

FORT LEE BOARD OF ADJUSTMENT

February 22, 2022

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

Absent: S. Tropea,

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

Chairman Sugarman called the meeting to order at 7:30 p.m.

The meeting was held remotely, by means of communication equipment. The foregoing Electronic Public Meeting is recommended due to the current situation involving COVID-19 Virus and directives of State and County governments. The meeting was conducted using the Zoom operating system.

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. On February 9, 2022, an updated notice with the Zoom Information was posted at 309 Main Street and mailed to the RECORD, JERSEY JOURNAL, STAR LEDGER, SPECTRUM, posted on the Borough Web Site and 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. Joh and passed on a vote of 6-0 by members Liapes, Conway, Joh, Pacheco, Hong and Sugarman to approve the minutes of the meeting of February 8, 2022.

Memorializations

Docket #31-21, PS Atlantic, LLC, 504 Jane Street, Block 3651, Lot 3, Façade & Signage – Self Storage Facility

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Chairman Sugarman stated this memorialization is carried to the meeting of March 8, 2022.

Docket #1-22, Oak Tree Fort Lee, LLC, 2024 Center Avenue, Block 4751, Lot 30, Minor Site Plan – Signage

It was moved by Mr. Conway, seconded by Mr. Liapes and approved on a vote of 6-0 by members Liapes, Conway, Joh, Pacheco, Hong and Sugarman to grant the applicant Minor Site Plan and Signage approval.

Docket #2-22, Bishoy Doss, 2181 Linwood Avenue, Block 5852, Lot 13, Two Unit Dwelling

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

Mr. Luppino joined the meeting.

Acceptance/Completeness

Docket #5-22, Seung Yang & Chan Park, 1303 Palisade Avenue, Block 1955, Lot 8, Preliminary & Final Site Plan – Mixed Use – Commercial Offices and Residential

It was moved by Mr. Nitti, seconded by Mr. Conway and approved on a vote of 8-0 by members Liapes, Nitti, Conway, Joh, Pacheco, Luppino, Hong and Sugarman to deem the application complete. Mr. Anlian will call the Board secretary for a hearing date.

Docket #6-22, THR FL, LLC, 204 Tom Hunter Road, Block 3956, Lot 23, Minor Site Plan - Signage

Chairman Sugarman stated this memorialization is carried to the meeting of March 8, 2022.

Docket #7-22, Bridgeway Homes, LLC, 274 McLoud Drive, Block 3152, Lot 2, Single Family Dwelling

It was moved by Mr. Liapes, seconded by Mr. Nitti and approved on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Pacheco, Luppino and Sugarman to deem the application complete. Mr. Macri will call the Board secretary for a hearing date.

Docket #8-22, Kelly Cooper, 516 Bluff Road, Block 159, Lot 8, Single Family Dwelling

It was moved by Mr. Conway, seconded by Mr. Joh and approved on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Pacheco, Luppino and Sugarman to deem the application complete. Mr. Macri will call the Board secretary for a hearing date.

Extension of Time Approval

Docket #21-20, Modus21, LLC, 1119 Palisade Avenue, Block 1351, Lot 21, Preliminary & Final Major Site Plan – Mixed Use – Brokerage Compliance Office with Residential

It was moved by Mr. Luppino, seconded by Mr. Nitti and approved on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Pacheco, Luppino and Sugarman to grant the applicant extension of time approval until March 26, 2023.

Public Hearing

Docket #3-22, 2045 Lemoine Avenue, LLC, 2045 Lemoine Avenue, Block 4751, Lots 8 & 9, Preliminary & Final Major Site Plan & Signage – Three (3) Story Office & Commercial Business Building

Mr. Cereste stated this property was the Plaza Diner and Courier Grille. The property is 13,500 square feet and is in the C1 central business district. This use is permitted. It will be a three-story building. The property slopes from east to west. We are short on parking spaces by eight cars. \$100,000 will be sent to the Fort Lee Trust Fund. West of the property goes to the Municipal Parking lot. The maximum FAR, side yard setback, maximum lot coverage and parking, are all deficient.

Exhibits:

- A1-site plan, prepared by Collazuol Engineering dated November 7, 2021
- A2-Architectural plan dated December 18, 2021, 5 sheets
- A3-two photos of the site
- A4-Traffic study prepared by Stonefield Engineering
- A5-lighting plan
- A6-rendering of the building
- A7-aerial photo of the subject property and surrounding area

Steven Collazuol, Engineer, 1610 Center Avenue, Fort Lee was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Collazuol stated the site is on the west side of Lemoine Avenue. The site drops from front to back and is 13,500 square feet. Previously there was a diner and restaurant on the site. The entrance used to be on the right side of the building and the exit went to the Municipal parking lot. The utilities are on Lemoine Avenue.

Site Plan, page 2 – the proposal is to utilize the existing footprint and modify the parking. We have now extended the building and it has parking underneath and on the right. Two ADA parking spaces are being provided. There will be one-way traffic coming in and the exit ramp will remain as it exists. There is no minimum lot requirement. The maximum floor ratio, the front yard, rear yard and side yard setbacks all require variances. This is an existing non-conforming condition. The building height complies. There is a requirement for 33 parking spaces, we are providing 25. The building height complies. We have a sufficient road width and

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entrance. The streetscape plan will be provided.

The grading and drainage plan was shown on the screen. We plan to resurface the parking lot and reconnect the storm water management system. Grading in the rear will have a drainage area. The site is remaining basically the same. No walls are proposed. The wall in the back is to remain. The wall along the right side will remain.

Site Plan-on the bottom of the sheet you will see the plan – a plum tree, number of boxwoods and a catch basin will be installed. The streetscape plan is shown in the front, two street trees, soldier course border and concrete is proposed.

Mr. Collazuol reviewed the report dated February 18, 2022 from David Juzmeski of Neglia and the applicant has no issues with it.

Chairman Sugarman asked for questions from the Board.

Mr. Conway asked if this is a three-story building.

Mr. Collazuol stated yes.

Mr. Conway stated it has a height of 55 feet.

Mr. Collazuol stated the back corners are 4 ½ feet lower.

Mr. Conway asked what is the street elevation on Lemoine Avenue?

Mr. Collazuol stated about 53 feet.

Mr. Conway stated that's higher than 15 feet per story.

Mr. Juzmeski asked where is the nearest fire hydrant?

Mr. Collazuol stated in front of the adjoining site, approximately 40 feet away.

Mr. Juzmeski asked if they will comply with the Fire Department letter dated February 22, 2022.

Mr. Collazuol stated yes, they will comply.

Mr. Juzmeski asked if they could send the streetscape plan to him.

Mr. Collazuol stated yes.

Mr. Juzmeski asked about the trash collection.

Mr. Cereste stated the Architect will respond to this.

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Mr. Juzmeski asked about the one-way ingress and egress. Did you locate the access easement?

Mr. Cereste stated I couldn't locate it but will follow-up.

Chairman Sugarman asked for questions from the public.

A neighbor stated she is concerned with the side yard setback being 15 feet. Fire is a concern. There is no side yard.

Mr. Collazuol stated I defer to the Fire Code Official. The Architect should answer questions regarding a fire wall.

Young Sam Yu, Architect, 71 Highland Avenue, Demarest was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Yu stated this is a three-story office space and basement for storage. The building slopes down to the parking lot. The floor height is 13 feet.

Exhibit A6-the rendering was shown on the screen. Aluminum cladding with glass is to be used for exterior. Utilities will be on the rooftop and will be screened. Trash is to go in the basement near the staircase. We propose six lights. The building is below 100 feet. The roof is not accessible.

Chairman Quinn asked for questions from the Board.

Mr. Juzmeski asked Mr. Yu if he is familiar with the Borough's downtown overlay zone?

Mr. Yu stated yes.

Mr. Juzmeski stated we will comply with Section 410-52.

Chairman Sugarman asked for questions from the public.

John Corak, Traffic Engineer, Stonefield Engineering, 92 Park Avenue, Rutherford was sworn in and his credentials accepted by Chairman Sugarman.

Exhibit A7-aerial photograph dated February 22, 2022 shows the site with a yellow dash line. There are 13 different bus routes in the area. There is ample parking at the municipal lot. You can enter and exit from Lemoine Avenue.

Site plan-we are reconfiguring the driveway to a one-way drive. This new configuration works better for the site. The parking requirement is 33 spaces, payment for 8 spaces will be made to the Fort Lee Fund.

Chairman Sugarman asked for questions from the Board.

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Chairman Sugarman asked if it is found that 25 spaces is not sufficient would the applicant be willing to enter into an agreement with the Parking Authority?

Mr. Cereste stated the tenant would do this by purchasing parking permits.

Mr. Conway asked will there be an access area for deliveries?

Mr. Corak the best location would be the drive aisles.

Brian Intindola asked would there be any advantage to slightly angle the spaces?

Mr. Corak stated we can do that.

Mr. Juzmeski asked about the egress to the back and will it be difficult for delivery vehicles?

Mr. Corak stated this is not a critical issue.

Chairman Quinn asked for questions from the public.

TJ Ricci, Planner, 92 Park Avenue, Rutherford was sworn in and his credentials accepted by Chairman Sugarman.

Exhibit A7-aerial photo-the property is vacant at the moment. The proposal is for a three-story office building. We are seeking a D4 FAR variance. The lot is a bit thin. The design is to push it closer to one side. The parking can be accommodated by the Municipal lot. This project promotes public good by taking over a vacant property. This is a permitted use. There's a lot of similar buildings in the area of this size. The FAR variance can be granted as there is a minimal deviance. This is a good location for an office use.

Chairman Sugarman asked for questions from the Board.

Mr. Luppino asked if the section that is not yellow owned by the applicant?

Mr. Cereste stated there is a Lease Agreement for 40 years that is dedicated for parking.

Mr. Luppino asked if the parking is based on square footage?

Mr. Ricci stated yes, it is based on gross floor area.

Chairman Sugarman asked if the applicant will accept as a condition of approval that there is to be no medical office that requires excess parking.

Mr. Cereste stated the ordinance doesn't distinguish this. It's based on square footage and not use.

Chairman Sugarman stated there will be no emerge-med type of business in the building.

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Mr. Cereste stated OK.

Mr. Juzmeski asked is there is any other building on this side of the street that has similar front yard setbacks?

Mr. Cereste stated most are in line with where we are.

Chairman Sugarman asked for questions from the public.

Judy Kao, 2035 Lemoine Avenue, Fort Lee stated she lives next door to the proposed project. The building will be beautiful, there was a lot of damage to my building during the fire. There is one way to go to the Municipal parking. There is a dilapidated staircase there. Can we have the Borough or Parking Authority take down this dangerous staircase?

Chairman Sugarman stated this doesn't relate to this application.

Mr. Joh stated this cannot be removed.

Ms. Kao stated this should be maintained.

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

It was moved by Mr. Luppino seconded by Mr. Nitti and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Pacheco, Luppino and Sugarman to grant the applicant Preliminary & Final Major Site Plan & Signage approval.

ADJOURNMENT

It was moved by Mr. Liapes, seconded by Mr. Conway to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Linda Garofalo

Linda Garofalo
Recording Secretary