

FORT LEE BOARD OF ADJUSTMENT

NOVEMBER 24, 2015

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

Absent: P. Yoon, D. Starace

Present: J. Mariniello, Sr., Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Engineering, A. Jafolla, Dynamic Traffic, 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. Porrino, seconded by Mr. Makroulakis and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Liapes, Porrino, and Sugarman to approve the minutes of the meeting of November 10, 2015. Mr. Nitti abstained from the vote.

Committee for RFQ Review for Professional Services 2016

Following discussion Chairman Sugarman announced that he, Mr. Joh and Mr. Liapes will review the submissions and report to the Board with their recommendations.

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

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

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

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant variance relief for the construction of a two-family dwelling.

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 December 22, 2015. No further notice required and the applicant has agreed to waive the time for the Board to act.

Public Hearings

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

Paul Kaufman, representing the applicant, reviewed the prior approvals at the site stating as this was a conditional use we are here for a minor amendment to the site plan. The applicant is looking to fulfill their affordable housing obligation. The applicant is looking to convert 9,252 sq. ft. of office space in the lower lobby level into six residential affordable housing units. The units will consist of two, 3-bedroom units; three, 2-bedroom units; and one studio unit. The total unit count in the building will now increase to 124. This is in addition to the eight affordable housing units on site to meet our obligation per the Developer's Agreement for a total of 14.

Mr. Kaufman called Mr. N. From, 588 Jones Road, Fort Lee, NJ. Mr. From is the Director of Development for Executive Park.

Mr. From stated parking is met on site with over 2,000 spots and there is no change to the building other than the interior units at the lobby level.

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

Nina Levinson, 1560 West Street asked to the change in the number of bedrooms.

Mr. Kaufman stated there is an increase of 17 bedrooms.

Mr. Kaufman called Matthew Clark, PE, MCB Engineering, Totowa, NJ. Mr. Clark was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Kaufman asked if there were any changes to the site plan as a result of this application.

Mr. Clark stated no.

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

Mr. Kaufman called his next witness, Diane Gloria 10 Undercliff Road, Clifton, NJ. Ms. Gloria is a COAH expert and is currently the municipal housing liaison for the Borough of Paramus. Chairman Sugarman reviewed her qualifications and accepted her as an expert in the field.

Ms. Gloria stated she supervised the architect on COAH specifications and the plans were reviewed by the Borough Administrator.

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

Mr. Kaufman called Charles Olivo, Stonefield Engineering, 75 Orient Way, Rutherford, NJ.

Mr. Olivo was sworn in as a traffic expert and his credentials accepted by Chairman Sugarman.

Mr. Kaufman asked if there was any change to the parking with the addition of the COAH units.

Mr. Olivo stated the parking remains the same and there is no impact to the parking with the increase in units.

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

Mr. Mariniello clarified the COAH obligation by the applicant and the need for more residential COAH units per the Developer's Agreement. Mr. Mariniello asked Mr. Kaufman to supply him with a copy of the Developer's Agreement.

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

It was moved by Mr. Porrino, seconded by Mr. Joh and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant approval for an amendment to the prior site plan approval.

Docket #2-15, 2301 LLC, 2301 Lemoine Avenue, Block 6756, Lot 5, Preliminary/Final Major Site Plan, 4-Story, 28-Unit (reduced to 20-Units) Residential Building

Marc Leibman, representing the applicant, stated this is a continued hearing from October 22, 2015. Mr. Leibman called his first witness, Ray Virgona, Virgona & Virgona Architects, 115 River Road, Edgewater, NJ. Mr. Virgona was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Leibman marked into evidence

Exhibit A7 – Revised Architectural Plan dated October 27, 2015 as submitted to the Board

Mr. Virgona stated we have reduced the number of units from 28 to 24 and now to 20 per the Board's recommendation. The size of the building has also been reduced. The front of the building is unchanged and the depth has been reduced by 4 ft. We are using a different window pattern. Proposed are eight 1-bedroom units and twelve 2-bedroom units. 39 Parking spaces are proposed and the tandem parking spots have been removed. We exceed the RSIS by one space. The garage plans are unchanged and the trash/recycle areas remain the same. A drop-off space has been added in the front yard and the transformer has been eliminated due to the reduction in units.

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

Mr. Silver asked to the turning on Route 9W coming north into the complex. Cars make an S-turn into the bank.

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Mr. Leibman stated we will talk with the police and get their recommendation on signage or a barrier preventing a left hand turn.

Mr. Juzmeski, Neglia Engineering, asked that no parking signs be placed in the shoulder.

Mr. Jafolla, Dynamic Traffic, stated he has concern with the line of sight at the south exit.

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

Mr. Olivo stated there are issues with the landscaping at the south exit and we will provide a plan to be reviewed by the Borough Engineer.

Mr. Jafolla asked to the loading space and turning.

Mr. Olivo stated we will supply a turning template for review.

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

Alex Floratos, 1518 8th Street was sworn in. Mr. Floratos directed his concerns to the chairman and stated the Board took offense to his comment that this was a rubber stamp Board.

Chairman Sugarman stated these comments may be made at the end of the meeting as it is not in relation to this application.

Mr. Leibman gave his summation to the Board stating they have addressed the Board's concerns and reduced the number of units.

Mr. Porrino stated he was hard on the application and I applaud the applicant for the changes made. It was moved by Mr. Porrino, seconded by Mr. Silver and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant preliminary and final site plan approval for the construction of 20 residential units.

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

Saverio Cereste, representing the applicant, stated the applicant has removed the roof-top deck. Mr. Cereste marked into evidence

Exhibit A1 ó Revised Site Plan prepared by Steven Collazuol dated 10/28/2015

Exhibit A2 ó Revised Architectural Plan prepared by Vassilios Cocoros dated 11/16/2015

Exhibit A3 ó Color Photograph (view west of patio)

Exhibit A4 ó Color Photograph (view east of patio)

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

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Mr. Collazuol referred to a colorized version of his site plan, Sheet 2

Exhibit A5 ó Colorized Sheet 2 of Site Plan

Mr. Collazuol stated the roof-top deck has been removed and everything is contained on one level. Mr. Collazuol reviewed the setbacks for the Board and reviewed the variances being sought. We have relocated the utilities and location per the recommendation of the Board Engineer. The structure will be partially enclosed with a full height wall extending along the north side and partial walls along the east and west sides of the structure. There will be a bathroom, shower, full kitchen and barbecue. The arborvitae will be located adjacent to the north side lot line.

Chairman Sugarman asked if the pool was an accessory structure.

Mr. Jovishoff stated yes.

Mr. Juzmeski asked if the lighting will be recessed.

Mr. Collazuol stated the architect will address that.

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

Mr. Cereste called his next witness Vassilios Cocoros, 457 Sylvan Avenue, Englewood Cliffs, NJ. Mr. Cocoros was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Cocoros reviewed Exhibits A3 and A4 for the Board. Mr. Cocoros stated the space is not habitable due to the three open sides. The lighting will be recessed.

Mr. Jovishoff asked if the solid wall behind the barbecue will be vented.

Mr. Cocoros stated yes.

Chairman Sugarman asked for questions from the Board, the public, no one appeared. Chairman Sugarman asked for comments on the application. No one appeared.

Mr. Cereste gave his summation to the Board.

It was moved by Mr. Makroulakis, seconded by Mr. Nitti and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant approval for the construction of an outdoor gazebo.

Docket #25-15, Hemant Prajapati, 502 Brinkerhoff Avenue, Block 1051, Lot 12, Single-Family Dwelling

Marc Leibman, representing the applicant marked into evidence

Exhibit A1 ó Architectural Color Rendering

Mr. Leibman called his first witness Daniel D'Agostino, Architect, 39 Main Street, Little Falls, NJ. Mr. D'Agostino was sworn in and his credentials accepted by Chairman Sugarman.

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Mr. Leibman asked if the existing walls are to remain.

Mr. DeAgnostino stated yes. The footprint of the home will remain the same.

Mr. Leibman asked if the rendering depicts the house as it will appear following construction.

Mr. DeAgnostino stated yes. Mr. DeAgnostino reviewed the floor plans stating the first floor will be an open plan. The basement will be a family room with a separate gym with no ingress or egress to the rear yard. A full bath will be at this level. The second floor will have four bedrooms, two ensuites with private baths and a laundry room. There is an additional full bath at this level. The façade will be glass and stucco and will give the house a larger appearance. The basement is below grade.

Mr. Porrino stated that as there are no windows in the basement, just window wells, I am in favor of the full bath. There is no use variance here.

Chairman Sugarman asked for questions from the Board.

Mr. Jovishoff asked if the retaining walls are in the public right-of-way. Who is responsible.

Mr. Leibman stated the property owner.

Chairman Sugarman stated this will be a condition of approval.

Mr. Jovishoff asked to the planted areas. It appears plantings are only in the rear yard.

Mr. Leibman stated there are issues with the line of sight on the front yard corner of the property. Nothing can be planted over 3 ft.

Mr. Jovishoff asked to the HVAC units.

Mr. DeAgnostino stated there are presently two in the rear yard.

Chairman Sugarman asked for questions from the public.

Nina Levinson, 1560 West Street, Fort Lee, NJ asked how many bathrooms in total.

Mr. DeAgnostino stated four plus a half bath. One in the basement, three on the second floor and a half bath on the first floor.

Ms. Levinson stated this could be an additional apartment.

Mr. Leibman stated there is no testimony on that.

Mr. Leibman called his next witness Matthew Clark, MCB Engineering, Totowa, NJ. Mr. Clark stated the applicant proposes to demolish the existing home and construct a new home using the same footprint and expanding it by 14 ft. in the rear. The porch will be removed in the rear yard. There are presently no trees on the site and the applicant will provide potted annuals in the front yard. We will comply with the October 22, 2015 report of the Borough engineer.

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Mr. Leibman asked if there was a sump pump on site.

Mr. Clark stated there is no sump pump.

Mr. Jovishoff stated the plans must be revised.

Mr. Makroulakis asked if the basement bath could be changed to a half bath.

Mr. Leibman stated his client wants the full bath in the basement.

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

Mr. Leibman called the next witness, Joseph Layton, Professional Planner, Maser Consulting, 53 Frontage Road, Clinton, NJ. Mr. Layton was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Leibman marked into evidence

Exhibit A2 ó Color Photographs of the Site

Mr. Layton reviewed the photographs for the Board and outlined the variance relief being sought. A D4 variance is required for the FAR as 0.75 is permitted and proposed is 0.82. Bulk variances are needed for rear yard setback as 25 ft. is required and 23.8 ft. is proposed; minimum side street yard as 12 ft. is required and 7.9 ft. is proposed; maximum height first floor to grade plan as 3 ft. is permitted and 7.3ft. is proposed; maximum horizontal eave height as 21ft. is permitted and 26.3 ft. is proposed. The building meets the height requirement and no variance is necessary. The lot area is existing at 4,914 sq. ft. where 5,000 sq. ft. is required.

The site can accommodate the small increase in the FAR and the relief being sought meets the purposes of municipal land use law. The density is appropriate for the residential neighborhood and air, light and open space is preserved. There is no impairment to the zone plan or the zoning ordinance and the benefits outweigh the detriments. There is no detriment to the public good.

Chairman Sugarman asked for questions from the Board.

Mr. Porrino asked if Mr. Layton took the photograph.

Mr. Layton stated it is a Google photograph.

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

Chairman Sugarman asked for public comments on the application, No one appeared.

Mr. Leibman gave his summation to the Board.

Mr. Porrino stated this cannot be an apartment as it is below grade. The full bath in the basement is next to the gym.

Mr. Joh stated he likes the new design by the architect and would like to see more like it in the Borough.

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It was moved by Mr. Silver, seconded by Mr. Nitti and passed on a vote of 6-1 by members Nitti, Silver, Joh, Porrino, Liapes and Sugarman to grant the applicant variance relief for the construction of a new single family dwelling. Mr. Makroulakis cast the õnoö vote.

Chairman Sugarman asked if there was any new business.

Mr. Alex Floratos asked to address the Board. Mr. Floratos stated he is concerned with the many approvals by this Board over the years. We have many multiple dwellings and two-families where they are not permitted. There are consequences with the number of school age children resulting from these approvals. Last week the Board approved two, two-family dwellings on 14th Street where they are not permitted. Aren't you supposed to uphold the ordinance? And the approval tonight for 20 units on Lemoine Avenueí the intent was never meant for 28 and you granted an approval where this is not permitted due to the small reduction.

ADJOURNMENT

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

Respectfully submitted,

Barbara Klein, Board Secretary