

# **FORT LEE BOARD OF ADJUSTMENT**

**JANUARY 19, 2016**

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

**Absent: J. Nitti, D. Porrino, H. Liapes, D. Starace**

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

Chairman Sugarman called the meeting to order at 7:45 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 2016.

Chairman Sugarman announced he would like to welcome Linda Garofalo, Recording Secretary to the Board, and said it will not be as easy as Paramus.

Mr. Yoon will be sitting in this evening as a voting member.

## **Approval of Minutes**

It was moved by Mr. Silver, seconded by Mr. Makroulakis and passed on a vote of 4-0 by members Silver, Joh, Makroulakis and Sugarman to approve the minutes of the meeting of January 12, 2016. Mr. Yoon abstained from the vote.

## **Memorializations**

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

It was moved by Mr. Makroulakis, seconded by Mr. Joh and passed on a vote of 4-0 by members Silver, Joh, Makroulakis and Sugarman to grant the applicant variance approval for the construction of a new two family dwelling. Mr. Yoon abstained from the vote.

### **Docket #31-15 1144 Abbott Boulevard, LLC 1144 Abbott Boulevard Block 1253, Lot10 Single Family Dwelling**

**Page 2—ZBA-January 19, 2016 Memorializations continued**

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 4-0 by members Silver, Joh, Makroulakis and Sugarman to grant the applicant variance approval for the construction of a single family dwelling. Mr. Yoon abstained from the vote.

**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. Chairman Sugarman announced that completeness will be continued to the meeting of February 9, 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. Chairman Sugarman announced that completeness will be continued to the meeting of February 9, 2016.

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

Gerald Salerno, Esq. is representing the applicant. Chairman Sugarman announced that completeness will be continued to the meeting of February 9, 2016.

**Docket #4-16 Fort Lee Medical Center, LLC 1555 Center Avenue Block 3854, Lots 22 & 23 Minor Site Plan**

Matthew G. Capizzi, Esq. is representing the applicant. Increase of available parking for the medical office building. Applicant acquired another piece of property and proposes to increase parking with 17 stalls. Received Planner's letter, there are outstanding items. Mr. Jovishoff advised items are due 10 days before public hearing. Mr. Capizzi agreed and will call secretary for a hearing date.

It was moved by Mr. Silver, seconded by Mr. Joh and passed on a vote of 5-0 by members Silver, Joh, Makroulakis, Yoon and Sugarman to deem the application complete. A hearing date will be assigned.

**Public Hearings**

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

**Page 3—ZBA-January 19, 2016 Public Hearings continued**

Marc Macri, Esq. is representing the applicant. Chairman Sugarman announced that hearing will be continued to the meeting of February 9, 2016. No further notice on the part of the applicant and the applicant has agreed to waive 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, Esq. is representing the applicant. Chairman Sugarman announced that hearing will be continued to a new date to be determined. The applicant will re-notice.

**Docket #29-15 SMA Development Group, Inc. 2100 North Central Road Block 6155, Lot 1 Preliminary/Final Major Site Plan**

Preliminary/Final Major Site Plan, 14-Story Mixed-Use Building above a 4-Story Parking Garage. 170 Room Hotel, 61 Residential Units, Eating and Drinking Establishments, Office Space and Meeting Rooms.

Carmine Alampi, Esq. is representing the applicant.

**A transcript being provided for this matter.**

Mr. Alampi advised applicant proposes to transform vacant building to a Hotel ó main body plus five levels of residential.

Chairman Sugarman asked opposing council to put their appearance on the record.

**John J. Lamb, Esquire Beattie Padovano, LLC 50 Chestnut Ridge Road Montvale, NJ 07645 representing AKC Investment, LLC 2134 N. Central Road**

**Jameson Van Eck, Esquire Verde, Steinberg &Pontell, LLC 19 Main Street Hackensack, NJ 07601 representing Northbridge Park 2200 N. Central Road**

Carmine Alampi stated his notice was insufficient, rebooted application, resubmitted application with greater detail and provided a new fuller notice. Notices provided to property owners within 200 ft.

Mr. Lamb still objects to the notice.

Mr. Mariniello, Esq. referred to letter dated December 8, 2015 ó Exhibit O1 and letter dated January 14, 2016 ó Exhibit O2. Mr. Alampi resubmitted application form.

Mr. Lamb advised he was not provided with a copy of the application or public notices. He found the notice 10 days ago on a website.

Mr. Alampi agreed as a matter of courtesy to provide copies of the application and all submissions to Mr. Lamb and Mr. Van Eck.

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Mr. Lamb stated there are 2 conditional uses, hotel and mid-rise apartment. The conditions are violated. Applicant needed to disclose what's being violated. 60 ft. max height mid rise apartment building, mixed use, C3 zone, maximum height is 40 feet. The Board needs to decide what height is required. 120 person meeting room facility, applications and reports refer to 120 person meeting room. This room is not in the notice. There are prior approvals from 2007, 2008 and 2013, approved to become apartment complex. Allowed on 133 ft. maximum, existing condition, 133 ft. on record. Applicant has to amend prior approval height 169.9 proposed, this is not in the notice.

Chairman Sugarman asked is your objection for the deficiency in the notice?

Mr. Lamb yes.

Chairman Sugarman asked Mr. Van Eck, do you have the same comments as Mr. Lamb?

Mr. Van Eck responded yes, notice issues and some objections. There is no notice that conditions are being violated. Applicant would like to rezone the property. Height issues are important. Meeting Room/Conference Center, need use variance, rent out meeting rooms, no notice for this. Waivers for parking, driveway widths in and out, there was no notice for this either. Required conditions need to be met, under 30 feet. This is a risk the applicant is taking to proceed without disclosing in the notice. The notice is deficient.

Mr. Mariniello, Esq. stated it is clear that we do not have jurisdiction without appropriate notice.

Mr. Mariniello read the notice ó Mixed use, hotel, residential, increase in FAR density per acre, height variance, preliminary and final major site plan, bulk variances and waivers. 170 suites, 60 units, restaurant. He stated the notice says what the applicant is intending to do.

Carmine Alampi stated opposing council enumerated the statutes and D variances, cited paragraph in zoning code. He tried to be as thorough as possible.

Chairman Sugarman stated we are talking about the notice and hearing opinions. The chair feels let's get to the substance of the application.

**Exhibit Board #1 is the “notice.”**

Mr. Lamb stated the last document was a letter from Mr. Jovishoff dated 11/8/15. The Board deemed the application complete. Mr. Lamb did not receive documents 10 days prior.

Chairman Sugarman said, for the record, the Board deemed the application complete.

Mr. Alampi called his witness, Matthew Clark, Engineer, 11 Furler Street #2, Totowa, NJ. Mr. Clark was sworn in and his credentials accepted by Chairman Sugarman.

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Mr. Clark said he was retained by the applicant to prepare the site plan and has been involved with the site since 2007, 2008 for another client. He said he is familiar with the area.

Mr. Alampi marked into evidence:

**Exhibit A1 – Site Plan -4 pages – Preliminary and Final Major Site Plan dated 10/28/15 revised 11/23/15**

Mr. Clark said a recent survey was submitted with the Engineering package.

Page 1 ó Site Plan ó aerial map, location, tax map, zoning, signature page, 200 foot list, his interpretation of variance and waivers necessary, maximum building height, FAR, lot coverage, minimum lot, landscaping and parking stalls. Property is in a C3 zone. Stories are being added to building, keeping the same footprint.

Page 2 ó shows improvements, zoning schedule, parking summary, water and sewer demands, streetscape improvements, maintaining driveways in same location. Survey was prepared by Diaz Land Surveying. Site plan shows parking structure, footprint area 25,746 sq. feet includes all but the parking in the front. Footprint not being altered. Setbacks that are required and provided are shown. Plan can be amended accordingly. Ordinances are cited on this page. Road widening easement is shown. Setback Ordinance in a C3 zone and side yard adjacent to ramp code is shown. South elevation and south side setbacks, 410-28G ó setback not required at this location. Mr. Clark believes Mr. Jovishoff agrees with this conclusion. For the off street parking, the RSIS standards were used. Loading was based on use, applied to the table in the Ordinance. He consulted the traffic consultant and Architect on this. For the building height, he took the average grade at 4 corners around the property and the survey elevations, the roof level, proposed roof (50 ft. up), and then did his calculation. There is no change to the grade. 169.8 ft. building height. Elevation on N. Central is 297, Merkle 290-291, East parking lot 281, Econo Lodge 281. Property is 35,924.16 sq. feet, easement is 1,587.76 sq. feet, total is 37,511.92.

Page 3 ó Temporary Construction Site Plan ó shows trailer, storage and construction area.

Page 4 ó Site Plan ó should be “Site Details” ó Prepared to comply with streetscape requirements and Borough Professionals. Similar to style of other parts of the commercial district. Existing retaining wall ó site distance is a challenge when looking to the left. Propose to remove the parapet wall in an attempt to get better site distance at this location. Drainage impervious area being reduced.

Mr. Lamb said he does not have a revised site plan, only the original.

Mr. Clark said this has not been revised since December.

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Mr. Lamb questioned Mr. Clark and stated Mr. Clark indicated that he made various interpretations of variances and waivers. He asked if he discussed the height requirement with the Planner and Architect? He also asked if he gave them his worksheets? He questioned whether or not a memo exists discussing these calculations with other professionals? Mr. Lamb stated he would like to see these documents.

Mr. Alampi said he will provide the documents to Mr. Lamb.

Mr. Lamb said for the Geotech that Mr. Clark requested a waiver. Also for the height proposed for a mixed use for a hotel, office, restaurant, dwelling. Are there retail uses proposed for this building?

Mr. Clark responded no retail uses are proposed.

Mr. Lamb stated that on page 2 of the site plan where it shows meeting room space notes. He asked what is the total number of floors for residential apartments?

Mr. Clark responded I don't know. He prefers the Architect answer this question.

Mr. Lamb marked into evidence:

**Exhibit O3 Borough of Fort Lee Zoning Schedule IV-2, Part 2 dated 8/1/10**

Mr. Lamb gave copies of Exhibit O3 to the Board, Mr. Clark and Mr. Alampi.

Chairman Sugarman stated that during the break he received a complaint from a member in the audience. He advised that Chairs and Board comments are made so the Board can make a better decision. He said this is an unbiased Board and they make their determination based on the testimony. He said the hearings end at 10:00 p.m.

Mr. Lamb showed the zoning schedule to Mr. Clark and asked if he reviewed this in preparing his site plan. He said to see footnote 1, page 2. The 40 ft. maximum height is not shown on his site plan anywhere.

Mr. Alampi objected to this and said this is a comment for a civil engineer.

Mr. Lamb stated that Mr. Clark's testimony was that he reviewed the zoning ordinance. He asked if Mr. Clark is familiar with Plan Commercial Development?

Mr. Clark responded I don't know.

Mr. Lamb asked if Mr. Clark was familiar with O4 of Fort Lee Plan Commercial Development description?

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Mr. Clark responded I don't know.

Mr. Lamb asked if there is an office proposed?

Mr. Clark said yes, 2,600 sq. foot office.

Mr. Lamb asked is this application is for Plan Commercial Development?

Mr. Clark responded I don't know.

Mr. Lamb asked if the road widening easement was excluded. Do they propose to widen the road?

Mr. Clark said no.

Mr. Lamb asked if he discussed the road widening with the Board professionals.

Mr. Clark said no.

Mr. Clark said 377 spaces are provided, (327 spaces plus 50 valet spaces), 412 required.

Mr. Lamb said valet and tandem are not shown on the plan.

Mr. Clark said valet and tandem are not shown.

Mr. Lamb asked if Mr. Clark was aware that 31 dens are proposed in the apartments?

Mr. Clark said no

Mr. Lamb said 1 waiver was applied for width of access?

Mr. Clark responded waiver is for off street loading.

Mr. Lamb asked if the aisles in the parking area are shown on the site plan?

Mr. Clark responded no, on the Architectural plan.

Mr. Lamb asked is there is a waiver for the aisle width?

Mr. Clark said no.

Mr. Lamb asked if they propose to eliminate parking spaces for the site view line.

Mr. Clark said 7 spaces are being eliminated.

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Mr. Lamb asked about the landscaping requirement of 30%.

Mr. Clark said 1.4% existing, 4.2% proposed.

Mr. Lamb asked minimum size area per apartment.

Mr. Clark said minimum area 1,600 ft., propose 588.9 sq. foot variance

Mr. Lamb asked does the ordinance state to take 4 corner measurements for height?

Mr. Clark I don't know.

Mr. Lamb asked if there is a separate parking calculation required for meeting area?

Mr. Clark said yes, page 2.

Mr. Van Eck stated he will make his comments at the next meeting.

Chairman Sugarman stated Docket #29-15 is carried to February 23, 2016, no further notice necessary and the applicant has agreed to waive the time for the Board to act.

**ADJOURNMENT**

It was moved by Chairman Sugarman, seconded by Mr. Joh to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Linda Garofalo  
Recording Secretary