

RESOLUTION
OF THE
TOWN OF HARRISON PLANNING BOARD
RE: MULOCK PROPERTIES, L.L.C.
CASE #20-01
APPLICATION FOR MINOR SUBDIVISION APPROVAL, “C” VARIANCE RELIEF,
DESIGN WAIVER AND
RELIEF FROM RESIDENTIAL SITE IMPROVEMENT STANDARDS,
TAX BLOCK 46, LOT 17
519-521 CROSS STREET
HARRISON, NEW JERSEY

WHEREAS, MULOCK PROPERTIES, L.L.C. (“Applicant”) has applied to the Town of Harrison Planning Board (the “Board”) for minor subdivision and variance approval for 519-521 Cross Street, a/k/a Tax Block 46, Lot 17 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 the Property into two (2) lots, each for construction of a new two-family dwelling; 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 Lot 17 – Block 47, Map of Property Located at Harrison, Hudson County, New Jersey, Survey No. 19111,” showing Before and After for 519-521 Cross Street, Harrison, New Jersey, by Borrie, McDonald & Watson, Land Surveyors, Robert T. Watson, PLS, dated October 30, 2019, consisting of one sheet; and

“(2) Two Family Dwellings, Block 47, Lot 17, 519-521 Cross Street, Harrison, NJ,” by Christopher Juchnik, R.A., Neves Architecture & Design, LLC, dated December 3, 2019, updated August 13, 2020 consisting of six (6) sheets; and

Town of Harrison Standard Development Application and Associated Information; and

WHEREAS, Applicant sought “c” variance relief from the following bulk yard requirements:

- (a) For each proposed lot, to permit uncovered steps encroaching approximately 8.50 feet into the front yard area where uncovered steps are only allowed to encroach by 6 feet into the front yard area; and
- (b) For each proposed lot, to permit bay window encroaching approximately 1 foot,

10 inches into the front yard area where bay windows are not permitted to encroach into the front yard area; and

- (c) For each proposed lot, to permit HVAC units to encroach approximately 2.5 feet into the rear yard area where HVAC unit are not permitted to encroach into the rear yard area; and

WHEREAS, the Applicant sought design waiver relief from the town ordinances: requirements:

- (a) For each proposed lot, to permit 3 parking spaces on each lot (one in the garage and two in the driveway) where 4 spaces are required on each lot; and
- (b) For street trees, to permit no street trees where one (1) is required for the Application; and

WHEREAS, the Applicant sought de minimis exceptions from the Residential Site Improvement Standards (“RSIS”):

- (a) To permit 3 parking spaces on each lot (one in the garage and two in the driveway) where 3.5 spaces are required on each lot by RSIS; 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 special public hearing held on August 26, 2020, via Zoom platform, with the following individuals in attendance:

Chairman Arthur Pettigrew
Member Andrea Choffo
Member James Ellison
Member Carlos Mariano
Member Delfin Sarabando

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, Frederick L. Gillespie, Esq. for the firm Gillespie & Jablonski represented the Applicant and Christopher Juchnik, RA, for the firm, Neves Architecture & Design, LLC, was qualified as an expert in the field of architecture and testified on behalf of the Applicant; 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 proposed two-family dwellings are a permitted use in the 2F-1 zone.

EXISTING CONDITIONS

3. The Property is an interior lot located on the southerly side of Cross Street, east of Davis Avenue.

4. The Property is rectangular in shape and measures 50.00 feet wide along the front property line along Cross Street, 100.00 feet in length along the westerly side running perpendicular to Cross Street, 50.00 feet in length along the rear property line and 100.00 feet in length along the easterly side running perpendicular with Cross Street.

5. The Property currently is vacant land.

THE DEVELOPMENT PROPOSAL

6. Applicant proposes to subdivide the Property into two (2) lots. Each proposed lot is in conformance with the minimum lot area and minimum lot width. Each lot is in conformance with the depth of other lots in the 2F-1 Zone.

7. For each dwelling, the ground level living area: shall contain only one bedroom; only one full bathroom; rec room; one closet; one laundry room, one utility/closet; and shall not be used as a kitchen; shall maintain direct and open access/connectivity with the first floor apartment; and shall be used in conjunction with the first floor apartment only without any doorway(s) to separate the ground floor and the first floor; and without any exterior door(s) except for the sliding door to the backyard.

8. Applicant proposes to erect new fencing along the perimeter of both lots and within on the shared property line as indicated, and which shall be typical, aesthetically pleasing and in accordance with existing ordinances (but not chain link).

9. Applicant shall maintain a three foot one inch side yard on both sides for each new lot and shall install windows on interior parts of each new dwelling (on the shared lot lines).

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

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

12. During the hearing, Applicant agreed to provide drainage and elevation calculations for approval to the Board's engineer and shall comply with any recommendations from the Board's engineer regarding drainage and elevation, including, but not limited to installation of ADA compliant sidewalks.

13. During the hearing, Applicant agreed to screen HVAC units in the rear yard on each lot with appropriate landscaping, which must be maintained, in order to minimize the noise along the rear line of adjoining properties.

14. During the hearing, Applicant agreed to design curb cuts in order to preserve one on-street parking space in front of and between the two properties measuring approximately 18 feet 6 inches.

15. During the hearing, Applicant agreed to install a seepage pit with open grate on each lot in accordance with the Board Engineer's recommendations.

CONCLUSION

16. Subject to the conditions of this resolution, this application meets requirements for the granting of minor subdivision approval, "c" variance relief, design waiver relief and Residential Site Improvement Standards ("RSIS") relief as requested by Applicant;

NOW, THEREFORE, BE IT RESOLVED that this application by MULOCK PROPERTIES, L.L.C. 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 Plans approved 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. Applicant shall not begin any land disturbance or construction pursuant to the approved Plans, and the Construction Official shall not issue a permit for construction on any

approved lot, until:

- (a) the approved Plans have been signed by the Board Chairman and Secretary and released to Applicant;
- (b) the subdivision has been perfected by recording an approved deed or plat in the Hudson County Register's Office;
- (c) Applicant has submitted an engineer's estimate for proposed site work and, upon acceptance of the estimate by the Town Engineer or his designee, has posted inspection fees as required by ordinance;
- (d) Applicant has arranged for and attended a preconstruction meeting with the Town Engineer and such other Town officials as the Town Engineer shall designate; and
- (e) Applicant has obtained a road opening permit for any work to be performed within a public street. Thereafter, Applicant shall comply with all applicable road opening permit requirements in the course of the work.

4. Before the Board Chairman and Secretary sign the approved Plans:

- (a) Applicant shall submit to the Board Engineer (i) proof that it has obtained approvals from all other governmental authorities with jurisdiction, or (ii) a certification from its engineer or attorney that no such approvals are required. Such authorities shall include, to the extent applicable, and without limitation, the Hudson County Planning Board, Hudson-Bergen-Essex Counties Soil Conservation District, and the New Jersey Department of Environmental Protection.
- (b) Applicant shall have paid all required application fees and technical review fees.
- (c) Applicant shall submit six (6) sets of the Plans approved herein for signature by the Board Chairman and Secretary.

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

- (a) 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 26, 2020. UNDER THAT RESOLUTION, NO BUILDING ON ANY APPROVED LOT MAY BE USED FOR ANYTHING OTHER THAN A TWO FAMILY DWELLING. IT SHALL BE UNLAWFUL FOR ANY PERSON TO (A) ADD A THIRD LIVING UNIT 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

6. 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.

7. Applicant's construction activities shall be limited to those hours permitted by ordinance.

8. **THE LOTS APPROVED HEREIN ARE PERMITTED FOR USE AS A TWO-FAMILY RESIDENCE ONLY. 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.**

9. **ALL NOTES INCLUDED IN THE APPROVED 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.**

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

11. For each dwelling, the ground level living area: shall contain only one bedroom; only one full bathroom; rec room; one closet; one laundry room; and shall not be used as a kitchen; shall maintain direct and open access/connectivity with the first floor apartment; and shall be used in conjunction with the first floor apartment only without any doorway(s) to separate the ground floor and the first floor.

12. New fencing shall be erected along the perimeter of both lots and within on the shared property line as indicated, and which shall be typical, aesthetically pleasing and in accordance with existing ordinances (but not chain link).

13. One parking space on-street shall be maintained between the two proposed driveway curb cuts.

14. Before any construction commences and before any permits are issued, Applicant shall provide drainage and elevation calculations for approval to the Board's engineer and shall comply with any recommendations from the Board's engineer regarding drainage and elevation, including, but not limited to installation of ADA compliant sidewalks.

15. The HVAC units in the rear yard on each lot shall be screened with appropriate landscaping, which must be maintained, in order to minimize the noise along the rear line adjoining property, as indicated on the plans.

16. Applicant shall install a seepage pit with open grate on each lot in accordance with the Board Engineer's recommendations.

Voting to Approve Application Subject to Formal Resolution Detailing Conditions:

	Yes	No	Abstain	Not Voting
Chairman Arthur Pettigrew	X			
Member Andrea Choffo	X			
Member James Ellison	X			
Member Carlos Mariano	X			
Member Delfim Sarabando	X			

Voting to Approve This Formal Resolution Detailing Conditions:

	Yes	No	Absent	Other
Chairman Arthur Pettigrew				
Vice-Chairman Denis Perez				
Councilman Member Lawrence Bennett				
Member Andrea Choffo				
Member James Ellison				
Member Carlos Mariano				
Member John Mulrenan				
Member Delfim Sarabando				
Member John Starr				

I certify that this is a true copy of a resolution duly adopted by the Town of Harrison Planning Board at a regular public meeting held on September 23, 2020. This resolution

memorializes an action of the Board taken on August 26, 2020.

Mary C. Gaines, Secretary
Town of Harrison Planning Board