

FORT LEE BOARD OF ADJUSTMENT

OCTOBER 27, 2015

Present: H. Joh, G. Makroulakis, H. Liapes, J. Silver, J. Nitti, P. Yoon, D. Sugarman

Absent: D. Porrino, D. Starace

Present: J. Mariniello, Sr., Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Engineering, N. Verderese, Dynamic Traffic, C. Trentacosti, Assøt Secretary

Chairman Sugarman called the meeting to order at 7:30 p.m.

NOTICE OF MEETING: The Chairman states: Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: All members of this Body have been advised in writing at least 48 hours prior to this meeting of the time, place, and proposed Agenda of this meeting. A written notice of the time, place, and proposed Agenda was posted on the bulletin board of Municipal Building, 309 Main Street, Fort Lee, New Jersey. On the same date, a copy of said written notice was mailed to the Record, Jersey Journal, Time Warner Cable and Fort Lee Online. A copy was filed with the Borough Clerk and, on the same date, copies were mailed to all persons who have requested copies of such notices and have prepaid the fee fixed for the year 2015.

Approval of Minutes

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to approve the minutes of the meeting of October 13, 2015.

Chairman Sugarman announced that Mr. Yoon will be sitting in as a voting member tonight.

Memorializations

Docket #20-15, JMCK Holding Corp., 490-494 Jane Street, Block 3653, Lots 2 & 3, Preliminary/Final Major Site Plan – 8-Unit Garden Apartment

It was moved by Mr. Silver, seconded by Mr. Makroulakis and passed on a vote of 4-0 by members Silver, Joh, Makroulakis and Liapes to deny the applicant relief and site plan approval for the construction of an 8-unit garden apartment.

Public Hearing

Docket #50-14, Kaufer Main Realty, LLC, 90-100 Main Street, Block 4355, Lots 14, 15 & 16 – Preliminary and Final Major Site Plan, 12-Story, 150 Residential Unit Building above a 4-Story Parking Garage

Paul Kaufman, Kaufman, Semeraro & Leibman, representing the applicant stated the applicant is proposing a 12-Story 150-Unit Residential Building in the C-1B Zone. The use is permitted and we require a D6 variance for building height and a D5 variance for density. Mr. Kaufman called

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his first witness Raymond Virgona, Architect, Virgona & Virgona, 115 River Road, Edgewater, NJ. Mr. Virgona was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Virgona stated he prepared the plans dated September 8, 2014 as submitted to the Board. The property is located on lower Main Street at the bend toward River Road.

Mr. Kaufman marked into evidence

Exhibit A1 – Google Maps aerial view of site and aerial view indicating height differences of surrounding buildings

Mr. Virgona stated the photograph puts the building in context with the surrounding areas. The map has been colorized to show the present buildings and the proposed and recently approved buildings in the area.

Mr. Kaufman marked into evidence

Exhibit A2 – Aerial views #3 & #4

Mr. Virgona stated aerial view #3 shows the property looking west and aerial #4 shows the view to the northeast.

Mr. Kaufman marked into evidence

Exhibit A3 – Computer rendering of the twelve stories and the ground level lobby including four stories below grade of parking.

Mr. Virgona stated there is approximately a 45ft to 50ft. difference in grade sloping east towards River Road. The building will be masonry brick with a lobby window wall and several of the units will have balconies. The lobby is at the corner of Main Street and Federspiel Street and will face Main Street. Visitor parking will be at the lobby level. Parking is met as 224 spaces will be provided and 159 are required. 150 dwelling units are proposed, 77 two-bedroom units, 63 one-bedroom units and 10 studio units.

Mr. Kaufman marked into evidence

Exhibit A4 – Colorized Elevations

Mr. Virgona reviewed the elevations for the Board showing the view from Main Street and from Federspiel Street. The garage levels will be screened with metal panels and landscaping. The building height at Cedar Street is 145+ft. and the elevation at Cedar Street and Kaufer Lane is 286+ ft.

Mr. Jovishoff stated the average grade adds 14 ft. The area between Kaufer Lane and Federspiel Street is relatively flat.

Mr. Virgona stated the depth of the property ranges between 150 to 180 ft. The property is irregularly shaped and there is approximately 442+ ft. of frontage on Main Street and 168+ft. of frontage on Federspiel Street.

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Chairman Sugarman asked to the garage entrances.

Mr. Virgona stated there are two levels, one on the Federspiel side and the loading will be at the lowest level off of Main Street. There is more than one entry point.

Mr. Kaufman marked into evidence

Exhibit A5 – Colorized Elevations Main Street and River Road

Mr. Virgona referred to exhibit A5 showing the 32 ft. loading area under the building. The trash area is located in the lower garage level.

Mr. Makroulakis asked if Federspiel Street was one-way north.

Mr. Virgona stated the garage will come around to an exit on Federspiel and the traffic proceeds one-way north there. There is no parking on either frontage and all parking is contained on site.

Mr. Makroulakis asked to the visitor parking.

Mr. Virgona stated there are 14 visitor spots. There are four levels of parking plus lobby spots.

Mr. Kaufman asked for testimony on the ac/heating units.

Mr. Virgona stated there will be P-TAC units flush against the building. There is no central system and the roof-top units will handle the public space.

Chairman Sugarman asked for questions from the public, no one appeared.

Mr. Yoon asked to speak with Chairman Sugarman and Mr. Mariniello.

Following a short discussion Mr. Yoon recused himself from the hearing. He is under contract to purchase a townhome across the street and did not realize the close proximity to the development.

Chairman Sugarman reminded Mr. Kaufman that we now have six voting members and he should secure a transcript of the hearing and carry the vote if we complete this evening.

Mr. Kaufman called his next witness, Steve Collazuol, John Collazuol and Associates, 1610 Center Avenue, Fort Lee, NJ. Mr. Collazuol was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Kaufman marked into evidence

Exhibit A6 – Colorized Landscape Plan

Mr. Kaufman reviewed the August 16, 2015 comment letter from Neglia Engineering stating there were some open comments. We will revise the plans and are waiting for the outcome of tonight's meeting prior to revisions.

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Mr. Collazuol stated there were comments on combined sewer (sanitary and storm water) and the lower Main Street pump station. These further requirements will be a condition of approval.

Mr. Kaufman stated there is a County project to update the pump station and we will be in discussions with them.

Mr. Collazuol reviewed the retention systems for the Board stating it is consistent with the other buildings in the area. Mr. Collazuol reviewed the landscaping plan. Twenty trees will be removed and we will pay into the Borough Tree Replacement Program.

Mr. Kaufman asked if the lighting could be adjusted should it adversely affect the neighbors.

Mr. Collazuol stated yes within six months. Additionally the aisle width in the lower parking levels will be increased to 24' from 23.5' per the Board's traffic expert's report dated August 14, 2015

Mr. Kaufman asked if the compact parking spaces were adequate.

Mr. Collazuol stated yes.

Mr. Kaufman stated that comments in the memorandum of Michael Jovishoff dated October 26, 2015 have been addressed.

Mr. Makroulakis asked to the location of the standpipe for the Fire Department.

Mr. Virgona stated this will be subject to approval. Most likely by the lobby entrance on Federspiel Street.

Mr. Joh asked to hazardous conditions at the garage entrances during inclement weather.

Mr. Kaufman stated the traffic expert will testify to this.

Chairman Sugarman asked if fobs would be used with the garage doors. In inclement weather better control would be had by management.

Mr. Kaufman stated yes, this is a possibility. The owners will want to regulate the gates.

Chairman Sugarman asked for questions from the public, no one appeared.

Mr. Kaufman called his next witness, Charles Olivo, Stonefield Engineering, 75 Orient Way, Rutherford, NJ. Mr. Olivo was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Kaufman reviewed the report of the Board's traffic expert Dynamic Traffic last revised August 14, 2015 with Mr. Olivo.

Mr. Olivo reviewed the proposed access management plan for the two driveways. Off of Federspiel Street and Main Streets there will be a right turn in only and a right-turn only out onto Federspiel. A truck can traverse the driveways within the lower garage and exit on Main Street going right onto Hudson Terrace/River Road. Central Road and Federspiel Street are aligned

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and signalized. The volume is low on Federspiel and loading and unloading on Federspiel is infrequent.

Chairman Sugarman asked if parking spaces would be allocated and assigned.

Mr. Olivo stated yes.

Mr. Makroulakis asked if the handicapped parking would be at the lobby level.

Mr. Olivo stated yes and additionally on each garage level.

Chairman Sugarman asked if there would be an elevator at each garage level.

Mr. Olivo stated yes

Mr. Kaufman asked for testimony on the 18 tandem parking spaces.

Mr. Olivo stated they would be ADA compliant. The spaces will be used by the two-bedroom unit holders only.

Chairman Sugarman asked if the tandem spaces were removed from the scenario would the parking still comply.

Mr. Olivo stated yes.

Mr. Makroulakis asked to the height of the garage doors for truck/trash pick-ups.

Mr. Virgona stated 13ft.

Mr. Olivo reviewed the ramps, slopes and topography in relation to the parking ramp configuration. Mr. Olivo stated the line of sight will be improved with the removal of vegetation/brush on the site. We will revise the landscaping per the Borough Engineer and the Board's recommendations.

Chairman Sugarman stated this will be a condition of approval.

Mr. Mariniello stated that County approval will be required for this application.

Mr. Kaufman stated yes and they have applied to the County.

Mr. Makroulakis asked to an increase in traffic due to the new development in the area.

Mr. Silver asked if the traffic numbers include Kaufer's Lane.

Mr. Olivo stated yes. The new traffic generated will be low as noted in the traffic counts.

Mr. Silver asked to the ability of a box truck or ladder truck to gain access at the lobby level.

Mr. Olivo stated the roundabout allows for entry. A ladder fire truck would be able to mount the curb as well as other emergency vehicles.

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Chairman Sugarman asked for questions from the public.

Alex Floratos, 1518 8th Street and the United Homeowners Association.

Mr. Mariniello stated he cannot represent the Homeowners Association, only himself.

Mr. Floratos asked to the number of employees and where they would park.

Mr. Olivo stated there will be three to four employees on site at any given time and they will park on site. There is sufficient parking.

Mr. Kaufman addressed Mr. Jovishoff's comment on affordable housing. 10% of the units will be set aside and this will be included in a Developer's Agreement. At this time we are not sure if this will be handled on site or off site.

Mr. Kaufman called his final witness, Daniel Bloch, Professional Planner, Maser Consulting, 53 Frontage Road, Clinton, NJ. Mr. Bloch was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Bloch stated that presently on the site are three structures in disrepair which will be demolished.

Mr. Kaufman marked into evidence

Exhibit A7 – Colorized Board/Surrounding Land Uses

Mr. Kaufman asked for a review of the variances.

Mr. Bloch stated that a D6 height variance is required as we exceed 10% of what is permitted; permitted is 6 stories/70ft. and proposed is 12 stories/145+ft.. A D5 density variance is required as the minimum lot area per unit allowed is 660 sq. ft. and proposed is 325.4 sq. ft.. Additionally, the Borough ordinance states that in the C-1B zone eating and drinking establishments and/or retail/commercial uses are required at street level along the Main Street frontage of any building. As there are none proposed a D1 variance will also be required for mixed use. Bulk variances are needed for minimum front yard setback at the sixth story as 20 ft. is required and 10 ft. is proposed, minimum side street setback as 50 ft. is required and 19.7 ft. is proposed.

Mr. Jovishoff reviewed the variances with Mr. Bloch.

Mr. Bloch stated the D1 variance can be granted based on the Medici standard as the site is suitable for the proposed use. The site is unsuitable for the requirement of commercial/retail along the Main Street side of the property due to the topography and shape of the lots. The site is better suited for residential and there is no adverse affect to the surrounding properties. The D6 height variance and the D5 density variance can be granted as the site can accommodate this density and the proposed development is consistent with the surrounding buildings. The intent of the Master Plan is met and the redevelopment of deteriorating areas is one of the goals and objectives of the Master Plan. There is no encroachment into the one or two-family residential zones. Air, light and open space is preserved and the benefits outweigh any detriments. Mr.

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Bloch further stated that all parking is met on site and the site is near the downtown area providing public transportation.

Mr. Mariniello asked if Mr. Bloch was familiar with the June 16 and October 26, 2015 reports of Michael Jovishoff, the Board's planner.

Mr. Bloch stated yes and agrees with his comments and summary of surrounding land uses.

Mr. Silver asked how many students would come out of this development.

Mr. Bloch stated there will be approximately 271 total tenants. 22 are estimated to be under the age of 18 and approximately 11 will be school age children.

Chairman Sugarman asked for questions from the Board, the public, no one appeared.

Chairman Sugarman asked for public comment, no one appeared.

Mr. Mariniello stated that counsel for the applicant will retain all exhibits.

Mr. Kaufman gave his summation to the Board and stated he wished to proceed with a vote.

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 6-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, and Sugarman to grant the applicant variance and site plan approval.

The applicant will comply with all the conditions set forth by the Board in a Developer's Agreement prepared by the Borough Attorney. The applicant will comply with the requirements of the Historic Commission as the property is located within the Historic District.

It was moved by Mr. Nitti and seconded by Mr. Joh to adjourn the meeting at 9:00 PM.

Respectfully submitted,

Barbara Klein, Board Secretary