

TOWN OF HARRISON

STANDARD DEVELOPMENT APPLICATION

GENERAL INSTRUCTIONS: To the extent possible, applicant shall complete every question. When completed, this application shall be submitted to the Board Secretary. The proper application and escrow fees must accompany the application. **Do not advertise for a public hearing until you are advised to do so by the Board.**

Indicate to which Board application is being made:

☐ Planning Board

☒ Board of Adjustment

Indicate all approvals and variances being sought:

<input type="checkbox"/> Informal Review	<input type="checkbox"/> Major Site Plan	<input type="checkbox"/> Conditional Use Variance
<input checked="" type="checkbox"/> "C" Variance(s)	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> "D" Variance	<input type="checkbox"/> Prelim. Major Subdivision	
<input type="checkbox"/> Waiver of Site Plan	<input type="checkbox"/> Final Major Subdivision	
<input type="checkbox"/> Minor Site Plan	<input type="checkbox"/> Appeals from Decision of Admin. Officer	

1. APPLICANT

Name Delfim and Maria Sarabando		Address 423 Jersey Street	
City Harrison	State NJ	Zip 07029	Telephone

NOTE: If applicant is not the property owner an affidavit of ownership granting permission to apply must accompany this form.

2. PROPERTY OWNER (if other than applicant)

Name Same		Address	
City	State	Zip	Telephone

3. APPLICANT'S ATTORNEY (if applicable)

Name Gary D. Bennett		Address 70 Midland Avenue	
City Kearny	State NJ	Zip 07032	Telephone 201-991-1111

TO BE COMPLETED BY TOWN STAFF ONLY

Date Filed:

Application No.:

☐ Planning Board

Application Fees:

☐ Board of Adjustment

Escrow Deposit:

Scheduled for Completeness Review:

Scheduled for Hearing:

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Applicant is a(n):

☐ Corporation☐ Partnership☒ Individual

Pursuant to N.J.S.A. 40:55D - 48.1 & 48.2 corporations and partnerships making certain applications are required to list the names and addresses of partners or shareholders owning ten percent or more interest in the partnership or corporation.

4. SUBJECT PROPERTY

Street Address 421-423 Jersey Street	Block(s) and Lot(s) Numbers Block 128, Lot 14.01	
Site Acreage 7,134.96 sq.ft.	Zone District(s) 2F-1 Zone	Tax Sheet No.
Present Use Three family dwelling		
Proposed Use Three family dwelling		

5. SITE AND BUILDING STATISTICS (attach additional sheets if necessary)

Area 7,134.96 sq.ft.	Dimensions 71.35' x 100.00'
Does Property Front on a County or State Road? NO	Number of Parking Spaces and Dimensions two in the garage
Dimensions of Loading Area n/a	Number of New Buildings None
Square Feet of New Buildings n/a	Height 34.7'
Exterior Construction Material frame and siding	Total Cost of Building and Site Improvements Unknown
Number of Lots Before Subdivision n/a	Number of Lots After Subdivision n/a
Are Any New Streets or Utility Extensions Proposed? NO	Number of Proposed Signs and Dimensions n/a
Are Any Structures to be Removed? NO	Is the Property Within 200 Feet of an Adjacent Municipality? If so, which? NO

Are there any existing or proposed deed restrictions or covenants? Please detail.

NONE

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6. VARIANCES

Indicate Type of Variance(s) sought:

☒ "D" Variance Type (use, density, etc.) Expansion of existing non-conforming 3-family☒ "C" Variance Type (use, density, etc.) for existing conditions

7. HISTORY OF PAST APPROVALS

☒ Check Here if None

	APPROVED	DENIED	DATE
Subdivision	XX		7/26/2017
Site Plan			
Variance(s)		XX	7/15/2020
Building Permit			

8. NAMES OF APPLICANT'S EXPERTS

Engineer's Name Architect		Address		
Neves Architecture & Design		405 Kearny Avenue		
City	State	Zip	Telephone	License #
Kearny	NJ	07032	201-246-7979	A2-12953
Surveyor's Name		Address		
City	State	Zip	Telephone	License #
Planner's Name		Address		
City	State	Zip	Telephone	License #
Traffic Engineer's Name		Address		
City	State	Zip	Telephone	License #
List any other expert who will submit a report or who will testify for the Applicant (include field of expertise).				
Name and Field of Expertise		Address		
City	State	Zip	Telephone	License #
Name and Field of Expertise		Address		
City	State	Zip	Telephone	License #

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9. OTHER APPROVALS WHICH MAY BE REQUIRED AND DATE OF PLANS SUBMITTED

	YES	NO	DATE PLANS SUBMITTED
Hudson County Health Department		xxx	
Hudson County Planning Board		xxx	
Hudson-Bergen-Essex Soil Conservation Service		xxx	
NJDEP		xxx	
• Sanitary Sewer Connection Permit			
• Waterfront Development Permit			
• Other (specify)			
New Jersey Department of Transportation		xxx	
Other (specify)			
Other (specify)			
Other (specify)			

10. FEES SUBMITTED

Application Fees	
Variance Fees	175.00
Escrow Fees	500.00
Total Fees	675.00

11. CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant. I hereby permit authorized Town officials to inspect my property in conjunction with this application.

SIGNATURE OF APPLICANT
GARY D. BENNETT, Attorney for
Applicant Owner

PROPERTY OWNER AUTHORIZING APPLICATION

Sworn to and subscribed before me this
13th day of April, 2021

Constance P. Herbster
CONSTANCE P. HERBSTER

Notary Public New Jersey

My Commission Expires December 8, 2021

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY)

SS:

COUNTY OF HUDSON)

DELFIM SARABANDO of full age, being duly sworn according to law on oath deposes and says that the deponent resides at 423 Jersey Street in the Municipality of Harrison in the County of Hudson and is the owner in fee of all that certain lot, piece or parcel of land situated and designated as Case Number _____.

Delfim Sarabando
(Owner to sign here)
DELFIM SARABANDO

AUTHORIZATION

(If anyone other than the above owner is making this application the following authorization must be executed.)

To the Board of Adjustment ()

Planning Board ()

_____ is hereby authorized to make the within application.

Dated: _____

(Owner to sign here)

Sworn and subscribed to before me
this 13th day of April
19x 2021

Constance P. Herbster
NOTARY PUBLIC OF

CONSTANCE P. HERBSTER
Notary Public New Jersey

My Commission Expires December 8, 2021

17-74.5 Application Checklist

TOWN OF HARRISON			
APPLICATION CHECKLIST			
GENERAL REQUIREMENTS FOR ALL DEVELOPMENT APPLICATIONS		Yes	No
Applicant's Name <u>Delfim and Maria Sarabando</u>			
Application # _____			
Items Required:			
1. Fees and escrow.		✓	
2. Certification of taxes paid.		✓	
3. Plot plan, site plan or subdivision plan; number of copies specified on applicable checklists.		✓	
4. Affidavit of Ownership. If applicant is not the owner, applicant's interest in land must be indicated; e.g., tenant, contract/purchaser, lien holder, etc., and permission of property owner to file the application must be submitted.		✓	
5. If applicant is a corporation or partnership applying to the Board or the Council for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more units or for approval of a site to be used for commercial purposes, list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class as required by N.J.S.A. 40:55D-48.1 and 48.2.			✓
6. A statement from the property owner granting permission for the Board and any of its experts to enter the subject premises for purposes of inspection in relation to a development application.		✓	
7. Statements as to any requirements for which waiver or variance is sought, together with a statement of reasons why same should be granted.		✓	
8. For minor site plans, minor subdivisions, preliminary major site plans and preliminary major subdivisions, a statement of any and all approvals which are required from other governmental or quasi-governmental entities.		N/A	
9. If approval from the Hudson County Planning Board is required pursuant to P.L. 1968, c. 285, a copy of the application submitted to the Hudson County Planning Board must be submitted.			✓
10. For minor site plans, minor subdivisions, preliminary major site plans, preliminary major subdivisions and variance applications, a copy of any protective covenants or deed restrictions, if any, affecting the property in question; provided that if none exist, an affidavit from the owner certifying that no such covenants or restrictions exist, shall be submitted.		✓	
11. Complete checklist provided for one of the following development proposals (Applicant check one or more as required). Minor Subdivision And Minor Site Plan Preliminary Major Subdivision And Site Plan Final Major Subdivision And Site Plan <u>Variance Application</u>			

17-74.4 Variance Application Checklist

VARIANCE APPLICATION CHECKLIST	Submitted	Not Applicable	Waiver Requested
1. Name, address and telephone number of applicant(s) and owner(s).	✓		
2. Address of the subject property.	✓		
3. Lot and block number of the premises in question.	✓		
4. Zone in which the property is located.	✓		
5. Description of what the applicant seeks to do.	✓		
6. Specific enumeration of the variances requested or action sought.	✓		
7. Specification of the section(s) of the Zoning Ordinance from which relief is sought.	✓		
8. Specification of each particular zone requirement that the proposal would violate.	✓		
9. If the application is an appeal from a decision or order of the Zoning Officer, the date of the decision or order of the Zoning Officer.		✓	
10. The applicants' reasons for the Board to grant relief.	✓		
11. Summary of specific facts which demonstrate that the relief sought can be granted without substantial detriment to the public good and substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance.	✓		
12. If there has been a previous application to the Zoning Board of Adjustment or to the Planning Board involving the premises in question, the date of filing, the nature of the application and the disposition made.	✓		
13. Description of the proposed structure, use of changes.	✓		
14. Size of the lot (in square feet).	✓		
15. Dimensions of the lot.	✓		
16. Percentage of the lot occupied by buildings and impervious coverage.	✓		
17. (a) Height of building, stories and feet. (b) Front yard depth. (c) Rear yard depth. (d) Side yards, width (both).	✓	✓	
18. Prevailing front yard setbacks of adjoining lots.	✓		
19. Where applicable, rear yard setbacks of adjoining lots.		✓	
20. Date of acquisition of property, and from whom.	✓		
21. State of the number of dwelling units in existing building(s).	✓		
22. State whether the applicant or owners own or have under contract to purchase any adjoining lands. Set forth lot(s) and block number(s).		✓	
23. State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval. If it is, see Planning Board checklist.		✓	

VARIANCE APPLICATION CHECKLIST	Submitted	Not Applicable	Waiver Requested
24. Submit the following documents with the application: (a) Copy of an area map showing all lots within two hundred (200) feet of the property. (b) List of names, addresses, lot and block numbers, as they appear on the official tax records of the Town, of all owners of property within two hundred (200) feet of the property affected by the application and upon whom the notice must be served in the manner provided by law. (c) Copy of survey clearly indicating the buildings and improvements thereon with all front, side and rear yard dimensions and setbacks from the property lines. (d) Copies of subdivision, site plan or conditional use applications when applicable. (e) Certification that taxes are paid.	✓ ✓ ✓	✓	
25. If the survey is more than one (1) year old, attach certification of the applicant or owner that the survey accurately represents the status of the premises and all improvements at the time of filing for the variance.		✓	
26. At least ten (10) days prior to the hearing, the applicant shall serve prescribed notice on all owners of property within two hundred (200) feet. Note: This may require the inclusion of an adjoining municipality; the County Planning Board when county roads or lands are involved; and the Commissioner of Transportation of the State of New Jersey when a state or interstate highway is involved.	✓		
27. The applicant must submit the original and twenty (20) copies of the application, properly completed, and twenty (20) folded copies of a plot plan, map or survey, drawn to scale, an affidavit of proof of service, with a copy of the notice and the list furnished by the Administrative Officer of the municipality of all those persons or entities served (service shall be made by certified mail or personal service).	✓		
28. All applications for consideration of the Board of Adjustment must be filed fourteen (14) days prior to the date of hearing. Proper notice given to those requiring service upon them, and publication made, at least ten (10) days prior to the date of hearing before the Board of Adjustment	✓		
29. Written consent of the owner, if the owner is different from the applicant.	✓		
30. The name, address and phone number of the attorney, if any, representing the applicant.	✓		
Checklist prepared by: <u>GARY D BENNETT</u> Date: <u>4-13-2021</u>			
Checklist reviewed by Town: _____ Date: _____			
Application found complete on: _____			
Application found incomplete on: _____			

**Memorialized
RESOLUTION
Harrison Zoning Board of Adjustment
Application No. 305**

APPLICATION

Application No. 305 was filed by Delfim and Maria Sarabando, 423 Jersey Street, 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 128, Lot 14.01 and commonly known as 421-423 Jersey Street, Harrison, New Jersey 07029 ("Property").

The purpose of this Application was to expand an existing non-conforming three family by adding a two-car garage, a new first floor dining room and a new second floor master bedroom with full bathroom to the residential unit located at the easterly end of a three-family non-conforming structure. The overall existing non-conforming use would remain with three (3) residential units.

The Applicant has applied to the Town of Harrison Zoning Board of Adjustment for "d" variance relief and "c" variance relief from existing conditions.

PROCEDURE

A public hearing was held on this matter on June 17, 2020 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
Commissioner Lawrence Kelly

Also present were:

Board Engineer: Antonios Panagopoulos
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 and five (5) sheet set of architectural plans prepared by Christopher Juchnik, R.A., for Neves Architecture & Design, LLC dated 10/31/19.

HEARING

The Applicant was represented by Gary D. Bennett, Esq., for the firm Koch, Koch, Bennett & Buono, LLC. Mr. Bennett briefly described the Application and in general terms how the Applicants live at the property and there is a large amount of area and landscaping.

Christopher Juchnik, 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. Juchnik reviewed the plans he prepared with the Board. He reviewed the layout of the new proposed addition. In addition, he described the existing structural complications that had to be overcome in order to design the proposed addition. He stated that the proposed addition could not be recessed on the property. Further, he described how parking could not be accommodated in front of the proposed garages.

Delfim Sarabando, 423 Jersey Street, Harrison, New Jersey, the Applicant, was sworn-in. He described how the tenants currently park on the street. He stated that he had one car which would be parked in the new garage along with his sister's car (who lives in one of the other two units). Mr. Sarabando described the layout of each of the three living units. He described how the new addition would be used by him and his wife. He stated that all occupants of the property had equal access to the open backyard.

A discussion ensued about the required parking for the structure with the Board Engineer, Board Attorney and Board Members and whether or not the Applicant was making parking worse for the neighborhood.

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

The Board considered the "d" use variance. The board members discussed whether or not the new garage and addition was a benefit to the neighborhood. After the discussion, and after hearing the presentation of the Applicant's application and submissions and after considering the testimony of the witnesses, the board members found that the proposed improvements were not a benefit to the neighborhood. The sentiment was that there were no special reasons to grant the use variance and the Applicant did not prove the negative criteria required by N.J.S.A. 40:55D-70(d)(2). In this matter, the benefits of the deviation were not substantially outweighed any detriment and the requested relief could not be granted without substantial detriment to the public good and the relief would substantially impair the intent and purpose of the Zoning Ordinance of Harrison. The Board voted 6-1 to deny the "d(2)" use variance.

Since the "c(2)" variances became moot as a result of the denial of the "d(2)" use variance, the Board did not consider the "c(2)" variances.

RESOLUTION

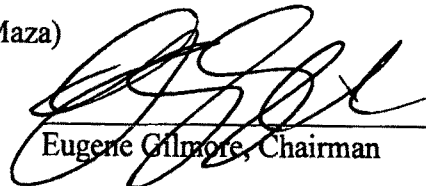
Now Therefore Be It Resolved by the Zoning Board of Adjustment of the Town of Harrison on this 15th day of July, 2020, that application number 305 is denied.

Votes to Deny the "d(2)" Variance Relief: (Chen, Garrido, Gallagher, Karas, Kelly, Gilmore)

Votes to Grant the "d(2)" Variance Relief: (Maza)



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 July 15, 2020.



Isabel Simoes
Secretary of Zoning Board of Adjustment

For: 6
Against: 0
Abstain: 0
Board Members Eligible to Vote: 6

Dated: July 15, 2020

RESOLUTION
OF THE
TOWN OF HARRISON PLANNING BOARD
RE: DELFIM SARABANDO AND MARIA SARABANDO, HIS WIFE
CASE #17-04
APPLICATION FOR MINOR SUBDIVISION APPROVAL
TAX BLOCK 128, LOTS 14 & 12
421-425 JERSEY STREET
HARRISON, NEW JERSEY

WHEREAS, DELFIM SARABANDO AND MARIA SARABANDO, HIS WIFE ("Applicant") has applied to the Town of Harrison Planning Board (the "Board") for minor subdivision approval for 421-425 Jersey Street, a/k/a Tax Block 128, Lots 14 & 12 on the Official Tax Map of the Town of Harrison, County of Hudson, State of New Jersey (the "Property") located in a 2F-1 Residential Zone; and

WHEREAS, Applicant seeks this approval in order to subdivide two existing lots by realigning the adjoining center lot line between the lots which will result in more land for existing Lot 14 while maintaining its existing building and less land for existing Lot 12 in order to create a conforming one 25' x 100' lot after demolition of its existing building; and

WHEREAS, the Board has considered Applicant's development proposal as depicted in the following plans (the "Plans"):

"Proposed Minor Subdivision, Boundary & Topographic Survey, Existing Tax Lots 12 & 14 – Block 128, Map of Property Located at Harrison, Hudson County, New Jersey, Survey No. 17022," showing Before and After for 421-425 Jersey Street, Harrison, New Jersey, by Borrie, McDonald & Watson, Land Surveyors, Robert T. Watson, PLS, dated March 15, 2017, consisting of one sheet; and

Standard Development Application for subdivision with accompanying checklists dated June 5, 2017; and

WHEREAS, the Board has considered all reports, testimony, exhibits, and other evidence submitted in connection with the application; and

WHEREAS, the application was the subject of a regularly scheduled public hearing held on July 26, 2017 with the following individuals in attendance:

Chairman Arthur Pettigrew
Member Laurence Bennett, Councilman
Member Phillip Karas
Member Carlos Mariano
Member Denis Perez

Also present were:

M. McKinley Mertz, Associate Planner, Heyer, Gruel & Associates, Town Planner
Antonios Panagopoulos, PE, CME, Board Engineer
Mary C. Gaines, Board Secretary
Michael R. Pichowicz, Esq., Board Attorney;

and

WHEREAS, at the hearing, Gary D. Bennett, Esq. for the firm Koch, Koch, Bennett & Buono, represented the Applicant; and

WHEREAS, the Applicant, Delfim Sarabando, was present during the presentation of his Application; and

WHEREAS, the Board has made the following findings and conclusions:

STANDING

1. Applicant is the owner of the Property and has standing to bring this application before the Board.

PROPOSED USE

2. The existing three-family use on Lot 14 is a pre-existing, non-conforming use and will remain, albeit with additional land that cannot be developed; and the existing single-family dwelling on Lot 12 will be demolished and the new lot will become a conforming lot, albeit with less land, that will permit a one or two-family dwelling (highest use) which are currently permitted use(s) in the 2F-1 zone.

EXISTING CONDITIONS

3. The Property contains two adjoining, interior lots located on the southerly side of Jersey Street, west of South Fifth Street.

4. The Property is rectangular in shape. Lot 14 measures 50.00 feet wide along the front property line along Jersey Street, 100.00 feet in length along the easterly side running parallel to South Fifth Street, 50.00 feet in length along the rear property line and 100.00 feet in length along the westerly side running parallel with South Fifth Street. Lot 12 measures 46.35 feet wide along the front property line along Jersey Street, 100.00 feet in length along the easterly side running parallel to South Fifth Street, 46.35 feet in length along the rear property line and 100.00 feet in length along the westerly side running parallel with South Fifth Street.

5. The Property currently is developed and contains a two and one-half story residence used as a three-family on Lot 14 and a one and one-half story residence used as a one-family on Lot 12.

THE DEVELOPMENT PROPOSAL

6. Applicant proposes to subdivide the Property into two (2) lots. Proposed Lot 14.01 will be widened by an additional 21.35' x 100' that was part of previous Lot 12. The existing three-family dwelling on Proposed Lot 14.01 will remain as a non-conforming existing use. After demolition of its existing one-family dwelling, proposed Lot 12.01 will be decreased by 21.35' x 100' and will result in a conforming 25' x 100' lot.

7. Proposed Lot 14.01 will maintain a pre-existing non-conforming lot of similar depth of other lots in the 2F-1 Zone. Proposed Lot 12.01 will be in conformance with the width and depth of other lots in the 2F-1 Zone.

8. Public water and sewer, as well as gas and electric, are available at Jersey Street to serve both proposed lots.

9. The lots are suitable for their intended purpose and the subdivision should be approved.

10. During the hearing, Applicant understood that the subdivision must be perfected within the applicable statutory deadlines, but cannot be perfected until and unless the dwelling on Lot 12 is demolished.

CONCLUSION

11. Subject to the conditions of this resolution, this application meets requirements for the granting of minor subdivision approval as requested by Applicant;

NOW, THEREFORE, BE IT RESOLVED that this application by DELFIM SARABANDO AND MARIA SARABANDO, HIS WIFE for minor subdivision approval be and hereby is granted subject to the following conditions:

1. Compliance with all applicable Town, County, State, and Federal laws, ordinances, regulations and directives.

2. All construction, development, and use of the lots approved herein shall be in conformance with the submissions submitted herein, all findings, conclusions, terms and conditions of this resolution and, to the extent not inconsistent therewith, all representations of Applicant and its witnesses during the public hearing. Any deviation from the requirements of this condition shall be deemed a violation of the Land Development Ordinance of the Town of Harrison.

3. Other than a demolition permit for the existing dwelling on existing Lot 12, Applicant shall not begin any land disturbance or construction and the Construction Official shall not issue a permit for construction on any approved lot, until:

- (a) the subdivision has been perfected by recording an approved deed or plat in the Hudson County Register's Office;

4. Before the Board Chairman and Secretary sign any subdivision deed or plat for recording:

- (a) The existing structure located on Lot 12 must demolished in accordance with all appropriate permits and requirements;
- (b) The form of the minor subdivision deed or plat shall have been submitted to and approved by the Tax Assessor (as to lot numbers), Board Attorney and the Board Engineer. The following recitals shall be incorporated into the minor subdivision deed or plat in bold print, and a certified true copy of this resolution shall be attached thereto:

THE LOTS APPROVED BY THIS MINOR SUBDIVISION ARE SUBJECT TO ALL OF THE TERMS AND CONDITIONS IN THE ATTACHED RESOLUTION ADOPTED BY THE TOWN OF HARRISON PLANNING BOARD ON SEPTEMBER 27, 2017. UNDER THAT RESOLUTION, NO BUILDING ON ANY APPROVED LOT MAY BE USED FOR ANYTHING OTHER THAN FOR THE APPROVALS GRANTED THEREIN. IT SHALL BE UNLAWFUL FOR ANY PERSON TO (A) ADD ANY ADDITIONAL LIVING UNIT(S) TO AN APPROVED DWELLING, OR (B) INCREASE THE NUMBER OF BEDROOMS WITHIN AN APPROVED DWELLING WITHOUT PRIOR WRITTEN APPROVAL FROM THE TOWN OF HARRISON PLANNING BOARD OR BOARD OF ADJUSTMENT

5. Applicant shall provide a filed or recorded copy of the minor subdivision deed or plat to the Planning Board Secretary promptly after same is recorded in the Office of the Hudson County Register.

6. **THE LOTS APPROVED HEREIN ARE PERMITTED FOR USE AS SET FORTH HEREIN. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ADD AN ADDITIONAL LIVING UNIT TO ANY APPROVED DWELLING, OR TO ENLARGE THE NUMBER OF BEDROOMS IN ANY APPROVED DWELLING, WITHOUT PRIOR WRITTEN APPROVAL FROM THE TOWN OF HARRISON PLANNING BOARD OR BOARD OF ADJUSTMENT.**

7. **ALL NOTES INCLUDED IN THE APPROVED AND SUBMITTED PLANS, INCLUDING NOTES REQUIRED BY THIS RESOLUTION, SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL HAVING THE SAME FORCE AND EFFECT AS CONDITIONS EXPRESSLY SET FORTH HEREIN.**

8. All references herein to the Town Engineer shall include his designee, which may include but shall not be limited to the Board Engineer.

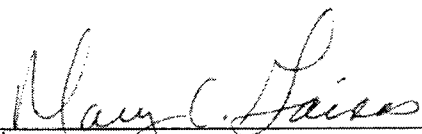
Voting to Approve Application Subject to Formal Resolution Detailing Conditions:

	Yes	No	Abstain	Not Voting
Chairman Arthur Pettigrew	X			
Member Laurence Bennett, Councilman	X			
Member Phillip Karas	X			
Member Carlos Mariano	X			
Member Denis Perez	X			

Voting to Approve This Formal Resolution Detailing Conditions:

	Yes	No	Abstain	Not Voting
Chairman Arthur Pettigrew	✓			
Member Laurence Bennett, Councilman				✓
Member Phillip Karas	✓			
Member Carlos Mariano	✓			
Member Denis Perez	✓			

I certify that this is a true copy of a resolution duly adopted by the Town of Harrison Planning Board at a regularly scheduled public meeting held on September 27, 2017. This resolution memorializes an action of the Board taken on July 26, 2017.


Mary C. Gaines, Secretary
Town of Harrison Planning Board

ZONING BOARD OF THE TOWN OF HARRISON

NOTICE OF HEARING

PLEASE TAKE NOTICE, in accordance with N.J.S.A. 40:55D-12, a virtual/online/telephone public hearing has been scheduled by the Zoning Board of the Town of Harrison for _____, at _____ p.m. to hear and take formal action upon the land use application filed by Delfim and Maria Sarabando for variances from the Zoning Ordinance so as to permit the construction of a new two story addition to an existing three (3) family dwelling located at 421-423 Jersey Street, Harrison, New Jersey, and being known as Block 128 , Lot 14.01 in a 2F-1 Zone, together with pre-existing non-conforming conditions as well as any other variances deemed necessary by the Board at the time of hearing.

In addition to the foregoing described approvals, the Applicant seeks approval for any and all additional departures, waivers of submission requirements and/or design standards, variances, deviations, interpretations, exceptions, *de minimis* exceptions pursuant to the Residential Site Improvement Standards Act, N.J.A.C. 5:21-1.1 *et seq.*, approvals, site plan approvals and/or other incidental relief that may be required or deemed necessary by the Zoning Board during or after its review of this application, together with any further relief that may be deemed necessary as reflected in the plans and materials filed during the hearing process, including that which may be generated by way of amended or revised plans and submission of same to the Zoning Board without further notice. The Applicant reserves the right to amend its application accordingly without further notice.

This meeting is being held virtually pursuant to Governor Murphy's Executive Orders #107 and 108 [and any other subsequent Executive Order] ordering statewide lockdowns, and P.L. 2020, c. 11 permitting public bodies to conduct meetings via electronic means during a state of emergency or public health emergency.

All persons involved in this application will participate via electronic means only as the usual place for the Harrison Zoning Board meetings, Harrison Town Hall, 318 Harrison Avenue, Harrison, New Jersey, is closed to the public.

Any person interested in this application will have the opportunity to view and/or listen to the application proceedings and address the witness(es) and/or make comment(s) to the Zoning Board of the Town of Harrison at its virtual meeting on _____ at _____ p.m. and will be conducted via Zoom, a web-based video conference application.

Participation in the meeting by Internet may be accomplished by visiting the platform website, zoom.us, and joining the meeting either through the web browser or through one of the apps available for download to Android or Apple devices.

Please use the link below to join the webinar:

Password:

Or iPhone one-tap :

US: +16468769923,,84918098953#,,1#,009883# or
+13017158592,,84918098953#,,1#,009883#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1
253 215 8782 or +1 346 248 7799 or +1 408 638 0968

Webinar ID:

Password:

International numbers available:

Note that participants who wish to address the Board by voice, with or without video, must have the cameras and/or microphones required by their own equipment (for example, "smart phones," which have cameras and microphones built in).

PLEASE TAKE FURTHER NOTICE, that although the virtual meeting starts at 6:15 p.m., this application may be heard at any later time during the meeting. The Board reserves the right to postpone and/or carry this application to another date and time, with or without conditions, upon announcement at any time during the meeting.

PLEASE TAKE FURTHER NOTICE that more information on how to access virtual meetings, participate, provide public comment, and review agendas and digital plans and applications materials can be found on the Town of Harrison's website at <https://www.townofharrison.com> (and clicking on the government tab, board commissions tab, zoning board tab). Any person who requires technical assistance for accessing the meeting or the Applicant's plans should contact the Zoning Board's Secretary for assistance at the phone number or e-mail address listed below. When this application is called, you or your attorney may participate as set forth and as may be directed.


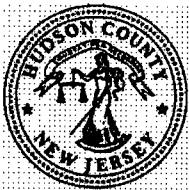
ANY QUESTIONS can be directed to the Secretary of the Zoning Board during business hours at 973-268-2442 or via email to: isimoes@townofharrison.com.

THIS NOTICE is being provided by the applicant in accordance with the laws of the State of New Jersey and by Order of the Zoning Board of the Town of Harrison, New Jersey.

DELFIM AND MARIA SARABANDO, Applicants

A COPY OF THIS DEED
HAS BEEN SENT TO ASSESSOR'S OFFICE

4

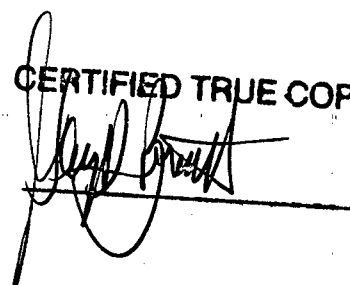
Hudson County Recording Data Page Honorable Diane Coleman Hudson County Register		Official Use Only – Barcode  20180426010045120 1/11 04/26/2018 09:50:58 AM DEED Bk: 9301 Pg: 852 Diane Coleman Hudson County, Register of Deeds Receipt No. 1352417
		
Official Use Only – Record & Return	Official Use Only – Realty Transfer Fee 20180426010045120 4/26/2018 9:50:00 AM Consideration: \$1.00 Exempt Code: Exempt County: \$.00 State: \$.00 NJAHTF \$.00 PHPF: \$.00 EAA: \$.00 General: \$.00 Buyer's Fee: \$.00 Total RTF: \$.00	
Date of Document: April 13, 2018	Type of Document: Deed	
First Party Name: Delfim Sarabando and Maria Sarabando a/k/a Maria N. Sarabando	Second Party Name: Delfim Sarabando and Maria Sarabando, husband and wife	
Additional Parties:		

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 128	Lot: 14.01
Municipality: Harrison	
Consideration: \$ 1.00	
Mailing Address of Grantee: 423 Jersey Street, Harrison, New Jersey 07029	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

HUDSON COUNTY RECORDING DATA PAGE Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.
--

CERTIFIED TRUE COPY



Deed

A COPY OF THIS DEED
HAS BEEN SENT TO ASSESSOR'S OFFICE

This Deed is made on APRIL 13th, 2018
BETWEEN DELFIM SARABANDO

and **MARIA SARABANDO a/k/a as Maria N. Sarabando**

Husband and Wife

whose post office address is **423 Jersey Street**
Harrison, New Jersey 07029

referred to as the Grantor,
AND DELFIM SARABANDO

and **MARIA SARABANDO**

Husband and Wife

whose post office address is **423 Jersey Street**
Harrison, New Jersey 07029

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of \$1.00
One Dollars and No Cents

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference.** (N.J.S.A. 46:26A-3) Municipality of Harrison

Block No. 128, Lot No. 14.01, Qualifier No. _____ and Account No. _____

☐ No lot and block or account number is available on the date of this Deed. (Check box if applicable.)

3. **Property.** The Property consists of the land and all the buildings and structures on the land in the Town
of Harrison, County of Hudson and State of New Jersey.

The legal description is:

☒ Please see attached Legal Description annexed hereto and made a part hereof. (Check box if applicable.)

BEING the same premises conveyed to Delfim Sarabando and Maria Sarabando, his wife, by deed dated May 8, 1993 from William J. Kearns, Executor; and recorded May 24, 1993 in the Hudson County Register's Office in Deed Book 4600, at page 224; and part of the premises conveyed to Delfim Sarabando and Maria N. Sarabando, his wife, by deed dated November 5, 2008 from Daniel J. and Carol Hogan; and recorded November 19, 2008 in the Hudson County Register's Office in Deed Book 8634, at page 643.

Prepared by:


GARY D. BENNETT, An Attorney At Law of NJ

(For Recorder's Use Only)

11 PGS \$ 143 JH



State of New Jersey

Seller's Residency Certification/Exemption

(Please Print or Type)

SELLER(S) INFORMATION:Name(s) **DELFIN SARABANDO and MARIA SARABANDO A/K/A MARIA N. SARABANDO**Current Street Address **423 Jersey Street**City, Town, Post Office Box **Harrison**State **NJ**Zip Code **07029****PROPERTY INFORMATION:**Block(s) **128**Lot(s) **14.01**

Qualifier

Street Address **421-423 Jersey Street**City, Town, Post Office Box **Harrison**State **NJ**Zip Code **07029**Seller's Percentage of Ownership **100 %**Total Consideration **\$1.00**Owner's Share of Consideration **\$1.00**Closing Date **April 13, 2018****SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Non-residents):**

1. ☒ Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. ☒ The real property being sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. ☐ Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. ☐ The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. ☐ The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
☐ Seller did not receive non-like kind property.
8. ☐ The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. ☐ The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. ☐ The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. ☐ The property transferred is a cemetery plot.
14. ☐ The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER(S) DECLARATION:

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

04-13-18

Date

Delfin Sarabando

Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

04-13-18

Date

Maria N. Sarabando

Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY }
COUNTY HUDSON } SS. County Municipal Code 0904

Municipality of Property Location: Harrison

FOR RECORDER'S USE ONLY
Consideration \$ 1.00
RTF paid by seller \$ _____
Date 4-26-2018 By G.D.

† Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (Instructions 3 and 4 attached)

Deponent, Gary D. Bennett, being duly sworn according to law upon his/her oath, deposes

and says that he/she is the Legal Representative in a deed dated April 13, 2018

(Grantor, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)

transferring real property identified as Block No. 128, Lot No. 14.01 located at
421-423 Jersey Street, Harrison and annexed thereto.

(Street Address, Town)

(2) CONSIDERATION: \$ 1.00 (Instructions 1 and 5) ☐ no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C. If property transferred is Class 4A, calculation in Section 3A below is required.
(circle one)

(3A) REQUIRED CALCULATION of Equalized Valuation for all Class 4A (Commercial) Property Transactions:
(Instructions 5A and 7)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation
\$ _____ ÷ _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE: (Instruction 8)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to the exemption symbol is insufficient. Explain in detail. Consideration of \$1.00. Deed to memorialize subdivision granted by the Harrison Planning Board on September 27, 2017.

(5) PARTIAL EXEMPTION FROM FEE: (Instruction 9) NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption.

Deponent claims that this deed transaction is exempt from the State's portion of the Basic, Supplemental and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975; C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN (Instruction 9)

- | | |
|---|---|
| <input type="checkbox"/> Grantor(s) 62 years of age or over* | <input type="checkbox"/> Resident of the State of New Jersey |
| <input type="checkbox"/> Owned and occupied by grantor(s) at time of sale | <input type="checkbox"/> Owners as joint tenants must all qualify |
| <input type="checkbox"/> One- or two-family residential premises | |

B. BLIND PERSON (Instruction 9)

- ☐ Grantor(s) legally blind*
☐ Owned and occupied by grantor(s) at time of sale
☐ One- or two-family residential premises
☐ Resident of the State of New Jersey
☐ Owners as joint tenants must all qualify

* IN THE CASE OF HUSBAND AND WIFE OR STATUTORY PARTNER, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

DISABLED PERSON (Instruction 9)

- ☐ Grantor(s) permanently and totally disabled*
☐ Grantor(s) receiving disability payments*
☐ Grantor(s) not gainfully employed*
☐ Owned and occupied by grantor(s) at time of sale
☐ One- or two-family residential premises
☐ Resident of the State of New Jersey
☐ Owners as joint tenants must all qualify

C. LOW AND MODERATE INCOME HOUSING (Instruction 9)

- | | |
|--|---|
| <input type="checkbox"/> Affordable according to HUD standards | <input type="checkbox"/> Reserved for occupancy |
| <input type="checkbox"/> Meets income requirements of region | <input type="checkbox"/> Subject to resale controls |

(6) NEW CONSTRUCTION (Instructions 2, 10 and 12)

- | | |
|--|--|
| <input type="checkbox"/> Entirely new improvement | <input type="checkbox"/> Not previously occupied |
| <input type="checkbox"/> Not previously used for any purpose | <input type="checkbox"/> "New Construction" printed clearly at top of the first page of the deed |

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions 5, 12 and 14)

- ☐ No prior mortgage assumed or to which property is subject at time of sale
☐ No contributions to capital by either grantor or grantee legal entity
☐ No stock or money exchanged by or between grantor or grantee legal entities

(8) Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 13th day
of April, 2018

Gary D. Bennett
Signature of Deponent
Gary D. Bennett
70 Midland Avenue, Kearny, NJ
Deponent Address

Delfim Sarabando, Et Ux
Grantor Name
423 Jersey Street
Harrison, New Jersey 07029
Grantor Address at Time of Sale

XXX-XX-X 1 7 9
Last 3 digits in Grantor's Soc. Sec. No.

Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY

Instrument Number _____	County <u>Hudson</u>
Deed Number _____	Book _____ Page _____
Deed Dated <u>4-13-2018</u>	Date Recorded <u>4-26-2018</u>

Constantine P. Herberger
Notary Public
My Commission Expires December 8, 2021
County recording officers shall forward one copy of each Affidavit of Consideration for Use by Seller when section 3A is completed to:

State of New Jersey - Division of Taxation, P.O. Box 251, Trenton, NJ 08695-0251, Attention: Realty Transfer Fee Unit
The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without the prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at www.state.nj.us/treasury/taxation/lpt/localtax.htm.

AFTER SUBDIVISION

DESCRIPTION OF PROPERTY
PROPOSED LOT 14.01-BLOCK 128
421- 423 JERSEY STREET
HARRISON, HUDSON COUNTY, N.J.

A COPY OF THIS DEED
HAS BEEN SENT TO ASSESSOR'S OFFICE

BEGINNING in the southerly line of Jersey Street at a point therein distant 250.00 feet southeasterly from the easterly line of Frank E. Rodgers Boulevard South

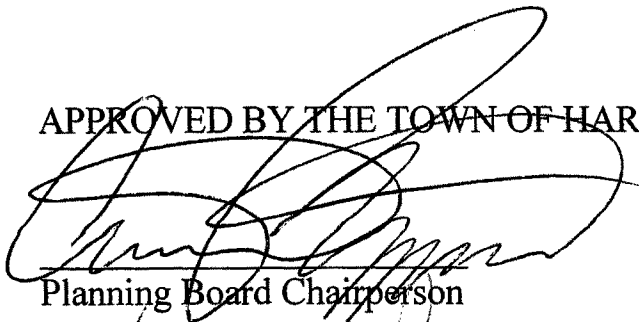
Thence (1) South 87 degrees 40 minutes East along said line of Jersey Street, 71.35 feet.

Thence (2) South 02 degrees 09 minutes West parallel with Frank E. Rodgers Boulevard South, 100.00 feet.

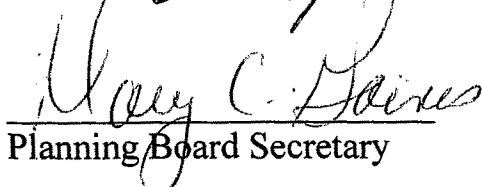
Thence (3) North 87 degrees 40 minutes West, 71.35 feet.

Thence (4) North 02 degrees 09 minutes East parallel with Frank E. Rodgers Boulevard South, 100.00 feet to the southerly line of Jersey Street and the point and place of BEGINNING

APPROVED BY THE TOWN OF HARRISON PLANNING BOARD


Planning Board Chairperson

2/2/18
Date


Planning Board Secretary

3/28/18
Date

RESOLUTION
OF THE
TOWN OF HARRISON PLANNING BOARD
RE: DELFIM SARABANDO AND MARIA SARABANDO, HIS WIFE
CASE #17-04
APPLICATION FOR MINOR SUBDIVISION APPROVAL
TAX BLOCK 128, LOTS 14 & 12
421-425 JERSEY STREET
HARRISON, NEW JERSEY

WHEREAS, DELFIM SARABANDO AND MARIA SARABANDO, HIS WIFE ("Applicant") has applied to the Town of Harrison Planning Board (the "Board") for minor subdivision approval for 421-425 Jersey Street, a/k/a Tax Block 128, Lots 14 & 12 on the Official Tax Map of the Town of Harrison, County of Hudson, State of New Jersey (the "Property") located in a 2F-1 Residential Zone; and

WHEREAS, Applicant seeks this approval in order to subdivide two existing lots by realigning the adjoining center lot line between the lots which will result in more land for existing Lot 14 while maintaining its existing building and less land for existing Lot 12 in order to create a conforming one 25' x 100' lot after demolition of its existing building; and

WHEREAS, the Board has considered Applicant's development proposal as depicted in the following plans (the "Plans"):

"Proposed Minor Subdivision, Boundary & Topographic Survey, Existing Tax Lots 12 & 14 – Block 128, Map of Property Located at Harrison, Hudson County, New Jersey, Survey No. 17022," showing Before and After for 421-425 Jersey Street, Harrison, New Jersey, by Borrie, McDonald & Watson, Land Surveyors, Robert T. Watson, PLS, dated March 15, 2017, consisting of one sheet; and

Standard Development Application for subdivision with accompanying checklists dated June 5, 2017; and

WHEREAS, the Board has considered all reports, testimony, exhibits, and other evidence submitted in connection with the application; and

WHEREAS, the application was the subject of a regularly scheduled public hearing held on July 26, 2017 with the following individuals in attendance:

Chairman Arthur Pettigrew
Member Laurence Bennett, Councilman
Member Phillip Karas
Member Carlos Mariano
Member Denis Perez

Also present were:

M. McKinley Mertz, Associate Planner, Heyer, Gruel & Associates, Town Planner
Antonios Panagopoulos, PE, CME, Board Engineer
Mary C. Gaines, Board Secretary
Michael R. Pichowicz, Esq., Board Attorney;

and

WHEREAS, at the hearing, Gary D. Bennett, Esq. for the firm Koch, Koch, Bennett & Buono, represented the Applicant; and

WHEREAS, the Applicant, Delfim Sarabando, was present during the presentation of his Application; and

WHEREAS, the Board has made the following findings and conclusions:

STANDING

1. Applicant is the owner of the Property and has standing to bring this application before the Board.

PROPOSED USE

2. The existing three-family use on Lot 14 is a pre-existing, non-conforming use and will remain, albeit with additional land that cannot be developed; and the existing single-family dwelling on Lot 12 will be demolished and the new lot will become a conforming lot, albeit with less land, that will permit a one or two-family dwelling (highest use) which are currently permitted use(s) in the 2F-1 zone.

EXISTING CONDITIONS

3. The Property contains two adjoining, interior lots located on the southerly side of Jersey Street, west of South Fifth Street.

4. The Property is rectangular in shape. Lot 14 measures 50.00 feet wide along the front property line along Jersey Street, 100.00 feet in length along the easterly side running parallel to South Fifth Street, 50.00 feet in length along the rear property line and 100.00 feet in length along the westerly side running parallel with South Fifth Street. Lot 12 measures 46.35 feet wide along the front property line along Jersey Street, 100.00 feet in length along the easterly side running parallel to South Fifth Street, 46.35 feet in length along the rear property line and 100.00 feet in length along the westerly side running parallel with South Fifth Street.

5. The Property currently is developed and contains a two and one-half story residence used as a three-family on Lot 14 and a one and one-half story residence used as a one-family on Lot 12.

THE DEVELOPMENT PROPOSAL

6. Applicant proposes to subdivide the Property into two (2) lots. Proposed Lot 14.01 will be widened by an additional 21.35' x 100' that was part of previous Lot 12. The existing three-family dwelling on Proposed Lot 14.01 will remain as a non-conforming existing use. After demolition of its existing one-family dwelling, proposed Lot 12.01 will be decreased by 21.35' x 100' and will result in a conforming 25' x 100' lot.

7. Proposed Lot 14.01 will maintain a pre-existing non-conforming lot of similar depth of other lots in the 2F-1 Zone. Proposed Lot 12.01 will be in conformance with the width and depth of other lots in the 2F-1 Zone.

8. Public water and sewer, as well as gas and electric, are available at Jersey Street to serve both proposed lots.

9. The lots are suitable for their intended purpose and the subdivision should be approved.

10. During the hearing, Applicant understood that the subdivision must be perfected within the applicable statutory deadlines, but cannot be perfected until and unless the dwelling on Lot 12 is demolished.

CONCLUSION

11. Subject to the conditions of this resolution, this application meets requirements for the granting of minor subdivision approval as requested by Applicant;

NOW, THEREFORE, BE IT RESOLVED that this application by DELFIM SARABANDO AND MARIA SARABANDO, HIS WIFE for minor subdivision approval be and hereby is granted subject to the following conditions:

1. Compliance with all applicable Town, County, State, and Federal laws, ordinances, regulations and directives.

2. All construction, development, and use of the lots approved herein shall be in conformance with the submissions submitted herein, all findings, conclusions, terms and conditions of this resolution and, to the extent not inconsistent therewith, all representations of Applicant and its witnesses during the public hearing. Any deviation from the requirements of this condition shall be deemed a violation of the Land Development Ordinance of the Town of Harrison.

3. Other than a demolition permit for the existing dwelling on existing Lot 12, Applicant shall not begin any land disturbance or construction and the Construction Official shall not issue a permit for construction on any approved lot, until:

- (a) the subdivision has been perfected by recording an approved deed or plat in the Hudson County Register's Office;

4. Before the Board Chairman and Secretary sign any subdivision deed or plat for recording:

- (a) The existing structure located on Lot 12 must demolished in accordance with all appropriate permits and requirements;
- (b) The form of the minor subdivision deed or plat shall have been submitted to and approved by the Tax Assessor (as to lot numbers), Board Attorney and the Board Engineer. The following recitals shall be incorporated into the minor subdivision deed or plat in bold print, and a certified true copy of this resolution shall be attached thereto:

THE LOTS APPROVED BY THIS MINOR SUBDIVISION ARE SUBJECT TO ALL OF THE TERMS AND CONDITIONS IN THE ATTACHED RESOLUTION ADOPTED BY THE TOWN OF HARRISON PLANNING BOARD ON SEPTEMBER 27, 2017. UNDER THAT RESOLUTION, NO BUILDING ON ANY APPROVED LOT MAY BE USED FOR ANYTHING OTHER THAN FOR THE APPROVALS GRANTED THEREIN. IT SHALL BE UNLAWFUL FOR ANY PERSON TO (A) ADD ANY ADDITIONAL LIVING UNIT(S) TO AN APPROVED DWELLING, OR (B) INCREASE THE NUMBER OF BEDROOMS WITHIN AN APPROVED DWELLING WITHOUT PRIOR WRITTEN APPROVAL FROM THE TOWN OF HARRISON PLANNING BOARD OR BOARD OF ADJUSTMENT

5. Applicant shall provide a filed or recorded copy of the minor subdivision deed or plat to the Planning Board Secretary promptly after same is recorded in the Office of the Hudson County Register.

6. **THE LOTS APPROVED HEREIN ARE PERMITTED FOR USE AS SET FORTH HEREIN. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ADD AN ADDITIONAL LIVING UNIT TO ANY APPROVED DWELLING, OR TO ENLARGE THE NUMBER OF BEDROOMS IN ANY APPROVED DWELLING, WITHOUT PRIOR WRITTEN APPROVAL FROM THE TOWN OF HARRISON PLANNING BOARD OR BOARD OF ADJUSTMENT.**

7. **ALL NOTES INCLUDED IN THE APPROVED AND SUBMITTED PLANS, INCLUDING NOTES REQUIRED BY THIS RESOLUTION, SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL HAVING THE SAME FORCE AND EFFECT AS CONDITIONS EXPRESSLY SET FORTH HEREIN.**

8. All references herein to the Town Engineer shall include his designee, which may include but shall not be limited to the Board Engineer.

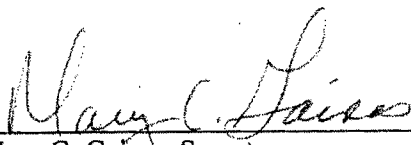
Voting to Approve Application Subject to Formal Resolution Detailing Conditions:

	Yes	No	Abstain	Not Voting
Chairman Arthur Pettigrew	X			
Member Laurence Bennett, Councilman	X			
Member Phillip Karas	X			
Member Carlos Mariano	X			
Member Denis Perez	X			

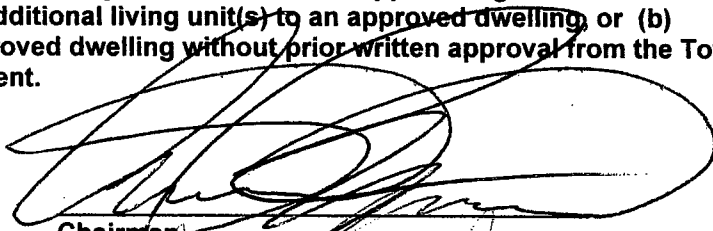
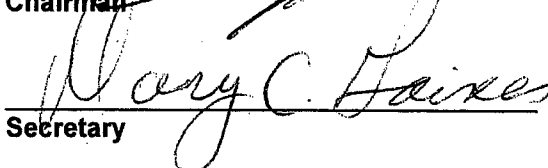
Voting to Approve This Formal Resolution Detailing Conditions:

	Yes	No	Abstain	Not Voting
Chairman Arthur Pettigrew	✓			
Member Laurence Bennett, Councilman				✓
Member Phillip Karas	✓			
Member Carlos Mariano	✓			
Member Denis Perez	✓			

I certify that this is a true copy of a resolution duly adopted by the Town of Harrison Planning Board at a regularly scheduled public meeting held on September 27, 2017. This resolution memorializes an action of the Board taken on July 26, 2017.


Mary C. Gaines, Secretary
Town of Harrison Planning Board

The Lots Approved by this Minor Subdivision are subject to all of the terms and conditions in the attached Resolution adopted by the Town of Harrison Planning Board on Septmeber 27, 2017. Under that Resolution, no building on any approved lot may be used for anything other than for the approvals granted therein. It shall be unlawful for any person to (a) add any additional living unit(s) to an approved dwelling, or (b) increase the number of bedrooms within an approved dwelling without prior written approval from the Town of Harrison Planning Board or Board of Adjustment.


Chairman

Secretary

The street address of the Property is:

421-423 Jersey Street, Harrison, New Jersey 07029

4. **Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. **Signatures.** The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)

Witnessed or Attested by:


Gary D. Bennett, An Attorney At Law of New Jersey


DELFIN SARABANDO

(Seal)


MARIA SARABANDO a/k/a as Maria N. Sarabando

(Seal)

STATE OF NEW JERSEY, COUNTY OF HUDSON

SS:

I CERTIFY that on April 13th, 2018,

DELFIN SARABANDO

and MARIA SARABANDO a/k/a as Maria N. Sarabando

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

(a) was the maker of this Deed;

(b) executed this Deed as his or her own act; and

(c) made this Deed for \$ 1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

RECORD AND RETURN TO:
Koch, Koch, Bennett & Buono, LLC
P.O. Box 495
Kearny, NJ 07032


GARY D BENNETT

An Attorney At Law of New Jersey

Print name and title below signature

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DEED
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