

Board of Adjustment/Planning Board Application

Address of Property: 37 Harmony Street

Block: 83 **Lot:** 16 **Zone:** B-1

Name of Applicant or Project: Gerald S. & Patricia A. Williamson

Applicant's Name: Gerald S. & Patricia A. Williamson is owner - leasee - purchaser
under contract

Applicant's Address: 12 Anita Drive, Piscataway, NJ 08854

Daytime Phone Contact: (848) 219 - 3775

Attorney (if any):

Name/Firm: John J. Sullivan, Jr., / Vastola & Sullivan

Address: 495 Union Avenue, Middlesex, NJ 08846

Daytime Phone Contact: (732) 560 - 0888 **Fax:** (732) 302 - 1207

Where do you want correspondence regarding this application sent?

Attorney Applicant Pickup Other

Type of Application:

1. One and two family "C" bulk variance
- ② Use variance "D" with/without site plan
3. Minor Sub Division
4. Sub Division with "C" variance
5. Site Plan Review with/without "C" variances - Amended Site Plans
6. "A" appeal of Zoning Officer's Decision
7. "A" appeal of Historic Preservation Commission Decision
8. Other _____

Documents Submitted:

Application	Date: <u>01/12/24</u>	Number of Copies <u>16</u>
Survey	Date: <u>12/04/63</u>	Number of Copies <u>16</u>
Site Plan	Date: <u>10/19/23 rev 2/6/24</u>	Number of Copies <u>16</u>
Checklist	Date: <u>1/12/24</u>	<u>16</u>

For Board of Adjustment/Planning Board use only;

Date of Final Application: _____ **Going to Board of Adjustment/Planning Board**

Date of Hearing: _____ **File #:** _____

Brief Description of Project/Relief Requested

Project Name: Variance - 37 Harmony Street


Address: 37 Harmony Street

Block: 83 Lot: 16 Zone: B-1

Proposed Use: single family dwelling Permitted Use: no

Site Information:

Bulk Requirements	Required	Proposed	Ord. Section
Lot Area	n/a	-	
Front Yard	5'	15'	22-108.2b
Rear Yard	20'	10'	22-108.2c
Side Yard	10'	10.5'	22-108.2d
Combined Side Yard	20'	21'	22-108.2d
Accessory Buildings	n/a		
Pool Set Backs	n/a		
Buffer Area	n/a		
Building Coverage	n/a		
Landscaping Coverage	n/a		
Paving Coverage Floor Area	n/a		
Height	50'	28'	22-108.2a
Parking Required	2	2	22-108.2e
Lighting	n/a		
Dumpster Shielding	n/a		
Fencing	n/a		
Other Requirements	n/a		



 Applicants Signature

1/12/24

 Date

PROJECT DESCRIPTION

The property is located at 37 Harmony Street, designated at Lot 16, Block 83 and is currently vacant land. The property is located in the B-1 Zoning District.

The applicant is requesting a D-1 use variance to construct a single family dwelling and related site improvements.

The B-1 Zoning District does not permit single family dwellings.

The required, existing and proposed bulk conditions are as follows:

Item	Required (2 family)	Existing	Proposed
Lot area	-	N/A	N/A
Lot width	-	N/A	N/A
Lot frontage	-	N/A	N/A
Density	-	N/A	N/A
Lot Depth	-	N/A	N/A
Front yard setback	5'	N/A	15'
Side yard setback	10'	N/A	10.5'
Combined side yard setback	20'	N/A	21'
Rear yard setback	20'	N/A	10'***
Floor area ratio	-	N/A	N/A
Building coverage	-	N/A	N/A
Lot coverage	-	N/A	N/A
Maximum stories	5	N/A	2
Height	50'	N/A	28'
Parking	2	N/A	2

* Denotes existing non-conformity

** Denotes proposed non-conformity

The building construction type/class is 5B. The property is serviced by public water and sewer. Garbage and recycling will be addressed by curbside pick-up.

A title search reveals that there are no easements or restrictions to which the property is subject.

The proposed witnesses will be the applicant, Gerald Williamson, project engineer, W. Leland Titus; the project architect, Steve Druga; and a professional planner to be determined.

This property has been the subject of two prior applications. On January 8, 2004, the Board denied an application for a single family dwelling under application #BA 03-06. Thereafter, the Board approved an application for a commercial building, however, said building was never constructed as the property has not been marketable as a commercial use.

- 17. Existing and proposed contours of site as 2 foot intervals for areas less than 5 percent grade
- 18. Existing and proposed spot elevations based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations
- 19. Location of all existing trees, or tree masses, indicating general sizes and species of trees
- 20. Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.
- 21. All existing and proposed utility lines within and adjacent to the subject property
- 22. Existing and proposed sanitary sewage disposal system
- 23. Storm drainage plan showing location of inlets, pipes, swales, berms and other storm drainage facilities including roof leaders, indicating existing and proposed runoff calculations
- 24. The outside dimensions of existing and/or proposed principal building(s) and all accessory structures
- 25. Typical floor plans and elevations
- 26. Location, dimensions and details of all signs
- 27. Exterior lighting plan including type of standards, radius of light and intensity in foot candles
- 28. Landscaping and buffering plan showing what will remain and what will be planted including names of plants and trees and dimensions, approximate times of planting, and method of planting (base rooted, ball and burlap, etc.)
- 29. Method of solid waste disposal
- 30. Plan of off-street parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress
- 31. Rights of way, easements and all land to be dedicated to the municipality or reserved for specific uses

Signature of person preparing plans *W. Edward J. J...*

PROFESSIONAL ENGINEER
 NJ Engineer/Architect

GE31635

Registration Number



**BOROUGH OF NORTH PLAINFIELD
MUNICIPAL BUILDING
263 Somerset Street
North Plainfield, NJ 07060**

CERTIFICATE OF OWNERSHIP

TO THE NORTH PLAINFIELD PLANNING BOARD/BOARD OF ADJUSTMENT

I, hereby certify that I am the owner of land at
37 Harmony Street, North Plainfield, NJ

and the proposed (Site Plan Review) (Subdivision) (Variance) of this land
is made with my free consent and in accordance with my desire.

Signed:


Gerald S. Williamson and Patricia A. Williamson

Dated:

1/12/24

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
STANDARD FLOOD HAZARD DETERMINATION FORM (SFHDF)

OMB Control No. 1660-0040
Expires: 09/30/2023

SECTION I - LOAN INFORMATION

1. LENDER/SERVICER NAME AND ADDRESS THE PROPOSED LENDER		2. COLLATERAL DESCRIPTION (Building/Mobile Home/Property) Owner: GERALD S. WILLIAMSON AND PATRICIA A. WIL Address Supplied: 37 HARMONY STREET NORTH PLAINFIELD, NJ 00000 BLOCK: 83 LOT: 16		Address Found: 37 HARMONY STREET NORTH PLAINFIELD, NJ 07060 BLOCK: 83 LOT: 16	
3. LENDER/SERVICER ID #	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED \$			

SECTION II

A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION

1. NFIP Community Name NORTH PLAINFIELD BOROUGH	2. County(ies) SOMERSET	3. State NJ	4. NFIP Community Number 345307
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B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME

1. NFIP Map Number or Community-Panel Number (Community name, if not the same as "A") 34035C 0181 E	2. NFIP Map Panel Effective / Revised Date 28-SEP-2007	3. Is there a Letter of Map Change (LOMC)? <input type="radio"/> NO <input checked="" type="radio"/> YES (If yes, and LOMC date/no. is available, enter date and case no. below). Date Case No.
4. Flood Zone X [C]	5. No NFIP Map	

C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply.)

1. Federal Flood Insurance is available (community participates in the NFIP). Regular Program Emergency Program of NFIP
 2. Federal Flood Insurance is not available (community does not participate in the NFIP).
 3. Building/Mobile Home is in a Coastal Barrier Resources Area(CBRA) or Otherwise Protected Area(OPA). Federal Flood Insurance may not be available.
 CBRA/OPA Designation Date: _____

D. DETERMINATION

IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")? Yes No

If yes, flood insurance is required by the Flood Disaster Protection Act of 1973.
 If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note, the risk of flooding in this area is only reduced, not removed.

This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building /mobile home on the NFIP map.

E. COMMENTS (Optional)

THIS CHARLES JONES DETERMINATION IS CERTIFIED BY CHARLES JONES LLC TO THE PROPOSED LENDER FOR THE SOLE PURPOSE OF ITS COMPLYING WITH THE FLOOD DISASTER PROTECTION ACT OF 1973. CHARLES JONES LLC HAS PROVIDED THIS FLOOD DETERMINATION TO BE USED BY THE ENTITY NAMED IN SECTION 1, BOX 1 FOR COMPLIANCE WITH THE 1994 REFORM ACT. IT MAY NOT BE UTILIZED FOR ANY OTHER PURPOSE, INCLUDING, BUT NOT LIMITED TO, PROPERTY PURCHASE CONSIDERATION OR PROPERTY VALUE DETERMINATION.

Requested By: Customer Name: INVESTMENT TITLE LLC Account: 725222933 Customer Reference: INV5934
 Attention:
 Address: 150 MORRISTOWN ROAD, SUITE 210 BERNARDSVILLE, NJ 07924

F. PREPARER'S INFORMATION

NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender) Charles Jones LLC P.O. Box 8488 Trenton, NJ 08650 - 0488 www.charlesjones.com	Date of Determination 14-DEC-2023 Search Number FL2023-348-1248
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Loan Number:

Order Number: FL2023-348-1248

Determination Date: 14-DEC-2023

NOTICE IS GIVEN TO: GERALD S. WILLIAMSON AND PATRICIA A. WIL

The Flood Disaster Protection Act of 1973, as amended, requires that Federally regulated lending institutions shall not make, increase, extend, or renew any loan secured by improved real estate, or a mobile home located or to be located, in an area that has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, through the National Flood Insurance Program (NFIP), unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or the maximum limit of coverage made available under the Act with respect to the particular type of property, whichever is less.

NOTICE TO BORROWER ABOUT SPECIAL FLOOD HAZARD AREA STATUS

Notice of Property in Special Flood Hazard Area (SFHA)

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards. The area has been identified by the Administrator of FEMA as an SFHA using FEMA's Flood Insurance Rate Map or the Flood

Hazard Boundary Map for the following community: NORTH PLAINFIELD BOROUGH

This area has at least a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a SFHA is 26 percent (26%). Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in an SFHA. If you would like to make such a request, please contact us for further information.

Notice of Property Not in Special Flood Hazard Area (SFHA)

The building or mobile home described in the attached instrument is not currently located in an area designated by the Administrator of FEMA as a SFHA. NFIP flood insurance is not required, but may be available. If, during the term of this loan, the subject property is identified as being in a SFHA, as designated by FEMA, you may be required to purchase and maintain flood insurance at your expense.

NOTICE TO BORROWER ABOUT FEDERAL FLOOD DISASTER ASSISTANCE

Notice in Participating Communities

The community in which the property securing the loan is located participates in the NFIP. The Flood Disaster Protection Act of 1973, as amended, mandates federally insured or regulated lenders to require the purchase of flood insurance on all buildings being financed that are located in SFHAs of communities participating in the NFIP. The flood insurance must be maintained for the term of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance at your expense.

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance also may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

Escrow Requirement for Residential Loans

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.

At a minimum, flood insurance purchased must cover the lesser of

- (1) the outstanding principal balance of the loan; or
- (2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the overall value of the property securing the loan minus the value of the land on which the property is located.

Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements. Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

Notice in Nonparticipating Communities

Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the nonparticipating community has been identified for at least one year as containing an SFHA, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally-declared flood disaster.

Borrower's Signature

Date

Borrower's Signature

Date

Lending Institution

Date

Lending Institution Authorized Signature

Date

**RESOLUTION OF THE BOARD OF ADJUSTMENT
OF THE BOROUGH OF NORTH PLAINFIELD
BA 03-06 ANITA BUILDERS, INC.**

WHEREAS, ANITA BUILDERS, INC. (hereinafter the Applicant), located at 425 Jarrard Street, Piscataway, New Jersey, has applied to the Board of Adjustment of the Borough of North Plainfield (hereinafter the Board) for a variance from the strict application of Section 22-108 of the Borough's Land Development Ordinance (the LDO) so as to allow a single family dwelling to be constructed on property designated as Lot 16, Block 83 on the Borough's tax map, and commonly known as 37 Harmony Street, North Plainfield, New Jersey, which property is located in the B-1 Zone on the Borough's Land Use Map; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and the Applicant's witnesses and the testimony of the adjoining property owners and the general public, if any, and reports of the various officers and agencies of the Borough, whose reports are incorporated herein by reference, has made the following factual findings:

1. The Applicant initially applied for approval to construct a two family dwelling, but then amended its plans and application to seek approval for a one family dwelling;

2. The Applicant submitted revised plans dated September 2, 2003, showing a proposed single family dwelling with a first floor footprint of 687 square feet plus a one car garage having an area of 223 square feet, and a driveway wide enough for two cars;

3. The Applicant offered testimony that the type of house to be constructed would be a small colonial, similar in design to other ~~of~~ houses the builder has constructed on narrow lots in other municipalities. The Applicant offered an architectural plan of the proposed house prepared in 1992. list

4. The Applicant's property has an area of 3910 square feet. The B-1 Zone is a business zone located in the middle of the Borough's business district. There are residential uses located in the immediate neighborhood, but the Borough's master plan has been re-examined and re-written in the past 20 years and has never proposed a change in zoning to residential uses for this area;

5. The Applicant offered the testimony of Roger DeNiscia, a licensed planner, who testified that the proposed dwelling would provide "infill housing" for a small household and that there was a need for such housing in the area. He testified that it was a mixed use area, with

business uses to the west and residential to the east. He testified that the lot is too small to be used for a typical business purpose and that a single family house would be an appropriate use. The planner believed that the standards of the R-1 and R-2 residential zones should not apply because those standards were developed for lots located in residential zones that the mayor and council had determined were appropriate for a residential use;

6. The property has been used for a commercial parking lot for the past forty years. Prior to that, it was used as a single family dwelling which was apparently demolished in the early 1960's and never reconstructed;

7. Members of the public, some of whom live adjacent to or near the subject property, testified in opposition to the application. They were concerned about the overcrowding of the neighborhood, particularly the lack of street parking, lack of adequate rear yard and lack of open area left if the dwelling were to be constructed. They also were concerned that the Borough intended to redevelop the area as part of an economic redevelopment plan and allowing residential construction would be contrary to this plan; and

WHEREAS, the Board has determined that the application CANNOT be granted under NJSA 40:55D-70d, for the following reasons:

1. The proposed residential use is not an appropriate use of this land. The neighborhood is surrounded by the commercial and business zones and district of the Borough and the property and its neighborhood are designated on the Borough's master plan for commercial development. The Economic Development Committee of the Borough is currently finalizing a redevelopment plan to submit to the governing body which will propose a comprehensive commercial redevelopment of the downtown business area, which will include the subject property. Any residential development would be inconsistent with this proposal;

2. The proposed residential development of the subject property will not promote many of the purposes of the Municipal Land Use Law, including but not limited to the appropriate use and development of all lands in the Borough; to provide adequate light, air and open space; to promote the establishment of appropriate population densities; to provide sufficient space in appropriate locations for commercial uses and open space; to promote a desirable visual environment and good civic design; and to prevent degradation of the environment through improper use of land;

3. The property is not peculiarly suited for the proposed residential use. The property is almost 40% less in area than is required for the smallest single family dwelling lot allowed in the Borough, in the R-2 Zone, and as a result the minimum lot width and rear yard requirements of the single family residential zones cannot be satisfied as well. The neighborhood in which the property is located is already overcrowded with vehicles and there is no place for children to play or outdoor activities to occur in this business zone. The area is mixed business and residential and is surrounded by busy commercial roadways. The governing body of the Borough intends to seek redevelopment of the B-1 Zone for business purposes and therefore it is likely that the area in which the property is located will become increasingly commercial, thereby making a residential use increasingly incongruous with the area;

4. The Applicant made no attempt to sell the lot to the adjacent landowners, or to divide it for sale, nor did the owner attempt to develop the Property for a permitted business use, such as a branch bank or professional office; and

WHEREAS, the Board has determined that the application CANNOT be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning regulations, for the following reasons:

1. The proposed use is inconsistent with the terms of the zoning ordinance and the intent of the zone plan as evidenced by the master plan which has been re-examined and re-written a number of times during the past 20 years and has always favored and promoted commercial re-development of the area in which the property is located;

2. The Borough's Economic Development ^{Committee "EDC"} ~~Agency~~ intends to recommend to the Borough's governing body that the area in which the property is located should be part of a major redevelopment plan, and the residential development of this property would be inconsistent with this intended redevelopment of the area;

3. The size and shape of the property make it inappropriate for residential development, as reflected by the inadequate lot size, width and depth to conform with the minimum requirements of the dwelling lots as required in the residential zones of the LDO;

4. The residential development of the property will confer no benefit on the public. The property cannot be comfortably used as a dwelling due to the small size of the lot and the location of the lot on a business street in the middle of a business zone. The development of the lot for residential purposes will not promote the redevelopment of the area for commercial

purposes which will benefit the public and the long term goals of the Borough. The addition of a residence is likely to contribute to the overcrowding of the Borough's schools, the burden on the Borough's infrastructure (roads, sewer and water systems), and the traffic and parking problems on the street and in the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of North Plainfield, that, for the foregoing reasons, the application of ANITA BUILDERS, INC. for a variance from Section 22-108 of the Borough's Land Development Ordinance be and hereby is DENIED.

ROLL CALL VOTE:

Those in favor of the application: Chairman Tighe

Those opposed: Members Magnuson, Castro, Fowler, Glicklich and Lewis.

APPLICATION DENIED


MARK TIGHE, CHAIRMAN


DAWN GAEBEL, SECRETARY

Date: 1-8-04