

MEETING OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWN OF HARRISON, COUNTY OF HUDSON,
STATE OF NEW JERSEY HELD ON SEPTEMBER 17, 2024

Eugene Gilmore, Chairman of the Zoning Board of Adjustment of the Town of Harrison called the meeting to order at 6:30 P.M. with the following statement:

This is a regular meeting and proper public notice, in compliance with the Sunshine Law, has been forwarded to two newspapers published in this area and a copy of the said notice has been filed with the Town Clerk.

SALUTE TO THE FLAG

ROLL CALL: Commissioners Alberto Garrido, Susan Karas, Larry Kelly, Michael Gallagher and Eugene Gilmore --PRESENT

Commissioners Chen & Maza - - Absent
The following were also present:

Michael Pichowicz, Board Attorney
Isabel Simoes, Recording Secretary

There being no requests for corrections or amendments, on Motion by Commissioner Karas, seconded by Commissioner Kelly and on Roll Call, ALL Commissioners voting AYE, the minutes of the meeting held on July 17, 2024, were approved.

OLD BUSINESS:

Memorialize Resolution of Approval for Calendar#Z0-2024-01- Application approval by Justin and Janice Kong, to demolish the existing residential structure and to build one two-family residential dwelling at 27 Reynolds Avenue, Block 5, Lot 34, Harrison, NJ.

**Memorialized
RESOLUTION
Harrison Zoning Board of Adjustment
Application No. Z-2024-01
Decided: July 17, 2024
Memorialized: September 18, 2024
Variance Application**

APPLICATION

Application No. Z-2024-01 was filed by Justin Kong and Janice Kong, 27 Reynolds Avenue, Harrison, New Jersey 07029 (hereinafter referred to as the “Applicant”) for premises located in the 2F-1 Residential Zone and being designated on the Town Tax Map as Block 5 Lot 34 and commonly known as 27 Reynolds Avenue, Harrison, New Jersey 07029.

The purpose of this application was to demolish the existing structure and construct a new non-conforming two-family structure on an undersized lot.

The Applicant sought relief from: (1) lot area of 2,375 sq. feet instead of 2,500 sq. feet; (2) lot depth of 95 feet instead of 100 feet; (3) stair encroachment into the front yard setback of 8.5 feet instead of 6 feet; (4) rear yard setback of 20 feet instead of 25 feet; (5) HVAC encroachment for two (2) units 2.50 feet into rear yard setback; (6) de minimis exceptions from the RSIS parking requirements; and (7) design waiver for zero street trees instead of one street tree;

PROCEDURE

A public hearing was held on this matter on July 17, 2024 at which time the following Board members were present:

Commissioner Eugene Gilmore, Chairman
Commissioner Grisel Maza, Vice-Chairwoman
Commissioner Jack Jian Chen
Commissioner Alberto Garrido
Commissioner Michael Gallagher
Commissioner Susan Karas

Also present were:

Board Engineer: Peter Bondar, PE, CME
Board Secretary: Isabel Simoes
Board Attorney: Michael R. Pichowicz, Esq.

Applicant has filed an affidavit showing compliance with all statutory and jurisdictional requirements.

EVIDENCE

The Zoning Board reviewed the variance application; six (6) sheet set of architectural plans prepared by Christopher Juchnik, R.A., for Neves Architecture & Design, LLC dated 4/22/2024; and four (4) page review letter prepared by Peter Bondar, PE, CME, Board Engineer dated July 1, 2024.

HEARING

The Applicant was represented by Gary D. Bennett, Esq., for the firm Koch, Koch, Bennett & Buono, LLC. Mr. Bennett briefly described the Application. He stated the Applicants owned the Property since the year 2018. They have used the existing dwelling for their family. The Applicant's intention is to live in one unit while their son would live in the other unit. Attorney Bennett reviewed the relief that was requested, including the a/c units in the rear yard that would be landscaped with a buffer. Mr. Bennett stated that although the Applicant's elderly mother lives with them and they were desirous of having a full bathroom in the basement, the Applicant was amending their application to include only one-half bathroom. In addition, the Applicant was amending their application to eliminate the side door on the ground floor.

Marco Neves, for the firm Neves Architecture & Design, LLC, 405 Kearny Avenue, Kearny, New Jersey, was sworn-in and testified on behalf of the Applicant. After placing his credentials on the record, he was qualified as an expert in the field of architecture. Mr. Neves reviewed the plans he prepared with the Board. He set forth there would be direct connectivity between the ground floor and the second floor. He stated the Applicant would be using HardiePlank material in construction. Further, the roof would not be flat, but pitched. The design of the front of the structure at the roof line would give the appearance of a flat roof. Additionally, Interstate 280 abuts the backyard.

A discussion ensued regarding whether or not a window was needed in the garage, why the structure couldn't be a one-family dwelling and why the structure couldn't be shorter. It was explained that the window provided air and light and was an attractive design feature. Also, it was pointed out that the property was in a two-family zone and many of the lots in the area were undersized with two-family dwellings. Also, Interstate 280 abuts the backyard so there were no privacy concerns of neighbors for a shorter building.

It was placed on the record a small tree will be planted in the front area. Mr. Neves reviewed the lighting plan and the drywell in the driveway.

Janice Kong, 27 Reynolds Avenue, Harrison, New Jersey 07029, the Applicant was sworn-in. The need for the c(2) variances was discussed. In order to provide more light, it was agreed that the garage doors would contain windows.

Several conditions of approval were discussed and set forth, i.e. infrared road restoration of one street trench only; no separate unit on ground floor with direct connectivity to second floor, which shall be used as one combined unit without barriers and doors between the ground floor and second floor; no kitchen on ground floor; plans to be revised eliminating separate side

door on ground floor and showing the only exit from the ground floor shall be by way of a rear sliding door; second floor balcony protrudes only six (6) to eight (8) inches; separate water/sewer runoff with drywell (seepage pit with open grate); backyard condensing units will be landscaped with appropriate shrubbery to minimize noise to neighbors; drainage and elevation calculations shall be submitted to the satisfaction of the Board Engineer with drainage expected to be pitched to the street; and ADA compliant sidewalks shall be installed.

PUBLIC

The meeting was opened to the public.

No one spoke either in favor or in opposition to the Application.

The Board closed the public portion of the meeting.

FINDINGS AND CONCLUSIONS

After hearing presentation of the Applicant's application and submissions and considering the testimony of the witnesses, the Board members found that the proposed improvements would be in compliance with the character of the neighborhood, would be aesthetically pleasing and would have minimal impact on the surrounding properties and the neighborhood in general. With conditions, the Board found that the property and the neighborhood would become more aesthetically pleasing and the new dwelling would be safer as it will conform to the latest building and fire codes and overall the new dwelling would be more conforming to the existing zoning ordinances than the prior demolished structure. In addition, the Board found that the variances and waivers sought, as set forth and described during the hearing, are of the type found in N.J.S.A. 40:50D-70c(2). The Board further found the variance was for a specific piece of property and that some of the purposes of the Municipal Land Use Act would be advanced by a deviation from the requirements of the Harrison Zoning Ordinance. It also established that subject to the conditions to be outlined below, the benefits of the deviation would substantially outweigh any detriment. The Board was further convinced that the Applicant has shown that the relief requested can be granted without substantial detriment to the public good and the relief will not substantially impair the intent and purpose of the Zoning Ordinance of Harrison.

RESOLUTION

Now Therefore Be It Resolved by the Zoning Board of Adjustment of the Town of Harrison on this 18th day of September, 2024, that application number Z-2024-01 is approved subject to the following conditions:

- 1) Applicant shall satisfy all requirements and shall obtain all necessary permits, zoning permits and Certificate of Occupancy from the Construction Code Enforcement Department;
- 2) Before commencing construction, Applicant shall submit revised plans to the satisfaction of the Construction Code Enforcement Department and Board Engineer depicting:
 - a. Removal of the full bathroom on the ground floor and replacing it with one-half bath consisting of a toilet and sink only in a design that will help prevent adding a shower/tub in the future;
 - b. Removal of the proposed ground floor side door which shall become part of the wall;
 - c. Addition of a street tree in the front yard area;
 - d. Separation of water/sewer runoff with drywell (seepage pit to open grate);
 - e. Garage doors shall contain windows for natural light;
- 3) There shall be direct connectivity between the ground floor and the second floor without any door(s) or barrier(s) separating them. The ground floor and second floor shall be one living unit;
- 4) There shall be no separate side door(s) on ground floor and exit to the rear yard from the ground floor shall be by way of a sliding door;
- 5) One-half bath consisting of a toilet and sink only on the ground floor;
- 6) Garage doors shall contain windows for natural light;
- 7) Variances for: lot area of 2,375 sq. feet instead of 2,500 sq. feet; lot depth of 95 feet instead of 100 feet; stair encroachment into the front yard setback of 8.5 feet instead of 6 feet; rear yard setback of 20 feet instead of 25 feet; and HVAC encroachment for (2) units of 2.50 feet into the rear yard are approved;
- 8) Design waivers and de minimis exceptions from the RSIS parking requirements as set forth in the plans.

The Board of Adjustment approval to erect or alter any structure and its approval to use the premises for any specific purpose shall expire unless the construction or alteration is commenced on each and every structure subject to the variance, and unless any specifically permitted use is started, within the allowable time period as applicable.

Votes Affirmative: (Chen, Garrido, Gallagher, Karas, Maza, Gilmore)

Votes Negative: NONE

Isabel Simoes, Secretary

Eugene Gilmore, Chairman

The undersigned secretary hereby certifies that the within Resolution was approved by this Board pursuant to N.J.S.A.40:55D-10(g) on September 18, 2024.

There being no further business,

ON MOTION by Commissioner Kelly, seconded by Commissioner Gallagher, the meeting adjourned at 6:34 p.m.

Town of Harrison
ZONING BOARD OF ADJUSTMENT

Isabel Simoes, Recording Secretary

Dated: September 18, 2024