

**FORT LEE BOARD OF ADJUSTMENT**

**NOVEMBER 10, 2015**

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

**Absent:** J. Nitti, D. Starace

**Present:** J. Mariniello, Sr., Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Engineering, C. Trentacosti, Assø. 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 Silver, Joh, Makroulakis, Liapes, Porrino, Yoon and Sugarman to approve the minutes of the meeting of October 22, 2015.

It was moved by Mr. Joh, seconded by Mr. Liapes and passed on a vote of 5-0 by members Silver, Joh, Makroulakis, Liapes and Sugarman to approve the minutes of the meeting of October 27, 2015. Mr. Porrino and Mr. Yoon abstained from the vote.

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

**Calendar of Regular Public Meetings 2016**

It was moved by Mr. Silver, seconded by Mr. Joh and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to adopt the calendar of regular public meetings for the year 2016.

**Memorializations**

**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**

Chairman Sugarman announced this memorialization will be carried to the meeting of November 24, 2015.

**ZBA 11-10-2015 – Page 2 – Memorializations (continued)**

**Docket #35-15, MIKSI, LLC, 234-236 Whiteman Street, 225 Tom Hunter Road, Block 3955, Lots 11, 12, 21 & 23 – Preliminary and Final Major Site Plan, 18 Townhome Units.**

It was moved by Mr. Porrino, seconded by Mr. Liapes and denied on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to grant the applicant variance approval to construct 18 townhomes in the R2 Residential Zone.

**Acceptance/Completeness**

**Docket #28-15, Fort Lee EP, LLC, One Executive Drive, Block 6451, Lot 5.01, Amendment to Site Plan/Six Affordable Residential Units at the Lobby Level.**

Danielle Lamake, Esq., Kaufman, Semeraro & Leibman, representing the applicant stated they are in receipt of the report of Michael Jovishoff dated November 8, 2015 and will comply with those recommendations. This application received a prior approval before this Board. We are here for interior renovations only. We are requesting four waivers and will provide testimony at the time of hearing. We have revised the Environmental Questionnaire per Mr. Jovishoff's request and revised the plans showing the location of the HVAC units at the site.

It was moved by Mr. Silver, seconded by Mr. Makroulakis and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to deem the application complete. A hearing date has been set for November 24, 2015.

**Docket #29-15, SMA Development Gorup, Inc. 2100 North Central Road, Block 6155, Lot 1, Preliminary/Final Major Site Plan – 14 Story Mixed Use building above a 4-Level Parking Garage. 170 Room Hotel, 61 Residential Units, Eating & Drinking Establishments, Office Space and Meeting Rooms.**

Carmine Alampi, representing the applicant, stated they are in receipt of the report of Michael Jovishoff dated November 8, 2015 and will comply.

Mr. Jovishoff stated he has no objection to the waivers being requested. The location of the HVAC units and generators must be shown on the plans.

Mr. Alampi stated they will comply with the streetscape ordinance per Mr. Jovishoff's requirement. This building is the old Kwasha Lipton building and an application was made years ago for the conversion to residential units by this Board. Per Mr. Jovishoff a signage application will be made separately and no franchise has been finalized for the hotel.

Mr. Jovishoff stated that all lighting and landscaping proposed must be included on the revised plans.

Chairman Sugarman stated that all plan revisions must be submitted ten days prior to a hearing date.

It was moved by Mr. Joh, seconded by Mr. Liapes and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to deem the application complete. A hearing date has been set for December 8, 2015.

**Public Hearings**

**Docket #27-15, Alexander & Svetlana Gertsen, 1084 Arcadian Way, Block 953, Lot 7, Detached Gazebo/Roof Deck**

Chairman Sugarman announced that this matter will be carried to the meeting of November 24, 2015. No further notice required and the applicant has agreed to waive the time for the Board to act.

**Docket #48-14, 801 Edgewood Lane, LLC, 801 Edgewood Lane, Block 353, Lot 13, Preliminary/Final Major Site Plan, 3 Attached Townhomes**

Chairman Sugarman announced that this matter will be carried to the meeting of December 8, 2015. No further notice required and the applicant has agreed to waive the time for the Board to act.

**Docket #26-15, 55 Henry Street, LLC, 1475 Anderson Avenue, Block 3051, Lot 8, Two Family Dwelling**

Chairman Sugarman announced that this matter will be carried to the meeting of November 24, 2015. No further notice required and the applicant has agreed to waive the time for the Board to act.

**Docket #14-15, A & A Construction Group, LLC, 2191 Jones Road, Block 5451, Lot 3, Two-Family Dwelling**

Marc Macri, Esq. is standing in for Saverio Cereste, Esq. who is unable to be here this evening.

Mr. Macri stated the application is for a two-family dwelling in the R3 One and Two-Family Residential Zone.

Chairman Sugarman reminded the Board that previously this application was for a subdivision to include a one-family and a two-family dwelling. The applicant has eliminated the single-family and the subdivision and now we are hearing testimony for one two-family dwelling.

Mr. Macri called his first witness, Steven Collazuol, PE, 1610 Center Avenue, Fort Lee, NJ. Mr. Collazuol was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Mariniello stated that he thought some of the parcel was in the Borough of Leonia.

Mr. Macri consulted with Steven Collazuol who prepared the survey and no part of the parcel is in the Borough of Leonia. The parcel abuts Leonia and we have noticed those property owners. There is no taxation by Leonia. As there is no longer a subdivision the parcel will remain as lot #3.

Mr. Collazuol stated the sewer connections at the rear property line are under Fort Lee's service.

Mr. Juzmeski stated a sewer easement may be required.

Mr. Collazuol stated if an easement is necessary, we will comply.

Mr. Collazuol proceeded referring to sheet 7 of the site plan stating existing on the site is a one story brick dwelling. There are two driveways fronting on Jones Road and Jones Road is improved with utilities. Sheet 3 shows the grading and drainage. There will be two retaining walls; the retaining wall to the left will be 2ft. in height and the wall on the right will be 5 ft. in height. We will comply with the recommendations of Neglia Engineering and their report of November 4, 2015 ó Revised. Additionally, we will comply with the findings of the Borough Engineer and should any bedrock be encountered we will come up with an alternative design. The HVAC units will be located in the rear yard under the decks.

Chairman Sugarman stated this will be a condition of approval.

Mr. Collazuol marked into evidence

**Exhibit A1 – Sheet 4, Colorized Landscaping Plan**

Mr. Collazuol reviewed the plantings, trees, patios and rear yard decks. There are two trees to be removed and we will replace with dogwoods. Boxwoods and junipers are proposed in the side yards and rear yards against the retaining walls.

Chairman Sugarman asked for questions from the Board.

Mr. Makroulakis asked to the width of the planting strip between the driveways. Does this measurement include the curb at the base?

Mr. Collazuol stated yes and we can increase the width to 360 including the pavers.

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

Mr. Marci called the next witness, Marios Lachanaris, architect, 1610 Center Avenue, Fort Lee, NJ. Mr. Lachanaris was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Lachanaris stated the plans are dated October 20, 2015, last revised as submitted to the Board. The building will be a limestone type construction and be 64ft. in width and 43ft. in depth. Three stories are proposed. The basement level will be 8 ft. in height and consist of a family room, half bath and an interior stair to the main level. There will be sliding glass doors from the family room to the rear yard. The first floor will consist of a living room, dining area, family room, kitchen, powder room and a deck off of the family room. The ceiling height will be 9ft. at this level. The top floor will consist of a master bedroom ensuite plus two additional bedrooms. There is also a hallway bathroom on this level and a laundry room.

Chairman Sugarman asked for questions from the Board, the public.

Alex Floratos, 1518 8<sup>th</sup> Street asked how high the building was to the peak.

Mr. Lachanaris stated 34.4 ft.

Mr. Floratos asked to the heights of the neighboring dwellings.

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Mr. Lachanaris stated to the north is a ranch home and the home to the south is even in height.

Mr. Jovishoff asked to the grade.

Mr. Lachanaris stated there is approximately a one foot difference in the grade with the next lot.

Mr. Macri called his final witness, David Spatz, Professional Planner, 60 Friend Terrace, Harrington Park, NJ. Mr. Spatz was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Spatz marked into evidence

**Exhibit A2 – Photo Board, 4 Photographs**

Mr. Spatz reviewed the neighboring properties for the Board stating that Leonia to the west is at a lower elevation. Four variances are being sought, a variance for height as we are 2 ½ ft. above what is allowed and it is still a ðCö variance, 28 ft./2 ½ stories is permitted and 30.32 ft./3 stories is proposed; maximum first floor to grade plane as 3 ft. is permitted and 8.72 ft. is proposed; maximum horizontal eave as 21 ft. is permitted and 26.72 ft. is proposed and garage door setback as 37ft. is required and 22 ft. is proposed. A waiver is also required for driveway width as 18 ft. is permitted and proposed is 22 ft. Parking is met on site. In reducing the application from a subdivision and two dwellings we have eliminated the subdivision and the single family home. Originally two D variances were needed and we have eliminated 13 ðCö variances. There is no impact to the zone plan and the intent of the Master Plan is met. The proposed home fits into the scheme of the neighborhood and it meets the purposes of the zoning. The design follows the topography of the site and the drainage and parking on the site is a significant improvement. The landscaping will provide nice buffering between the dwellings and there is no on street parking on Jones Road. The benefits outweigh the detriments and there is no detriment to the public good. Air, light and open space is preserved. The lot coverage and FAR conforms with the zoning.

Chairman Sugarman stated that the zone requires 6,000 sq. ft. of lot area.

Mr. Spatz stated this property has 8,600 sq. ft. of lot area.

Mr. Jovishoff stated there are two additional variances; one for fill in the rear yard and one driveway for two properties.

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

Mr. Macri gave his summation to the Board.

It was moved by Mr. Silver, seconded by Mr. Liapes and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to grant the applicant approval for the construction of a new two-family dwelling.

**Dockets #21-15, #22-15, GPC Homes, LLC, 1138 & 1144 14<sup>th</sup> Street, Block 1051, Lots 9 & 10, Two, Two-Family Dwellings**

Chairman Sugarman announced that we will hear the applications together and they will be voted on separately.

Marc Macri, representing the applicant, called his first witness Steven Collazuol, PE, 1610 Center Avenue, Fort Lee, NJ. Mr. Collazuol was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Collazuol stated that each lot is 50 x 100. The lots are vacant and proposed are two, two-family dwellings each with driveways separated by a planting strip. The buildings will be set back 24 feet from the street and will be a mirror image of each other. A 2 ft. retaining wall exists on the rear yard property line along both lots and also on the side lot line approximately 1 ft. in height and the sanitary sewer is existing on 14<sup>th</sup> Street. The grade difference between the property and the adjoining property to the rear is 6 ft. Two driveways, each 16 ft. in width are proposed and presently there are none at the site. The HVAC units for lot 9 will be between the rear yard decks and for lot 10 at the building corner.

Mr. Collazuol marked into evidence

**Exhibit A1 – Colorized Landscaping Plan**

One tree is to be removed on lot 9 and we are proposing two new crabapple trees at the rear corners. Lot 10 has no trees presently. Proposed are arborvitaes along the rear lot lines and azalea shrubs on the rear side yard lot lines. The applicant is proposing a 40' planting strip between each of the driveways with boxwoods. We can increase the planting strips to 48' to allow for more plantings.

Mr. Macri asked to the drainage.

Mr. Collazuol stated the applicant is proposing the installation of seepage pits and we will comply with the July 28, 2015 report of the Borough Engineer and his recommendations.

Chairman Sugarman asked for questions from the Board, the public.

Al Floratos, 1518 8<sup>th</sup> Street asked what was present on the site before it was vacant land.

Mr. Collazuol stated he did not know.

Nina Levinson, 1560 West Street asked if two-families are permitted in the zone.

Mr. Macri stated the planner will address the zoning.

Mr. Macri called his next witness, Vassilios Cocoros, Architect, 467 Sylvan Avenue, Englewood Cliffs, NJ. Mr. Cocoros was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Cocoros referred to his plan last revised January 29, 2015 as submitted to the Board. Mr. Cocoros stated proposed are two side x side mirror image two-family dwellings consisting of 3 stories with bay windows and a stone/stucco façade. Each façade will be slightly different. The basement level consists of a recreation room with sliding glass doors to the rear yard, utility room, half bath and linen closets for a total of 953 sq. ft. of finished area. The first floor consists of a living room, dining room, half bath, family room and eating area with access to the rear yard deck off the family area for a total of 1,952 sq. ft. of net area. The second floor consists of a master bedroom ensuite, two additional bedrooms, laundry and a full bathroom for a total net area of 1,927 sq. ft.

Mr. Cocoros continued that the planting strip will be 3ø and additional plantings will be in and around the entrance stairs.

Chairman Sugarman stated this will be a condition of approval.

Chairman Sugarman asked for questions from the Board.

Mr. Silver asked to the type of bay windows and to other designs.

Mr. Cocoros stated they are brick with precast concrete. There are between 10 and 12 types. This design has a longer life.

Chairman Sugarman asked for questions from the public. No one appeared.

Mr. Macri called his final witness, David Spatz, Professional Planner, 60 Friend Terrace, Harrington Park, NJ. Mr. Spatz was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Macri marked into evidence

**Exhibit A2 – Photo Board – Three Photographs**

Mr. Spatz reviewed the photographs for the Board. The subject property is shown and the two adjacent homes.

Mr. Spatz stated the property is on the east side of 14<sup>th</sup> St. in the R2 Residential Zone and a use variance is required. The St. Nicholas School/Church is across the street and the property abuts the municipal boundary of Palisades Park where two-family homes are permitted. The properties are vacant. øDø variances are needed for use and FAR. Bulk øCø variances are needed for lot area per unit, maximum lot coverage, rear yard setback, side yard setbacks, maximum height first floor to grade plane, maximum horizontal eave height and garage door setback. Parking is met on site and there is no impact to on street parking. The homes in the rear yard are at a lower elevation.

Mr. Jovishoff stated that a D variance is also needed for height according to his calculation.

Mr. Cocoros stated we will revise the plans and correct the measurement.

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Mr. Spatz stated the proposed height is consistent with the neighborhood. The lot area complies and a variance is needed for lot area per unit. The area can handle the additional density of the two-family dwellings and there is no impairment to the zone plan. The master plan encourages the preservation of neighborhoods and there is no detriment to the public good. Air, light and open space is preserved. The proposed dwellings will offer improvements to the site including new landscaping and drainage.

Mr. Jovishoff stated the grades are not correct on the plan.

Mr. Cocoros stated we will raise the grade and lower the building height.

Chairman Sugarman stated the revised plans will be a condition of approval.

Chairman Sugarman asked for questions from the Board, the public.

Alex Floratos, 1518 8<sup>th</sup> Street asked if there were other two family homes on this side of the street.

Mr. Spatz stated no.

Nina Levinson, 1560 West St asked to the number of variances being sought.

Mr. Spatz stated testimony was provided on all the variances.

Chairman Sugarman asked for public comment.

Alex Floratos, 1518 8<sup>th</sup> Street was sworn in and stated these are major variances for these two two-family dwellings. In looking at the 2014 annual report of the Board there were 36 approvals including use variances and one denial. Are there any statistics on the number of school age children?

Chairman Sugarman stated we do not rubber stamp applications. We look at the merit of each one.

Nina Levinson, 1560 West Street was sworn in and stated the town has limitations for the different zones to control excessive overcrowding. The FAR protects the people.

Pinien Tona, 1010 Old Bergen Boulevard was sworn in and stated there seems to be no limits for the approvals. There needs to be a cap.

Mr. Porrino stated we have brought these zoning changes to the Mayor and Council and the Planning Board and no action has been taken by them. This has been going on for 4-5 years and they do not move on our recommendations. If you have any concerns please take them to the Mayor and Council.

Mr. Macri gave his summary to the Board.

Mr. Silver stated he would like to see some better designs by the applicants and get away from cookie-cutter designs.

Mr. Makroulakis stated the Board looks at the area and the whole situation on each application.

Mr. Porrino stated we look to the merit of the application to see if it meets our development standards.

Chairman Sugarman stated we did try years ago to get the Council and the Planning Board to move on our recommendations and they did not pursue it.

**Docket #21-15, 1138 14<sup>th</sup> Street**, it was moved by Mr. Liapes, seconded by Mr. Makroulakis and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to grant the applicant variance approval for the construction of a new two-family dwelling.

**Docket #22-15, 1144 14<sup>th</sup> Street**, it was moved by Mr. Liapes, seconded by Mr. Silver and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to grant the applicant variance approval for the construction of a new two-family dwelling.

**Docket #23-15, Steven & Margaret Park, 1160 Palisade Avenue, Block 1352, Lot 9, Change of Use, Residential to Professional Office**

David Lafferty, representing the applicant stated we are only here for a use variance and not a site plan. This is a bifurcated application. Should we receive an approval from this Board there will be no bulk variances. The applicant has owned the property for six years and the intent is to have a sole medical practitioner. The practice is consistent with the surrounding properties and will appear as a home.

Chairman Sugarman asked to the parking.

Mr. Lafferty stated we may or may not need a parking variance and will return to this Board at a future date for site plan approval if we get permission on the medical use.

Mr. Lafferty called his only witness, Mia Petrou, Kenneth Ochab and Associates, 12-16 Fair Lawn Avenue, Fair Lawn, NJ. Ms. Petrou was sworn in and her credentials accepted by Chairman Sugarman.

Mr. Lafferty marked into evidence

**Exhibit A1 – Three Photo Boards of the Site including an Aerial Photograph**

Ms. Petrou stated the property is 12,197 sq. ft. in area and is located on the east side of Palisade Avenue near the intersection of Euclid Avenue and Central Boulevard. This is the largest property between the roadways. Proposed are three employees, a physician, physician assistant and a secretary. On the site currently is a 2 ½ story stucco and frame dwelling built in 1930 and a freestanding garage to the rear along the property line. The garage on the property meets the setbacks. Proposed is the demolition of the garage for parking.

Mr. Lafferty asked if the bulk requirements were reviewed.

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Ms. Petrou stated yes and we would comply with these requirements.

Mr. Porrino asked if any parking calculation was done.

Ms. Petrou stated yes. A medical office would require 12 spaces which is sufficient for the area.

Chairman Sugarman asked if the entire building would be used for medical or will a part be residential.

Ms. Petrou stated she believes it will be all medical. In my opinion the D1 variance can be granted based on the Medici case which states if the site is suitable the approval can be granted. The property abuts a major roadway and will retain the residential feel at the site as seen in many of the surrounding professional offices. It is a large lot with 100 ft. of frontage. Parking will be met on site and the purpose of the master plan is met. There is no negative impact with the proposal and the parking will adjoin an adjacent property where there is a medical use. There is no detriment to the public good or impairment of the zone plan. The property meets the building requirements of the R1 zone with the present 2 ½ story dwelling. Public transportation is available on Palisade Avenue and ingress and egress is easily performed with no back out of vehicles.

Mr. Jovishoff asked if adequate landscaping and buffers will be incorporated.

Ms. Petrou stated yes.

Mr. Makroulakis asked if the only other professional on the east side is a dentist.

Ms. Petrou stated yes there are more professional offices on the west side.

Mr. Makroulakis asked if they received approval from the Fire Department.

Mr. Lafferty stated not as yet. This will be addressed when we return to this Board.

Chairman Sugarman asked if any part of the building will be residential and will the office be ADA compliant.

Mr. Lafferty stated he is not sure at this time and yes we will be ADA compliant.

Chairman Sugarman reminded Mr. Lafferty that they must return to this Board for site plan approval.

Mr. Lafferty stated this is a good area for this use along a main artery of the town. It will appear as a home.

It was moved by Mr. Porrino, seconded by Mr. Joh and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to grant the applicant permission for medical use at the site. The applicant will return to the Board for site plan approval which will include signage.

It was moved by Mr. Silver and seconded by Mr. Joh to adjourn the meeting at 10:10 PM.

Respectfully submitted,

Barbara Klein, Board Secretary