

FORT LEE BOARD OF ADJUSTMENT

DECEMBER 22 , 2015

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

Absent: J. Nitti, P. Yoon

Present: J. Mariniello, Jr., Esq., M. Jovishoff, Phillips, Preiss, Grygiel, 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. Liapes and passed on a vote of 5-0 to approve the minutes of the meeting of December 8, 2015. Mr. Silver abstained from the vote.

Chairman Sugarman announced that **801 Edgewood Lane, LLC, Docket #48-14, 801 Edgewood Lane, Block 353, Lot 13** is being carried to the meeting of January 19, 2016. No further notice on the part of the applicant and the applicant has agreed to extend the time for the Board to act. The Board has put the applicant on notice to proceed on this date.

Memorializations

Chariman Sugarman announced that the following resolution will be memorialized on January 12, 2016:

Docket #2-15, 2301 Lemoine Avenue, LLC, 2301 Lemoine Avenue

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

It was moved by Mr. Porrino, seconded by Mr. Silver and passed on a vote of 5-0 by members Silver, Joh, Porrino, Liapes and Sugarman to grant the applicant variance approval for the construction of a new single-family dwelling. Chairman Sugarman announced that plan revisions must be issued prior to the issuance of building permits.

Docket #28-15, Fort Lee EP, LLC, One Executive Drive, Block 6451, Lot 5.01, Amendment to Site Plan, Six Affordable Housing Units.

ZBA 12-22-2015 – Page 2 – Memorializations continued

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant an amendment to the original site plan approval for inclusion of six affordable housing units at the lobby level.

Docket #27-15, Alexander and Svetlana Gertsen, 1084 Arcadian Way, Block 953, Lot 7, Gazebo and Outdoor Kitchen

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

Acceptance/Completeness

Docket #32-15, Grace Builder's LLC, 387 Lincoln Avenue, Block 6053, Lot 18, Two-Family Dwelling

Marc Macri, representing the applicant, stated they are in receipt of the memorandum of Michael Jovishoff dated December 18, 2015. We will provide a revised survey and the statement of RSIS standards will be submitted. No trees are to be removed.

It was moved by Mr. Joh, seconded by Mr. Liapes and passed on a vote of 6-0 by members Joh, Silver, Makroulakis, Porrino, Liapes, and Sugarman to deem the application complete. A hearing date of January 19, 2016 was assigned.

Public Hearings

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

Chariman Sugarman asked opposing counsel to put their appearance on the record.

Randy Pearce, Esq., 25 Main Street, Hackensack, NJ stated he is appearing as both counsel to his in-laws who reside on the adjacent property and is requesting to also be sworn in as a witness.

Marc Macri, representing the applicant stated the property is in the R3 one and two-family residential zone and is permitted. Testimony will be heard from three expert witnesses, Mark Martins, Site Engineer, Vassilios Cocoros, Architect and David Spatz, Professional Planner.

Mr. Macri called his first witness, Mark Martins, 55 Walnut Street, Norwood, NJ. Mr. Martins was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Martins marked in the colorized version of the site plan:

Exhibit A1 – Colorized Version of Site Plan as submitted to the Board last revised 10-29-2015.

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Mr. Martins stated presently on the site is a single-family home which slopes down ten ft. to the rear of the property. We propose to demolish the existing dwelling and construct a new side x side two-family dwelling. Proposed are two driveways with retaining walls on both the right and

left sides of the property. Seepage pits are proposed and there will be no net increase in run-off. The utility connections will be in the street. Presently, there is no drainage on the site. The applicant proposes two new red maple trees to be planted on either side of the driveway and a 20' wide planting strip between the two driveways. The applicant will relocate the existing utility pole on Anderson Avenue and will coordinate with the Borough and the County. Arborvitae will be planted along the rear yard property line. We will comply with the drainage memorandum of Edward Mignone dated November 5, 2015. Anderson Avenue is a County Road and we will apply to the County for all approvals.

Chairman Sugarman asked for questions from the Board.

Mr. Jovishoff asked if the planting strip could be wider.

Mr. Martins referred this question to the architect.

Mr. Jovishoff asked if any trees were to be removed.

Mr. Martins stated no.

Mr. Porrino asked to the cantilevered areas off the second floor and if they could be removed.

Mr. Martins referred this question to the architect.

Mr. Jovishoff stated that he stands corrected on the number of stories. The below ground portion of the basement level is less than twelve inches which makes the building three stories.

Mr. Starace arrived at this time 7:55 PM and will sit in for Mr. Nitti.

Chairman Sugarman asked for questions from the public for the witness.

Thea Culeerson, Tenafly, NJ (mother resides at 1481 Anderson Avenue)

Ms. Culeerson asked if the front of the structure was even with the adjacent house. Will the height of the stairs be close to her property and will sunlight be blocked as a result of the building.

Mr. Martins stated the main building is 24 ft from the property line and 23 ft. to the first step from the curb. 8ft. is the highest point of the retaining wall and in my opinion the sunlight will not be blocked.

Nina Levinson, 1560 West Street asked to the difference between the architectural plan and the site plan.

Mr. Martins stated the architect will address that question.

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Ms. Levinson asked to the height of the retaining wall.

Mr. Martins stated it is 8ft. as we are raising the grade.

Mr. Kwai, 1478 15th St. and owner of 1480 15th St. asked to the blockage of sunlight and drainage. Will the water run-off onto his property be eliminated?

Mr. Martins stated we are providing drainage improvements on the site where none presently exists. The run-off will be reduced and we can only address the water on our property.

Ms. Culeerson asked for more information on the drainage.

Mr. Martins stated there will be dry wells and the owner will be responsible for the maintenance of same.

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

Mr. Macri asked what factors were considered with the design of the proposed home.

Mr. Cocoros stated the property is in the two-family zone and side x side is the preferred design by developers, not six over six as was popular in the 1960s. The proposed three levels are due to the topography and the design aligns with the adjacent property which also has an abutting entry platform. There is an oversized garage with a sliding glass door. Proposed is a 2øö planting strip between the driveways and a 7 ½ø x 10ø planting area adjacent to sides of the front door entries. Due to the exiting cars onto Anderson Avenue we would like to keep the planting strip the same. We can increase the width to 3ø if we can decrease the length of the planting strip to 21ø between the units; a reduction in 5ø This will make it easier to back out on to Anderson Avenue.

Chairman Sugarman asked for questions from the Board.

Mr. Jovishoff stated this would be a condition of approval.

Mr. Cocoros reviewed the floor plans for the Board.

Mr. Porrino asked to the second floor patios. This looks bulky.

Mr. Cocoros stated we can remove these patios.

Chairman Sugarman stated this will be a condition of approval.

Chairman Sugarman asked for questions from opposing counsel.

Randy Pearce, Esq., 25 Main Street, Hackensack, NJ asked to the earlier testimony that this is an oversized lot.

Mr. Cocoros stated the lot is 50 x 125 ft.. The lot requirement is 6,000 sq. ft. and this lot has 6,225 sq. ft.

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Mr. Pearce stated he would not call this an oversized lot. How much grass will be left in the front yard.

Mr. Cocoros stated presently the front yard is not all grass. There is an existing driveway and a walkway.

Mr. Mariniello reminded Mr. Pearce that this is not a civil litigation and he need not ask the same question three times.

Mr. Pearce asked Mr. Cocoros if he was aware of the grass frontages on the neighboring properties.

Mr. Cocoros stated he was not sure.

Mr. Mariniello stated the applicant has a planner and he will address the neighboring properties.

Teresa Donati, 1488 15th Street asked to the water problems which will be created.

Mr. Cocoros stated that the Borough Engineer will require a percolation test. Presently there is no drainage on site and this will be an improvement. We will comply with all requests made by the Borough Engineer.

Ms. Donati asked if the applicant is aware that there are underground springs in the area.

Mr. Cocoros stated the applicant will follow all procedures with regard to drainage.

Thea Culeerson, Tenafly NJ asked if Mr. Cocoros has designed other duplexes in this area.

Mr. Cocoros stated one near the Community Center.

Nina Levinson, 1560 West Street, Fort Lee, asked to the snow removal with all the proposed planting areas near the driveways.

Mr. Cocoros stated there are two parking spaces for each unit and room for additional snow there if needed.

Ms. Levinson asked to the parking for additional drivers in the family, teenagers, etc.

Mr. Cocoros stated they would park in the neighborhood.

Ms. Levinson asked to the size of the decks.

Mr. Cocoros stated 11 x 11 ft.

Ms. Culeerson asked to the setback for the front entry stairs and the loss of sunlight.

Mr. Cocoros stated the stairs are open and almost adjacent to the neighboring stairs on the next lot.

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Alex Floratos, 1518 Eighth St., Fort Lee, NJ asked how many parking spaces are being lost on the street.

Mr. Cocoros stated one.

Richard Nersesian, 1470 Anderson Ave., Fort Lee, NJ asked if the house could be scaled down and if a full size model was prepared for the application.

Mr. Cocoros stated a model was not done and he would need to confer with his client to make the house smaller.

Mr. Porrino asked to the height of the building. Can it be lowered?

Mr. Cocoros stated no due to the pitch and the topography of the site. If the driveway was sloped further it would create a hazard getting on and off Anderson Avenue.

Mr. Macri called his final witness, David Spatz, Professional Planner, 16 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 of site and surrounding properties.

Mr. Spatz reviewed the photographs and existing conditions for the Board stating the use is permitted the zone and we exceed the lot requirement of 6,000 sq. ft.

Mr. Spatz continued stating that two variances are required, one for the height as we exceed 10% and one for the FAR. Variances are needed for lot width, combined side yards, rear yard, first floor above grade, garage door setback and roof soffit height. The site can accommodate the increase in the FAR which results from the habitable recreational use in the basement, ceiling height and glass sliding doors to the rear yard. Drainage will now be contained on site and the neighborhood integrity is preserved. The intent of the master plan and the zoning is met and the benefits outweigh any detriments. There is no substantial impact to the surrounding properties and the variances are the result of the topography. Air, light and open space is preserved.

Mr. Macri asked if the property owner had attempted to purchase adjacent property as the width is deficient at the site.

Mr. Spatz stated there was no property to purchase.

Ms. Donati, 1488 15th Street asked who hires the planner.

Mr. Spatz stated he is paid by the applicant.

Mr. Nessian, 1470 Anderson asked to the hazard of pulling in and out on Anderson Avenue.

Mr. Spatz stated he is not a traffic expert.

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Ms. Levinson, 1560 West Street asked to the 36 ft. height of the building.

Mr. Spatz stated the building is 32.4 ft. from the grade. We are 4 ft. over what is permitted. In my opinion the house will not overpower the neighborhood.

Mr. Tumali, 1139 Abbott Boulevard asked for the difference between the C and D variances.

Mr. Spatz reviewed them for Mr. Tumali.

Mr. Pearce, Esq. asked if measurements were taken into consideration for the heights of adjacent properties were used in his study.

Mr. Spatz stated no.

Mr. Pearce asked to the ownership, one owner or two separate condo owners.

Mr. Spatz stated he did not know.

Mr. Pearce asked if there is a subdivision of the two units will they return to this Board.

Mr. Macri stated it can be a condo.

Mr. Pearce stated that would not be permitted and Mr. Macri disagreed.

Chairman Sugarman asked for comments from the public.

Thea Culeerson, Tenafly, NJ was sworn in. Ms. Culeerson read section 410-4 purpose of zoning in the Borough of Fort Lee. Ms. Culeerson asked to submit a petition.

Mr. Mariniello stated we can't accept as we cannot authenticate the signatures.

Ms. Culeerson stated the purpose of zoning is to protect the residents. I am concerned with air, light and open space. No other house in the area looks like this.

Randy Pearce, Esq., 25 Main Street, Hackensack, NJ was sworn in.

Mr. Pearce stated he has been a Planning Board attorney for more that 20+ years in North Arlington. His in-laws have lived in the adjacent home since 1971. Despite what the planner states the house is out of character with the neighborhood. The Mayor and Council have not changed the zoning code for the zone and this Board thinks it is their job to allow variances. I see a snowball effect that will destroy the neighborhood. The applicant knew the existing conditions when they purchased the house and they are asking for 12 variances. The topography is existing as is the width. The applicant is looking to maximize profits. This will be separate ownership with no side yards and no legal subdivision.

Nina Levinson, 1560 West Street, Fort Lee was sworn in and stated we are creating alley ways where people can hide. We are removing the soil which removes toxic substances and keeps our air clean.

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Teresa Donati, 1488 15th Street was sworn in and stated she agrees with others who have spoken. We are looking to be the sixth Borough of NYC.

Bob Albrizio, 1474 15th Street was sworn in and stated his concerns with school overcrowding. We have students in trailers right now.

Eric Kwai, 1478 15th Street was sworn in and stated he moved here because of the neighborhood and location in proximity to Manhattan. We are becoming Queens and Brooklyn.

Chairman Sugarman asked Mr. Macri if he wished to proceed as we have six voting members (Mr. Starace arrived late). You may postpone the vote.

Mr. Macri stated he wished to proceed and gave his summation to the Board.

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

Mr. Porrino stated that the two conditions, removal of the second floor balconies and the widening of the planting strip must be met. Plans are to be revised.

Docket #31-15, 1144 Abbott Boulevard, LLC, 1144 Abbott Boulevard, Block 1253, Lot 10, Single-Family Dwelling

Marc Macri, representing the applicant stated this is for the construction of a new single-family dwelling. Expert witnesses for the applicant are:

Mark Martins, Site Engineer, Vassilios Cocoros, AIA and David Spatz, Professional Planner.

Mr. Macri called his first witness Mark Martins, 55 Walnut Street, Norwood, NJ. Mr. Martins was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Martins marked into evidence

Exhibit A1 – Colorized Site Plan as submitted to the Board dated: 11/15/2015

Mr. Martins stated existing is a single family dwelling with a detached garage. The property is located in the R2 Single Family Zone and the applicant proposes to remove the existing building and garage and erect a new single-family dwelling. The property is rectangular in shape and 100 x 50ft. The HVAC unit will be located in the left rear corner of the dwelling. We are proposing seepage pits and we will comply with the report of the Borough Engineer dated December 18, 2015 for all drainage requirements. A new retaining wall in the rear yard will be 3 ft. in height. Parking is met on site and a two-car driveway is proposed. Plantings will include azaleas, arborvitae along the rear lot line and three new flowering trees. Three older trees are to be removed and the side yards will be primarily grassy areas.

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

Mr. T. Sekar, 1140 Abbott Boulevard asked to the height of the retaining wall.

Mr. Martins stated the highest point will be 3ft. in the rear yard.

Mr. Sekar asked if water levels will be researched, there is a concern with drainage.

Mr. Martins stated that percolation tests will be performed as per the Borough Engineer.

Mr. Mark Ospala, 1148 Abbott Boulevard asked to the drainage. I am north of the property and the area slopes down.

Mr. Martins stated the run-off will be handled by the seepage pits in accordance with the Borough standards.

Mr. Ospala asked to the bedrock.

Mr. Martins stated we will bore and test for bedrock. Due to the slope there is less excavation.

Chairman Sugarman stated if rock is to be removed the neighbors will be protected and this will be a condition of approval.

Al Floratos, 1518 Eighth Street, Fort Lee asked how much parking will be lost on the street.

Mr. Martins stated one spot.

H. Tunali, 1139 Abbott Boulevard asked to the purpose of the retaining wall.

Mr. Martins stated to level off the property.

Mr. Tunali asked if there was another option.

Mr. Martins stated this design is more functional.

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 the architectural plan dated November 11, 2015 as submitted to the Board. Mr. Cocoros stated the basement level will consist of a recreation room off a 3-car garage, closet, bathroom and a utility room. There will be ingress and egress to a rear yard patio through glass sliding doors. The second story will consist of a living room, dining room, family room, kitchen and eating area with a wood deck off the eating area. The third story will consist of a master bedroom ensuite, three additional bedrooms and two additional full baths. A laundry room is at this level. Total square footage of net finished area is 4,449 sq. ft.

Chairman Sugarman asked for questions from the Board.

Mr. Silver asked to the height of the basement and the full bath.

Mr. Cocoros stated there is a step-down from the garage. The height in the front of the basement is 8ft. and 9ft. in the rear.

Mr. Macri stated the full bath is permitted.

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Mr. Porrino asked if the house can be shifted to the north to eliminate the side yard variance. Can the rear yard deck be reduced in size?

Mr. Cocoros stated the deck can be reduced to 10ft. x 10ft.

Mr. Ospala asked for the total square footage.

Mr. Cocoros stated 4,449 sq. ft.

Mr. H. Tunali, 1139 Abbott Boulevard asked what the reason is for keeping the telephone pole.

Mr. Cocoros stated the pole is existing and the design allows for ample room to move in and out of the driveway.

Mr. Tunali asked to the variances regarding the height.

Mr. Cocoros stated the planner will address those questions.

Mr. Macri called his final witness, David Spatz, Professional Planner, 16 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 – photographs of property in question and the surrounding properties

Mr. Spatz stated the use is permitted and we are improving the drainage on site. Mr. Spatz reviewed the photographs for the Board and stated he is familiar with the surrounding neighborhood. Variations are being requested for the height (exceeds 10%) and the FAR. Bulk variances are being sought for maximum lot coverage as 40% is required and 41.2% is being requested; front yard setback as 20ft. is required and 18.8 ft. is proposed; rear yard setback as 25 ft. is required and proposed is 13.8 ft. to the rear yard deck; one side yard as 6.5 ft. is required and 6 ft. is proposed, maximum height first floor to grade plane as 3ft. is permitted and 10.67 ft. is proposed, maximum horizontal eave line as 21ft. is permitted and 28.5 ft. is proposed and garage door setback as 37 ft. is required and proposed is 20.8 ft. The FAR permitted is 0.75 and proposed is 0.91. The property can support the increase in the FAR which results from the habitable recreation use in the basement, ceiling height and the rear yard exit through the sliding glass doors adding to the calculation. The design of the building is consistent with what is in the neighborhood and there is no impairment to the zone plan. Parking is met on site and the intent of the master plan is met for the preservation of neighborhoods. The height variance results from the topography of the site and the proposed fill which will allow for better drainage. Air, light and open space is preserved and there is no detriment to the public good.

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

Mr. Tunali, 1139 Abbott Boulevard asked to the number of stories.

Mr. Spatz stated he reviewed the other properties in the area and the height differences.

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Mr. Spatz reviewed the variances for Mr. Tunali following his request.

Mr. Tunali asked to the loss of sunlight.

Mr. Spatz stated the height variance is 4 ½ ft. and this is not significant.

Chairman Sugarman asked for public comment.

Mark Ospala, 1148 Abbott Boulevard was sworn in and stated he has concern with the height of the home and the loss of sunlight.

Mr. T. Sekar, 1140 Abbott Boulevard was sworn in and stated he has concerns with the changes in the town and the size of the building. We are losing two parking spots.

Al Floratos, 1518 8th Street was sworn in and stated this is another loss of residential parking. We have had a hike in residential permits from 8,388 to 1,248. We are losing parking due to all the new development.

Mr. Porrino asked if the house could be sunk at all.

Mr. Cocoros stated even a reduction of 4 to 6ö would still show a pitch.

Mr. Tonali, 1139 Abbott Boulevard stated he owns the house across the street and we built our home within code. Three stories is too much.

Mr. Macri gave his summary to the Board stating we will amend the plan and sink the house 4 ó 6ö. We will reduce the size of the deck to 10 ft. x 10 ft.

Mr. Porrino stated with the two amendments to the lowering of the house and the height reduction on the deck he makes a motion to approve the application.

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, Starace and Sugarman to grant the applicant variance approval for the construction of a new two-family dwelling.

ADJOURNMENT

It was moved by Mr. Joh and seconded by Mr. Liapes to adjourn the meeting at 11:05 PM.

Respectfully submitted,

Barbara Klein, Board Secretary