

FORT LEE BOARD OF ADJUSTMENT

April 12, 2016

Present: J. Silver, H. Joh, G. Makroulakis, D. Porrino, H. Liapes, D. Sugarman

Absent: J. Nitti, P. Yoon, D. Starace

Present: J. Mariniello, Esq., M. Jovishoff, Phillips, Preiss, Grygiel

Chairman Sugarman called the meeting to order at 7:35 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 thanked Mr. Joh for filling in for him while he was in Florida.

Approval of Minutes

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 4-0 by members Silver, Joh, Makroulakis, and Liapes to approve the minutes of the meeting of March 8, 2016. Mr. Porrino and Chairman Sugarman abstained from the vote.

Memorializations

Docket #4-16 Fort Lee Medical Center, LLC 1555 Center Avenue Block 3854 Lots 22 & 23 Preliminary/Final Site Plan, Change of residential Lot to a Paved Parking Area

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 4-0 by members Silver, Joh, Makroulakis, and Liapes to grant the applicant preliminary and final site plan approval for the change of residential lot to a paved parking area. Mr. Porrino and Chairman Sugarman 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. is representing the applicant. Chairman Sugarman stated that completeness will be continued to the meeting of April 26, 2016.

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Docket #10-16 HJN Property, LLC 437 Central Boulevard Block 1158, Lot 20 Two-Family Dwelling

Marc Macri, Esq. representing the applicant stated that he will comply with the report of Michael Jovishoff dated April 6, 2016. Any revisions will be submitted ten days prior to a hearing date.

It was moved by Mr. Silver, seconded by Mr. Liapes and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to deem the application complete. Marc Macri will call the Board office for a date.

Docket #11-16 JZS Developers, LLC 1046 Morningside Lane Block 162, Lot 3 Two-Family Dwelling

Marc Macri, Esq. representing the applicant stated he will comply with the report of Michael Jovishoff dated April 6, 2016. Any revisions will be submitted ten days prior to a hearing date.

It was moved by Mr. Makroulakis, seconded by Mr. Joh and passed on a vote of 5-0 by members Silver, Joh, Makroulakis, Porrino, and Sugarman to deem the application complete. Mr. Liapes recused himself. Marc Macri will call the Board office for a date.

Docket #15-16 Cedar Street Associates, LLC 1136 Abbott Boulevard Block 1253, Lot 7 Single Family Dwelling

Marc Macri, Esq. representing the applicant stated he will comply with the report of Michael Jovishoff dated April 6, 2016. Any revisions will be submitted ten days prior to a hearing date.

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to deem the application complete. Marc Macri will call the Board office for a date.

Docket #12-16 Strategic Group, LLC 2461 Camner Street Block 6955, Lot 2 Two-Family Dwelling

Saverio Cereste, Esq. representing the applicant stated he will comply with the report of Michael Jovishoff dated April 6, 2016. Any revisions will be submitted ten days prior to a hearing date.

It was moved by Mr. Silver, seconded by Mr. Liapes and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to deem the application complete. Saverio Cereste will call the Board office for a date.

Docket #14-16 Sunny Investment Enterprise, LLC 235-239 Main Street Block 4751, Lots 25 & 26 Preliminary/Final Major Site Plan – Building Extension and Alteration

Saverio Cereste, Esq. is representing applicant stated he will comply with the report of Michael Jovishoff dated April 6, 2016. Any revisions will be submitted ten days prior to a hearing date.

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It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 5-0 by members Silver, Makroulakis, Porrino, Liapes and Sugarman to deem the application complete. Mr. Joh recused himself. Saverio Cereste will call the Board office for a date.

Docket #16-16 Mikelis & Mikelis Realty Company 247 Hoym Street Block 4253, Lot 16 Two-Family Dwelling

Saverio Cereste, Esq. representing the applicant stated he will comply with the report of Michael Jovishoff dated April 7, 2016. Any revisions will be submitted ten days prior to a hearing date.

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to deem the application complete. Saverio Cereste will call the Board office for a date.

Docket #17-16 Aryel Fatakhov 259 Tremont Avenue Block 2455, Lot 12 Renovation and Expansion of a Single Family Dwelling

Saverio Cereste, Esq. representing the applicant stated he will comply with the report of Michael Jovishoff dated April 7, 2016. Any revisions will be submitted ten days prior to a hearing date.

It was moved by Mr. Liapes, seconded by Mr. Joh and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to deem the application complete. Saverio Cereste will call the Board office for a date.

Public Hearing

Docket #29-16 SMA Development Group, Inc. 2100 North Central Road Block 6155, Lot 1
Preliminary/Final 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.

Paul Kaufman, Esq. is now representing the applicant.

Chairman Sugarman stated this matter is being continued to the meeting of May 24, 2016 at the request of the applicant. No further notice necessary and the applicant has agreed to waive the time for the Board to act.

Docket #13-16 Dyker Ridge, LLC 2150 North Central Road Block 6154, Lot 1

Amendment to Site Plan ó Modification in Number of Units

Saverio Cereste, Esq. is representing the applicant.

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Mr. Cereste stated that this is a conditional use, 84 parking spaces required, 76 provided. The applicant seeks to modify the floor plan in which two (2) of the two (2) bedroom units on each of the four (4) floors will be converted to three (3) one (1) bedroom units on each floor. The total bedrooms in the building will decrease by four (4) bedrooms.

Mr. Cereste marked into evidence:

A1 – Site plan dated 6/29/15, revised 3/3/16 – no changes

A2 – Architectural Plan dated 6/18/15

A3 – 3 photos

A4 – Aerial photograph

Chairman Sugarman stated this application is for a variance, there are 6 members here tonight. You have the option to take a vote tonight or carry to another night.

Raymond Virgona, Virgona & Virgona Architects, 115 River Road, Edgewater, NJ. Mr. Virgona was sworn in and his credentials accepted by Chairman Sugarman.

A4- Aerial map located at N. Central Road and Sylvan. Map shows surrounding area. This is a mixed use area of offices, apartments and high density.

A3 of Photo of view on N. Central looking at site.

A1 of Site plan prepared 2009 of no changes to site or exterior of building. Only change is to reconfigure two (2) two (2) bedroom units into three (3) one (1) bedroom units on each floor.

A2 of Floor plan shows change in layout. Total number of bedrooms reduced by 4 bedrooms. Less impact on schools. This change is market driven. Site can accommodate increased density.

Mr. Makroulakis asked if there are any assigned parking spaces?

Mr. Virgona stated that they are assigned spaces and guest spaces.

Mr. Jovishoff asked if there are any facade changes due to two bedrooms being turned into one one bedroom?

Mr. Virgona stated no.

Mr. Cereste called his second witness, Charles Olivo, Traffic Expert, Stonefield Engineering 75 Orient Way, Rutherford, NJ

Mr. Olivo was sworn in and his credentials accepted by Chairman Sugarman.

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Mr. Olivo stated he looked at the previous approval granted in 2009. Seven (7) years later the area rental units are up and the size/number of the bedrooms down. RSIS goes up as unit count increases. The area is well served by mass transit. .7 stalls per bedroom being used in these apartment structures. 1.7 stalls per unit provided. There is more than enough parking to accommodate this site. Trip generation will remain the same.

Mr. Silver asked to the number of handicap parking spaces?

Mr. Olivo stated 3 spaces.

Mr. Cereste gave his summation and asked the Board to act favorably on this application.

It was moved by Mr. Silver, seconded by Mr. Markroulakis, and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant approval for Amendment to Site Plan ó Modification of Number of Units.

Docket #30-15 1550 Lemoine LLC 1550 Lemoine Avenue Block 3957, Lot 4

Preliminary/Final Major Site Plan, Interior Alteration Massage Therapy Use/Signage
Marc Leibman, Esq. is representing the applicant. **(Continued public hearing from February 9, 2016)** Chairman Sugarman stated this application is for öDö variances, need 5 affirmative votes, have 5 voting members. Chairman Sugarman suggests obtaining a transcript for tonight's meeting, he will listen to the tape from the February 29, 2016 meeting so he is illegible to vote.

Marc Leibman stated two months ago the Architect described the interior layout. This application is for a change in tenancy and signage. He would like to conclude testimony tonight and return for a vote.

Won Chung Kim, owner of property, 1550 Lemoine Avenue Fort Lee

Mr. Kim was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Kim stated that there are 20 tenants when fully occupied, 15 tenants now. The employees are not allowed to park on site.

Mr. Makroulakis asked if there is tandem parking and what are the number of spaces.

Mr. Kim stated there are 44 spaces, the bank has 4 of these spaces. Many of the employees in the building come to work with the owners of the businesses. Some park at the Church of Good Shephard where there are approximately 30 spaces.

Mr. Makroulakis asked to the number of rooms in this applicant's proposed rental space?

Mr. Leibman stated there are 5 massage rooms, 1 storage room, an office, break room and 6 chairs.

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Marc Leibman stated the Planner will testify on this.

Mr. Joh stated when looking at the drawing there are 6 beds and 6 chairs. If fully occupied, we are concerned with the parking.

Mr. Leibman stated that at the last meeting the Board questioned how this application got to this location.

Mr. Porrino stated there is nothing with the Board of Adjustment, this use is concerning. He asked if we can see a copy of a CO? He suggested to OPRA a request for a CO and research how the massage parlor got there.

Danielle Lamake, who works with Marc Leibman, stated she submitted an OPRA on February 11, 2016. The Building Department doesn't have these records, the ZBA showed Auto repair changed to multi-use retail. There are no records on prior use. The client has records for prior use as acupuncture. The Building Department only had permit records.

Marc Leibman stated this is an enforcement issue.

Mr. Porrino stated that this was a foot spa, with no CO, and moved to the next space and became a massage parlor. How did this use get into this space?

Chairman Sugarman suggested that the Board entertain this application on its merits.

Jae Park, employed by Future Image Sign Co., 270 North Street Teterboro, NJ

Mr. Park was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Park stated that this application went before the Sign Committee but needs Board approval.

Exhibit #1 ó Signage - dated April 12, 2016, original dated 12/21/15, revised 2/8/16.

Mr. Park stated the difference in the plans is the sq. footage was added and the Dentist sign was changed.

Marc Leibman stated that he would like to carry the application to April 26, 2016 when the Planner will testify. Chairman Sugarman stated no further notice is necessary and the applicant has agreed to waive the time for the Board to act.

Docket #5-16 Anthony Catanzaro 1611 Valley Street Block 3553, Lot 8

Conversion of Four-Family Dwelling to Five-Family Dwelling

Chairman Sugarman stated this application is for a "D" variance, there are 6 members here tonight, you need 5 affirmative votes.

Richard Hubschmann, Esq., representing the applicant stated this house has been occupied as a five (5) family since 1998. There are no prior approvals for anything over a 4 (4) family. The

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Building Department issued a request for clarification. Property is adjacent to a parking garage and a 25 story building.

Robert Mueller, Site Engineer Hubschman Engineering 263 S. Washington Ave. Bergenfield
Mr. Mueller was sworn in and his credentials accepted by Chairman Sugarman.

A1 – 4/12/16 ó Plans ó 3 story brick building. Mediterranean Tower is 25 feet away.

A2 – DCA inspection ó Certificate of inspection showing 5 units.

A3 – Fort Lee Fire Prevention ó notice stating no objection.

Mr. Mueller discussed the variances, lot area, frontage, side yard, height and FAR.

Mr. Porrino stated that on the resale notice dated 2/24/98 it states that the house was sold from Mr. Habib to Phyllis Catanzaro. Four (4) family is checked off. Mr. Porrino asked who prepared the Architectural drawing?

Mr. Mueller stated Hubschman Engineering prepared the drawing.

Mr. Porrino stated that the utility room opens up to the bedroom and there is no egress window.

Mr. Hubschman stated he would like to come back with the Planner. Chairman Sugarman stated that the application is carried to May 10, 2016 when the Planner will testify. No further notice necessary and the applicant has agreed to waive the time for the Board to act.

ADJOURNMENT

It was moved by Mr. Joh, seconded by Mr. Liapes to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Linda Garofalo
Recording Secretary