

FORT LEE BOARD OF ADJUSTMENT

DECEMBER 8, 2015

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

Absent: J. Silver, D. Starace

Present: J. Mariniello, Jr., Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Engineering, A. Jafolla, Dynamic Traffic, 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.

Chairman Sugarman announced that Mr. Yoon is sitting in as a voting member.

Approval of Minutes

It was moved by Mr. Liapes, seconded by Mr. Makroulakis and passed on a vote of 5-0 to approve the minutes of the meeting of November 24, 2015. Mr. Yoon and Mr. Nitti, 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 December 22, 2015. No further notice on the part of the applicant and the applicant has agreed to extend the time for the Board to act.

Memorializations

Docket #21-15, GPC Homes, LLC, 1138 Fourteenth Street, Block 1051, Lot 9, Two-Family Dwelling

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

Docket #22-15, GPC Homes, LLC, 1144 Fourteenth Street, Block 1051, Lot 9, Two-Family Dwelling

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

Docket #23-15, Steven Park & Margaret Park, 1160 Palisade Avenue, Block 1352, Lot 9, Change of Use Residential to a Professional Office

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 6-0 by members Joh, Makroulakis, Porrino, Liapes, Yoon & Sugarman to grant the applicant approval for the change in use from residential to professional office.

Chariman Sugarman announced that the following resolutions will be memorialized on December 22, 2015:

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

Docket #25-15, Hemant Prajapati, 502 Brinkerhoff Avenue

Docket #28-15, Fort Lee EP, LLC, One Executive Drive

Acceptance/Completeness

Docket #30-15, 1550 Lemoine Avenue, LLC, 1550 Lemoine Avenue, Block 3957, Lot 4, Preliminary/Final Major Site Plan/Interior Alteration, Change in Use/Signage

Danielle Lamake, representing the applicant stated they are in receipt of the December 5, 2015 report of Michael Jovishoff and will comply with that report. Testimony will be given at the time of hearing on items #2 and #8. We will supply all items required per the report ten days prior to a hearing date. The applicant will appear before the Sign and Façade Committee prior to the hearing.

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

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

Mr. Jovishoff reviewed the application for completeness as the applicant's attorney, Marc Macri, is recovering from surgery. Mr. Jovishoff stated Mr. Macri has agreed to comply with all items within his report of December 6, 2015. Testimony will be provided on all waivers and the location of electrical service will be provided on plans to be revised.

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

Chairman Sugarman announced at 7:50 PM we will break for a few minutes as we are waiting for counsel.

Chairman Sugarman called the meeting back to order at 8:15 PM.

Public Hearing

Docket #29-15, SMA Development Group, Inc., 2100 North Central Road, Block 6155, Lot 1, Preliminary/Final Major Site Plan, 14-Story, Mixed Use Building above a Four-Level Parking Garage, 170 Room Hotel, 61 Residential Units, Eating & Drinking Establishments, Office Space & Meeting Rooms.

A TRANSCRIPT IS BEING PROVIDED BY THE APPLICANT

Chairman Sugarman asked opposing counsel to put their appearances on the record.

John J. Lamb, Esq., Beattie Padovano, 50 Chestnut Ridge Road, Montvale, NJ representing AKC Investment, LLC, the owner of 2134 North Central Road, Fort Lee, NJ.

Jameson P. Van Eck, Esq., Verde, Seinberg & Pontell, LLC, 19 Main Street, Hackensack, NJ representing Northbridge Park Co-Op, 2200 North Central Road, Fort Lee, NJ.

Carmine Alampi, representing the applicant, stated SMA Development Group, Inc., is the principal and the proposed project is located on the old Kwasha Lipton building site. The property is located in the C3 limited business zone and was part of an original Redevelopment Study and a plan was never formally adopted. Notice was provided by certified mail to property owners within 200 days and published in the Record. The building has been abandoned for several years and prior approvals were given by this Board for a change to residential.

Mr. Alampi reviewed the notice and the relief indicated. Testimony will be provided by an architect, site engineer, traffic engineer and planning consultant.

Mr. Mariniello asked if Mr. Alampi has received the letters from the objectors counsel with regard to notice.

Mr. Alampi stated yes although he has not reviewed completely.

Mr. Lamb addressed counsel reviewing his reasons for deficient notice as stated in his letter of December 8, 2015 stating the prior approval had a height requirement. The application does not match the notice as published.

Mr. Van Eck concurred with Mr. Lamb and addressed counsel reviewing his reasons for deficient notice as outlined in his letter of December 8, 2015. Mr. Van Eck stated a density variance is required and the notice needs to be amended. Mr. Van Eck cited the Grubbs Case and that the density within the C3 zone is not articulated within the Fort Lee ordinance.

Mr. Alampi stated he does not believe the notice needs to address every element. Mr. Alampi agreed that density should be included in the notice and will re-notice.

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Chairman Sugarman announced that this matter will be carried to the meeting of January 19, 2016. The applicant will re-notice and the applicant has waived the time for the Board to act.

Chairman Sugarman announced the passing of Kay Nest. Ms. Nest was a tireless worker for the Borough, the County and the Parking Authority. The funeral is scheduled for December 9th at Madonna Church at 11 AM. Kay will be sorely missed and we will adjourn the meeting in her memory.

ADJOURNMENT

It was moved by Mr. Joh and seconded by Mr. Liapes to adjourn the meeting at 8:45 PM.

Respectfully submitted,

Barbara Klein, Board Secretary