



HRZB-R0943

April 19, 2022

Harrison Zoning Board
318 Harrison Avenue
Harrison, NJ 07029

Re: **Use Variance/Site Plan**
334 Buffalo Ave Paterson LLC
101 North Third Street
Block 19, Lot 8
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:

- Architectural Plan entitled “101 N 3rd Street Lot 8 Block 19 Harrison, N.J.” consisting of two (2) sheets prepared by James S. McNeight Architect Planner PC dated January 3, 2022.
- **Property Survey entitled “Map of Property Located at Harrison, Hudson County, N.J.” consisting of one (1) sheet prepared by Borrie, McDonald & Watson Land Surveyors dated April 1, 2022.**
- Application and associated information.

The Applicant seeks approval for a Use Variance/Site Plan for the conversion of an existing tavern on the first floor to a office space and 1 bedroom residential unit while maintaining the existing 4 two-bedroom residential units on the 2nd and 3rd floors. The property is located at the northeast corner of North 3rd Street and Cleveland Avenue and is located in the 2F-1 Residential Zone and has frontage on both North 3rd Street and Cleveland Avenue. Additionally, an existing garage at the rear of building with frontage on Cleveland Street will be demolished.

This application requires a Use Variance because the proposed commercial use is not a permitted use in this zone and for the expansion of the number of residential units from 4 to 5, where 2 are permitted.

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

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- 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

2F-1 Zoning Bulk Standards			
	Required	Existing Lot 8	Notes
Min Lot Area	2,500 sf	2,500 sf	No Change
Min Lot Width	25 ft	25 ft	No Change
Min Lot Depth	100 ft	100 ft	No Change
Min Front Yard Setback	Conformance with average within 200' (minimum of 20 ft)	0 ft*	No Change, existing non conforming
Min Side Yard Setback (each)	10 ft	0 ft*	No Change, existing non conforming
Min Rear Yard Setback	25 ft	39.5 ft	Conforming
Max Building Height	35 ft	31.5 feet	Conforming
Parking	8.5 spaces	3 spaces*	4 spaces. Variance required.

* Pre-Existing, Non-Conforming

1. The Applicant requires a "D" Variance for the office space conversion which is not a permitted use in this zone and the expansion of the non-conforming residential use. The Applicant shall provide testimony: **Testimony to be provided.**
 - i. The applicant requires a d-1 use variance to permit the use of the office space which is not permitted in the 2F-1 Zone and requires a d-2 variance for the expansion of the non-conforming residential use from 4 units to 5 units where 2 are allowed. Pursuant to the standards found in the MLUL at section 40:55D-70.d, the applicant must satisfy 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

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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 and rear yard setbacks. **Continuing comment.**

3. Traffic & Parking

1. Per the Town Ordinance, the parking requirements for the proposed site is as follows:
Continuing comment.
1.5 Spaces per 2-Bedroom Unit, 1 space per 1-bedroom Unit and 1 space per 500 sf of office space
Total Required = 8.5 spaces
The site currently has 3 off-street parking spaces and a 4th space is proposed, but this additional space will require the elimination of 1 on-street parking space.
A variance approval will be required for a 4.5 parking space deficiency at the site.
2. Additionally, a *deminimus* exception is required from RSIS standards for the deficiency of 4 ½ parking space at each building. **Continuing comment.**
3. The existing driveway curb cut is proposed to be expanded by 7’ to add an additional off-street parking space, but will require the elimination of one on-street parking space. **Continuing comment.**

4. General

1. The Applicant should discuss any proposed façade improvements to the building. **Testimony to be provided.**
2. The Applicant should discuss any existing and proposed fencing on the property. **Testimony to be provided.**
3. The Applicant should discuss any proposed signage for the office use. **Testimony to be provided.**



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4. Appropriate details including sidewalk, curb, and driveway apron should be added to the plans. **Continuing comment.**
5. **Utilities**
 1. The Applicant shall discuss the existing and proposed utilities for the site. **Testimony to be provided.**
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.

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 any 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