

FORT LEE BOARD OF ADJUSTMENT

July 12, 2016

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

Absent: J. Silver, P. Yoon

Present: J. Mariniello, Esq., M. Jovishoff, Phillips, Preiss, Grygiel, D. Juzmeski, Neglia Eng.

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.

Approval of Minutes

It was moved by Mr. Liapes, seconded by Mr. Joh and passed on a vote of 5-0 by members Joh, Makroulakis, Porrino, Liapes and Sugarman to approve the minutes of the meeting of June 23, 2016. Mr. Nitti and Mr. Starace abstained from the vote.

It was moved by Mr. Joh, seconded by Mr. Liapes and passed on a vote of 5-0 by members Joh, Makroulakis, Porrino, Liapes and Sugarman to approve the minutes of the meeting of June 28, 2016. Mr. Nitti and Mr. Starace abstained from the vote.

Memorializations

Docket #2-16 Francis & Magdalini Vonderlinden, 363 Wilson Avenue, Block 6051, Lot 14 Addition to a Single-Family Dwelling

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 5-0 by members Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant approval to build an addition onto a Single-Family Dwelling. Mr. Nitti and Mr. Starace abstained from the vote.

Page 2-ZBA –July 12, 2016-Memorializations continued

Docket #5-16 Anthony Catanzaro, 1611 Valley Street, Block 3553, Lot 8, Conversion of a Four-Family Dwelling to a Five-Family Dwelling

It was moved by Mr. Makroulakis, and passed on a vote of 2-0 by members Mr. Makroulakis and Chairman Sugarman to deny the applicant approval for conversion of a Four-Family Dwelling to a Five-Family Dwelling.

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

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 5-0 by members Joh, Makroulakis, Porrino, Liapes and Sugarman to grant the applicant approval to build a new Two-Family Dwelling. Mr. Nitti and Mr. Starace abstained from the vote.

Docket #18-16 Kaufer Lane Assoc., LLC, 1636, 1640 Kaufer Lane, 55, 51, 47 & 41 Main Street, Block 4355, Lots 11, 12, 20, 21, 22 & 23, (Previously ZBA #10-14) Amendment to Site Plan

It was moved by Mr Makroulakis, seconded by Mr. Nitti and passed on a vote of 6-0 by members Nitti, Joh, Makroulakis, Liapes, Starace and Sugarman to grant the applicant approval for Amendment to Site Plan. Mr. Porrino abstained from the vote.

Docket #19-16 JZS Developers, LLC, 2475 Sixth Street, Block 7153, Lot 3 Two-Family Dwelling

It was moved by Mr Nitti, seconded by Mr. Starace and passed on a vote of 5-0 by members Nitti, Joh, Makroulakis, Starace and Sugarman to grant the applicant approval to build a new Two-Family Dwelling. Mr. Porrino and Mr. Liapes abstained from the vote.

Public Hearings

Docket #3-16 A & B Jared & Lawrence Geffner, 1135 Route 5 (Glen Road) & 431 Brinkerhoff Avenue, Block 1156, Lots 12 & 13, Single-Family Dwelling & Two-Family Dwelling (Continued public hearing from June 28, 2016)

Gerald R. Salerno is representing the applicant.

Chairman Sugarman stated that this matter will be carried to the meeting of August 9, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

Page 3-ZBA-July 12, 2016 Public Hearings continued

Docket #30-15 1550 Lemoine Avenue, LLC, 1550 Lemoine Avenue, Block 3957, Lot 4, Preliminary/Final Major Site Plan – Interior Alteration & Proposed Massage Therapy Use – Signage (Continued public hearing from June 28, 2016)

Marc Leibman, Esq., representing the applicant, stated he would like to bifurcate the application. Chairman Sugarman stated that the members that were absent on June 28, 2016, have signed affidavits that they have either heard the tape or read the transcript.

Mr. Leibman stated the applicant is properly licensed and will obtain the state license. This is a Use variance. There are no traffic issues and no parking problems.

Mr. Leibman gave his summation to the Board.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Mr. Porrino stated he would like to make a motion in favor of the foot spa but not in favor of the massage therapy. He is not sure if he can do this.

Chairman Sugarman stated this application is for both. Unless the applicant wants to amend the application.

It was moved by Mr. Porrino, seconded by Mr. Liapes and denied on a vote of 6-1 by members Nitti, Makroulakis, Porrino, Liapes, Starace and Sugarman to grant the applicant approval for Interior Alteration and Proposed Massage Therapy Use. Mr. Joh voted to approve the use.

Docket #30-15 1550 Lemoine Avenue, LLC, 1550 Lemoine Avenue, Block 3957, Lot 4, Preliminary/Final Major Site Plan – Interior Alteration & Proposed Massage Therapy Use – Signage (Continued public hearing from June 28, 2016)

Marc Leibman, Esq., representing the applicant stated he now would like to present the Signage portion of the application. Mr. Leibman called his first witness, Joseph Layton, Maser Consulting, Planner, 531-78 Frontage Road, Clinton, NJ. Mr. Layton was sworn in and his credentials accepted by Chairman Sugarman. Mr. Layton reviewed Mr. Jovishoff's report dated April 6, 2016.

Mr. Jovishoff stated that on the Signage Plans, dated February 8, 2016, the signs measure 12 inches.

Marc Leibman stated all signs will measure 10 inches.

Mr. Layton handed to the Board, and marked into evidence, copies of:

Exhibit #L1 - six photos dated February 2016.

#1 – Lemoine Avenue frontage

#2 – Palisade Avenue Frontage

#3 – South Facing Wall Along Palisade Avenue

#4 – Close-Up of Existing Signage

#5 – Signs on Adjacent Property

#6 – Second Floor Signs on Lemoine Avenue

Page 4-ZBA-July 12, 2016 Public Hearings continued

Mr. Layton stated the signs will be five colors ó black, brown, blue, green and magenta. The customers have difficulty finding tenants in this building. There are multiple tenants in the building and some tenants on the first floor do not have a storefront. Mr. Layton marked into evidence:

Exhibit #L2 – Six photos of interior of 1550 Lemoine Avenue, dated February 2016

#1 – Entrance to 1550 Lemoine Avenue

#2 – First floor

#3 – Atrium and elevator

#4 – Second floor and atrium

#5 – Second floor

#6 – Second floor

Mr. Leibman stated the applicant will remove the rooftop signs.

Mr. Porrino stated there is a problem with the signs, they all have to be the same size, shape and color. The Sign Committee is looking for a directory sign listing all of the tenants.

Mr. Joh stated the Fort Lee Athletic Club photo shown on L1 was installed two years ago. This was approved by the Planning Board.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Mr. Leibman stated his applicant will amend the application.

Chairman Sugarman stated that this matter will be carried to the meeting of September 13, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #8-16 ZAKA, LLC, 1350 15th Street, Block 2252, Lot 1, Preliminary/Final Major Site Plan to re-configure four existing units on the 15th Floor into Six Penthouse Units – Redesign of Existing Penthouse Units – Signage

Danielle Lamake, Esq. representing the applicant, stated she would like to bifurcate the application. She stated all the violations have been abated.

Ms. Lamake stated they will comply with Mr. Jovishoff's report dated May 5, 2016. She called her first witness Conrad Roncati, Architect, 1 Executive Drive, Fort Lee, NJ. Mr. Roncati was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Roncati marked into evidence:

Exhibit T100 dated April 21, 2016

Exhibit EX100 dated April 21, 2016

Exhibit A100 dated April 21, 2016

Page 5-ZBA-July 12, 2016 Public Hearings continued

Mr. Roncati stated the building currently has 212 units, they propose 2 additional units. This increases the building by approximately 3,500 square feet.

Mr. Roncati handed to the Board, and marked into evidence, copies of:

Exhibit A1- R1 – Aerial colorized view photo

Mr. Roncati stated the top 16th floor is shown. The red area shows the new duplex expansion area. The blue area is the elevator in the hallway for rooftop access. This is a rental building. One additional parking space is required.

Mr. Jovishoff stated no FAR is required, this is a density variance.

Exhibit A2 – A100 colorized

Exhibit A3 – EX100

Mr. Roncati stated the applicant is proposing to reconfigure the existing duplex penthouse units on the roof of the building on the 16th floor and construct additional duplex penthouse units. This results in two less two bedroom units and two more one bedroom units. They also propose to add an elevator lobby, entrance hallways and a rooftop terrace.

Mr. Makroulakis asked if the building and corridors will be sprinklered.

Chairman Sugarman responded this will be a condition of approval. The Fire Department has to review the drawings.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Mr. Roncati stated the Fire Department reviewed the application and had no obvious issues.

Chairman Sugarman stated this is a form letter.

Mr. Roncati stated the rooftop terrace will be an outside area with seating.

Chairman Sugarman asked Mr. Roncati if it was necessary for the tenants to have access to the rooftop. He stated that there have been several suicides at the building where he lives.

Mr. Roncati stated they are upgrading the building.

Chairman Sugarman asked how the roof is going to be secured.

Mr. Roncati stated there will be a barrier around the perimeter that is 42 inches high. Currently it is 24 inches high.

Chairman Sugarman asked if the applicant would consider something higher or a fence or clear material on top of the 42 inches. He would like to see three to four feet on top of the 42 inches as a condition of approval.

Page 6-ZBA-July 12, 2016 Public Hearings continued

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Ms. Lamake called her second witness, Matthew Seckler, Stonefield Engineering, Traffic Engineer, 75 Orient Way, Rutherford, NJ. Mr. Seckler was sworn in and his credentials accepted by Chairman Sugarman. Mr. Seckler discussed the Traffic report dated September 28, 2015. He found that the parking space requirement is .84 per unit. He stated 181 spaces is sufficient.

Mr. Starace asked how he came up with .84.

Mr. Seckler stated in August 2015 he visited the site at 11:00 PM and 1:00 AM and counted the number of occupied units and number of spaces occupied at night.

Chairman Sugarman stated the count should be done at 100% occupancy.

Mr. Seckler responded 138 units occupied equals 76% occupied.
100% occupied equals 178 parked cars.
Two additional units require four parking spaces.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Ms. Lamake called her third witness, Michael Cioban, Mikesell & Associates, Planner, 17 Academy Street, Suite 800, Newark, NJ. Mr. Cioban was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Cioban handed out aerial photos to the Board and marked into evidence:

Exhibit #A4 – Two pages – series of two aerial photographs

Mr. Cioban stated the property is located in the R10 zone. This is a 15 story building, 135 feet high, on 2.53 acres, 112,516 square feet.

Chairman Sugarman stated we all know the characteristics of the building, please continue with the positive and negative criteria.

Mr. Cioban stated the density on the site is increasing. Applicant is not compliant with parking.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Ms. Lamake gave her summation to the Board.

Chairman Sugarman stated there will be a 3 ½ foot parapet and he asks that a barrier be put on top of that 4 ½ feet high, totaling 8 feet. He stated this will be a condition of approval.

Mr. Makroulakis asked if the corridors on the rooftop will be sprinklered.

Chairman Sugarman stated this is a condition of approval.

Ms. Lamake agreed.

Page 7-ZBA-July 12, 2016 Public Hearings continued

Mr. Juzmeski stated he sent a letter of recommendation dated May 3, 2016.

Ms. Lamake stated they will comply.

Mr. Porrino asked if there were new owners.

Ms. Lamake responded no.

Mr. Porrino stated he's happy the building will be in compliance and the violations abated.

It was moved by Mr. Porrino, seconded by Mr. Makroulakis and passed on a vote of 7-0 by members Nitti, Joh, Makroulakis, Porrino, Liapes, Starace and Sugarman to grant the applicant approval to re-configure four existing units on the 15th Floor into Six Penthouse Units ó Redesign of Existing Penthouse Units.

Chairman Sugarman called for a ten minute recess at 9:30 PM. The meeting resumed at 9:40 PM.

Docket #20-16 Il Chung Ha, 214 Main Street, Block 4253, Lot 6, Preliminary/Final Major Site Plan – Mixed Use – 1st Floor Restaurant, 2nd Floor Office Space, 3rd Floor Residential

Saverio Cereste, Esq. representing the applicant, stated they plan to use the first floor as a 93 seat restaurant, second floor as an office and third floor as residential. There are two D variances, D1 for Use and D4 for FAR. Mr. Cereste called his first witness Don Im, Architect, A& D Designs Studio, 1605 John Street, Suite 209, Fort Lee, NJ. Mr. Im was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Im marked into evidence:

Exhibit A4 – Z1 - Rendering

Mr. Im stated this was previously a Hardware store. There is no expansion of the footprint. The basement will be used for storage and the façade will be stone. Two bedrooms with 1 ½ baths proposed in the apartment. Six parking spaces provided on site. The storefront will be glass. There will be no spillage from the exterior lighting. The trash will be on the south side of the building.

Mr. Cereste stated they will comply with the Health Department's letter.

Mr. Jovishoff asked about the exterior lighting.

Mr. Im responded the lighting will be shielded.

Mr. Jovishoff asked who will be using the office space.

Mr. Im responded this is a rental space for outside use.

Mr. Jovishoff stated that he based his calculation on one tenant.

Page 8-ZBA-July 12, 2016 Public Hearings continued

Mr. Jovishoff asked how the apartment will be used.

Mr. Cereste stated it will be used by the owner of the building only. This will be a condition of approval.

Mr. Cereste stated there will be no outside seating, this will be a condition of approval.

Mr. Jovishoff asked how the roof will be used.

Mr. Cereste responded the roof will be used for outside mechanicals.

Mr. Jovishoff asked how the trash will be handled.

Mr. Cereste responded a private carting service will pick-up.

Mr. Makroulakis asked to the Fire report.

Mr. Cereste stated the entire building will be sprinklered. This will be a condition of approval.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Mr. Cereste called his next witness, David Spatz, Planner, 60 Friend Terrace, Harrington Park, NJ. Mr. Spatz was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Spatz stated there are two D variances required. The building is not being enlarged. The Sign Committee will meet and review on Thursday.

Mr. Joh stated the signage has two variances.

Mr. Cereste stated this application is bifurcated.

Mr. Spatz stated the the Building/Restaurant owner will occupy the apartment.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Mr. Cereste called his last witness David Garval, Engineer, Azzolina & Feury Engineering, 30 Madison Avenue, Paramus, NJ. Mr. Garval was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Garval reviewed Mr. Jovishoff's report and the parking conditions. He stated the parking will remain the same. He stated three wheel stops are proposed. The applicant proposes one tree to be planted in front. They will comply with all requirements of the Engineer.

Mr. Porrino stated he has a problem with parking spaces #3 and #4, this doesn't work. He then asked if they need two means of egress.

Mr. Im responded no.

Page 9-ZBA-July 12, 2016 Public Hearings continued

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Mr. Juzmeski asked how do they access the two spaces through the Municipal lot.

Mr. Cereste responded this is done by way of license.

Mr. Jovishoff asked if there will be changes to the streetscape.

Mr. Garval responded no.

Mr. Jovishoff asked to the awning material.

Mr. Cereste responded the awning material will be fabric.

Mr. Jovishoff asked to screening for the parking lot.

Mr. Cereste responded the applicant will amend the plan.

Mr. Liapes asked to the deliveries.

Mr. Garval stated deliveries will be done before business hours.

Mr. Porrino asked where the customers will be parking for this 93 seat restaurant.

Chairman Sugarman responded there are spaces available in the Municipal lot.

Mr. Starace stated maybe the amount of seats should be scaled down.

Chairman Sugarman asked for questions from the Board, the public. No one appeared.

Ms. Cereste gave his summation to the Board.

It was moved by Mr. Nitti, seconded by Mr. Starace and passed on a vote of 5-0 by members Nitti, Joh, Makroulakis, Starace and Sugarman to grant the applicant approval for Preliminary/Final Major Site Plan ó Mixed Use ó 1st Floor Restaurant, 2nd Floor Office Space and 3rd Floor Residential. Mr. Porrino and Mr. Liapes voted to deny the application.

Chairman Sugarman stated that the Signage portion of this matter will be carried to the meeting of July 26, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

Page 10-ZBA-July 12, 2016 Public Hearings continued

Docket #21-16 Gyeong Soon Park, 565-569 Main Street, Block 3562, Lot 8, Minor Site Plan – Conversion from Office Space to Residential over 1st Floor Office Space, 3rd Floor Residential

Saverio Cereste, Esq. is representing the applicant.

Chairman Sugarman stated that this matter will be carried to the meeting of August 9, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #22-16 S & G Development, LLC, 2175 Linwood Avenue, Block 5852, Lot 14, Two-Family Dwelling

Saverio Cereste, Esq. is representing the applicant.

Chairman Sugarman stated that this matter will be carried to the meeting of July 26, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #23-16 Matkal Realty, LLC, 338 Riverdale Drive, Block 3054, Lot 4, Single-Family Dwelling

Saverio Cereste, Esq. is representing the applicant.

Chairman Sugarman stated that this matter will be carried to the meeting of July 26, 2016 with no further notice on the part of the applicant. The applicant has waived the time for the Board to act.

ADJOURNMENT

It was moved by Mr. Liapes, seconded by Mr. Joh to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Linda Garofalo
Recording Secretary