



## PLANNING MEMORANDUM

To: Avi Naveh, Board Chairman and Members of the Zoning Board  
Fair Lawn Zoning Board of Adjustment  
From: Kathryn M. Gregory, PP, AICP  
Principal  
Re: TC/CSL Fair Lawn Senior Living  
Block 5724 Lot 1.03  
15-00 16-00 River Road  
Date: April 24, 2023

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### INTRODUCTION

The applicant, TC/CSL Fair Lawn Senior Living, has submitted an application for construction of a monument sign on the property known as 15-00 16-00 River Road, which will require “c” variance and site plan approval. The property in question (PQ) is located in the B-4 Business District and the R-1-3 Residential Zoning District.

#### “C” Variances required include:

- Minimum Monument Sign Setback from R.O.W.
- Maximum Size of Monument Sign

The application consists of the following:

1. Zoning Board Application.
2. 200’ property owner’s list.
3. Certification of Tax and water payments.
4. Public Notice to Newspaper.
5. Section 125-70G Checklist for Variances.
6. Sign Location exhibit.
7. Sit Sign Drawing, prepared by Douglas J. Coleman, AIA, dated 12/7/22.
8. Site Pictures.
9. Site Plan, prepared by Stonefield Engineering, dated 2/20/2023.
10. Waiver Statement.
11. Witnesses for hearing list.

### PROPERTY DESCRIPTION

The PQ is identified as Block 5724 Lot 1.03. The overall site has a total area of 79,305 SF and has frontage on River Road and Bergan Avenue. The site is currently under construction from a prior approval for Chelsea Senior Living, a residential development.

## SURROUNDING AREA

The site is surrounded by a mix of uses. River Road is flanked by mostly commercial type uses in direct vicinity of the subject property, with the exception of a residence located on the northwest corner of the intersection of River Road and Campbell Road, and a residence to the northwest of the site on the south side of River Road. A school bus depot is located to the west. A Mavis Discount tire is located to the south along River Road and Bergen Avenue, and residences are located across Bergen Avenue to the west of Mavis. An aerial of the site is below.



Source: Google Earth

## PROPOSED DEVELOPMENT

The applicant is proposing to construct a 47 square foot freestanding monument sign along the River Road Frontage.

## VARIANCES REQUIRED

### “C” VARIANCES

N.J.S.A. 40:55D-70c sets forth the criteria for a planning board to grant variance from bulk requirements of zoning ordinance. Two types of “c” variances can be granted:

- 1) (c) 1: in cases of hardship, such as “exceptional narrowness, shallowness or shape of specific piece of property,” or by reason of exceptional or unique topographic conditions, physical features, or an exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon;
- 2) (c) 2: where the purposes of zoning would be advanced and the benefits derived by the variance would outweigh any detriments.

The applicant must also meet the negative criteria of the statute for the granting of a “c” variance, wherein a variance can be granted only “without substantial detriment to the public good” and where it “will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.”

**125-41.B(7)(b):** In the case of premises on which the structure is set back not less than 20 feet nor more than 40 feet from the front curb line, a freestanding sign shall be set back at least 12 feet from the front curb line, five feet from any side property line and shall not exceed eight square feet per side.

Minimum Monument Sign Setback from Curb line

- 12’ required
- More than 12’ proposed – applicant to verify dimension as a variance may not be needed

Maximum Size of Monument Sign

- 8 SF permitted
- 47 SF proposed
- 39 SF variance

**MASTER PLAN**

The following Master Plan objectives may be relevant to this application:

3. To ensure that signage controls foster effective and efficient communication while minimizing potentially negative neighborhood impacts.

**GENERAL COMMENTS:**

1. We do not believe a variance is required for the maximum distance of lettering on sign, as §125-41B(4)(b) states: “The maximum distance from the top edge to the bottom edge of any attached sign shall not exceed 24 inches; provided, however, that the maximum distance from the top edge of the lettering on said sign to the bottom edge of the lettering shall not exceed 16 inches. A sign consisting of letters only shall not contain any letter that exceeds 16 inches from the top edge of the letter to the bottom edge of the letter. Notwithstanding the above, in the B-2 Zone along Broadway, the maximum distance from the top edge to the bottom edge of any attached sign shall not exceed 36 inches, and any sign consisting of individual letters shall not contain a letter than exceeds 36 inches from the top edge of the letter to the bottom edge of the letter, provided that there is a fascia or wall behind the letters which extends at least six inches above, below and to the sides of the lettering. Individual letters shall be positioned no closer than six inches from window edges or rooflines, and in no case shall such lettering cover a window area.” (emphasis supplied) This regulation is for attached signs to buildings, not for freestanding signs. §125- 41B(4) addresses wall signs, wherein §125- 41B(7) addresses free standing signs.
2. The applicant shall provide testimony as to sight line distances for the sign.
3. The proposed 47 SF sign seems appropriate given the size of the property, frontage along River Road, and the curvature of River Road along the subject property. An eight (8) SF sign would likely be unreadable from a distance for the motoring public.

We reserve the right to comment and/or determine additional variances during the course of testimony.

KMG

Cc: Marc Leibman, Esq. Zoning Board of Adjustment Attorney  
Paul Azzolina, PE, Zoning Board of Adjustment Engineer  
Andy DelVecchio, Esq., Applicant's Attorney