

BOARD OF ADJUSTMENT

TOWNSHIP OF TEANECK

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IN THE MATTER OF THE APPLICATION OF  
554 QUEEN ANNE ROAD, INC. d/b/a  
CONGREGATION OHR SAADYA  
PERTAINING TO LOT 8, BLOCK 2409  
554 QUEEN ANNE ROAD                      RS ZONE

APPEAL NO.  
ZB-2014-32

WHEREAS, an application has been made by 554 QUEEN ANNE ROAD, INC. d/b/a CONGREGATION OHR SAADYA to convert a portion of an existing residence/house of worship for use as religious education classrooms thereby utilizing the entire structure as a house of worship; and to modify and clarify certain conditions of the prior Resolution No. ZB-2009-21 which granted the use as a house of worship/residence for clergy, at premises located at 554 Queen Anne Road, also known as Lot 8 in Block 2409 as shown on the Tax Assessment Map of the Township of Teaneck; and

WHEREAS, a hearing was held after adequate notice to the public; and

WHEREAS, a survey prepared by Rigg Associates, P.A. dated May 16, 2014 entitled "Survey of Property at 554 Queen Anne Road" and an architectural plan prepared by Lawrence P. Quirk, AIA, dated Jan. 27, 2014 revised through May 5, 2014, entitled "Proposed Building Alterations at: Existing 2/12 Story Building" were submitted for review;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Teaneck, County of Bergen and State of New Jersey, that it makes the following findings of fact:

1. Notice and publication pursuant to the Municipal Land Use Act have been

appropriately made.

2. Opportunity was provided to the applicant, as well as the public, to be heard.
3. The property is situate in the RS Zone.
4. Applicant seeks to convert a portion of an existing residence/house of worship for use as religious education classrooms thereby utilizing the entire structure as a house of worship.
5. Site Plan approval and the following variances are required:
  - **USE:** The existing property is being used as part residential and part house of worship. Applicant is proposing to use the complete property as a house of worship which is a conditional use in the RS Zone.
  - **LOT SIZE:** 14,300 sq. ft. is existing where 21,780 sq. ft. is the minimum required
  - **PARKING:** Six (6) parking spaces (including 1 ADA space) are proposed where 5 parking spaces exist and 13 parking spaces are required
  - **BUFFERS:** A buffer of 11 ft. is proposed where a landscape buffer of not less than 15 ft. in width, excluding parking, shall be provided along the side yard borders of the property.
6. This applicant requested variance relief by Appeal No. ZB-2009-21 for a house of worship and Rabbi's residence, which application was granted, with conditions, by Resolution dated September 2, 2010.
7. Subsequent to the granting of the application, the applicant appealed the decision of the Board to the Superior Court of New Jersey, who entered Judgment on behalf of the Board sustaining the Resolution.
8. Thereafter, the applicant appealed the trial court's decision to the Appellate Division. The Appellate Division remanded the matter to the Board in light of the current application.

9. Applicant seeks modifications to the prior Resolution dated September 2, 2010 so that the entire structure will be used as a house of worship and for modification and clarification of certain other conditions previously imposed by the Board.

10. The applicant presented witnesses, including the President of the Congregation, Josh Weinberg, its architect, Lawrence Quirk and Planner, Joseph Burgess, who all testified at length.

11. Mr. Quirk described the modifications to the structure such that the stove in the kitchen will be removed and modifications will be made to the residential side of the building to provide classrooms for children; the concept being that the sanctuary will remain the same but what was the residential portion of the building, which was to be used by the Rabbi, will now be utilized for children's programming during services and other events occurring in the sanctuary. Currently, children have no place to congregate and are sometimes outside the structure. A number of neighbors spoke to noise and disruption of the neighborhood caused by the children outside the structure.

12. The prior conditions which the applicant seeks to modify and clarify are as follows:

A. Applicant wishes to conduct three (3) programs (which are in addition to religious services) during the week which is a modification to its prior testimony that the number of programs during the week would be limited to one (1);

B. In addition to the Sabbath and holidays applicant requests the implementation of morning and afternoon/evening services during the week;

C. Applicant wishes to use the exterior of the premises for collation or light meals post services not more than two (2) times per month to a maximum of twelve (12) times per year and to be able to erect a tent in accordance with Township Code Requirements;

D. Applicant seeks to clarify the prior condition regarding the warming kitchen in the sanctuary such that there will be no cooking in the warming kitchen beyond heating of food prepared offsite. It will be used for re-warming food post service events;

13. The applicant still requires a parking variance. Planner, Joseph Burgess, and applicant testified as to the limited use of the number of parking spaces provided on site and the over abundance of on-street parking in the immediate area.

14. Applicant has also indicated in private discussions among it, counsel for the Township and counsel for the Board that it would, in the event this current application is granted, waive all claims it had, now has or may have regarding Appeal Nos. ZB-2009-21 & ZB-2014-32 against the Township and the Board and a Settlement Agreement will be entered into of which this Resolution would be a part. This application therefore shall serve as a hearing in accordance with Whispering Woods at Bamm Hollow, Inc. v. Township of Middletown, et al. 220 N.J. Super. 161.

15. There is no question but that this is an inherently beneficial use of the highest order. While the site and structure do not meet the requirements of the Township Zoning Ordinance, considering the conditions which were previously imposed and those which will be imposed in this Resolution, as well as the fact that this application meets the SICA criteria, it can be granted.

16. Therefore, the Board grants the within application with all the prior conditions, except those requested to be modified herein, with the additional limitation that the Congregation will take appropriate steps to assure that on days when services are occurring in the sanctuary the children remain in the premises prior to 9:30 a.m. and advising its membership to respect the neighbors by parking cars clear of all driveways and intersections.

17. The applicant will make the modifications to the structure as shown on the plan of architect, Lawrence Quirk. Additionally, the granting of this application will be subject to the entering into of a satisfactory Settlement Agreement which will release all claims by the applicant against the Township and Board relating to Appeal Nos. ZB-2009-21 & ZB-2014-32, the terms of which are to be finally negotiated between counsel for the applicant, counsel for the insurance carrier, counsel for the Township and the Board Attorney.

18. The benefits of granting the variances requested outweigh any detriments and the purposes of the Municipal Land Use Act are satisfied.

FURTHER RESOLVED by the Board of Adjustment of the Township of Teaneck, County of Bergen and State of New Jersey, that the applicant's requested variances above set forth be and are hereby granted subject to compliance with all the conditions set forth in the Resolution of the Board ZB-2009-21 dated September 2, 2010, as modified herein, and the following:

- A. Construction shall be in accordance with the plans submitted;
- B. All prior conditions as modified and clarified by the within application including but not limited to the holding of daily services in the morning and afternoon/evening;
- C. The holding of a collation outside with a tent to be erected in accordance with Township Code Requirements no more than two (2) times per month to a maximum of twelve (12) times per year ;
- D. Three (3) programs per week (which are in addition to religious services);
- E. The erection of a sign subject to a separate application to be made to the Board of Adjustment or Planning Board, as required by Township Ordinance. The sign application will be treated as any other sign application made by a house of worship;
- F. The parking of cars restriction shall be clarified such that cars may be parked in accordance with the plans as submitted;
- G. Children shall be encouraged to attend programming in the structure prior to 9:30 a.m.;
- H. The kitchen in the sanctuary shall be used for re-warming food post service events, not for cooking, as set forth in the prior Resolution;
- I. Compliance with all the codes of the Township and particularly the fire sub-code, as well as compliance with all ordinances and regulations of the Township of Teaneck and any and all other requirements of governmental authorities having jurisdiction over same including the engineer's recommendations above set forth and continuing review by the Zoning Official.
- J. The applicant shall provide, upon completion, an updated or "as-built" survey to the Zoning Official.

FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant and to the Building Department of the Township.

MOTION SECOND IN FAVOR OPPOSED RECUSED

BARTA			
BRAHVER-KEELY		X	
COOPER			
FRISCH			
HODGES		X	
HONIS			X
JONES			X
MEYER	X	X	
MULLIGAN			
REHMAN		X	
ROSEN	X	X	
SENER			

**IT IS HEREBY CERTIFIED** that this is a true and correct copy of a Resolution adopted by the Board of Adjustment of the Township of Teaneck upon a roll call vote at its meeting held on July 9, 2015.

  
ANNE SENTER 7/9/15  
CHAIR