

Law Office *of*
Eric David Becker LLC

Eric David Becker
Attorney at Law

253 Madison Avenue
Wyckoff, New Jersey 07481
Tel: 201-560-0822
Fax: 201-560 0824

dbecker@davidbeckerresq.com
www.davidbeckerresq.com

VIA HAND DELIVERY

March 14, 2024

Kent Rigg, Chairman
and Members
Planning Board
Borough of Midland Park
280 Godwin Avenue
Midland Park, NJ 07432

**RE: Jacobsen Real Estate, LLC
37 & 41 Birch Street
Midland Park, NJ 07432
(Block 26.01, Lots 31.03 & 31.03)**

Dear Chairman Rigg & Members of the Planning Board:

I am writing in response to your Board Engineer's (Erik Boe's) Resolution Compliance Review (dated February 25, 2024), the status as to those conditions of the approval (received on August 21, 2023 and memorialized in a resolution on September 18, 2023), and a schedule as to the completion thereof. The numbered items refer to those numbered items in Mr. Boe's review letter of February 25, 2024.

1. This application is exempt from Bergen County Planning Board review and approval; since the subject property does not front on a county road, does not involve any county lands, and all development and activity is contained within the subject property (no off-site concerns).
2. The Owner/Applicant will comply in that all improvements will be located in accordance with the approved plans, and no approval granted herein shall supersede any building code requirements.
3. The Owner/Applicant will comply with any and all federal, state, county, and borough rules, ordinances, and regulations.

4. The Owner/Applicant will comply with any and all applicable requirements of the Federal Americans with Disabilities Act.
5. The Owner/Applicant will comply as to lighting.
6. The Owner/Applicant acknowledges that it is subject to and will comply with the representations made by its experts.
7. This condition was already satisfied, as acknowledged by the Board Engineer, with the submission of the certification letter from the Bergen County Soil Conservation District, dated July 7, 2023.
8. The Deed removing the lot line and merging the two lots into one (resulting in a reverse subdivision) has been revised, by correcting the typographical error as to the lot length of the first bearing/distance. As for the designation of lot 31.03, it has been corrected to # 37 on a revised plan dated 3/14/24. (A copy of the revised proposed Deed is attached for review and approval by the Board's Attorney and Engineer. Once approved the undersigned will see that it is properly executed and filed for recording, copying the Board's Attorney and Engineer as well.).
9. The delineated wetlands and transition areas shall be included and shown on the revised site plan, to be submitted no later than one week before the next meeting of the Planning Board. The Owner/Applicant's Engineer is in the process of submitting to the NJDEP for Flood Hazard Area verification.
10. This condition has been satisfied, that salt stored on site is covered to prevent run-off; which was confirmed by the Board's Engineer upon a site visit on 2/25/24.
11. The Site Plan will be revised and submitted by the Owner/Applicant's Engineer no later than one week prior to the next meeting of the Planning Board, to include the new location of the three sheds.
12. This condition has been satisfied since the Norway Spruces have been planted along the east property line.
13. The Owner/Applicant has issued a letter to the residential tenant, presently occupying the structure located on Lot 31.03, to vacate the premises by June 30, 2024 (copy of letter attached hereto). At such time the residential use will be abandoned.
14. This condition has been satisfied per the Board Engineer's site visit on 2/25/24, as no equipment was located on the railroad property adjacent to the subject property.

15. Parking calculations have been added to the most recent site plan, dated 3/14/24.
16. The Owner/Applicant will comply with this height restriction.
17. The Owner/Applicant will comply with the payment of escrow fees.
18. The Owner/Applicant will comply with matters stipulated too during the hearing and which were made a part of the approval.
19. The Owner/Applicant will comply with prior governmental approvals that are not inconsistent with the terms and conditions of this approval.

Since I will be appearing in person at your meeting on March 18, 2024, I can address any questions, comments, or clarify any of the responses set forth above.

Respectfully submitted,



Eric David Becker, Esq.

cc: Jessica Harmon – Board Secretary (via hand delivery)
Erik Boe, P.E. – Board Engineer (via email)
Darryl Siss, Esq. – Board Engineer (via email)
Melissa Jacobsen – Owner/Applicant (via email)
Robert Weissman, P.E. – Applicant’s Engineer (via email)
David C. Krueger – ETU (via email)

Prepared by: _____
Eric David Becker, Esq.

DEED

THIS DEED is made on March , 2024

BETWEEN: *Jacobsen Real Estate, L.L.C., a New Jersey liability company*
residing at 10 New City Street, Essex, CT 06426

Referred to as the Grantors,

AND: *Jacobsen Real Estate, L.L.C. a New Jersey liability company*
whose Post Office address is: 10 New City Street, Essex, CT 06426

Referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantors grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of ONE DOLLAR AND 00/100 (\$1.00). The Grantors acknowledges receipt of this money.
2. **Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of the Township of Midland Park

Block No. **26.01** Lot No. **31.02 & 31.03** Qualifier No. Account No.

3. **Property.** The property consists of the land and all the buildings and structures on the land in the Township of Midland Park, County of Bergen and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof.

BEGINNING at a point on the southerly sideline of Birch Street (40' ROW), said point being the intersection of said southerly sideline of Birch Street with the westerly sideline of West Street (40' ROW) and running thence:

1. On a bearing N 66 degrees 44' 55" E a distance of 254.00' to a point, thence –
2. On a bearing S 23 degrees 15' 00" E a distance of 125.00' to a point, thence –
3. On a bearing S 47 degrees 47' 30" W a distance of 274.58' to a point, thence –
4. On a bearing N 23 degrees 15' 00" W a distance of 240.00' to the point or place of BEGINNING.

Said description in accordance with survey completed by Weissman Engineering Co., P.C. dated February 5, 2024.

Recital for Block 26.01 Lot No. 31.02

- (b) as such member or manager, signed, sealed and delivered this instrument as the voluntary act and Deed of the limited liability company, made by virtue of authority from its members.
- (c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)
-

RECORD & RETURN TO:

Eric David Becker, esq.
253 Madison Ave.
Wyckoff NJ 07481

WEISSMAN ENGINEERING CO., P.C.

686 GODWIN AVENUE, MIDLAND PARK, N.J. 07432

Telephone (201) 445-2799, Fax (201) 445-0483

Email: info@weissmanengineeringpc.com

ROBERT J. WEISSMAN, P.E., L.S.

February 5, 2024

Rev. 3/14/24

LOT CONSOLIDATION DEED DESCRIPTION

37 & 41 Birch Street

Lots 31.02 & 31.03, Block 26.01

Borough of Midland Park

Bergen County, N.J.

Beginning at a point on the southerly sideline of Birch Street (40' ROW), said point being the intersection of said southerly sideline of Birch Street with the westerly sideline of West Street (40' ROW) and running thence:

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4. On a bearing N 23° 15' 00" W a distance of 240.00' to the point or place of beginning.

Containing 49,879.9 S.F. = 1.15 AC



Robert J. Weissman, P.E., L.S.

Lic. #GB29624

Jacobsen Real Estate, LLC

10 New City Street

Essex, CT 06426

Jorge M. Cruz

Maria D. Dominguez

31 Birch Street

Midland Park, NJ 07432

March 8, 2024

Dear Jorge and Maria,

As Dolores and I discussed on the phone last night, your final date of occupancy of 31 Birch Street will be June 30th, 2024. As I explained, with the changes to the site plan of our property, residential use is no longer permitted. Your lease expired July 1, 2023, and we have been operating on a month-to-month basis since then.

Your last rent payment will be due by June 5, 2024. I will come to the house at the end of the lease for a walk through. The house must be 'broom clean' and all items must be removed from the property by lease end. I have a \$1800.00 security deposit which I will return within 10 days upon inspection of the property and completion of the items above. The security deposit cannot be used as the final month's rent as per the terms of the original lease.

I am very sorry about the timing of this, but I have no choice. I wish you all the best for the future.

Warm regards,

Melissa Jacobsen

Landlord

WEISSMAN ENGINEERING CO., P.C.

686 GODWIN AVENUE, MIDLAND PARK, N.J. 07432

Telephone (201) 445-2799, Fax (201) 445-0483

Email: info@weissmanengineeringpc.com

Borough of Midland Park
Planning Board
280 Godwin Ave.
Midland Park, NJ 07432

March 14, 2024

Attn: Jessica Harmon

RE: Completeness Review
Jacobsen Real Estate, LLC
Site modification to
41 Birch Street
Block: 26.01, Lot: 31.02
LAN Ref. #2.2428.263

Dear Ms. Harmon:

Enclosed please find 4 copies of the revised Site Plan. This letter is in response to Erik Boe's 2/25/24 letter. I will follow the numbering on their letter for reference.

1. This application is exempt from Bergen County Planning Board approval.
2. No response needed.
3. All pertinent agency approvals have been obtained or are pending.
4. No response needed.
5. No response needed.
6. No response needed.
7. No response needed.
8. The revised description is attached.
9. The plan has been changed to # 37. A Flood Hazard Area verification for the site will be submitted. The delineated wetlands and transition areas will be shown on a revised site plan.
10. No response needed.
11. The site plan be revised to show the exact location of the three sheds.
12. No response needed.
13. No response needed.
14. No response needed.
15. Parking calculations are now shown on the site Plan.
16. No response needed.
17. No response needed.
18. No response needed.
19. No response needed.

I trust this addresses the status of this application. Please call with any questions.

Very truly yours,



Robert J. Weissman, P.E., L.S.

Cc: David Becker, Esq.
Melissa Jacobsen
Erik Boe, P.E.

WEISSMAN ENGINEERING CO., P.C.

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