

FORT LEE BOARD OF ADJUSTMENT

September 27, 2022

Present: H. Liapes, D. Conway, H. Joh, A. Tropea, L. Pacheco, J. Luppino, E. Hong, D. Sugarman

Absent: J. Nitti

Also Present: J. Mariniello, Jr., Esq., D. Juzmeski, Neglia Eng.

Chairman Sugarman called the meeting to order at 7:33 p.m.

NOTICE OF MEETING:

Chairman Sugarman stated: Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: On November 23, 2021 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2021. The time, date, and location of said schedule was posted on the Bulletin Board at 309 Main Street. A copy of said schedule was mailed to the RECORD, JERSEY JOURNAL, STAR LEDGER, SPECTRUM, posted on the Borough's Website and was filed with the Borough Clerk. A written notice of the time, place and proposed Agenda was posted on the Bulletin Board at 309 Main Street and mailed to the RECORD, JERSEY JOURNAL, STAR LEDGER, SPECTRUM, posted on the Borough's Website and was filed with the Borough Clerk. Copies have been mailed to all persons who have prepaid the \$35.00 fee fixed for the year 2022 to cover the cost of mailing.

Approval of Minutes

It was moved by Mr. Liapes, seconded by Mr. Conway, and passed on a vote of 7-0 by members Liapes, Conway, Joh, Tropea, Pacheco, Luppino and Hong to approve the minutes of the meeting of September 13, 2022.

Memorializations

Docket #24-22, Babalis Enterprises, LLC Block 4055, Lot 13, Two Unit Dwelling

It was moved by Mr. Conway, seconded by Mr. Liapes, and approved on a vote of 6-0 by members Liapes, Conway, Joh, Tropea, Pacheco, and Hong to grant the applicant approval to construct a Two Unit Dwelling.

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Docket #25-22, 313 Henry Street, LLC, 281 Myrtle Avenue, Block 6959, Lot 16, Minor Subdivision & Two, Two-Unit Dwellings

It was moved by Mr. Tropea, seconded by Mr. Pacheco and approved on a vote of 6-0 by members Liapes, Conway, Joh, Tropea, Pacheco and Luppino to approve the Minor Subdivision & Two, Two Unit Dwellings.

Public Hearings

Docket #18-22, Unlmted Development, LLC, 1355 Fifteenth Street, Block 2251, Lot 3, Preliminary & Final Major Site Plan – 130 Unit Multi-Family Building

Chairman Sugarman stated Ms. Hong is recused from this application. Mr. Luppino will be a voting member.

Gregory Asadurian, Esq. stated this application is for a 12 story residential building consisting of 130 units. We plan to demolish what is on the property. The property is 45,000 square feet. We propose 10 studios, 65 one bedroom units, 50 two bedroom units, 5 three bedroom units in addition to affordable units. There will be 195 parking spaces, 134 spaces are required. One D variance for density, C variances for height, front yard setback, rear yard setback, side yard setback, lot coverage, parking offset and waivers are required.

Mark Vergona, Architect, 125 River Road #201, Edgewater was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Vergona stated he prepared the plans for this project.

Exhibit A1-plans dated April 7, 2022, 9 sheets. There is no pool proposed. The ground floor lobby space faces 15th Street. There are 10 residential floors and one penthouse level. The garage is not visible. The property is T shaped. 15th Street and 14th Street are the two fronts. The building is adjacent to open space.

Sheet A1 – the elevations are shown. Brick and metal panels to be used on the exterior. The front setback in 75 feet.

Sheet A2 – The west and north elevations are shown. There is a deck on the front of the building and the mechanicals. The lobby area is adjacent to 15th Street.

Sheet A3 – shows the section looking south with a unit tabulation and area tabulation.

Sheet A4 – floor plan, lobby level. Entry area, loading area, trash and compactor room, parking is accessed from the north and south. The garage is in the rear.

The second level is accessed by making a circular pattern.

Sheet A5 – mechanicals, parking for 100 cars, one level below the lobby.

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Sheet A6 – this is the lowest level – it is accessed by the elevator.

Sheet A7 – residential floors 1 through 5. One bedroom, two bedrooms, studios and three bedrooms are on these floors. The sizes range from 635 square feet and up.

Sheet A8 – Floors 6 through 10 – there are affordable units on these floors – four 2 bedrooms, five one bedrooms, and 1 studio. A total of 20 affordable units will be provided.

Sheet A9 – this is the penthouse level – it includes a fitness center, yoga room, lounge, community room, golf simulator, game room, office center/library, green roof area and terrace. Mechanicals will be on the roof level.

The outside finish is brick, metal panels, glazing and decorative masonry. Exterior lighting will be used to illuminate the walkways.

Generator noise ordinance levels will be complied with.

Fire ordinance requirements will be complied with.

We will comply with the Neglia report dated September 12, 2022.

Chairman Sugarman asked the elimination of the exit on 14th Street – will this eliminate traffic onto 14th Street?

Mr. Vergona stated this paper street will allow access to emergency vehicles.

Chairman Sugarman asked for questions from the Board.

Mr. Conway asked if the materials will be lifted on site or from the street?

Mr. Vergona stated the crane will be on the property, not on the street.

Mr. Conway stated the garbage can be on-site pick-up. The moving vans can go in the designated area.

Mr. Conway asked if the applicant will comply with Mr. Curry, the Fire Official's letter dated June 15, 2022.

Mr. Vergona stated the Traffic expert will answer this.

Mr. Juzmeski stated I need a letter of confirmation from the Fire Official.

Mr. Vergona stated we will comply.

Mr. Juzmeski asked if the RTU's will be on the roof for the common areas?

Mr. Vergona stated yes.

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Mr. Juzmeski asked if the 14th Street driveway will be eliminated?

Mr. Vergona stated yes.

Mr. Juzmeski asked about the materials being used for the windows.

Mr. Vergona stated they will not generate heat.

Mr. Juzmeski asked if they will be utilizing a private hauler for trash?

Mr. Vergona stated yes.

Mr. Juzmeski asked about security measures.

Mr. Vergona stated there are no proposed gates, only a doorman or security at the front desk. There will be camera systems.

Mr. Mariniello stated the affordable units in the resolution will reflect this requirement. There will be no exact number of units.

Mr. Asadurian stated yes, this is done with the Developer's Agreement.

Mr. Luppino asked if the building setback is 75 feet?

Mr. Vergona stated yes.

Mr. Conway asked about the parking being ample and if there will be designated parking?

Mr. Vergona stated the parking is not designated yet.

Mr. Asadurian stated yes, there is ample parking.

Chairman Sugarman asked for questions from the public.

Ms. Hong, 14-14 14th Street asked if they are eliminating the 14th Street entrance?

Mr. Vergona stated yes, there will be no driveway.

Ms. Hong stated in the penthouse area you stated there will be a BBQ pit. I don't think this is safe.

Mr. Vergona stated this is only a consideration.

Mr. Anthony DiPerna, 14-29 14th Street asked how did you calculate the parking? Is there a sufficient amount for visitors?

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Chairman Sugarman stated there is a RSIS standard and a Borough Ordinance.

Ms. Victoria Kim, 21-90 Mackay Avenue asked how many parking spaces will be provided?

Mr. Vergona stated 195 spaces.

Matthew Clark, MCB Engineering, 11 Furler Street, Totowa was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Clark stated he prepared the site plan dated April 15, 2022.

Exhibit A2-site plan

Exhibit A3-survey prepared by Mark Martins

Mr. Clark stated the property is located in the R10 district. There is a two story office building on the property and it will be removed. The 14th Street driveway will be eliminated. In the front of the building there is a drop off delivery area. There is also a moving area/trash area to be used by a hauler. The driveways are conforming.

The grading and utility plan shows the grading and stormwater. This is considered a major development. The stormwater will be collected and moved off site.

The landscaping and lighting will be wall mounted lights and pole lights for parking.

There will be arborvitae and a row of hedges at the front. We will comply with the Neglia report. Trash will be inside the building.

Ingress and egress – two driveways for both in and out.

Chairman Sugarman asked for questions from the Board.

Mr. Conway asked is there is enough service coming from the 15th Street sanitary lines?

Mr. Clark stated we anticipate these will provide sufficient capacity.

Mr. Juzmeski asked what is the circulation pattern for trash?

Mr. Clark stated the Traffic expert will answer this.

Chairman Sugarman asked for questions from the public.

Louis Luglio, Traffic Engineer, 50 Park Place, Newark was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Luglio stated he visited the site and is familiar with it and it's surroundings.

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Exhibit A4-Traffic report dated June 27, 2022

Mr. Luglio stated we are looking at an existing office space compared to the residential proposal.

In the AM peak hour there are 74 movements and 109 movements in the PM peak hour.

We are proposing 35 movements in the AM peak hour and 42 movements in the PM peak hour.

Residential is a low intensity traffic producer.

Sheet A2-site plan – there are two driveways in and out. There is a cut out at the lobby area for delivery trucks. A truck can back into the loading and trash area. Turning templates have been submitted. Parking spaces will not be assigned except for the end spaces. There is enough parking even if we have to stripe out some spaces at the ends. We are providing 195 spaces and 134 are required. A total of 121 spaces are required with the EV credit. One half space per unit is required. The parking lot is not gated. RSIS is governed by the state. 134 spaces includes guest parking. EV stalls will be provided, all electric, piping and service to the space. These will be on all levels and at least one ADA space will be provided on each level.

There is site distance in and out of the property. Public transportation is in the area provided by New Jersey Transit. The site can be circulated safely. Parking spaces are 9 x 18 and drive aisles are conforming as well.

Chairman Sugarman asked for questions from the Board.

Mr. Jusmeski asked if the closure of 14th Street will affect anything?

Mr. Luglio stated no.

Mr. Juzmeski asked if there is enough clearance above the driveways?

Mr. Luglio stated yes, there should be enough room in the loading area.

Mr. Juzmeski stated I agree with the suggestion for the end parking spots to be striped.

Mr. Conway asked if there will be stop signs?

Mr. Luglio stated yes.

Mr. Joh asked about the intersection at Stillwell Avenue.

Mr. Luglio stated it is congested during the morning. We are still under 60 vehicles per hour.

Mr. Luppino asked if there will be 16 less vehicles per hour in the AM?

Mr. Luglio stated yes.

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Chairman Sugarman asked for questions from the public.

Mr. Ng, 14-36 14th Street asked about the hours of business. There are school age children that produce foot traffic. Did you look into this?

Mr. Luglio stated I did not look at foot traffic.

Hyun Jenn, 14-16 14th Street asked how would this proposal not impact the traffic?

Mr. Luglio stated in and out number comparison is a less number during the peak hour. We utilize an industry standard.

Ms. Hong asked what day of the week was May 12, 2022? Have you driven through this area between 8-9:00 AM? Cars cannot move. There are 1,400 students attending school here.

Mr. Luglio stated I have seen congestion here and at many other intersections. It is difficult to design something for a portion of a peak hour.

Mr. Pilhoon Lee, 14-12 14th Street asked do you know there is a large church on 15th Street? Do you know the number of services that are held there?

Mr. Luglio stated no and no.

Mr. Lee stated there is a large high rise building in the area of the proposal.

Mr. Luglio stated yes.

Mr. Lee asked if the RSIS requires foot traffic counts?

Mr. Luglio stated no.

The Board took a break from 9:05 until 9:12 PM.

David Spatz, Planner, 60 Friend Terrace, Harrington Park was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Spatz stated he has reviewed Fort Lee's Master Plan and the Borough Ordinances.

Exhibit A5-Photo Board of Site and Surrounding Area

Top left-shows the two story office building on the site

Top right-to the right

Bottom left-to the south, see parking deck, two family home and garden apartments

Bottom right-across the street

The site is in the R10 zone which permits high rise buildings. One D variance for density, C variances for front yard setback, side yards, lot coverage, parking offset from the street, (the lot

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is partially above grade) and waivers are required. We have a multi-family that is permitted, we are providing affordable housing, EV charging stations and eliminating a non-conforming building. The building is in poor condition. The parking deck will be below grade. We are reducing the impervious coverage. We are providing a conforming amount of parking. The impact on traffic is an improvement. The height of the buildings in the surrounding area are taller than our proposal. There is a high rise directly across the street. We have 74 parking spaces in excess of what is required.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski asked what is the height of the building across the street?

Mr. Spatz stated we are 12 stories and they are 15 stories.

Mr. Lee, 14-12 14th Street asked about the minimum lot per family?

Mr. Spatz stated the ordinance requires a certain amount of feet for each unit, based on the lot area.

Mr. Lee asked if the state created this?

Mr. Spatz stated no, it is municipal.

Mr. Lee stated this is a 45,000 square feet lot. How many units are there?

Chairman Sugarman stated this question is not relevant.

Mr. Lee stated the building height on 15th Street is the front and 14th Street is the side yard. How did you calculate the building height?

Mr. Clark stated the Engineer will respond.

Mr. Clark stated it is measured from the roof deck to the average grade. All sides of the property are measured and then we take an average.

Mr. Lee asked if the garage is a story?

Mr. Clark stated the elevations are taken around the entire property.

Mr. Lee asked what height is permitted?

Mr. Clark responded 130 feet is required, the proposal is for 136.7 feet.

Mr. Lee asked what are the setbacks for the north side?

Mr. Spatz stated five feet from the parking deck.

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Chairman Sugarman asked if any member of the public would like to come up, be sworn and testify on the application.

Mr. Lee, 14-12 14th Street stated a lot of the surrounding area was not taken into consideration when doing the traffic study. There are a lot of variances for setbacks. This is a 160 foot building that will block the sunlight. My next door neighbor was flooded. How is an additional 130 units going to be OK? This area gets overloaded with traffic. Stillwell Avenue is an artery that gets blocked with cars. This proposal doesn't belong here.

Chairman Sugarman stated this is a permitted use in the zone.

Mary King, 347 Slocum Way stated I am a resident and concerned with the amount of families in Fort Lee. School 1 is the most densely populated school. These changes are stressing the school and student to teacher ratio. I'm speaking for School 1 and its impact on the schools and congestion.

Ms. Victoria Kim, 20-90 Mackay Avenue stated I've been here for 10 years and am concerned with School 1 traffic. I'm concerned with the schools also. School 1 has a 1-25 teacher to student ratio. Some parents were asked to move students to other schools. This will increase the ratio.

It was moved by Mr. Tropea, seconded by Mr. Luppino, and passed on a vote of 6-0 by members Liapes, Conway, Tropea, Pacheco, Luppino and Sugarman to grant the applicant Preliminary & Final Major Site Plan approval. Mr. Joh voted no.

Docket #22-22, THR FL, LLC, 204 Tom Hunter Road, Block 3956, Lot 23, Change of Use

Chairman Sugarman stated this application is carried to the meeting of October 11, 2022. No further notice is necessary, time is waived for the Board to act.

Docket #26-22, Marc Jusino & Yelena Alaverdov, 1003 Glen Road, Block 255, Lot 7, Addition to Single Family Dwelling

Chairman Sugarman stated this application is carried to the meeting of October 11, 2022. No further notice is necessary, time is waived for the Board to act.

Docket #27-22, Smadar Ben-Simhon, 811 Jassamine Way, Block 155, Lot 9, Two Unit Dwelling

Chairman Sugarman stated this application is carried to the meeting of October 11, 2022. No further notice is necessary, time is waived for the Board to act.

Docket #28-22, Hillside, LLC, 466 Jane Street, Block 3654, Lot 5, Amended Preliminary & Final Major Site Plan – Three-Unit Dwelling – Addition to Roof Top Decks

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Chairman Sugarman stated this application is carried to the meeting of October 11, 2022. No further notice is necessary, time is waived for the Board to act

ADJOURNMENT

It was moved by Mr. Liapes, seconded by Mr. Conway to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Linda Garofalo

Linda Garofalo
Recording Secretary