

**FORT LEE PLANNING BOARD**

**July 13, 2015**

**PRESENT:** A. Pohan, N. Forshner, L. LaMastro, S. Sakin, B. Suh, M. Marshall,  
C. Nicholas, R. Ferris, H. Greenberg

**ABSENT:** C. Keng, J. Cooney

**PRESENT:** G. C. Kienz, Esq., Board Attorney; M. Jovishoff of Phillips, Preiss, Grygiel Associates; M. Tiberi of Boswell Engineering.

**CALLING THE MEETING TO ORDER**

Chairman Greenberg called the meeting to order at 7:30 p.m.

**NOTICE OF MEETING**

Chairman Greenberg stated: 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 the 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 notice and have prepaid the fee fixed for the year 2015.

**APPROVAL OF MINUTES**

A motion was made by Mr. Sakin, seconded by Councilman. Pohan, and passed on a vote of 8 to 0 by members Pohan, Forshner, Sakin, Suh, Marshall, Nicholas, Ferris and Greenberg to approve the minutes of the meeting of June 22, 2015. Mr. LaMastro abstained from the vote.

**Chairman Greenberg announced**

**Docket #3-15, 1616 Bergen LLC, 1616 Bergen Boulevard, Block 3452, Lot 3.01** will be carried to the meeting of August 17, 2015 at the request of the applicant. No further notice is required and the applicant has waived the time for the Board to act.

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**MEMORIALIZATION**

**Docket #5-15, 69 Main Street Associates, LLC, Penrose Properties, LLC, 69 Main Street, Block 4355, Lots 13, 17, 18 & 19, Minor Subdivision/Lot Consolidation**

It was moved by Councilman Pohan, seconded by Mr. Nicholas and passed on a vote of 7-0 by members Pohan, Sakin, Suh, Marshall, Forshner, Nicholas and Greenberg to adopt the Resolution as prepared by the Board Attorney to grant the applicant minor subdivision approval and lot consolidation.

**Chairman Greenberg announced** that Mr. Ferris will be sitting in for Ms. Cooney this evening.

**PUBLIC HEARING**

**Docket #4-15, Premier Developers, LLC, 36 Virginia Avenue, Block 1454, Lot 12, Minor Subdivision/Two Single-Family Dwellings**

Saverio Cereste, representing the applicant, stated the property is located in the R1A Zone and borders the R2 residential zone which requires 5,000 sq. ft. of lot area. The lot is rectangular in shape and over 13,000 sq. ft. in area. The applicant proposes to subdivide the lot into two lots with an easement. To the north of the property is the R8 apartment zone, the location of Horizon House. There are no other variances required with the application. The applicant does require bulk variances. Mr. Cereste marked into evidence:

**Exhibit A 1 – Photo Board of property and surrounding properties, 6 photographs;**

**Exhibit A 2 – Aerial Photograph;**

**Exhibit A 3 – Lot Area Analysis;**

**Exhibit A 4 – Lot Width Analysis.**

Mr. Cereste called his first witness, David Garval, Anzzolina & Feury Engineers, 30 Madison Avenue, Paramus, NJ. Mr. Garval was sworn in and his credentials accepted by Chairman Greenberg.

Mr. Garval stated he prepared the site plan as submitted to the Board on April 16, 2015.

Mr. Cereste asked for the existing conditions at the site.

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Mr. Garval stated the property is at the east end of Virginia Avenue which is a dead end. The site is rectangular in shape, flat and just under a 1/3 of an acre. The property is 100 x 120 in size and consists of 13,491 sq. ft. The lot width is 30 ft. wide at Virginia Avenue. Presently the subject property has an existing two-story, one-family dwelling.

Mr. Cereste asked for testimony on the proposed subdivision.

Mr. Garval stated the applicant is proposing two lots, 12.01 and 12.02. Lot 12.01 will consist of 6,733 sq. ft. and the frontage will be in the northwestern corner abutting the end of Virginia Avenue. Proposed lot 12.02 will have no frontage on a public right-of-way and proposed access will be adjoining lot 12.01 via an easement. Proposed is 6,758 sq. ft. The width of lot 12.02 will be 143 ft. and the depth is +24.5 ft. The proposed width of lot 12.01 is 136.5 ft. and lot depth is 46 ft.

Ms. Tiberi asked to the setback lines for the front, side and rear yards.

Mr. Garval stated we are still working on the orientation.

Mr. Jovishoff stated his zoning table is correct with regard to all setbacks.

Chairman Greenberg asked to the front yard measurement on lot 12.02.

Mr. Jovishoff stated this is a flag lot and there is no front or rear yard. There are three or four side yards. The property is land-locked.

Ms. Tiberi asked to the width of the easement.

Mr. Garval stated 28.5 ft. to the curb.

Ms. Tiberi stated it appears to include the curb and planting aisle. More clarification is needed.

Chairman Greenberg asked for testimony on the elevation of the property.

Mr. Garval stated that edge to edge the total grade difference is two feet.

Mr. Cereste asked if there would be retaining walls.

Mr. Garval Stated no.

Mr. Cereste asked for testimony on the drainage.

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Mr. Garval stated there are proposed roof drains and four seepage pits, two being under the driveways. Catch basins will be at the end of the driveways.

Mr. Cereste asked if there would be any impact to the neighboring properties.

Mr. Garval stated no.

Mr. Forshner stated there appears to be a swale between the two properties that peaks in the middle. Water will of course run off onto lot 11.

Mr. Garval stated this will be a landscaped area and will catch the run-off.

Ms. Tiberi stated the drainage will need further review. We have received no revisions as per our ten page report with regard to our recommendations and comments.

Mr. Garval stated they will respond to the report.

Mr. Forshner asked to the easement, drainage and property owners.

Mr. Garval stated there will be different ownership and an easement agreement will be required.

Mr. Cereste confirmed that the property owners would enter into an easement agreement.

Mr. Cereste asked for testimony on the landscaping plan.

Mr. Garval stated two trees are to be removed and will be replaced with a callery pear and a European hornbeam. An arborvitae screening will be used along the lot lines. Plantings around the garage pavers will be double knock out roses, hydrangeas and boxwoods.

Mr. Cereste stated more screening can be done should the Board request it.

Ms. Tiberi asked to the repair and maintenance of the utilities and drainage on both lots. Will this be shared by the owners?

Mr. Cereste stated there will be an easement agreement which will allocate the responsibilities of each homeowner.

Chairman Greenberg asked if there was one water main.

Mr. Gravel stated yes, it will split into two.

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Mr. Jovishoff asked to the trash area in the right-of-way before the second property. How will the removal be handled.

Mr. Garval stated the owners will be responsible to get the trash to the front property line on Virginia Avenue.

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

Mr. Forshner asked what is the justification to land lock two lots.

Mr. Cereste stated this is the transitional point of Virginia Avenue where it abuts other zones where this proposed lot size would be more than what is required in another zone.

Mr. Forshner stated he is not considering the zoning schedule for the R2 zone at this site. This is the R1A Zone.

Mr. Cereste called his next witness, Vasillios Cocoros, Architect, 467 Sylvan Avenue, Englewood Cliffs, NJ. Mr. Cocoros was sworn in and his credentials accepted by Chairman Greenberg.

Mr. Cocoros referred to the architectural plans for proposed lot 12.01 and 12.02 dated March 20, 2015. Mr. Cocoros stated each dwelling is to be a four bedroom configuration with a brick/colonial façade. The driveways will be 20 ft. in length and will be at grade. Each dwelling will have a three-car garage. There will be bay windows on the back of each dwelling. The HVAC units will be located under the front yard stairs. The lighting will be typical for a residential neighborhood. Mr. Cocoros reviewed the floor plans.

Chairman Greenberg stated the buildings appear to be three stories.

Mr. Kienz stated only 2 ½ stories are permitted. This must be reduced to conform with the zone.

Mr. Cereste stated this is a C variance as the height does not exceed 10% of what is permitted.

Mr. Kienz stated the numbers need to be driven by the subdivision.

Mr. Cereste disagreed.

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

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Mr. Cereste called his final witness, Mia Petrou, professional Planner, Kenneth Ochab & Assoc, 12-16 Fair Lawn Avenue, Fair Lawn, NJ. Ms. Petrou was sworn in and her credentials accepted by Chairman Greenberg.

Ms. Petrou reviewed the existing conditions in the neighborhood for the Board. The original home was built in 1967. Variances are due to the irregular shape of the lot. The property abuts the R2 residential zone, the R8 Mid-rise zone and the R12 high rise zone. Ms. Petrou reviewed the mounted photographs for the Board.

Mr. Cereste asked if any neighboring property was available for purchase by the developer.

Ms. Petrou stated no.

Ms. Petrou continued that 63 properties were used in the lot area and width studies. In Kaufman vs Warren Township a subdivision can be granted if the subject property complies more with uniform lots in the neighborhood. Variances are needed for lot depth on both proposed parcels. The lot does not contain a front or rear lot line due to the configuration. Under the ordinance lot depth is the distance between the front and rear lot lines. The property widths of 143 ft. and 136 ft. will be used as the front yards. Variances are needed for lot area, minimum lot area per unit, lot width, lot coverage rear yard setbacks, side yard setbacks, height first floor to grade plane, maximum horizontal eave line and maximum building height. If the dwellings were in the R2 adjacent zone most of the variance requests would not be needed. The proposed use of the property provides better functionality and is consistent with the pattern in the area. Air, light and open space is preserved. There is no impairment to the zone plan. The Master Plan calls for the preservation of neighborhoods. I believe this proposal provides efficient use of the land.

Mr. Forshner asked if any other property in the area was land locked and in need of an easement.

Ms. Petrou stated no.

Councilman Pohan stated that the applicant is creating a deficiency by this subdivision request. The property is presently compliant and the property adjoins five properties in the R1A zone and only two properties in the R2 zone.

Ms. Petrou stated the issue here is access.

Mr. Nicholas stated the whole presentation has been convoluted.

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Mr. Forshner stated if the Borough and their professionals wanted this to be a separate zone. If they wanted to change it they would have.

Chairman Greenberg asked for questions/comments from the public.

Wayne Brough, 29 Euclid Road was sworn in. Mr. Brough stated his property abuts this property by roughly 90 ft. He has been a Fort Lee resident for 40 years. We have seen several large monster homes built in the area. This property will create a flooding problem.

Lawrence T. Goldberg, 5 Crescent Way was sworn in. Mr. Goldberg stated he has been a resident for 73 years and is a former councilman and qualified architect. Mr. Goldberg distributed photos of the site and surrounding properties.

Mr. Kienz asked if there was objection to the photographs of Mr. Cereste.

Mr. Cereste stated no. Mr. Kienz marked

Exhibit P1 ó Photos of site and surrounding area ó Objector

Mr. Cereste asked for a five minute break at 9:30 PM.

The meeting resumed at 9:40 PM.

Mr. Cereste stated following discussion with his client they will be withdrawing the application.

A motion was made by Mr. LaMastro, seconded by Mr. Forshner, and passed without objection to adjourn this meeting at 9:45 PM.

Respectfully submitted,

Barbara Klein, Board Secretary

