signs along the Property's frontages on Grand Avenue and Fort Lee Road. The signs are in close proximity to the points of ingress and egress to the Property for vehicles and pedestrians and have overall dimensions of 9' x 6' (54 square feet) with a sign area of 4' x 4.5' (18 square feet). The sign along the Fort Lee Road frontage has a setback of 8.2 feet and is perpendicular to the direction of traffic on Fort Lee Road while the sign on Grand Avenue is set back 13.8 feet and is parallel to the direction of traffic on Grand Avenue.

6. Signs are not permitted in the B – Multifamily Zone, and therefore, monument signs constitute prohibited accessory structures because the Borough's Sign Ordinance authorized specific signage in specific zoning districts and all other signage other than those signs that is permitted is prohibited by § 232-12 of the Borough's Code. Prohibited accessory structures, unlike prohibited accessory uses, do not require relief pursuant to *N.J.S.A. 40:55D-70(d)*, but instead can be authorized under *N.J.S.A. 40:55D-70(c)* if there is either a hardship or practical difficulty relating to a physical condition or the structures on a particular piece of property, or where a deviation from the requirements of the ordinance will advance the purposes of zoning and the benefits of granting a variance will substantially outweigh the detriments.

7. The Applicant presented testimony, through its witnesses, that the monument signage was beneficial for wayfaring purposes. This included testimony from Mr. Koslowitz about another apartment complex his company owned where signage helped a utility company contact a property manager for assistance with a gas leak.

8. The Board also finds that the benefits of granting the variances for the non-permitted monument signage substantially outweigh the detriments and advance the purposes of zoning. It reaches this conclusion because the signs will aid motorists with and pedestrians in wayfinding, which is in furtherance of the planning goal set forth in *N.J.S.A. 40:55D-2(h)*, which seeks to promote the free flow of traffic while discouraging locations of facilities that result in congestion. The installation of wayfinding monument signs will aid motorists because the vast majority of the garden apartment buildings are not located near the driveway entrance on Fort Lee Road, and the property's address is on Grand Avenue. The signage will, in this particular instance, help to avoid confusion to promote the free flow of traffic. There are minimal detriments from the non-permitted signs, and the Board's discussion focused on the content of the signs (i.e., that the phone number for the property manager is found on the bottom of the sign), rather than the signs themselves.

9. The Board concludes, for the reasons set forth above, that the grant of relief would not cause substantial detriment to the public good. The signs are color-matched to the existing development, are not illuminated, and are not overly large given the size of the Property.

10. For these same reasons, the Board concludes that the grant of the requested variances will not substantially impair the intent and purposes of the zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED the Application of Grand Lee 2023, for amended site plan and sign variance approval as set forth herein is hereby approved, subject to the following conditions:

1. **Location and Type:** The Applicant shall be permitted to maintain the improvements shown on the Sign Plan dated September 28, 2023. No further signage shall be permitted absent further relief from the Board.
2. **Legal and Engineering Fees:** The Applicant shall be responsible for all legal and engineering fees of the Planning Board in connection with this application and no Certificate of Occupancy shall be issued until all such fees are paid.
3. **Other Fees:** All additional fees, if any, required by the Borough Ordinances shall be paid.
4. **Reliance by Board on Testimony and Application:** This approval is specifically granted based upon the testimony of the Applicant, the exhibits, the application, any and amendments to same, submitted to the Board, all of which have been relied upon by the Board.
5. **Compliance with Ordinance:** Except for the variance(s) approved herein, the Applicant shall comply with all other provisions of the Zoning Code of the Borough of Leonia.
6. **Compliance with Laws:** The Applicant shall comply with all Borough Ordinances, and any and all State and Federal laws and applicable regulations.
7. **Non-Severability of Conditions:** The relief granted to the Applicant is specifically made subject to the conditions referred to herein. In the event any condition is held to be invalid, unenforceable, or unlawful, the entire variance shall be unenforceable. It is the intent of the Board that the variance(s) not be approved if any condition is invalid, and that the conditions are not severable from any variances or relief granted herein.
8. **Appeal Period:** The Applicant has been advised that there is an appeal period for the relief granted herein for a period of forty-five (45) days from the date of publication of notice

of the relief granted pursuant to this Resolution in a newspaper of general circulation approved by the Board. Accordingly, any work or construction done prior to the expiration of the appeal period is accomplished at the sole risk of the Applicant.

The Board rendered its decision at the meeting prior to the adoption of this Resolution by the following vote:

Moved by: Councilman Hesterbrink
 Seconded by: Mayor Ziegler

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified To Vote</u>
Michael DeGidio, Chairman				X	
Mayor Ziegler	X				
Councilman Hesterbrink	X				
Ira Gold, Vice Chairman	X				
William Russell				X	
Ron Wolf		X			
Patrick Botten		X			
Timothy Ford				X	
Sean Thompson	X				
Haesok Ko				X	
Damee Choi	X				

Said Resolution was adopted by the following vote:

Moved by: Mayor Ziegler
 Seconded by: Vice Chair Gold


	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified To Vote</u>
Michael DeGidio, Chairman					X
Mayor Ziegler	X				
Councilman Hesterbrink	X				
Ira Gold, Vice Chairman	X				
William Russell					X
Ron Wolf					X
Patrick Botten					X
Timothy Ford					X
Sean Thompson	X				
Haesok Ko					X
Damee Choi				X	

Dated: 6/26/2024

LEONIA PLANNING BOARD

By: 
 Michael DeGidio, Chairman

CERTIFIED TO BE A TRUE COPY

By: 
 Michael Greco, Administrative Secretary to
 the Planning Board