

FORT LEE BOARD OF ADJUSTMENT

May 10, 2016

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

Present: J. Mariniello, Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Eng.,

Absent: D. Porrino

Chairman Sugarman called the meeting to order at 7:35 p.m.

1. 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 2016.

3. Approval of Minutes

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to approve the minutes of April 26, 2016.

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

4. Memorializations

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

It was moved by Mr. Joh, seconded by Mr. Nitti and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Sugarman, Yoon and Sugarman to grant the applicant approval for the construction of a two-family dwelling. The applicant will comply with the report of the Borough Engineer and submit revised plans to the Board planner as a condition of this approval.

Docket #6-16, 327 Lincoln Avenue, LLC, 431 Center Street, 1590 West Street, Block 4051, Lots 16 & 19, Minor Subdivision, Three Two-Family Dwellings, One Single Family Dwelling (Proposed Lots: 16.01, 16.02, 16.03 & 19.01

Page 2—ZBA 5-10-2016 – Memorializations continued

It was moved by Mr. Liapes, seconded by Mr. Makroulakis and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to grant the applicant minor subdivision approval.

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to grant the applicant variance approval for the construction of a single-family dwelling on lot 16.01.

It was moved by Mr. Silver, seconded by Mr. Makroulakis and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to grant the applicant variance approval for the construction of a two-family dwelling on lot 16.02

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 grant the applicant variance approval for the construction of a two-family dwelling on lot 16.03.

It was moved by Mr. Nitti, seconded by Mr. Liapes and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to grant the applicant variance approval for the construction of a two-family dwelling on lot 19.01.

5. Acceptance/Completeness

Docket #2-16, Francis & Magdalini Vonderlinden, 363 Wilson Avenue, Block 6051, Lot 14, Addition Single Family Dwelling

Chairman Sugarman announced that the completeness for this matter will be carried to the meeting of May 24, 2016.

CHAIRMAN SUGARMAN ANNOUNCED

Docket #9-16, Linda Merxhushi, 2017 Jones Road has requested a new hearing date of June 28, 2016

Docket #8-16, ZAKA, LLC, 1350 15th Street, Block 2252, Lot 1 is being carried to the meeting of June 28, 2016. No further notice on the part of the applicant and the applicant has waived the time for the Board to act.

CHAIRMAN SUGARMAN ANOUNCED that Mr. Liapes is recused from Docket #19-16. Mr. Starace will sit in on the application.

Docket #19-16, JZS Developers, LLC, 2475 Sixth Street, Block 7153, Lot 3, Two-Family Dwelling

Marc Macri, representing the applicant stated they are in receipt of the report of Michael Jovishoff dated May 5, 2016 and will comply with that report. Any revisions required will be submitted ten days prior to a hearing date. The photographs and property ownersø within 200ft. has been submitted.

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It was moved by Mr. Silver, seconded by Mr. Joh and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Yoon, Starace and Sugarman to deem the application complete. A hearing date will be provided through the Board Secretary.

Mr. Liapes returned to the meeting

Docket #20-16, Il Chung Ha, 214 Main Street, Block 4253, Lot 6, Preliminary/Final Major Site Plan – Mixed Use Residential/Restaurant/Office Space

Saverio Cereste, representing the applicant stated they are in receipt of the May 7, 2016 report of Michael Jovishoff. There are no building and/or fire violations and the building was recently renovated. An application will be made to the County this week and we will comply with the planner's report. An application will be made to the Sign and Façade committee this week and we will be will comply with their recommendation.

Chairman Sugarman asked that he applicant provide information on stormwater.

Mr. Cereste stated he will get the information to the Board.

It was moved by Mr. Joh, seconded by Mr. Silver and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. The applicant will contact the Board Secretary for a hearing date.

Docket #21-16, Gyeong Soon Park, 565-569 Main Street, Block 3562, Lot 8, Preliminary/Final Major Site Plan – Mixed Use Retail/Residential

Saverio Cereste, representing the applicant stated we are in receipt of the report of the Board's planner, Michael Jovishoff dated May 9, 2016 and we will comply with his comments.

The application was submitted as a major site plan but is a minor site plan. It is a conversion of a second floor in a commercial building to a residential apartment. The building is in the C2 Zone and therefore a "D" variance is required. The conversion is for just one of the two buildings. We will submit an application to the County and will have a planner testify at the time of hearing.

It was moved by Mr. Liapes, seconded by Mr. Yoon and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. The applicant will contact the Board Secretary for a hearing date.

Docket #22-16, S & G Development, LLC, 2175 Linwood Avenue, Block 5852, Lot 14, Two-Family Dwelling

Saverio Cereste, representing the applicant stated they are in receipt of the May 5, 2016 memorandum of Michael Jovishoff and they will comply with that report. Drainage calculations will be provided ten days prior to a hearing date.

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It was moved by Mr. Nitti, seconded by Mr. Liapes and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. The applicant will contact the Board Secretary for a hearing date.

Docket #23-16, MATKAL Realty, LLC, 338 Riverdale Drive, Block 3054, Lot 4, Single Family Dwelling

Saverio Cereste, representing the applicant stated they are in receipt of the May 5, 2015 report of Michael Jovishoff and will comply with his requests. We will submit the Boundary and Topographical Survey and all other documents ten days prior to a hearing date.

It was moved by Mr. Silver, seconded by Mr. Liapes and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. The applicant will call the Board office for a hearing date.

6. Public Hearings

Docket #9-16, New York SMSA Limited Partnership d/b/a Verizon Wireless, 2125 Center Avenue, Block 5251, Lot 2, Minor Site Plan/Co-location of a Wireless communication Facility

Chairman Sugarman announced that Mr. Silver has recused himself from the application. Mr. Starace will sit in for Mr. Silver.

Michael Beck, Hering, Dupignac, Stanzione, Dunn & Beck, representing the applicant, stated this is a minor site plan application for the co-location of four sectors of roof-top antennas, one microwave dish and a 12 x 20 ft. equipment room. Presently, T-Mobile is on this site and an approval was received from this Board in 2002.

Mr. Beck called his first witness, Frances Boschulte, PierCon Solutions, Lincoln Park NJ. Ms. Boschulte was sworn in and her credentials accepted by Chairman Sugarman.

Chairman Sugarman asked if the exhibits presented were new and needed to be marked in.

Mr. Beck stated these are the exhibits as submitted to the Board.

Exhibit A1 – Independent Radio Frequency Report, Pier Con Solutions dated 4-26-2016

Ms. Boschulte stated there is a gap in the present service. The Fort Lee capacity has exhausted service in this area as we have exceeded all thresholds.

Mr. Beck asked if there was a standard.

Ms. Boschulte stated yes and other sites are additionally exhausted. Verizon is looking to improve the functionality of all their sites. Ms. Boschulte reviewed the placement of the 16 antennas and stated the positioning on the roof is towards the I-95 side of the building. The more an antenna is setback on the roof the height must be increased. Ms. Boschulte reviewed the coverage maps for the Board showing the coverage area to be improved.

Mr. Starace asked if additional antennas would improve a larger area.

Ms. Boschulte stated there will be future applications for co-location. This proposal services this area.

Mr. Mariniello asked if the ordinance is met on height.

Ms. Boschulte stated no due to the parapet wall. The setback increases the height of the antenna.

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

Mr. Beck called his next witness, Michael Fischer, Site Engineer, Millennium Engineering, 132 Jaffrey Road, Malvern, PA. Mr. Fischer was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Beck marked in

Exhibit A2 – RF Safety FCC Compliance Report as prepared by Millennium Engineering, PC, dated January 5, 2016

Mr. Fischer reviewed his findings with regard to the FCC regulations for the site. The site complies with those regulations.

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

Mr. Beck called his next witness, James Skowronski, Site Engineer, Ramaker & Associates, 855 Community Drive, Sauk City, Wisconsin. Mr. Skowronski was sworn in and his credentials accepted in by Chairman Sugarman.

Mr. Beck asked for testimony to the physical improvements to the site.

Mr. Skowronski stated the site plan was last revised April 21, 2016 as submitted to the Board.

Mr. Skowronski reviewed the equipment room and generator for the Board stating they would not be visible from the street.

Chairman Sugarman asked to the noise level.

Mr. Skowronski stated this is a 30 kilowatt generator and we are below the number of permitted decibels at 39 fti. Permitted is 69.

Mr. Skowronski reviewed the timing of the generator for the Board. It will be turned off during the day.

Mr. Makroulakis asked how the generator was fueled.

Mr. Skowronski stated natural gas.

Mr. Skowronski reviewed the three sets of antennas at the roof level for the Board. There is no architectural screening as the parapet accommodates as a screen for the site. The site will be

maintained once per month. The design of the site is to the code of the Borough and the site will be monitored remotely.

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

Mr. Beck called his final witness, William Masers, PP, Morris Plains, NJ. Mr. Masers was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Masers stated that the site is suited for the proposed co-location. The existing building is a tall structure and not in a residential zone. Wireless is permitted. The location is next to a major traffic corridor and co-location is the desired objective of most carriers. The site is a benefit to the community and is an inherently beneficial use as it serves the general public.

Mr. Masers presented a board of eight photos taken by him on December 13, 2016.

Exhibit A3 – Photo Board, Eight Photographs of Site and Surrounding Area

The proposal is consistent with the neighborhood and the statutory criteria is met. There is no detriment to the public good and no impairment of the zone plan.

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

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

Mr. Beck offered his summation of the proposal to the Board.

It was moved by Mr. Makroulakis, seconded by Mr. Starace and passed on a vote of 7-0 by members Nitti, Joh, Makroulakis, Liapes, Yoon, Starace and Sugarman to grant the applicant minor site plan approval for the co-location of the wireless telecommunication facility.

Chairman Sugarman called for a ten minute recess at 9:00 PM. The meeting resumed at 9:10 P.M. Mr. Silver returned to his seat as a voting member.

Docket #5-16, Anthony Catanzaro, 1611 Valley Street, Block 3553, Lot 8, Conversion of a Four-Family Dwelling to a Five-Family Dwelling.

Richard Hubschman, representing the applicant, stated this is a continued public hearing from April 12, 2016 and he has one remaining expert to testify.

Mr. Hubschman called Michael Hubschman, PP, 263 South Washington Avenue, Bergenfield, NJ. Mr. Hubschman was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Hubschman stated the proposal is to add a 5th basement unit to an existing four-family dwelling. The dwelling is in the R3 Zone on a 50 x 100 lot on a dead end street surrounded by the R10 and R5 multi-family zones. The proposed one bedroom unit is 890 sq. ft. and all modifications will be made to comply with the requirements of the fire code official. Presently there are 12 parking spaces on site. The site is adjacent to an easement and a Borough pump station. Three 0D0 variances are needed for use, FAR and density. Considering the various multi-family zones the use is suited to the neighborhood. There is adequate parking on site and

no detriment to the public good. There will be no visual change to the area. There is no impairment to the zone plan and the site can accommodate the increase in density. This is a dead end street and the home is surrounded by larger density dwellings. There is no increase in lighting.

Chairman Sugarman asked for questions from the Board.

Mr. Makroulakis asked to the parking lot across the street and the traffic congestion. The proposed site has tandem parking on one side of the building.

Mr. Hubschman stated the tandem parking is existing.

Mr. Makroulakis stated there is an old certificate of occupancy stating there shall be no residential unit in the basement and now fire prevention wants the building sprinkled.

Mr. R. Hubschman stated we are aware of this requirement.

Mr. Silver questioned the CCO from 1998 in addition to the letter from the State (DCA) stating there are five units on site.

Mr. Joh asked how was this dwelling unit ever converted.

Mr. Silver asked when the property was purchased.

Mr. R. Hubschman stated it was purchased by the applicant in 1998 from his parents.

Mr. Jovishoff stated that a variance is needed for the tandem parking.

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

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

Mr. R. Hubschman gave his summation to the Board.

Chairman Sugarman asked for a motion from the Board.

Mr. Makroulakis made a motion to deny the application. There was no second.

Mr. Joh made a motion to approve the application even though he does not like all the macadam. It was moved by Mr. Joh, seconded by Mr. Nitti and denied on a vote of 4-2. Members voting in favor of the application: Nitti, Silver, Joh, and Liapes. Members voting to deny the application: Makroulakis and Sugarman.

Mr. Yoon was unable to vote on the matter as he did not listen to the tape of the proceedings from April 12, 2016.

Docket #3-16 A & B, Jared & Lawrence Geffner, 1135 Route 5 (Glen Road), Block 1156, Lots 12 & 13, Two-Two-Family Dwellings

Gerald Salerno, representing the applicant, stated this is an application for two homes on two adjacent parcels in the R2 Zone. We will start our testimony this evening but due to the hour will return to complete the application. Mr. Salerno called his first witness, Conrad Roncati, Architectura, One Executive Drive, Fort Lee, NJ. Mr. Roncati was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Mariniello stated we will proceed with each dwelling separately.

Mr. Roncati stated the parcel located at 431 Brinkerhoff Avenue is a corner lot and 6,300 sq. ft. The existing single family home was built in 1949 and we propose to demo that property and erect a new side x side duplex. Mr. Roncati referred to the architectural plan as submitted to the Board last revised February 29, 2016.

Mr. Salerno marked into evidence

Exhibit A1 – Colorized Site Plan, Sheet 3, last revised March 8, 2016

Mr. Roncati stated the property has 111 ft. of frontage on Glen Road and 50 ft. of frontage on Brinkerhoff Avenue. Driveways will have ingress and egress onto Glen Road (Route 5). Mr. Roncati reviewed the floor plans for the Board.

Chairman Sugarman asked for questions from the Board.

Chairman Sugarman asked to the size of the bathroom facility in the basement.

Mr. Roncati stated this will be a powder room.

Mr. Roncati reviewed the variances for the Board. A D1 use variance is required in addition to a D6 variance for building height. The proposed dwelling will be three stories, 31 ft. There will be approximately 2,000 sq. ft. per floor for a total of 6,000 sq. ft. per unit including the garage. The site dictated the driveway design. Bulk variances are needed for lot depth, lot coverage, front yard setback, rear yard setback and garage door setback. Parking is met on site.

Chairman Sugarman asked for questions from the public.

Janet Zajac, a property owner within 200~~0~~ asked to possible occupancy in the basement level.

Mr. Roncati stated this is recreational space.

Ms. Zajac asked if the driveways face the school.

Mr. Roncati stated yes.

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

Mr. Salerno asked to the existing conditions on the site.

Mr. Martins stated the dwelling, built in 1949 will be demolished and proposed is a side x side two-family dwelling. The property is a flag lot 6,396 sq. ft. in size. There is a detached garage which will be removed. The plans have been prepared and conform with the Borough's site plan ordinance. Mr. Martins reviewed the zoning schedule for the Board and the waivers being requested for the driveway widths. We are proposing a 2 ft. (measured at the inside) planting strip between the two driveways.

Mr. Salerno asked to the drainage improvements.

Mr. Martins stated the property slopes from north to south. We will level the site and incorporate a maximum four ft. retaining wall. There will be a slight pitch toward the seepage pits which will be located under the driveways. The roof connection will drain under the driveway to the seepage pits. All utilities will be underground. We will comply with the recommendations of the Board and Borough Engineers.

Mr. Salerno asked to the curbing.

Mr. Martins stated the recommendation was made by the engineer to replace all curbing at the site.

Mr. Salerno asked how the west side retaining wall is to be removed.

Mr. Martins stated we need the neighbors permission and we will construct a new wall.

Mr. Salerno asked to the lighting.

Mr. Martins stated it is typical residential lighting as indicated on the Landscaping Plan. There will be no spillage onto neighboring properties.

Mr. Salerno asked to the landscaping.

Mr. Martins stated arborvitae will be planted on the west side. We are adding street trees (red maples) and azaleas around the property. Boxwoods and azaleas will be located in the driveway planting strip.

Mr. Salerno asked if we will comply with the report May 4, 2016 report of Neglia Engineering.

Mr. Martins stated yes.

Chairman Sugarman asked for questions from the Board.

Mr. Jovishoff asked to the removal of three trees.

Mr. Martins stated we are removing four trees and will replace them.

Mr. Jovishoff asked if screening was possible around the HVAC unit.

Mr. Martins stated we will landscape this area with low screening.

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Mr. Jovishoff stated that an agreement will need to be put in place with the west neighbor for the removal of the retaining wall.

Chairman Sugarman announced that this matter will be carried to the meeting of May 24, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

It was moved by Mr. Silver, seconded by Mr. Joh to adjourn the meeting at 10:15 PM.

Respectfully submitted,

Barbara B. Klein, Board Secretary