



VIA E-MAIL & REGULAR MAIL

July 14, 2016

Ms. Veronica Olaniel, Secretary
Planning Board
Township of North Bergen
4233 Kennedy Boulevard
North Bergen, New Jersey 07047

Re: Block 204, Lot 13
6243-6245 Kennedy Boulevard
MVD Properties, LLC
Minor Subdivision and Site Plan
Our File No. NBES-1367

Dear Ms. Olaniel:

This office has received an application for the referenced property. Included in the submission were a cover letter from Ryglicki, Jimenez & Gilman, P.C., dated July 6, 2016, Application to the Planning Board dated June 23, 2016, rejection letter from Mr. Blakeslee dated June 16, 2016, Statement of Tax Account dated June 17, 2016, draft Notice of Hearing, list of Property Owners within 200 feet, a three (3) sheet set of Architectural drawings prepared by Kaltsis Architecture dated May 4, 2016 and a minor subdivision plat (one sheet) prepared by DMC Associates, Inc., dated April 5, 2016. This Application is for a proposed subdivision of one (1) lot into two (2) lots and for the site plan approval of both existing buildings. The existing one story dwelling and two story mixed use structure are to remain on separate lots. No changes to the buildings are proposed in this application. The site is located on the southwest corner of Kennedy Boulevard at the intersection with 63rd Street.

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This office has the following comments on this application submission:

1. This is an application for a minor subdivision.
2. There are no proposed improvements to either of the proposed lots in this application.
3. The site plan on sheet A-1 of the architectural plans does not include a North arrow.
4. There are a number of bulk variances, both pre-existing and created by the proposed subdivision. The Board Planner shall comment on these.
5. The existing steps at both #6243 and #6245 encroach into the right of way of Kennedy Boulevard. A License Agreement or other permission from Hudson County is required. There is also an awning that encroaches into the Kennedy Boulevard right-of-way. That awning turns the corner and extends into the 63rd Street right-of-way. In addition, the northwest corner of #6245 encroaches in to the 63rd Street right-of-way. Both of these require a license agreement with the Township. The Zoning Data tables on pages 6 and 7 of the Application should be amended to reflect these encroachments.
6. The survey indicates that the fence behind Lot 14 is, in fact, located on Lot 10 behind this building. Strictly speaking, the Owner of Lot 14 needs an easement agreement with the Owner of Lot 10 for the fence to remain.
7. The Applicant must obtain the approval or a letter of no interest from Hudson County.
8. Should this subdivision be approved, the plat or deed must be submitted to this office for review prior to being filed.

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This office has no other comments on these plans at this time. If any Board Members have any questions on this, please feel free to contact this office.

Very truly yours,

BOSWELL McCLAVE ENGINEERING

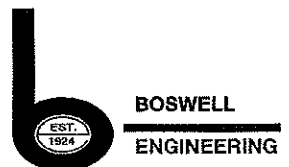


Derek McGrath, P.E., P.P.

DM/DJH/md

cc: MVD Properties, LLC
Michael A. Jimenez, Esq. (via e-mail)
Kaltsis Architecture, L.L.C. (via e-mail)
Brian Chewcaskie, Esq. (via e-mail)
Mark Everett, P.P., AICP (via e-mail)

160713djhl1



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PLEASE REPLY TO THE NOTED OFFICE

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July 29, 2016

Township of North Bergen
Planning Board
4233 Kennedy Boulevard
North Bergen, NJ 07047

Attention: Veronica Olaniel, Board Clerk

**Re: Minor Subdivision
MVD Properties, LLC
6243-6245 Kennedy Blvd
Block 204, Lot 13
RVA File No. 0908-P-041**

Dear Board Members:

We have reviewed a Minor Subdivision submission, received July 7, 2016, consisting of the following:

Proposed Subdivision, Sheets A-1 thru A-3, signed and sealed by Demetrios Kaltsis, AIA of Kaltsis Architecture, 8005 Kennedy Blvd, North Bergen, NJ 07047 dated May 4, 2016

Minor Subdivision Plan, Sheet 1 of 1, signed and sealed by Robert L. Cigol, PLS of DMC Associates, 211 Main Street, Butler, NJ 07405 dated April 5, 2016

North Bergen Application to the Planning Board dated June 23, 2016

Certified List of Property Owners from Township of North Bergen's Tax Assessor's Office dated June 17, 2016

Denial Letter from Edward Blakeslee, Construction Official dated June 16, 2016

Cover Letter from Michael A. Jimenez, Esq. representing applicant dated July 6, 2016

I. GENERAL INFORMATION

Applicant: MVD Properties, LLC
6243-6245 Kennedy Blvd
North Bergen, NJ 07047

Proposal: The applicant proposes to subdivide existing Block 204, Lot 13.

Zoning: C-1A Zone

II. EXISTING CONDITIONS



III. SUBMISSION INFORMATION

The application is deemed complete for the purpose of planning review of this application.

IV. ZONING REQUIREMENTS

A. **Use:** Applicant proposes to subdivide existing Block 204, Lot 13.

B. **Area and Bulk Requirements:**

Existing Lot 13

Item	Required	Existing Lot 13	Status
Min Lot Area	2,500 sf	2,882.71 sf	C
Min Lot Width	25'	50'	C
Min Lot Depth	100'	57.65'	V(E)
Front Yard Setback	7'	0.05'	V(E)
Rear Yard Setback	20'	1.63'	V(E)
Side Yard Setback	3'	0'	V(E)

C - Conformance
V - Variance required
(E) - Existing Condition

Proposed Lot 13

Item	Required	Proposed Lot 13	Status
Max Bldg Coverage	75%	72%	C
Max Impervious Coverage	90%	100%	V(E)
Lot Width	25'	25'	C
Lot Depth	100'	52.8'	V(E)
Lot Area	2,500 sf	1,318.4	V
Min. Yards from Principal Bldg (Front)	7'	0'	V(E)
Min. Yards from Principal Bldg (Side)	3'	0'	V(E)

Item	Required	Proposed Lot 13	Status
Min. Yards from Principal Bldg (Rear)	20'	14.3'	V(E)
Max. Bldg Height	45' 4 stories	11' 1 story	C
Min. Parking Spaces	7 spaces	0 spaces	V(E)

Proposed Lot 14

Item	Required	Proposed Lot 13	Status
Max Bldg Coverage	75%	84%	V
Max Impervious Coverage	90%	100%	C
Lot Width	25'	25'	C
Lot Depth	100'	61.6'	V(E)
Lot Area	2,500 sf	1,538 sf	V
Min. Yards from Principal Bldg (Front)	7'	0'	V(E)
Min. Yards from Principal Bldg (Side)	3'	0'	V(E)
Min. Yards from Principal Bldg (Rear)	20'	1.63'	V(E)
Max. Bldg Height	45' 4 stories	22.2' 2 stories	C
Min. Parking Spaces	7 spaces	0 spaces	V(E)

C. Variance Relief

For the grant of the requested relief, the applicant has the burden of demonstrating that strict application of the zoning requirements "would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property", or, in the alternative, that a deviation from the standards would advance the purposes of the Municipal Land Use Law and the benefits would outweigh any detriments.

V. GENERAL COMMENTS

1. Separate license agreements are required for awnings on each property.

VII. SUMMARY OF VARIANCES AND WAIVERS

Proposed Lot 13	Variances:	Article III 3.8	Max. Impervious Coverage
		Article III 3.8	Min. Lot Depth
		Article III 3.8	Min. Lot Area
		Article III 3.8	Front Setback
		Article III 3.8	Side Setback
		Article III 3.8	Rear Setback
		Article VII 7.2 Min.	Parking Spaces
Proposed Lot 14	Variances:	Article III 3.8	Max. Bldg Coverage
		Article III 3.8	Min. Lot Depth
		Article III 3.8	Min. Lot Area
		Article III 3.8	Front Setback
		Article III 3.8	Side Setback
		Article III 3.8	Rear Setback
		Article VII 7.2 Min.	Parking Spaces

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

REMINGTON, VERNICK & ARANGO ENGINEERS, INC.



Mark E. Everett, P.P., AICP
Zoning Board Planner

MEE/kpn

c: MVD Properties (6243-6245 Kennedy Blvd, North Bergen, NJ 07047)
Michael Jimenez, Esq. (office@rjgesq.com)
Demetrios Kaltsis, AIA (dkaltsis@kaltsisgroup.com)
Robert Cigol, PLS (info@dmcsurveying.com)
Brian Chewcaskie, Esq. (via e-mail: brian@gmcnjlaw.com)
Boswell Engineering (via e-mail: rmcgrath@boswellengineering.com)
Edward Blakeslee, Zoning & Building Sub-Code Official (via e-mail: EBlakeslee@NorthBergen.org)

S:\North Bergen\Township of North Bergen\0908P041 6423-6425 Kennedy Blvd\072916Olaniel_review 1.doc

1 STATE OF NEW JERSEY
2 COUNTY OF HUDSON
3 TOWNSHIP OF NORTH BERGEN

4 -----x

5 In Re: MDV PROPERTIES
6 6243-6245 KENNEDY BOULEVARD
7 NORTH BERGEN, NEW JERSEY 07047
8 CASE NO. 09-16
9 BLOCK: 72 LOT(S): 13&14

10 Applicant.

11 -----x

12 September 6, 2016
13 7:15 p.m.

14 B E F O R E:

15 THE NORTH BERGEN PLANNING BOARD

16 PRESENT:

17 PATRICIA BARTOLI, Chairperson
18 GEORGE AHTO, JR., Vice Chairman
19 GEIGEL MIRANDA, JR., Member
20 MERCEDES POZO-FALCON, Member
21 RAVENISH VARMA, Member
22 REBA AWADALLAH, Alternate Member

23 GITTLEMAN, MUHLSTOCK & CHEWCASKIE, ESQS.
24 Attorneys for the Planning Board
25 BY: Steven Muhlstock, Esq.

Veronica Olaniel, Board Clerk
Mark E. Everett, P.P., AICP, Board Planner
Derek McGrath, P.E., P.P., Board Engineer

Reported by:
CELESTE A. GALBO, CCR, RPR, RMR

A P P E A R A N C E S:

RYGLICKI, JIMENEZ & GILLMAN, P.C.
Attorneys for the Applicant
9060 Palisade Avenue, Suite 6
North Bergen, New Jersey 07047
BY: Michael Jimenez, Esq.

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E X H I B I T S

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Exhibit 1	letter dated March 9, 2016	13

(Exhibit retained by counsel.)

1 CHAIRWOMAN BARTOLI: Case No. 13-16,
2 6243-6245 Kennedy Boulevard, Block 204, Lots 13 and
3 14; subdivision of the property MDV Properties.

4 MR. JIMENEZ: Madam Chairperson,
5 members of the board, Michael A. Jimenez of Ryglicki,
6 Jimenez & Gillman for the applicant tonight
7 Properties, LLC. The applicant is proposing a minor
8 subdivision in an existing mixed use property located
9 at 6243-6245 Kennedy Boulevard in North Bergen, New
10 Jersey. Certified mailings were sent to all
11 landowners within 200 feet of the proposed
12 application. I provided a copy of same to the board
13 clerk.

14 MS. NABBIE: Madam Chair, I did review
15 the notice that was published by the applicant. As
16 this board may recall, the prior hearing, the notice
17 was not in accordance with the Municipal Land Use
18 Law. The applicant was required to publish that
19 notice and also serve it on property owners within
20 200 feet. I did review it, it does comply with the
21 Municipal Land Use Law. This board does have
22 jurisdiction over this application.

23 MR. JIMENEZ: Madam Chairperson, we
24 only have one witness tonight, the architect who will
25 review the application, as well as two reports

1 submitted by Vernick and Boswell. Mr. Demetrios
2 Kaltsis is our architect, K-A-L-S-T-S-I-S. And
3 without further ado, Mr. Kaltsis.

4 DEREK McGRATH, having been duly sworn by the Notary
5 Public, was examined and testified as follows:

6 DENNIS HARRINGTON, having been duly sworn by the
7 Notary Public, was examined and testified as follows:

8 MARK EVERETT, having been duly sworn by the Notary
9 Public, was examined and testified as follows:

10 DEMETRIOS KALTSIS, having been duly sworn by the
11 Notary Public, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JIMENEZ:

14 Q. Mr. Kaltsis, can you please describe to
15 the board the property as it exists today?

16 A. Certainly. This property is located on
17 the southwest corner of 63rd Street and Kennedy
18 Boulevard. It's an irregularly shaped lot as you can
19 see here on Sheet A-1. There are two principal
20 buildings on the property; one is a one-story
21 structure that consists of one residential unit, and
22 the other property -- the other building to the
23 north, consists of two stories and is four units.

24 The ground floor consists of a
25 commercial space located on the front that fronts on

1 Kennedy Boulevard. That is currently a deli. There
2 is a one-bedroom dwelling unit directly behind the
3 existing deli you can see here on Sheet A-2. And on
4 the second floor there are two dwelling units each of
5 which is a one-bedroom unit.

6 Basically we are proposing to subdivide
7 the existing property into two lots, essentially
8 dividing the structures exactly where they meet. We
9 are not proposing any improvement to the existing
10 buildings, they are going to remain as is. As a
11 result of the subdivision there are a number of
12 variances that we are required to seek relief for.
13 The zoning table above here is for Lot 13 which is
14 the property to the south which is the one two-family
15 dwelling. The variances that we are seeking relief
16 for are all pre-existing and nonconforming with the
17 exception of one and that is minimum lot area.
18 There's a 2500 square foot lot requirement and we are
19 proposing 1,318 square feet.

20 The other variances that we are seeking
21 relief for are pre-existing and nonconforming and
22 they include impervious area. Currently it is 100
23 percent; we are proposing 100 percent. Minimum lot
24 depth there is a lot depth of 57.2 and we're
25 proposing lot depth of 52.8. And that is consistent

1 among all the properties on this block on Kennedy
2 Boulevard.

3 The other variance is front yard
4 setback. There's a seven-foot requirement, we
5 currently have zero and we're proposing zero. Side
6 yard there's a three-foot setback requirement. We
7 currently have zero and we're not proposing any
8 change to that. Rear yard setback, there's a 20-foot
9 requirement. We currently have 1.63 which is the
10 setback here to the property on the north, and we're
11 proposing a setback of 14.3 which is the new rear
12 yard setback to the existing structure.

13 Finally, parking, there's a total of
14 seven parking spaces that are required and we
15 currently have zero and that will remain as is. So a
16 variance is required for parking as well.

17 The property to the north, this zoning
18 table reflects the variances that we're seeking for
19 that property. And they include there's two that
20 are -- that we are creating and that's minimum lot
21 area. We're proposing a lot area of 1,538 square
22 feet where 2500 square feet is required. Building,
23 the coverage for building, there's a 75 percent
24 requirement. We're proposing 84 percent and that is
25 a variance. The other variances that we're seeking

1 relief for are all pre-existing and nonconforming and
2 they include minimum lot depth, 100 feet is required
3 and we only have 61.6; that's a pre-existing
4 condition. We are seeking variance relief for front,
5 side and rear yard setbacks. Front and side, seven
6 foot and three foot are required and we currently
7 have zero for both of those. And rear yard setback
8 there is a 20-foot requirement and we only have 1.63
9 and that will remain. And finally parking for the
10 structure to the north as well where seven parking
11 spaces are required and we currently have zero.

12 So, those are the variances that we're
13 seeking relief for. Again, as I mentioned, no
14 improvements are being proposed to the existing
15 buildings. Currently there is a firewall that
16 separates the two structures so they currently work
17 independently of each other and they will continue to
18 do so. Nothing will change with regard to the
19 existing buildings, so there will be no impact to the
20 surrounding area and no modifications to the existing
21 elevation and facades as well.

22 Q. Mr. Kaltsis, with regard to the wall
23 between the firehouse and the one-unit property in
24 question, will that require any additional
25 construction or fire rated walls to be installed?

1 A. No, there's nothing required between
2 the firehouse directly to the south and the
3 one-family dwelling immediately adjacent to it.

4 MR. JIMENEZ: Madam chairperson.

5 MR. AHTO: What kind of a firewall do
6 you have between the two buildings?

7 THE WITNESS: There are --

8 MR. AHTO: Are they independent
9 buildings?

10 THE WITNESS: They're independent walls
11 that abut each other. So if there is no improvement
12 to the existing buildings, the existing -- the
13 building code does not require us to do anything with
14 regards to that wall. So, it will remain as is.

15 MR. AHTO: Now, the utilities, does
16 each building have their own utilities in each
17 building?

18 THE WITNESS: Yes.

19 MR. AHTO: Or they are all in one
20 building?

21 THE WITNESS: They're all separate.

22 MR. AHTO: Two buildings?

23 THE WITNESS: Yes.

24 MR. AHTO: So the sewerage is separate
25 also?

1 THE WITNESS: Yes. It currently
2 operates as two different buildings, it always has.
3 It's two principle structures on the one property.
4 We're simply looking to divide them into two lots.

5 MR. JIMENEZ: Madam Chairperson, just
6 to give the board members a visualization of what
7 we're talking about, there's nothing to mark in
8 evidence, but just give an idea that these buildings,
9 quite frankly, they look like two independent
10 buildings as they exist today. This is just for a
11 visual.

12 MR. AHTO: Did you read Boswell's
13 report?

14 THE WITNESS: Yes, and in fact we don't
15 have any objection to any of the items noted in his
16 report.

17 MR. AHTO: Did you try to obtain a
18 licensing from the town for what you have to?

19 THE WITNESS: Yes.

20 MR. JIMENEZ: Any approval will be
21 conditioned on the license agreement with the
22 township attorney.

23 MR. AHTO: What about the neighbor
24 behind where there's a fence?

25 THE WITNESS: The fence to the rear of

1 the property I will discuss with the owner. I mean,
2 I understand there's an easement that is required.

3 MR. AHTO: Correct.

4 THE WITNESS: And we have no problem
5 obtaining that easement.

6 MR. AHTO: And if you don't obtain an
7 easement, you can probably remove the fence.

8 THE WITNESS: Yes, that is correct.

9 MR. JIMENEZ: We have been in
10 communication with the property owners to both the
11 firehouse and the adjacent owners and we're working
12 collectively with them on the easement, though.

13 MR. AHTO: Also on the corner piece of
14 property, the awning is on the right-of-way also and
15 that you need a --

16 THE WITNESS: A license agreement.

17 MR. AHTO: For that also.

18 THE WITNESS: Yes.

19 CHAIRWOMAN BARTOLI: Is that it for his
20 testimony?

21 MR. JIMENEZ: Yes.

22 CHAIRWOMAN BARTOLI: Board members, any
23 board members have any questions?

24 MR. VARMA: The two buildings look like
25 there's one wall sharing but there is firewall, there

1 is no two separate walls, right?

2 THE WITNESS: Yes, there are two
3 separate walls.

4 MR. VARMA: There are two separate
5 walls?

6 THE WITNESS: Yes.

7 MR. VARMA: Okay.

8 MR. AHTO: Do they both have basements?

9 THE WITNESS: No, they do not. The
10 property to the left -- I'm sorry, they do have
11 basements. Yes. They do both have basements.

12 MR. AHTO: And that's the portion I'm
13 concerned about with the firewall.

14 THE WITNESS: We have consulted with
15 the fire subcode official and it has been determined
16 that if there are no improvements to the existing
17 structures, that nothing is required to make them
18 conform to the codes requirements with regards to
19 fire separation of these two structures and we have a
20 letter in fact that supports that.

21 MR. AHTO: As long as the basement you
22 can't get access to one from the other.

23 THE WITNESS: No, it is my
24 understanding you cannot.

25 MR. JIMENEZ: I just wanted to make

1 sure I can submit a copy of this that I want to put
2 in the record. This is a letter dated March 9, 2016
3 from Michael Whalen, Construction Official, Fire
4 Subcode Official, Department of Community Affairs
5 stating that the UCC has no requirements dealing with
6 the subdivision of the properties and they also went
7 and he inspected it as well. I'll mark this as?

8 MS. NABBIE: A-1.

9 (Applicant's Exhibit 1, letter dated
10 March 9, 2016, was marked for
11 identification.)

12 MS. NABBIE: Mr. Jimenez, will you
13 please show that to the board engineer, please?

14 MR. JIMENEZ: Yes.

15 MR. EVERETT: If you want to give a
16 little time, I have a couple of questions.

17 CHAIRWOMAN BARTOLI: Go ahead.

18 MR. EVERETT: In your testimony you
19 were going through the variances and I noticed lot
20 depth, the numbers change from existing Lot 13 to the
21 proposed two lots, it went from 57 feet to 52. Is
22 that a result of the new subdivision?

23 THE WITNESS: Yes. Yes, it is. It's a
24 result of the subdivision.

25 MR. EVERETT: So could you repeat -- if

1 I heard you correctly, you said no new construction.
2 So there's no stoop being eliminated that's causing a
3 projection to create that additional five feet? It's
4 purely --

5 THE WITNESS: No, it's mainly because
6 there's an irregular lot, so the lot depth when you
7 calculate the whole -- the property as a whole is
8 greater than when you calculate the property just to
9 the south, the lot depth reduces as a result of the
10 subdivision. So we're not proposing any improvements
11 or taking away any stoop or bulkhead or anything like
12 that.

13 MR. EVERETT: Even though the numbers
14 change, you feel that's an existing condition. So
15 I'll just note for the record the numbers are
16 different but the applicant is indicating that's an
17 existing condition and I agree there is no new
18 construction or demolition.

19 THE WITNESS: Right.

20 MR. EVERETT: All right. I just had a
21 couple of questions for the record. If I missed
22 this, just repeat it. Is there any new use proposed?
23 I understood --

24 THE WITNESS: No.

25 MR. EVERETT: --that the one-story

1 building is residential, commercial on the first
2 floor it's a two-story and residential on the top.
3 Is there any change in use?

4 THE WITNESS: There's also one dwelling
5 unit behind the commercial space. So that building
6 is two stories with four units, three of which is
7 residential, one is commercial. The building to the
8 south it's a one-story one family that will remain as
9 is.

10 MR. EVERETT: So is there any change in
11 use?

12 THE WITNESS: No.

13 MR. EVERETT: No change in use. Okay.
14 Covered that. All right. Firewall was covered. And
15 there is no relationship between the -- there's only
16 one commercial use. So forget that question. Okay.
17 That's it.

18 CHAIRWOMAN BARTOLI: Dennis?

19 MR. HARRINGTON: No issue with the
20 letters as presented regarding the UCC or building
21 code requirements. As long as the applicant is aware
22 that license agreements are required and also I
23 believe we're looking for letter of no interest or
24 anything from the county regarding --

25 MR. JIMENEZ: Yes.

1 MR. HARRINGTON: Is that in the
2 process?

3 MR. JIMENEZ: Yes, it is.

4 MR. HARRINGTON: That will be a
5 condition.

6 CHAIRWOMAN BARTOLI: Okay. Any other
7 board member questions? Rick?

8 MR. McGRATH: Let's go back to the
9 basement for a minute. If I walk into the basement
10 of the one-story building, can I enter into the
11 basement of the commercial building?

12 THE WITNESS: No, you cannot.

13 MR. McGRATH: Thank you.

14 CHAIRWOMAN BARTOLI: Ravi, do you have
15 any questions.

16 MR. VARMA: No. No, he already
17 answered it.

18 CHAIRWOMAN BARTOLI: At this time I'm
19 going to open it to the public. Is there anyone from
20 the public that has any questions for this witness.

21 (No response.)

22 CHAIRWOMAN BARTOLI: There are none, so
23 we're going to close the public portion.

24 (Witness excused.)

25 CHAIRWOMAN BARTOLI: And board members?

1 MR. AHTO: I'll make a motion to
2 approve this application with conditions and the
3 conditions we have or one of the conditions is that
4 this applicant or whoever purchases the properties
5 cannot come back to this board and say we created a
6 hardship for them and subdivided it into an
7 undersized lot. It's going to be a condition that's
8 going to go to the deed. Are you okay with that?

9 A VOICE: I'd have to talk to my
10 attorney to see the legal aspects of that.

11 MR. AHTO: Then I won't move on this.

12 A VOICE: My question to this board
13 is --

14 (Discussion off the record.)

15 MR. JIMENEZ: I apologize. One of the
16 members, the principals of MDV was consulting with me
17 with regard to the -- this condition that was to be
18 placed. Is there a particular property you want this
19 placed on?

20 MR. AHTO: Both.

21 MR. JIMENEZ: So you want a
22 condition --

23 MR. AHTO: This is a self-inflicted
24 hardship. So I do not want the applicants who
25 purchase this property to come back and say this

1 board created a hardship. It's self-inflicted.

2 MR. JIMENEZ: My client will agree to
3 it. Reluctantly, but he'll agree to it.

4 MR. AHTO: Well, I tell you, if you
5 don't agree it to, we'd have to postponed this and
6 we'd have to research this and take it up.

7 A VOICE: Michael, am I allowed to ask
8 why?

9 MR. JIMENEZ: You want to testify?
10 I'll have you testify.

11 A VOICE: Sure.

12 MR. JIMENEZ: Based on the condition
13 that was suggested, otherwise not noted in any type
14 of engineering report and/or planning report, Madam
15 Chairperson, may I bring one of the witnesses up, one
16 of the principals up to the --

17 CHAIRWOMAN BARTOLI: Yes, you may.

18 MICHAEL DeORIO, having been duly sworn by the Notary
19 Public, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. JIMENEZ:

22 Q. Mr. DeOrio, you are a principals of MDV
23 Properties, LLC?

24 A. Yes, I am.

25 Q. And you are one of the applicants

1 requesting that the current property located at
2 6243-6245 Kennedy Boulevard, North Bergen New Jersey
3 be subdivided to two individual lots; is that
4 correct?

5 A. Yes.

6 Q. And you want to give some explanation
7 and some background on the condition that is being
8 requested?

9 A. Sure. I have no objection, nothing is
10 happening to the property, I'm not going to sue for
11 no hardship. I own a piece of property three doors
12 down that went in front of this board about two years
13 ago and these conditions weren't brought on me at
14 that time. Now if it's something the board forgot to
15 do or if there's a reason this board changed their
16 mind on how they present things in this area, but
17 just south of the firehouse on the opposite side I
18 owned a double lot that I subdivided, came in front
19 of this board and this new condition was never
20 presented to me. So by saying a lawsuit by a
21 hardship, my question is, did this board change their
22 mind or impose other things from two years ago from
23 today? I have no objection to it but that was not
24 imposed two years ago when I came in front of this
25 board.

1 MR. AHTO: Is that the one where the
2 new construction is?

3 THE WITNESS: Yes, it is.

4 MR. AHTO: Maybe it was a different.

5 THE WITNESS: That was my only
6 question. I'm not doing anything with it. I'm not
7 changing anything. But that was not imposed at that
8 time and there was also properties built from 64th
9 Street down to 61st Street all the same, similar
10 situations, all connected, no parking, no depth, no
11 side yards, no front yards. Heights, that's
12 something different again. But this is the first
13 time I'm hearing that kind of restriction put on a
14 piece of property. And I own it and I'm not going to
15 object to it, but I would hope in the future then
16 this board is going to do that with every piece of
17 property that's similar to this.

18 MR. AHTO: It's a condition. Each
19 application is different. I've been on the board
20 many years and it was a condition that I imposed many
21 times to the applicant because, as you could see,
22 these lots are undersized to begin with. They're
23 probably half the footage that you need to build,
24 so --

25 THE WITNESS: I agree.

1 MR. AHTO: -- I don't want somebody to
2 come and say with this one family house I'm going to
3 tear it down or I'm going to make a two-family out of
4 it and when you saw you don't have enough footage,
5 they say well you subdivided it, this board
6 subdivided it.

7 THE WITNESS: I'm not arguing with
8 that. I agree with that theory.

9 MR. AHTO: That is the reason.

10 THE WITNESS: But I came in front of
11 this board and built two buildings, these are
12 existing and I wasn't put on --

13 CHAIRWOMAN BARTOLI: Maybe it was
14 different sized lots.

15 THE WITNESS: Same. I owned the
16 properties.

17 MR. AHTO: That was a lot, right? It
18 was a lot. It was an empty lot.

19 THE WITNESS: Right.

20 MR. AHTO: So that's different. This
21 is -- they came with an application and they came
22 with their variances and we reviewed it and we
23 decided to approve it.

24 This is a different situation. You're
25 coming with two buildings that are already built,

1 they are already there, they're undersized lots and
2 you're asking us to create even more of an undersized
3 lot, and I just don't want the guy with the
4 one-family house to want to build another story and
5 say, well, you know, you created the hardship for me.

6 THE WITNESS: We heard that testimony
7 that this application has full restrictions of not
8 touching the property.

9 MR. AHTO: That's you. But are you
10 going to sell the property?

11 THE WITNESS: I may, yes.

12 MR. AHTO: Okay. So if you sell it,
13 the new owner may come and say you created the
14 hardship.

15 THE WITNESS: That would fall on him,
16 not on me.

17 MR. AHTO: That's correct. This has
18 nothing to do with you. It's if the guy wants to
19 tear it down and build something up and I don't want
20 him to come back and say this board erred and created
21 a hardship. That's all.

22 THE WITNESS: So --

23 MR. AHTO: It has nothing to do with
24 you.

25 THE WITNESS: So your proposal has

1 nothing to do with me personally, it has to do if
2 it's sold to someone else, is that what you're
3 saying? If it's sold to someone else is that what
4 you're saying?

5 MR. AHTO: Yeah, and they want to tear
6 it down.

7 THE WITNESS: I just thought it was
8 imposed for what exists.

9 MR. AHTO: Not at all. You
10 misunderstood.

11 THE WITNESS: Okay. No problem.
12 (Witness excused.)

13 MR. JIMENEZ: That being said, I
14 believe the normal approach that this body and the
15 other body has used is putting a deed restriction
16 that it can be used as a one-family home or one
17 family and the other lot a deed stating that it shall
18 be maintained as one commercial and three unit
19 building? I don't believe you can put -- and this is
20 just a constitutional law question, that a position
21 that someone not be allowed to come before this
22 board. At that time the body can review the deed and
23 say no, we put a deed restriction on this. And
24 correct me if I'm wrong, it would be an imposition on
25 the deed. Both deeds will be rerecorded or when we

1 subdivide them they will say that this is to be used
2 as a one family or one unit building and the other
3 would be restricted to a one commercial and three
4 unit but --

5 MS. NABBIE: We just did this in
6 another case that was before this board. It was a
7 subdivision and I agree with counsel that the
8 appropriate language to be included in the resolution
9 and also in the deed will reflect that this is what
10 exists on the site and this is what shall remain. I
11 think in terms of the resolution, there should be
12 some indication that one of the reasons that Mr. Ahto
13 moved in favor of this has to do with the applicant's
14 agreement that this will not be used as a hardship
15 argument under a (c)(1) going forward.

16 MR. JIMENEZ: By him.

17 MS. NABBIE: By him. This is a
18 self-created hardship on the part of the applicant.
19 I note for the record that the required lot size is
20 approximately 2500 square feet. The lot area is
21 substantially deficient, it's about 1300 square feet
22 plus or minus. And for that reason in my opinion
23 this applicant should not be permitted at a later
24 date to come forward before this board and make the
25 argument that he now has a hardship.

1 So that will merely be recited in the
2 body of the resolution. We'll prepare it, you'll
3 review it.

4 MR. JIMENEZ: Yes, by this applicant
5 he'll be restrained, absolutely.

6 MR. AHTO: No, no. Excuse me. And the
7 future owner also. Not just this applicant.

8 MS. NABBIE: Right. Well, this
9 approval runs with the land. So --

10 MR. AHTO: Right. And does the
11 condition run with the land also?

12 MS. NABBIE: So you want something --

13 MR. AHTO: In other words, the
14 applicant is going to sell it and which I understand,
15 they're probably going to sell it, and then maybe
16 three months down the road or four months down the
17 road the guy with the one family is going to come
18 back to this board and want to put up, I don't know,
19 maybe a two-story building or something and say this
20 board created the hardship that we should grant it.
21 So I want to put -- to go with the application --
22 with the land.

23 MS. NABBIE: So you want it in the body
24 of the subdivision? You want the subdivision deed to
25 reflect --

1 MR. AHTO: Yes.

2 MS. NABBIE: -- that this is a
3 self-created hardship?

4 MR. AHTO: Yes.

5 MR. JIMENEZ: I just never heard of
6 that.

7 MR. AHTO: We've done it. I mean, I've
8 done it.

9 MR. JIMENEZ: Respectfully, you may
10 have said it on the record but it never went on a
11 deed. You can't impose unless it's done through an
12 easement or some other instrument, something that
13 runs like that against another unforeseen person. If
14 everything you're saying is true, when it comes
15 before this board, you'll just say no. No problem if
16 you're consistent in what you're saying here today,
17 there is no problem. If you think you're going to
18 forget or this board is going to take a different
19 view in 30 days, 60 days, a year, then you're right,
20 then it should be specifically laid out. But I think
21 you made it clear that that's your policy.

22 MR. AHTO: What if the two years from
23 now the board changes and then the people, the
24 members that are on the board right now are not on
25 the board and a new applicant comes by and they don't

1 know it? This way --

2 MR. JIMENEZ: I think your colloquy was
3 going to be placed in the resolution but not on the
4 deed. There's to be a deed restriction. But the
5 colloquy of the basis of why you felt the way you
6 ruled today will be respectfully put in there I think
7 when the board attorney prepares it and it will say
8 this was his concern and this is why he voted in
9 favor because of the deed restriction and that no
10 other future person would make this hardship claim.
11 But I don't think in the body of a deed that's
12 appropriate. Just a deed restriction, absolutely.
13 That's been the normal way to handle this.

14 MR. AHTO: I'm not worried about the
15 applicant who is here tonight. I'm not worried about
16 them. I'm worried about the future owners, that's
17 what I'm concerned with, and I believe this town
18 should be protected. This board should be protected.

19 MR. JIMENEZ: Well, that's why they
20 have to come before this board and this board makes
21 the final decision.

22 MS. NABBIE: You know, that other
23 matter that was before the board, there was
24 restriction of the applicant, if I remember
25 correctly, couldn't utilize the property for

1 multi-family. I may have the facts inaccurate, but I
2 believe that that was the circumstances in that case.
3 In the subdivision deed I included a restriction to
4 that effect and I referenced the resolution and I
5 referenced that specific condition in the resolution.
6 And that subdivision deed was recorded with the
7 County of Hudson.

8 MR. JIMENEZ: You can reference it. I
9 believe we can reference it.

10 MS. NABBIE: And that basically puts
11 everybody on notice.

12 MR. JIMENEZ: Yes. I have no problem
13 with that. And especially if you're saying the
14 county --

15 MR. AHTO: You're our attorney, so I
16 don't understand the law. So, I mean, if you're okay
17 with it or you have to work it out?

18 MR. JIMENEZ: Again, there is no --
19 we're not trying to deceive. I'm just trying to make
20 sure that I can certify to this board what my
21 applicant is saying he's willing to do. I can't
22 speak for people in the future. That's why we have a
23 zoning board and a planning board, so anyone has the
24 right to come before this board and ask you, may I do
25 this, deviate, and you can say no. So irrespective

1 of what this resolution may or may not say, they will
2 still have to come before this board and you would
3 say listen, we reviewed this, we got this -- you
4 created this hardship five years ago. We're going to
5 deny you now. But I don't know if you can put a deed
6 and say oh, we can never come before this board and
7 try to appeal it. Maybe the tenure or the sentiments
8 in the town may have changed in four or five years.
9 I don't know, I'm just saying. But that's what that
10 right is, you're right to appeal. Everyone has the
11 right to come before this board and make their case.

12 MR. AHTO: Correct.

13 MR. JIMENEZ: And that's all I'm
14 saying, that I don't want to impose a restriction on
15 someone else coming before this board and however
16 long you're serving here or these other members are
17 here, they will say no.

18 MR. AHTO: No, no, everybody has a
19 right to come before the board. I just don't want
20 them to make their case that this board created the
21 hardship.

22 MR. JIMENEZ: And that will be in the
23 resolution, absolutely.

24 MS. NABBIE: I see both sides and I
25 think counsel makes a very good argument. I don't

1 believe that you can bind future applicants to what
2 this body is doing today, what this board may do
3 today. The safest course of action is what I
4 suggested which was to specifically reference in the
5 body of the subdivision deed the restriction that was
6 imposed upon this property so that everybody that may
7 acquire this property going forward is now on notice
8 and cannot utilize that as an argument if they appear
9 before this board at a future date.

10 MR. AHTO: That's all I'm interested
11 in.

12 MR. JIMENEZ: That's fine.

13 MS. NABBIE: So that takes away the
14 argument I didn't know.

15 MR. AHTO: That's all I'm interested
16 in, that they can't use that argument.

17 MR. JIMENEZ: That's fine.

18 MR. AHTO: That this board created
19 their problems. That's all.

20 MS. NABBIE: I have performed
21 subdivision deed with language in there. I can
22 forward that if you want to take a look at it.

23 MR. JIMENEZ: That would be great.

24 MS. NABBIE: We can make life simple
25 and certainly assuming the board votes in favor.

1 MR. JIMENEZ: Just like every board
2 resolution says, all the conditions as per the
3 engineer and the planning board. We don't spell them
4 out on the deed but it's assumed we're going to abide
5 by the board's professionals' recommendations. I
6 just don't think the deed is an appropriate place to
7 put it. A by reference clause is fine with me. And
8 whatever the applicant in the future may want to do,
9 they can do it. They have the right to come before
10 this board to appeal it. That's what I heard.
11 That's my only problem that you said no one can come
12 before this board in the future. They can come here.
13 Their arguments may be limited but they have a right
14 to come here.

15 MR. AHTO: They absolutely do.

16 MR. JIMENEZ: That's what I want to
17 make sure. Everyone has a right.

18 MR. AHTO: No, no, they have a right to
19 come before the board. You heard me, I don't have to
20 repeat myself.

21 MR. JIMENEZ: Okay.

22 CHAIRWOMAN BARTOLI: So then, where
23 were we?

24 MR. AHTO: Okay. I made a motion to
25 approve with the conditions. And if the attorney

1 would read off the conditions.

2 MS. NABBIE: I have four of them.

3 MR. AHTO: Okay.

4 MS. NABBIE: I don't know if you have
5 four, Mr. Jimenez, but I have four. The first
6 condition of approval is the applicant will comply
7 with report of the board professionals, including the
8 report by Boswell Engineering, specifically including
9 but not limited to items 5 and 6. Number 6 has to do
10 with the easement with the owner for Lot 10. If the
11 applicant does not receive or enter into the
12 appropriate easement agreement with the owner of Lot
13 10, then the fence is to be removed. This board is
14 to determine whether or not that fence is to be
15 removed within a certain amount of time. It
16 shouldn't be indefinite. So I leave that to the
17 board.

18 The second aspect of this is that with
19 respect to the subdivision deed, I ask that counsel
20 submit the subdivision deed for review and approval
21 with the appropriate metes and bounds description to
22 the board engineer and the board attorney for review
23 with the County of Hudson. Again, that subdivision
24 deed should reflect the discussion this evening
25 having to do with the restriction as discussed by and

1 raised by Mr. Ahto. Okay?

2 The next item is -- I heard mentioned a
3 letter of no interest from the county. Of course
4 this is subject to any and all other approvals that
5 the applicant is required to obtain from any other
6 governmental body with jurisdiction of this project.

7 And the last item is what we talked
8 about, detail which is the applicant cannot claim
9 hardship in terms of a lot area going forward, and
10 the appropriate restriction will be included or at
11 least referenced in the body of the subdivision deed
12 to be recorded.

13 MR. JIMENEZ: And I'll work with you on
14 that --

15 MS. NABBIE: Yes.

16 MR. JIMENEZ: -- model. Yes.

17 MR. HARRINGTON: Counsel, one other
18 suggestion for a condition that the applicant obtain
19 the license agreements as outlined in Boswell's --

20 MS. NABBIE: Yes, that's Item No. 5.
21 I'm sorry, I should have probably spelled that out.
22 No. 5, just for clarification, has to do with license
23 agreement that the applicant is required to obtain
24 from are the governing body of the Township of North
25 Bergen.

1 MR. JIMENEZ: Yes.

2 MS. NABBIE: And that will be a
3 condition of approval.

4 MR. JIMENEZ: And I'll work with your
5 office again on that license agreement.

6 MR. AHTO: All right. I agree with the
7 conditions.

8 MR. VARMA: I'll second it.

9 MS. NABBIE: Second by Varma.

10 THE CLERK: Ms. Falcon.

11 MS. POZO-FALCON: Yes.

12 THE CLERK: Mr. Varma.

13 MR. VARMA: Yes.

14 THE CLERK: Ms. Awadallah.

15 MS. AWADALLAH: Yes.

16 THE CLERK: Vice Chairperson Ahto.

17 MR. AHTO: Yes.

18 THE CLERK: Chairperson Bartoli.

19 CHAIRWOMAN BARTOLI: Yes.

20 MR. JIMENEZ: Members of the board,
21 thank you for your time.

22 (Time noted: 7:43 p.m.)
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CERTIFICATE

I, CELESTE A. GALBO, a Certified Court Reporter and Notary Public within and for the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement of the examination the witness was duly sworn by me.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcription of the testimony as taken stenographically by and before me on the date, time and place aforementioned.

I DO FURTHER CERTIFY that I am neither a relative, employee, attorney, nor counsel to any parties involved; that I am neither related to nor employed by any such attorney or counsel; and that I am not financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 22nd day of September 2016.

CELESTE A. GALBO, CCR, RPR, RMR
License No. 30X100098800
My commission expires 7/30/2020

**TOWNSHIP OF NORTH BERGEN
PLANNING BOARD
RESOLUTION NUMBER 2016-24
CASE NUMBER 13-16**

WHEREAS, an application has been filed by **MVD PROPERTIES, LLC** for subdivision approval with ancillary variances on premises identified as Block 204, Lot 13, on the Tax Map of the Township of North Bergen and commonly known as 6243-6245 Kennedy Boulevard; and

WHEREAS, along with the application, applicant submitted Minor Subdivision Plan, prepared by DMC Associates, Inc., 211 Main Street, Butler, New Jersey 07405, dated April 5, 2016 consisting of one sheet and Proposed Subdivision, prepared by Kalsis Architecture, LLC, 8005 Kennedy Boulevard, North Bergen, New Jersey 07047, dated May 4, 2016 consisting of 3 sheets; and

WHEREAS, the applicant has submitted proof that notification by mail or personal service at least 10 days prior to the date set forth for public hearing within 200 feet from the extreme limits of the property in accordance with the Zoning Ordinance of the Township of North Bergen as amended and supplemented and N.J.S.A. 40:55D-1 et seq. has been completed and that the application has been deemed complete for review; and

WHEREAS, the Planning Board of the Township of North Bergen has considered the subdivision application with reference to the objectives set forth in the applicable zoning ordinance of the Township of North Bergen as amended and supplemented; and

WHEREAS, the request for subdivision approval was also reviewed by the Planning Board of the Township of North Bergen with reference to sound and prudent zoning and

planning principles reviewed in conjunction with the aforementioned Township Ordinance objectives, including but not limited to, the configuration of the site, character of the area as based upon information and evidence presented; and

WHEREAS, a public hearing was conducted on September 6, 2016 at which time the Planning Board heard testimony from the applicant's architect, Demetrios Kaltsis, and the presentation of applicant's attorney, Michael Jimenez, Esq. and after due deliberation did find and determine that:

1. The property is located on the southwest corner of 63rd Street and Kennedy Boulevard and is irregularly shaped. Existing on the site are two principal buildings, one a one-story one-family residential structure (6243 Kennedy Boulevard) and the other a two-story, four-unit structure (6245 Kennedy Boulevard) consisting of a commercial space and three residential units. The ground floor consists of a commercial space that is presently a deli fronting on Kennedy Boulevard with a one-bedroom residential unit directly behind it. The second floor consists of two residential units. The lot is 50 feet in width and 57.65 feet in depth for a total of 2,882.71 square feet. The site is located in the Ca-A General Business Limited Mixed Use District.

2. The applicant proposed to subdivide the lot into two lots. One lot will consist of the existing one-story residential structure and the other will consist of the two-story, four unit commercial/residential structure (One commercial space and three residential units).

3. Demetrios Kaltsis, the applicant's architect, testified that the proposal is to subdivide the existing property into two lots, essentially dividing the structures exactly where they meet. Mr. Kaltsis testified that no improvement is proposed to the existing

buildings and that they will remain as is. He indicated that as a result of the subdivision, there are a number of variances required.

For Lot 13, which is the property to the south, the one family dwelling, the variance relief is for pre-existing and non-conformance with the exception of minimum lot area where 2,500 square feet is required, 1,318 square feet is proposed. The pre-existing, nonconforming variances are for impervious lot coverage that is currently at 100 percent, minimum lot depth which is currently 57.2 feet and proposed at 52.8 feet. Mr. Kaltsis stated that the front yard setback is proposed at -0- where 7 feet is required and side yard where 3 feet is required, -0- is proposed. Mr. Kaltsis testified that the rear yard setback requirement is 20 feet and proposed is 14.3 feet. Finally, Mr. Kaltsis indicated that 7 parking spaces are required and -0- are proposed.

Mr. Kaltsis testified that the property to the north will require a variance for minimum lot area where 2,500 square feet is required, 1,538 square feet is proposed. He stated that required building coverage is 75 percent and 84 percent is proposed. As to the other variances required, they are pre-existing and include minimum lot depth where 100 feet is required, 61.6 feet is proposed, front yard setback where 7 feet is required, -0- feet is proposed and side yard setback where 3 feet is required, -0- feet is proposed. As to the rear yard setback, 20 feet is required and 1.63 feet is proposed. He stated that 7 parking spaces are required and none are proposed.

Mr. Kaltsis confirmed that no improvements are being proposed to the existing buildings and that there is a firewall that separates the two structures so that they currently work independently of each other and will continue to do so. He indicated that there will

be no impact on the surrounding area, no modification to the existing elevation and no change in the facades.

4. Michael DeOrio, a principal of MDV Properties, testified as to the Board's condition that the subdivision created a self-inflicted hardship. He stated that he has bought and subdivided several pieces of property in the area and never had this condition imposed on any of them. Mr. DeOrio stated that if this is the type of restriction that Board is now going to impose on this type of property, then he would hope that the Board would impose the same restriction on every piece of property that is similar to this.

5. The Board finds that this matter is a request for subdivision approval create two lots. The Board has considered the testimony presented on behalf of the applicant. In addition, the Board has reviewed the documents associated therewith. The Board has also reviewed all materials marked into evidence which is incorporated herein by reference.

6. The Board finds that the applicant has provided adequate proof in support of granting the application for minor subdivision approval as the subdivision confirms as to what is presently existing.

7. The Planning Board hereby determines that the overall objective of sound and prudent zoning and planning principles warrant the grant of subdivision approval as requested in the application. The Board also finds that the application as presented will not substantially impair the intent or purpose of North Bergen's Master Plan or Zoning Ordinance.

8. The Planning Board hereby determines that the applicant has met its burden of proof to satisfy the Planning Board for subdivision approval for this application. The

variances that are required have been identified by the applicant and the Board accepts the proofs submitted in conjunction therewith.

9. The Planning Board acknowledges that it is permitting this subdivision as it confirms the two distinct structures that exist on the property and that same shall not be construed as permitting future development of the lots in question without further review by the appropriate land use board of the Township.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of North Bergen hereby grants minor subdivision approval relating to Case Number 13-16, MDV Properties, LLC for subdivision approval for the premises identified as Block 204, Lot 13 on the Tax Map of the Township of North Bergen, subject to the following conditions:

A. That the site be subdivided in accordance with the current plans and renderings as submitted to the Board, which have been made part of this application, except as modified by the Board as set forth herein;

B. That the applicant will comply with any and all federal, state, county and local rules and regulations with regard to the granting of this application, including, but not limited to, the applicant's payment of all fees and charges established by the Township of North Bergen for review of the subject application;

C. This approval is specifically conditioned upon the Hudson County Planning Board approval or waiver. In the event that the Hudson County Planning Board approval is required, or the County Planning Board requests any substantial revisions to the plans as approved by this Board, this approval shall be null and void until such time as the applicant presents any such revisions to this Board for further review;

D. This applicant shall comply with all requirements and recommendations of the Township Engineer and Township Planner;

E. That the applicant enter into a License Agreement or obtain other permission with the County of Hudson for the encroachment of the existing steps at both 6243 Kennedy Boulevard and 6245 Kennedy Boulevard;

F. That the applicant shall enter into a License Agreement with the Township of North Bergen for the encroachment of the northwest corner of the structure located at 6245 Kennedy Boulevard and the awning that extends into the 63rd Street right-of-way;

G. The Planning Board specifically notes that the subdivision approved herein creates two undersized building lots and as such, is a hardship imposed by the applicant. As such, any application submitted in the future for development of either of these lots by this applicant is restricted from citing hardship as a result of the subdivision. A principal of the applicant, MDV Properties, LLC, agreed to this restriction.

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman and Secretary of the Planning Board are hereby authorized to affix their signatures to this Resolution granting Subdivision, and the applicant is authorized to advertise the action taken by way of this Resolution in a local newspaper, and further the Secretary of the Board is authorized to send certified copies of this Resolution to the Construction Code Official and to the applicant through applicant's attorney, Michael Jimenez, Esq..

MOTION TO APPROVE:

MOVED BY: Mr. Ahto
SECONDED BY: Mr. Varma

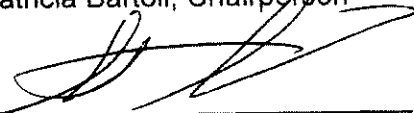
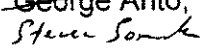
VOTE: FOR 6 AGAINST 0 ABSTAIN 0

MEMORIALIZATION VOTE:

MOVED BY: Mr. Varma
SECONDED BY: Mr. Somick

VOTE: FOR 5 AGAINST 0 ABSTAIN 0

APPROVED


Patricia Bartoli, Chairperson

George Ahto, Vice Chairman


I certify that the foregoing is a true copy of the Resolution adopted on October 4, 2016.


Veronica Olaniel, Secretary/ Clerk

Dated: October 4, 2016

**TOWNSHIP OF NORTH BERGEN
PLANNING BOARD
NOTICE OF APPROVAL
RESOLUTION NUMBER 2016-24
CASE NUMBER 13-16**

TAKE NOTICE that on September 6, 2016 the Planning Board of the Township of North Bergen granted the application of **MDV PROPERTIES, LLC** for subdivision approval on premises identified as Block 204, Lot 13 on the Tax Map of the Township of North Bergen. The applicant requested subdivision approval with ancillary variances and the resolution granting the application is filed in the Office of the Planning Board and is available for inspection.

A handwritten signature in black ink, appearing to read "Veronica Olaniel", written over a horizontal line.

Veronica Olaniel, Secretary/Clerk
North Bergen Planning Board

Dated: October 4, 2016