

FORT LEE BOARD OF ADJUSTMENT

FEBRUARY 9, 2016

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

Absent: J. Nitti, D. Sugarman

Present: J. Mariniello, Esq., M. Jovishoff, Phillips, Preiss, Grygiel

Vice-Chairman, Howard Joh, called the meeting to order at 7:35 p.m.

NOTICE OF MEETING: The Vice-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 2016.

Vice-Chairman Joh stated Mr. Starace and Mr. Yoon will be sitting in as voting members this evening.

Approval of Minutes

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 4-0 by members Silver, Joh, Makroulakis and Yoon to approve the minutes of the meeting of January 19, 2016. Mr. Porrino and Mr. Liapes abstained from the vote.

Approval and Adoption of 2015 Annual Report Fort Lee Board of Adjustment Applications and Development

It was moved by Mr. Silver, seconded by Mr. Yoon and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon, Starace to adopt the 2015 Annual Report.

Acceptance/Completeness

Docket #2-16 Francis & Magidalini Vonderlinden 336 Wilson Avenue Block 6051, Lot 14 Addition/Single-Family Dwelling

Marc Macri, Esq. representing the applicant. Vice-Chairman Joh announced that completeness will be continued to the meeting of February 23, 2016.

Docket #3-16 A Jared & Lawrence Geffner 1135 Route 5/Glen Road Block 1156, Lot 12 Two-Family Dwelling

Gerald Salerno, Esq. is representing the applicant and stated that he received and reviewed Mr. Jovishoff's letters on each of the applications. The applicant is prepared to make the changes that Mr. Jovishoff recommended. Mr. Jovishoff stated that there is some confusion with Item #14 in his letter, there's a difference with the grade plan. If applicant complies, he will be satisfied. Plans to be submitted 10 days prior, or sooner. Mr. Salerno will call the office for a date.

Docket #3-16 B Jared & Lawrence Geffner 431 Brinkerhoff Avenue Block 1156, Lot 13 Two-Family Dwelling

Gerald Salerno, Esq. is representing the applicant and stated that he received and reviewed Mr. Jovishoff's letters on each of the applications. The applicant is prepared to make the changes that Mr. Jovishoff recommended. Mr. Jovishoff stated that there is the same issue with elevations. If applicant complies, he will be satisfied. Plans to be submitted 10 days prior, or sooner. Mr. Salerno will call the office for a date.

Public Hearings

Docket #30-15 1550 Lemoine LLC 1550 Lemoine Avenue Block 3957, Lot 4

Preliminary/Final Major Site Plan, Interior Alteration for Massage Therapy Suite, Increase in Building Signage: 12 Light Box Signs, Roof-top Channel Lit Sign.

Marc Leibman is representing the applicant. He stated that he has 4 witnesses this evening and that most of you drive past this location every day.

Mr. Jovishoff stated that he has a correction to his letter, should state retail building. This does not change the variance, but changes the parking requirements due to change of use. This increases the parking requirement by 2 spaces; he wanted the correction on the record. Also, the height of the signs and area calculations, this changes the square footage slightly.

Mr. Porrino asked if this application is being treated as retail for parking?

Mr. Leibman answered there is mostly foot traffic.

Mr. Mariniello asked where is this location?

Mr. Leibman responded there used to be a pizza place there.

Mr. Leibman called his first witness Mr. Hojoon Chung 4 Center Place, Fort Lee, Architect
Mr. Chung was sworn in and his credentials accepted by Vice-Chairman Joh.

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Mr. Chung stated that he prepared the plans for addition/alteration for a 2,054 sq. ft. foot massage and back massage use in the building.

A1 – 5 sheets

A0.00 shows the site and space to be built out

A1.00 shows area to demo

D1 is the demo plan

Mr. Mariniello asked what is there now?

Mr. Michael Kang, Property Manager 1142 16th St., Fort Lee was sworn in and his credentials accepted by Vice Chairman Joh.

Mr. Kang advised that the property is currently vacant. There used to be herbal medicine/acupuncture there. The exterior wall space is not changing.

Mr. Porrino asked if this use is permitted or if a D1 variance is required?

Mr. Jovishoff stated this is in a C2 zone and not a permitted use.

Mr. Yoon asked if the prior acupuncture business was permitted?

Mr. Jovishoff answered no.

Marc Leibman stated that he thinks there's a slight difference in calling this a medical use.

Mr. Jovishoff advised this is not a permitted use, requires a D1 variance and is not specified in the ordinance as a permitted use.

Mr. Starace asked if there will be running water in the massage rooms?

Mr. Chung answered no.

Mr. Jovishoff asked if the staff is licensed?

Mr. Jovishoff asked if they require a state license?

Mr. Leibman answered Yes, it is his understanding that they are state licensed.

Mr. Makroulakis asked how much of the building is occupied?

Mr. Kang stated it is half occupied.

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Mr. Porrino asked if the tenants are present for this application?

Mr. Kang stated yes.

Marc Leibman stated the proposed tenant is presently operating in Fort Lee on Main Street.

Mr. Jovishoff asked if each operator is individually licensed?

Marc Leibman replied that every employee is licensed by NJ.

A2 6 Copy of license.

Mr. Mariniello stated we should have a Chinese interpreter to question the owner/applicant who is present tonight.

Mr. Porrino asked if they are located on Main Street now, did they come to the Board for a variance to operate there?

Mr. Kang replied that they purchased Main Street from a previous operator and they would like to now operate both locations.

Marc Leibman stated he is curious if they need a variance or not.

Mr. Porrino stated he is anxious to know how they were able to occupy the original location on Main Street.

Marc Leibman marked into evidence:

Exhibit A3 –Article II – Granting Clause/Term/Parking - A clause that is in every lease for each tenant on the site.

Mr. Mariniello asked what is the number of employees?

Mr. Kang answered they are starting with 5 employees.

Mr. Silver asked what is the maximum amount of employees?

Mr. Kang answered that they are planning on 10 massage therapists.

Mr. Starace asked if they are 60% occupied now, when they are 100% occupied where will the employees be parking?

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Mr. Kang answered that he doesn't know but that employees commute from Flushing.

Mr. Silver asked if he's saying that the Municipal lot will be used?

Mr. Kang answered if they choose to.

Mr. Silver asked if there are 20 tenants in the building?

Mr. Kang stated he is not sure.

Mr. Kang stated that there is a garage for tenants and 4 spaces are for the bank. He stated that the hours of operation will be 10AM til 10PM.

Mr. Starace asked if the egress is in and out?

Mr. Kang answered yes.

Mr. Joh asked what are the number of spaces rented to the bank?

Mr. Kang stated 5 spaces.

Mr. Mariniello asked what are the number of employees at the bank?

Mr. Kang answered 4-6 on a busy day.

Mr. Makroulakis asked where do they park?

Mr. Kang stated he didn't know.

Mr. Porrino requested that if this application is carried, the Manager do a survey on parking and the amount of sq. footage vs. the amount of parking for each use. He would like him to measure the spaces by uses to see with this number of tenants is there sufficient parking?

Mr. Starace stated that there could be 15-20 clients at one time and all of them will probably be driving there. He is concerned with the parking spaces.

Marc Leibman stated he thought it would be a good time to break, then hear from the Planner, get more information and prepare a report.

Sam Gronner 2077 Center Avenue Fort Lee asked if it is within the jurisdiction of the Board of Adjustment to impose a condition of valet service?

Mr. Mariniello stated that the Board is already questioning the parking.

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Mr. Porrino asked if there is a denial letter from the Zoning Officer?

Marc Leibman stated he's sure he has one and that this will give us an opportunity to investigate the prior use.

Mr. Porrino would like to see the denial letter for the Main Street location.

Vice-Chairman Joh announced this matter will be carried to the meeting of March 8, 2016. No further notice is required on the part of the applicant and the applicant has extended the time for the Board to act.

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

Marc Macri, Esq. is representing the applicant. Vice-Chairman Joh announced this matter will be carried to the meeting of March 22, 2016. No further notice is required on the part of the applicant and the applicant has extended the time for the Board to act.

Docket #1-16 Sassano 1584 LLC 1584 John Street Block 3754, Lot 7 Two-Family Dwelling

Marc Macri is representing the applicant. Mr. Macri stated that the property is in a R3 zone which permits a two-family use. He advised he has two experts this evening, an engineer and architect.

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

A1 – Sheet 1 dated 12/16/15

Mr. Martins stated this is an existing 2 ½ story frame dwelling on a 50ø x 110ø ft. irregular lot. The side lines are perpendicular, there is a detached garage located in the South East area of the property. Everything will be removed from the property. They propose to construct a new 2 family residence. They plan to work with the existing grades. Two seepage pits are proposed for drainage. Each pit will be 500 gallons with a 10 x 10 stone trench. Mr. Martins read the Borough standards and the applicant will comply. One pine tree is to be removed.

Sheet 2 of 3 – Landscape Design

Mr. Martins stated a planting strip is proposed between the two driveways. Azaleas will be planted in the front yard and arborvitaes in the back.

Mr. Jovishoff asked if the front landscaping could be enhanced?

Mr. Macri stated that they are looking to maximize the 2 parking spots. If the planting strip was wider it would be difficult to put two parking spaces.

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Mr. Martins stated he could add a street tree that will also provide shade.

Mr. Starace asked what is the height of the existing house?

Mr. Martins answered he didn't know but the new house would be lower than the existing. The proposed dwelling will be relatively the same height as next door.

Mr. Mariniello stated that they are proposing new drainage to be installed. He asked what is there now?

Mr. Martins stated that there is nothing there now and this is an improvement.

A member of the public asked if they are here for a variance and if so, what is the variance?

Mr. Mariniello stated that the applicant is here for a FAR 6 D4 variance, and height variance 6 D6, this is published in the notice.

Mr. Macri called his second witness, Vasillios Cocoros, Architect, 467 Sylvan Ave. Englewood Cliffs, NJ Mr. Cocoros was sworn in and his credentials accepted by Vice Chairman Joh.

Mr. Cocoros stated that a two-family side by side dwelling is proposed, 3 levels, all brick with 3 bedrooms in each unit.

Mr. Liapes asked about the windows being different on each side.

Mr. Cocoros stated this is for individualism.

Mr. Cocoros stated the actual dwelling is similar to the house on the left side. The grade of the driveways are the same. This house fits in with the buildings on the right and left.

Page 2 - Layout

This is a deeper lot, a 20' planting strip provides for 2 car parking.

Mr. Cocoros stated the property accommodates 6 cars with a loss of 1 parking space on the street.

Mr. Cocoros reviewed the zoning table.

Mr. Jovishoff stated that the parking is not indicated on the plans.

Mr. Macri stated if approved, the parking will be indicated.

Mr. Cocoros stated there are 4 lights outside, no commercial lighting is proposed.

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Mr. Starace asked if the surrounding two-families on the east side are comparable in size.

Mr. Cocoros answered yes.

Mr. Macri gave his summation and asked the Board to act favorably on this application.

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

ADJOURNMENT

It was moved by Vice-Chairman Joh, seconded by Mr. Liapes to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Linda Garofalo
Recording Secretary