

**BOROUGH OF DUMONT
COUNTY OF BERGEN
JOINT LAND USE BOARD**

**RESOLUTION GRANTING WAIVER RELIEF AND
CHANGE OF USE APPROVAL WITH RESPECT TO THE
PROPERTY KNOWN AS 5 NORTH WASHINGTON AVENUE,
BLOCK 1221 LOT 1, BOROUGH OF DUMONT,
COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, an Application for waiver relief has been made to the Dumont Joint Land Use Board (the "Board") pursuant to N.J.S.A. 40:55D-70(c) by **BUBBAKOO'S BURRITOS**, (the "Applicant") in connection with the change of occupancy at the property commonly known as 5 North Washington Avenue, more particularly described as Block 1221, Lot 1 on the Tax Map of the Borough of Dumont, County of Bergen, State of New Jersey (the "Property"); and

WHEREAS, the Applicant has applied to this Board for waiver exemption/relief pursuant to N.J.S.A. 40:55D70(c) from the restrictions of the following sections of the Zoning Ordinance of the Borough of Dumont:

Variances: NONE

Waivers: Form A:

Item 5: Corporation or Partnership Owners

Item 6: Inspection Permission

Item 8: County Application

Item 9: Wetlands Documentation

Item 10: Additional Forms

Item 11: Copy of Tax Map Sheet

Item 13: Zoning Map

Item 15: Photographs

Item 16: Protective Covenants or Deed Restrictions

Item 18: Other Required Applications & Approvals

Form B:

Item 2: Impact Evaluation

Item 3: Contour Map

Item 4: Proposed Development Map

Item 6: Signage Plan

WHEREAS, the Application was duly considered by the Joint Land Use Board at public hearing on July 28, 2020; and

WHEREAS, the Applicant gave proper notice in accordance with law; and

WHEREAS, at said public hearings the Joint Land Use Board received the following documents in evidence:

1. Denial of Application, issued by Paul Renaud, Zoning Officer dated January 27, 2020 requiring change in ownership approval by Dumont Joint Land Use Board;
2. Application for Joint Land Use Board dated March 10, 2020;
3. Architectural Plan consisting of one (1) sheet, titled "Bubbakoo's Burritos, 5 N. Washington Avenue, Dumont, New Jersey 07628 prepared, signed and sealed by Gregory Ralph, Architect, 1924 Route 22 East, Bound Brook, New Jersey 08805, dated January 15, 2020; and
4. Location and Topographic Survey consisting of one (1) sheet, titled "Location and Topographic Survey of Lot 1, Lot 2 & Lot 3 in Block 1221, Borough of Dumont, Lot 2.01 in Block 15, Borough of Bergenfield, County of Bergen, N.J.", prepared by Bertin Engineering, signed and sealed by Miloslav Rehak, dated February 16, 2017;

WHEREAS, the public had an opportunity to be heard on the Application at said hearing; and

WHEREAS, the Joint Land Use Board heard the sworn testimony of the

Applicant's Architect, Gregory Ralph, A.I.A. who testified in support of the Application; and

WHEREAS, the Board received a report on the Project dated July 14, 2020 from Maser Consulting, P.A., Board Engineer; and

WHEREAS, following the hearing held on July 28, 2020, the Joint Land Use Board approved the Application, subject to certain conditions; and

WHEREAS, the Board now wishes to set forth its findings, conclusions and conditions with respect to the Application;

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board that the following facts are hereby made and determined:

1. The proceedings in this matter were stenographically transcribed and voice recorded. The facts in this Resolution are not intended to be all-inclusive but merely a summary and highlight of the complete record made before the Board.

2. The Board found the Application complete.

3. The Applicant is the developer of the property commonly known as 5 North Washington Avenue, Dumont, New Jersey, and more particularly described as Block 1221, Lot 1 on the Tax Map of the Borough of Dumont. Said property is located within the "B-2" Business and Commercial District pursuant to the Zoning Ordinance of the Borough of Dumont. Business and commercial uses are permitted.

4. In support of the Application, the Applicant, Bubbakoo's Burritos, through its Attorney, Alyson Kasetta, Esq. of Prime & Tuvel, presented the testimony of Gregory Ralph, A.I.A., a Licensed Architect in the State of New Jersey. Mr. Ralph was sworn in and was qualified as an expert Architect. Mr. Ralph introduced the existing Floor Plan as "Exhibit A-1" and Survey which was marked "Exhibit A-2". Mr. Ralph described the location of the proposed project as being a change in occupancy from a Subway sandwich shop to Bubbakoo's Burritos.

5. Turning to Exhibit A-1, Floor Plans, Mr. Ralph described the premises as

1,000 square feet of space with 500 square feet of kitchen space and 500 square feet of front space with 325 square feet to be used for twelve (12) seats for indoor dining.

6. The floor plan as described by Mr. Ralph as maintaining the current kitchen configuration, existing door and single use bathroom. The décor will be updated/renovated to conform to the new company's "brand". Seating will be limited to twelve (12) seats in the front of the store. Counter service will be provided only for take-out and self-seating. No table service will be provided.

7. Mr. Ralph also indicated that the back of the house will remain "as is" to minimize cost and disturbance to the existing food preparation area.

8. At the conclusion of Mr. Ralph's testimony, the meeting was open to the public. No members of the public questioned Mr. Ralph.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Dumont, County of Bergen and State of New Jersey, made the further findings of fact:

1. The Board determined that the permitted use is consistent with the surrounding buildings in the area, and continues the pre-existing use.
2. The Board determined that the proposal will be a positive improvement to the area.
3. There are no substantial negative impacts arising from this proposal.

CONCLUSIONS OF LAW:

WHEREAS, the Board, after careful deliberation, found that this application has met the requirements the Borough of Dumont Ordinance §355-3 providing for change of use approval and the Board found that the plan, will be consistent with the prior permitted use of the premises and the requested waivers can be granted; and

WHEREAS, the Board has determined that the relief sought can be granted without a substantial negative impact, provided all conditions of approval are satisfied

or met; and

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Dumont, in the County of Bergen and State of New Jersey on the 28th day of July, 2020, upon motion made by Al Moriarty and seconded by Barbara Chen that the Application of BUBBAKOO'S BURRITOS be granted subject to the following terms and conditions:

CONDITIONS SPECIFIC TO THE APPLICATION

1. Hours of operation stipulated by Code.
2. Applicant will comply with Ordinances.

GENERAL CONDITIONS

1. The Applicant shall comply with all of the stipulations made during hearing on this Application.
2. The Application must comply with the necessary requirements of the zoning ordinances of the Borough of Dumont and the Municipal Land Use Act of the State of New Jersey, N.J.S.A. 40:55D-2 et seq.
3. The Applicant shall develop, prepare and improve the subject premises so as to conform with all of the details shown on the aforementioned plans and submissions, as presented to the Board and in accordance with the zoning ordinances, building codes and all other standards and ordinances unless expressly stated to the contrary within the approvals granted.
4. No building structure or land shall be occupied until such time as the Zoning Officer of the Borough of Dumont shall issue a final Certificate of Zoning Compliance to ensure compliance with the Board's decision.
5. Unless otherwise addressed herein or at the hearing held on July 28, 2020, the

Applicant shall comply with the recommendations of the Board's professionals and any other post-approval reports. The Applicant's professionals shall amend the architectural plans and engineering plans to reflect these recommendations in the form of drawing detail and/or written construction note detail format as necessary. In addition, the Applicant's professionals shall amend any engineering reports, engineering calculations that were presented as a part of the testimony before the Board as necessary and/or required by the Board Engineer and the Board Planner. All such amendments shall be submitted to the Board Engineer and Board Planner for review within thirty (30) days of the adoption of this Resolution. A Planting Plan shall be submitted to the Board Planner for her approval. Failure to provide same within this time period may result in this Resolution being declared null and void.

6. Within thirty (30) days of the approval of this Resolution by the Board, the Applicant shall, if necessary, post any additional escrow funding that may be required to reimburse the Borough's professionals for the review of this Application. Failure to provide such escrow fees may result in this Resolution being declared null and void.
7. The completed revised plans and submissions must be approved and signed by the Board Chairman, and Board Secretary, prior to submission to the Zoning Officer of the Borough of Dumont Certificate of Zoning Compliance, and prior to the issuance of any building permits.
8. The Applicant is responsible for publishing notice of this decision as required by the M.L.U.L.

This Application was approved by the Joint Land Use Board at its regular meeting on July 28, 2020 upon motion of Mr. Alfred Moriarty and seconded by Ms. Barbara Kee-Chen upon the roll call as follows:

Ayes: 6

Nays: 0

Absent: 9

Abstain: 0

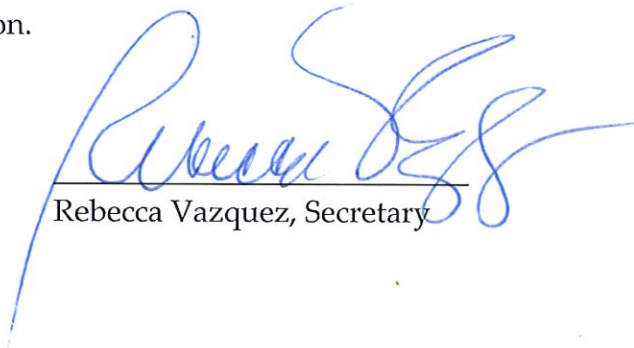
This Resolution was adopted on the 25th day of August, 2020 upon the motion of Nico Attansio and seconded by Giwo Zilocchi by a vote of 5 Ayes and 0 Nays.



Graeme Dutkowsky, Chairman

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Construction Code Official and Zoning Officer of the Borough of Dumont.

I do certify that this is a true and correct copy of the Resolution as adopted by the Joint Land Use Board of the Borough of Dumont, County of Bergen and State of New Jersey in the within Application.



Rebecca Vazquez, Secretary

