

FORT LEE BOARD OF ADJUSTMENT

OCTOBER 13, 2015

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

Absent: D. Porrino, D. Starace

Present: J. Mariniello, Jr., Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Engineering, 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. Nitti, seconded by Mr. Makroulakis and passed on a vote of 6-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, and Sugarman to approve the minutes of the meeting of September 8, 2015. Mr. Yoon abstained from the vote.

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

Memorializations

Docket #15-15, 327 Lincoln Avenue, LLC, 1433 Anderson Avenue, Block 2252, Lot 9 – Two-Family Dwelling

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

Docket #16-15, DRC Development Corp., 1545 13th Street, Block 3852, Lot 1 – Two-Family Dwelling

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

Docket #17-15, S & G Development, 1523 Ninth Street, Block 3455, Lot 6 - Two-Family Dwelling

Page 2—ZBA 10-13-2015 – Memorializations continued

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 variance relief for the construction of a new two-family dwelling.

Docket #18-15, Dino's Property, LLC, 2483 Eighth Street, Block 7157, Lot 2 – Two-Family Dwelling

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

Docket #19-15, Abigail C. Alvarez, 274 Tom Hunter Road, Block 3956, Lot 3 – Single-Family Dwelling

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

Docket #24-15, Thomas Ripoli, 290 Tom Hunter Road, Block 3952, Lot 5 – Two-Family Dwelling

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

Resolution

Authorizing the Issuance of Requests for Qualifications for Professional Services to the Board of Adjustment for the year 2016

It was moved by Mr. Silver, seconded by Mr. Joh and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to authorize the Board Secretary to issue Request for Qualification Statements for Professional Services for the year 2016.

Postponements

Docket #14-15 (A & B), A & A Construction Group, LLC, 2191 Jones Road, Block 5451, Lot 3, Minor Subdivision, Two-Family Dwelling and a Single-Family Dwelling

Chairman Sugarman announced at the request of the applicant we will carry this matter to the meeting of November 10, 2015. No further notice is required and the applicant has waived the time for the Board to act.

Docket #48-14, 801 Edgewood Lane, LLC, 801 Edgewood Lane, Block 353, Lot 13, Preliminary/Final Major Site Plan, Three Attached Townhomes

Marc Macri, representing the applicant stated at the request of the applicant we would like to carry this matter. We will waive the time for the Board to act.

Page 3—ZBA 10-13-2015

Chairman Sugarman announced this matter will be carried to the meeting of November 10, 2015, no further notice on the part of the applicant and the applicant has waived the time for the Board to act.

Acceptance/Completeness

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

Marc Macri, representing the applicant, stated we will comply with the report of Michael Jovishoff, Board Planner dated October 5, 2015. Photographs will be submitted prior to the time of hearing.

It was moved by Mr. Joh, 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. Mr. Macri will call the Board office for a hearing date.

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

Saverio Cereste, representing the applicant stated this property faces the river and the pool is in the front yard. We will provide testimony at the time of hearing and elaborate on the landscaping. We will comply with the report of Michael Jovishoff dated October 10, 2015 and address all issues brought up by Mr. Jovishoff and submit additional materials ten days in advance of a hearing. There are no violations on the property.

It was moved by Mr. Liapes, seconded by Mr. Nitti and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. A November 10, 2015 hearing date has been assigned.

Public Hearing

Docket #20-15, JMCK Holding Corp., 490-494 Jane Street, Block 3653, Lots 2 & 3, Preliminary/Final Major Site Plan – 8-Unit Garden Apartment

Carmine Alampi, representing the applicant, stated JMCK Holding is the contract purchaser of the site. The property is located on a dead end street at the border of the DPW. Presently, there are two, two-family homes on the site in disrepair. One property has a detached garage. Proposed are eight dwelling units, four over four. Testimony will be given tonight by Mark Martins, Site Engineer, Vassilios Cocoros, Architect, Mia Petrou, Professional Planner and Lou Luglio, Traffic Engineer.

Mark Martins, PE, 55 Walnut Street, Norwood, NJ was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Alampi marked into evidence:

Exhibit A1 ó Topographical Survey as submitted to the Board;

Page 4 – ZBA – 10-13-2015

Exhibit A2 ó Drainage Calculations dated June 4, 2015;

Exhibit A3 ó Site Plan 7-Sheets last revised August 17, 2015;

Exhibit A4 ó Colorized Exhibit Board Site Plan 7-Sheets last revised August 17, 2015.

Mr. Alampi asked for testimony on the report of Neglia Engineering last revised September 2, 2015.

Mr. Martins stated we have been in touch with Neglia and we have complied with most of their recommendations.

Mr. Alampi asked to the existing conditions at the site.

Mr. Martins stated the property is located on the south side of Jane Street approximately 100 ft. west of John Street. The property is located in the R5 Garden Apartment Zone and consists of two 50 x 100 ft. lots. The R2 Zone is to the east and south and the C2 Zone across the street. The Industrial Zone is to the west and includes a five story factory building and the Department of Public Works. There is no curbing at the site but some is found to the east. Presently on the site are two-two-family dwellings which are old and in disrepair. The property consists of approximately 10,000 sq. ft. and slopes approximately 4 ft. There is no drainage system on the site and water travels to the north. The applicant proposes to construct a four-story, eight-family dwelling and will incorporate paver driveways, concrete walks, landscaping, drainage and lighting improvements. Parking proposed includes 8 garages with one space inside and one outside for each unit for a total of 16 parking spaces. Each driveway will be 19ft. in width. If the application is approved the lots will be merged.

Mr. Alampi asked for a review of the zoning schedule.

Mr. Martins stated a D5 variance is needed for density as the minimum lot area per unit required is 1,500 sq. ft. and proposed is 1,249 sq. ft., and a D6 variance for height as permitted is 35ft./2 ½ stories and proposed is 39.45 ft./4-stories. Variances are also required for maximum lot coverage, minimum front yard setback, rear yard setback and side yard setback.

Mr. Alampi asked to the conditions of the existing street.

Mr. Martins stated there are no curbs or sidewalks to the east and we will improve the site.

Mr. Alampi asked to the trash and recyclables.

Mr. Martins stated the storage will be inside the garage and the unit holder will bring trash and recyclables out to the curb.

Mr. Alampi asked to the drainage.

Mr. Martins stated proposed are seepage pits along each driveway which will slope to the street. The furthest west driveway will have a trench drain due to the 4 ft. difference in the grade. We propose to level the property in the front. We will connect to the public utilities.

Page 5 – ZBA – 10-13-2015

Mr. Alampi asked for a review of the landscaping.

Mr. Martins stated the applicant proposes to remove three trees and replace with three Dogwoods in the rear yard. Two Redbud trees are proposed in the front yard. Arborvitae is proposed along the rear lot lines and additional Yew plantings are proposed on the side yard lot lines. A 24" planting strip is proposed between the two center driveways to the front of the property planted with boxwoods. There will be a grassy area in the rear yards and no decks.

Mr. Alampi asked to the report of Neglia Engineering last revised September 2, 2015.

Mr. Martins stated we will comply with all comments and do soil percolation tests.

Chairman Sugarman stated this will be a condition of approval.

Mr. Alampi asked if this was a combined sewer.

Mr. Martins stated yes and there will be no increase in any run-off. The applicant will maintain and monitor the stormwater sewer plan.

Chairman Sugarman asked for questions from the Board.

Mr. Nitti asked to the half space for guest parking.

Mr. Martins stated the RSIS requirement is ½ spot per unit for guests.

Mr. Joh questioned the calculation should both tenants be home.

Mr. Alampi stated that 250ft. away is the municipal lot on Main Street.

Mr. Makroulakis questioned the 19ft. driveway width, it appears tight for an SUV.

Mr. Makroulakis asked if an additional planting strip could be incorporated.

Mr. Martins stated there is only room for one 24" planter. Anymore would create a narrower driveway width.

Chairman Sugarman asked if the municipal lot can be reached from Jane Street.

Mr. Martins stated access is only from Main Street.

Mr. Silver questioned if someone would walk over 200 ft. to find parking in the municipal lot.

Mr. Alampi stated it is in close proximity.

Chairman Sugarman asked for questions from the public.

Nina Levinson, 1560 West Street, Fort Lee, NJ asked if this would be a rental or condo. Also are they garden apartments or townhomes.

Chairman Sugarman stated condo and/or rental is not part of the application.

Page 6 – ZBA – 10-13-2015

Mr. Martins stated this will be a garden apartment.

Dr. Levinson asked to the drainage and slanting of the property with water onto John Street where there are problems.

Mr. Martins stated the property slopes to the east and follows the gutter line.

Mr. Alampi objected and stated there is no evidence of a problem on John Street.

Mr. Martins stated we will be reducing property flow off of the property.

Marios Hatzikyrikou, 500 Jane Street asked how long the R5 zone has been in existence here.

Mr. Alampi stated in 1986 five or six acres was designated.

Mr. Hatzikyrikou asked to the loss of on street parking and the fence on the site.

Mr. Martins stated there is a loss of one spot and the fence will be removed.

Mr. Hatzikyrikou asked to the side yards and other setbacks and if the rear yard would be filled.

Mr. Martins reviewed the side yards, rear yard and the fill stating there will be none in the rear yard.

Mr. Alampi 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. Alampi marked into evidence

Exhibit A5 – 3 Sheets Last Revised Architectural Plans and Supplemental Sheet dated and Last Revised June 8, 2015

Mr. Cocoros stated the existing conditions consist of a hodge-podge of detached structures. The street line is non-existing. There is no specific style and the buildings are in poor condition and have never been maintained. Proposed are two buildings with four units each, a mid-rise configuration within four levels.

Mr. Cocoros reviewed the floor plans and breakdown of each floor. The building will be mostly brick with upper siding incorporating bay windows. There are no decks protruding into the rear yard.

Mr. Alampi asked if the units are ADA adaptable.

Mr. Cocoros stated yes.

Mr. Alampi asked if the building would have sprinklers.

Mr. Cocoros stated we will comply with the July 9, 2015 letter from fire prevention and install a MFPA sprinkler system.

Mr. Alampi stated this is a stricter standard than what is called for.

Chairman Sugarman asked for questions from the Board.

Mr. Makroulakis asked why the full bathrooms in the basement.

Mr. Cocoros stated for ADA compliance.

Mr. Makroulakis stated this looks like a bedroom situation. More parking should be necessary.

Mr. Joh asked if the basement and first floor are considered a unit and then the second and third floor another unit.

Mr. Cocoros stated yes and the basement unit can be converted to an ADA unit.

Mr. Joh asked to the location of the laundry for ADA. There is none in the basement.

Mr. Cocoros stated he can revise the plans to include the laundry in the recreation room.

Chairman Sugarman stated this is a condition of approval.

Chairman Sugarman asked for questions from the public.

Marios Hatzikyriakou asked to the height as compared to next door.

Mr. Cocoros stated the proposed building is a half story taller.

Mr. Hatzikyriakou asked to the number of bedrooms.

Mr. Cocoros stated there are four 2-bedroom units and four 3-bedroom units.

Mr. Hatzikyriakou asked to the access to the rear yard grassy area.

Mr. Cocoros stated there is no direct access. The area is not designed for recreational use. There is no function other than grass and trees.

Nina Levinson asked with all the stairs how is this adaptable for an ADA use.

Mr. Cocoros stated the ground floor. ADA does not always mean wheel chair accessible.

Chairman Sugarman stated that the requirement is only to be adaptable.

Mr. Alampi called his next expert, Lou Luglio, Traffic Engineer, 365 W. Passaic Street, Rochelle Park, NJ. Mr. Luglio was sworn in and his credentials accepted by Chairman Sugarman.

Chairman Sugarman announced:

Dockets #21-15 & Docket #22-15, GPC Homes, LLC, 1138 Fourteenth Street and 1144 Fourteenth Street, Block 1051, Lots 9 & 10 will be carried to the special meeting to be held on Thursday, October 22, 2015. No further notice and the applicant has agreed to waive the time for the Board to act.

Mr. Alampi asked for a review of the proposed site.

Mr. Luglio stated what is proposed is suitable for the existing roadway which is 22 to 28ft. wide at the site. The street is low in the number of vehicles which would go to and from the site. Access by emergency vehicles can be made and there is no increase or impact of traffic that would warrant a formal analysis. Jane Street is a dead end street therefore the benefit of less traffic.

Mr. Luglio stated in reviewing a site we look at the number of vehicles and parking spaces and determine the number of people who do not own vehicles and approximately 26% use public transportation. There is a bus route adjacent to the site on Main Street.

Mr. Alampi asked if the ITE traffic manual was used as a guideline.

Mr. Luglio stated he looked at the site between the peak hours of 7 to 8:30 AM and there were 4 cars in and 4 out. The peak hours looked at in the evening were 5 to 6:30 PM and there were 3 cars in and 3 out. The additional cars that would result from this development would have no considerable impact. The RSIS controls the standards for new construction and spaces required for a two bedroom are 2 and 2.1 for a three bedroom. The calculation includes visitor parking provided on site. With parking garages and larger development you can segregate visitor parking. Additionally we look at on-street parking and municipal lots in urban areas.

Mr. Alampi asked if the municipal lot on Main Street was accessible.

Mr. Luglio stated yes.

Mr. Alampi asked if the proposed site meets the RSIS criteria.

Mr. Luglio stated yes.

Mr. Alampi stated that extended visits will use the municipal lot and shorter visits will look for on-street parking. Presently the site has vehicles parking in the right-of-way as there is no paved parking area. The development will provide many improvements to the site.

Mr. Luglio stated emergency vehicles will be staged on Jane Street, turn and proceed west to exit the area.

Chairman Sugarman asked for questions from the Board.

Mr. Makroulakis stated there is no egress to walk to the municipal lot, only access is from Main Street. Jane Street is busy with the traffic in and out to the DPW. The town has its gas pumps there. I think the applicant should reduce this to six units.

Chairman Sugarman asked to the street parking.

Mr. Luglio stated there is parking on both sides of Jane Street and this is not going to change. A reduction in units is not really any help and we meet the RSIS requirement.

Mr. Silver asked to the location of the Verizon building on Main Street and access from the site.

Page 9 – ZBA – 10-13-2015

Mr. Luglio stated the Verizon building fronts on Main Street and can be walked even though a private lot between Main and Jane Streets.

Mr. Silver asked if the fencing on that property would be a problem.

Mr. Luglio stated he didn't know.

Mr. Silver stated he believed the Verizon lot was shut off as not to have pedestrian traffic.

Chairman Sugarman asked for questions from the public.

Marios Hatzikyriakou asked if the number of vehicles traveling in and out was known during the day on Jane Street by the DPW.

Mr. Luglio stated no. I don't think it makes a difference.

Mr. Hatzikyriakou asked if the vehicle count would increase with the new development.

Mr. Luglio stated at peak hours he noted only 4 vehicles. This is not a significant increase.

Mr. Hatzikyriakou asked if the number of employees was known at the film building.

Mr. Luglio stated no.

Mr. Hatzikyriakou asked where landscapers would park during the day.

Mr. Luglio stated deliveries and landscapers would need to stage their vehicles on Jane Street.

Mr. Hatzikyriakou asked if Main Street business owners parked on Jane Street.

Mr. Luglio stated he didn't know.

Mr. Hatzikyriakou asked to the number of spots on Jane Street.

Mr. Luglio stated between 8 and 10. There is no dedicated curb on most of Jane Street and this would be an improvement.

Dr. Nina Levinson asked if Mr. Luglio had ever been on John Street in the early AM. There are several light cycles before you can get onto Main Street.

Mr. Luglio stated yes he had been there in the morning.

Mr. Alampi called his next witness, Mia Petrou, Professional Planner, David Spatz and Assoc., Friend Terrace, Harrington Park, NJ. Ms. Petrou was sworn in and her credentials accepted by Chairman Sugarman.

Mr. Alampi marked into evidence

Exhibit A6 – Six Color Photographs (mounted)

Page 10 – ZBA 10-13-2015

Ms. Petro stated the site consists of two lots each with a two-family dwelling in disrepair. These are non-conforming structures with a porch in the right-of-way. The homes were build in 1901 and 1907. There is make shift parking in the front yard.

Mr. Alampi asked if the Master Plan and the Reexamination reports were reviewed.

Ms. Petro stated yes. The Master Plan allows for garden apartments, town homes and two-family dwellings in the R5 zone.

Mr. Alampi asked if this development would qualify as a garden apartment.

Ms. Petrou stated yes, the use is permitted. The standards of proof can be made for the two D variances. The height variance is needed as 35 ft. is permitted and 39.6 ft. is proposed. If we were six inches lower this would be a C variance. The height is compatible with the surrounding properties and the proximity to Main Street and the downtown business area. The sq. ft. per unit allowed is 1,500 sq. ft. and proposed is 1,250 sq. ft. The site can accommodate the number of units and the density is consistent with the neighboring properties. The zoning ordinance uses the sq. footage for each unit based on a two-family zone even though this is a garden apartment zone. Case law encourages development close to business districts and mass transit.

Mr. Alampi asked if this is what the State means by good planning.

Ms. Petrou stated yes. There is no detriment to the surrounding properties and the benefits clearly outweigh any detriments and the proposed development is in keeping with the Borough Zone Plan. The standard to support the development is based on the Coventry criteria and if the site can accommodate the increased density. The site is suited for the increased density and there are aesthetic improvements with drainage and parking. There is no impact to the public good and light, air and open space is preserved.

Chairman Sugarman asked for questions from the Board.

Mr. Yoon asked when the two older homes were last occupied.

Ms. Alampi stated earlier this year.

Chairman Sugarman asked for questions from the public.

Marios Hatzikyriakou, 500 Jane Street, asked if the proposal of 8 units on 100 x 100 ft. lot was logical. This density in the garden apartment use will increase the traffic.

Ms. Petrou stated the density is on the sq. ft. per unit.

Mr. Hatzikyriakou questioned the definition of a garden apartment stating it means garden access.

Mr. Alampi objected stating density relates to construction and stacking.

Mr. Yoon asked if the two-family units across the street were in the R5 zone.

Page 11 – ZBA – 10-13-2015

Ms. Petrou stated no. This is the only section on Jane Street where the R5 is indicated.

Mr. Alampi stated in 1986 the R5 zone was created.

Chairman Sugarman asked for public comment.

Dr. Nina Levinson, 1560 West Street, Fort Lee, NJ was sworn in and stated the lot coverage is excessive and there is no greenery left. Air pollution is increasing. Parking in the adjacent municipal lot without meters is unlikely. Traffic is increasing and there is an issue with parking. We are straining the resources in the town.

Marios Hatzikyrikou, 264 Warwick Avenue (500 Jane Street) was sworn in and stated he was not opposed to this type of development however it's in the wrong place on a 100 x 100 lot. The impact on the proposed number of cars is critical. There is no access to greenery which people need and it will impact my tenants at 500 Jane Street. We need to look at a bigger picture for development but this is too large.

Mr. Alampi gave his summation stating the use is permitted in the zone, parking has been met, there is no negative impact and the burden of proof has been met.

Chairman Sugarman asked for motion. No motion was made for an approval.

Chairman Sugarman asked for comments from the Board.

Mr. Liapes stated we have approved and given too much on this Board. Eight units here is going over the top.

Mr. Joh stated even though it is in the R5 zone it is too many units and the applicant will not reduce the number.

Chairman Sugarman stated he likes the application and the zoning in the R5 zone is an anomaly for the developer having to use the bulk standards of the R2 zone. I believe the traffic and parking would not truly be altered.

Mr. Alampi stated he will not amend the plan for a reduction in units.

It was moved by Mr. Makroulakis, seconded by Mr. Silver and Denied on a vote of 5-2 by members Nitti, Silver, Joh, Makroulakis and Liapes. Chairman Sugarman and Mr. Yoon cast the 0-0 votes

It was moved by Mr. Joh and seconded by Mr. Liapes to adjourn the meeting at 10:50 PM.

Respectfully submitted,

Barbara Klein, Board Secretary

