



| YOUR GOALS. OUR MISSION.

HRZB-R0942

April 19, 2022

Harrison Zoning Board
318 Harrison Avenue
Harrison, NJ 07029

Re: **Use Variance/Site Plan**
Selgrove Group, LLC
517 Bergen Street
Block 155, Lot 28
Second Engineering Review

Dear Board Members:

As requested, we have reviewed the Use Variance/Site Plans, application, and supplemental information submitted for the referenced project. The plans were reviewed for completeness and engineering related items.

The applicant submitted the following materials:

- Schematic Design entitled “New Two Family Dwelling for Selgrove Group, LLC at 517 Bergen Street Harrison, NJ Lot 28, Block 155” consisting of two (2) sheets prepared by Puzio Architects dated November 4, 2021 and **revised through April 1, 2022.**
- **Plan entitled “Plot Plan for Selgrove Group, LLC, Lot 28 in Block 155 Tax Map” consisting of one (1) sheet prepared by GB Engineering, LLC, dated April 4, 2022.**
- **Survey entitled “Map of Property for Selgrove Group, LLC” consisting of one (1) sheet prepared by GB Engineering, LLC, dated November 18, 2020.**
- **Drainage Calculations prepared by GB Engineering, LLC, dated April 4, 2022.**
- Application and associated information.

The Applicant seeks approval for a Use Variance/Site Plan with preexisting “C” variances and an expansion of a Non-confirming “D” Use variance for the construction of a new 3-story two-family dwelling located in the Community Commercial (CC) Zone with frontage on Bergen Street. An existing single family dwelling currently on the site will be demolished. A driveway with garage is proposed where none currently exists.

This application requires a Use Variance because a residential use is not a permitted use in this zone, and a new “C” variances are required for the proposed setbacks.

Based on our review of the application, we offer the following comments:

1. **Completeness Review**

Based upon our review we find the application to be technically **complete** from an engineering standpoint.

- a. Per Section 17-74.4 “Variance Application Checklist,” the following comments are offered:

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- i. Item 16, Percentage of the lot occupied by buildings and impervious coverage.
- ii. Item 24(c), Survey has not been provided. **Addressed.**
- iii. Item 24, (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.
Survey provided, remaining items to be provided on plan.

2. Zoning

CC Zoning Bulk Standards			
	Required	Existing Lot 28	Notes
Min Lot Area	10,000 sf	2,500 sf*	No Change, existing non conformity
Min Lot Width	100 ft	25 ft*	No Change, existing non conformity
Min Lot Depth	100 ft	100 ft	No Change
Min Front Yard Setback	Conformance with average within 200' (minimum of 20 ft)	20 ft	Conforming
Min Side Yard Setback (each)	10 ft	3.05 ft	Variance required
Min Rear Yard Setback	35 ft	25 ft	Variance required
Max Building Height	40 ft (3 story)	34.7 ft (3 story)	Conforming
Parking	3.5 spaces	0 spaces*	1.5 spaces, Variance required.

* Pre-Existing, Non-Conforming

1. The Applicant requires a "D" Variance for the construction of a residential dwelling, in a zone where they are not a permitted use. The Applicant shall provide testimony:
Testimony to be provided.
 - i. The applicant is requesting d-1 use variance relief to permit the use of the multi-family residential building which is not permitted in the CC Zone. Pursuant to the standards found in the MLUL at section 40:55D-70.d, the applicant must satisfy

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both the positive and negative criteria associated with d variance relief: i. Positive criteria: The applicant must demonstrate that special reasons exist for the granting of the variance. These special reasons can be one of the following: 1) the proposed use inherently serves the public good (inherently beneficial); 2) the property owner would suffer undue hardship if compelled to use the property in conformity with the permitted uses in the zone; or 3) the proposed site is particularly suitable for the proposed use. The positive criteria focus on the benefits that may be provided to the community from the proposed use, and how the proposed use would advance the purposes of zoning.

- ii. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria; 1) the variance can be granted without substantial detriment to the public good; and 2) the variance can be granted without causing substantial detriment to the zone plan. The negative criteria focus on the potential impacts that the proposed use may have on the community.
- iii. It should be noted that ‘undue hardship’ must be related to the particulars of the property, and not an economic or financial hardship of the owner.
- iv. The applicant’s testimony regarding the negative criteria should address any potential impacts that the proposed use may have on the neighborhood, as well as how the proposed use is consistent with, or in potential conflict with, both the zoning ordinance and the master plan of the Town.

- 2. The Applicant requires a “C” variance for the side yard setback of 3.05 feet where 10 feet is required. **Continuing comment.**
- 3. The other non-conforming bulk variances are pre-existing and no changes are proposed. **Continuing comment.**

3. Traffic & Parking

- 1. The plan should be revised to dimension the proposed driveway. **Addressed.**
- 2. Per the Town Ordinance, the parking requirements for the proposed site is as follows:
2 Spaces per 3-Bedroom Unit, 1.5 Spaces per 2-Bedroom Unit
Total Required = 3.5 spaces per dwelling
The proposed site appears to provide space for 2 off-street parking space.
A variance approval will be required for a one and one-half (1 ½) parking space deficiency at the site. **Continuing comment.**
- 3. Additionally, a *deminimus* exception is required from RSIS standards for the deficiency of 1 ½ parking space at each building. **Continuing comment.**
- 4. The proposed driveway will impact the existing on-street parking spaces. The applicant shall revise the plan to indicate the impact to the existing on-street parking. **Testimony should be provided.**

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4. **General**

1. The Applicant shall clarify the number of proposed units and # of bedrooms for each unit. The floor plan lists the garage floor with Bedroom #1, the first floor with Bedroom #1 and #2, and the second floor with Bedroom #1 and #2. The applicant shall confirm that no 3rd basement apartment is proposed as part of this application. **The plan has been revised to indicated that the basement floor bedroom as Bedroom #3 for the downstairs unit, however the Applicant must address this issue in testimony.**
2. Proposed floor elevations should be provided, as it unclear how the grading will work to allow access to the basement side entrance and trash room due to the existing grade change between the street and property and the narrow space between the property line and the proposed dwelling. **The proposed basement floor entrance has been revised to the left side of the structure and the proposed grading appears sufficient.**
3. Underground stormwater infiltration such as dry wells should be provided to handle all roof drainage from the site. **Addressed, the roof drainage is proposed to tie into an seepage pit in the rear yard area.**
4. A grading plan should be provided to demonstrate no adverse effect on the neighboring properties. **Addressed.**
5. The sidewalk along the property frontage should be shown to be reconstructed. **Addressed.**
6. The Applicant should discuss any existing and proposed fencing on the property. **A proposed 6' high pvc fence is proposed for the rear yard area.**
7. Appropriate details including sidewalk, curb, and driveway apron should be added to the plans. **Addressed.**

5. **Utilities**

1. The Applicant shall identify the proposed utility connections to the proposed dwelling. **Continuing comment**

6. **Other Agency Approvals**

- Applicable Town Building Permits.
- Passaic Valley Sewerage Commission
- All other agencies having jurisdiction.

Should the Board decide to grant approval of the variance/site plan application request, same should be conditioned upon: submittal of revised plans addressing the review comments indicated above; payment of all fees, charges, escrows, liens, taxes, etc. as may be owed the Town; posting of performance guarantees; The Applicant's engineer providing an estimate for the cost of improvements to the Town in order that performance guarantees and inspection fees can be calculated; proof of all permits, approvals, and/or waivers of such agencies having jurisdiction thereof and such other terms and conditions as required by the Board.



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We reserve the right to present additional comments pending the testimony of the Applicant before the Board and the receipt of the revised plans.

Should you have and questions regarding this matter, please contact this office.

Very truly yours,
T&M ASSOCIATES

PETER BONDAR, P.E., C.M.E.
TOWN OF HARRISON
ZONING BOARD ENGINEER

PB

cc: Isabel Simoes, Zoning Board Secretary
 Rocco Russomanno, P.E., Town Engineer
 Michael Pichowicz, Esq., Zoning Board Attorney

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