

# **FORT LEE BOARD OF ADJUSTMENT**

**May 11, 2021**

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

**Absent:** S. Tropea

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

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 December 8, 2020 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 April 19, 2021, 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 2021 to cover the cost of mailing.

## **Approval of Minutes**

It was moved by Mr. Liapes, seconded by Ms. Hong and passed on a vote of 5-0 by members Liapes, Joh, Pacheco, Hong and Sugarman to approve the minutes of the meeting of April 27, 2021.

## **Election of Officer of Secretary of the Board**

It was moved by Mr. Liapes, seconded by Mr. Joh and passed on a vote of 6-0 by members Liapes, Nitti, Joh, Pacheco, Hong and Sugarman to approve the appointment of John Nitti as Secretary of the Board.

**Resolution for Conflict Board Attorney Professional Appointment – 2021 - Testa & DeCarlo, Diane T. Testa, Esquire**

It was moved by Mr. Liapes, seconded by Mr. Nitti and passed on a vote of 7-0 by members Liapes, Nitti, Joh, Conway, Pacheco, Hong and Sugarman to approve the appointment of Diane T. Testa, Esquire

**Memorialization**

**Docket #7-21, Rock Solid Built, LLC, 210 Tremont Avenue, Block 2555 Lot 8, Minor Subdivision – Two (2) Single Family Dwellings**

It was moved by Mr. Liapes, seconded by Mr. Joh and passed on a vote of 5-0 by members Liapes, John, Pacheco, Hong and Sugarman to grant the applicant Minor Subdivision approval.

**Acceptance/Completeness**

**Docket #11-21, 2450 Lemoine Realty, LLC, 187 Washington Avenue, Block 7151, Lot 1, Preliminary & Final Major Site Plan – Conversion of Second Floor to Two (2) Residential Units**

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

**Docket #18-21, 2130 Center Avenue, LLC, 2130 Center Avenue, Block 5952, Lot 1, Preliminary & Final Major Site Plan – 31 Unit Residential Building Over Parking**

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

**Public Hearings**

**Docket #5-21, 2053 Fletcher Associates, LLC, 2053 Fletcher Avenue, Block 4458, Lot 2, Preliminary & Final Major Site Plan - Eight Unit Apartment Building (continued from the Public Hearing of April 27, 2021)**

Chairman Sugarman stated this application is carried to the meeting of June 8, 2021.

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**Docket #8-21, HLC Development, LLC, 490 Jane Street, Block 3653, Lot 3, Two Unit Dwelling**

Chairman Sugarman stated this application and Docket #9-21 will both be heard together but the votes will be separate.

Mr. Cereste, representing the applicant, stated both duplexes are permitted uses. They are two and three-bedroom units, in a three-story building.

Chairman Sugarman stated Mr. Pacheco will be a voting member for this application.

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

Sheet 7 - The map shown here shows the site plan with Lot 3 on the left and Lot 2 on the right. The existing structures here have been removed. The site is now clear.

Grading, drainage and utility plan – The dwellings have side entrances. The buildings are shown in grey. The site rises from front to back. Walls will be required around the patios in the rear. These will be two feet tall. There will be new sidewalks installed. The fences will be looked into in detail. The existing fences will be removed.

The applicant is proposing new underground utility lines for water, gas, sanitary sewer and telecom to existing services in Jane Street.

Seepage pits will be installed under each driveway in the front yard. Both seepage pits are connected to roof drains at the front and rear of the dwelling.

Landscaping plan – The plans are identical. The applicant plans to remove the mature tree located in the rear yard. The two trees located on the right lot line are also proposed to be removed. In the front yard the applicant is proposing two Yellow Exbury Azalea plants and two Hino Crimson Azalea plants in each planting strip and eight Fescue plants in the central planting strip. Each side yard is proposed to consist of eight Korean Boxwood plants located adjacent to the dwelling. In the rear, a total of nine Arborvitae plants are proposed and one Zelkova replacement tree in the center of the rear yard. Lot 3 – we will try to select a tree to fit in this area. The landscaping plan will be adjusted to satisfy Mr. Jovishoff's comments.

The HVAC systems will be screened. They are to be located adjacent to the rear center of the dwelling between the decks.

Mr. Cereste stated he received a call from the neighbor next to 494 Jane Street. We agreed to replace the fence with a 6 foot PVC fence. The client has agreed to provide this.

Chairman Sugarman asked for questions from the Board.

Mr. Jovishoff asked about the relocation of the light pole.

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Mr. Collazuol stated the existing utility pole is two feet into the roadway. We are showing it will be moved back two feet. The curb could go around the pole.

Mr. Liapes asked does a six-foot fence require a variance?

Mr. Cereste stated the fence can be four feet solid and two top feet open.

Mr. Nitti asked why are you adding sidewalks, there are none in the area.

Mr. Collazuol stated new developments require sidewalks.

Mr. Juzmeski stated we do require new curbs and sidewalks mainly for safety. The relocation of the utility pole is important. Moving it behind the curb line is a good idea. Will you provide details on the fencing?

Mr. Collazuol stated yes. We can also show the proposal of the curbs prior to installation.

Mr. Jovishoff stated the details on the fencing will be a condition of approval.

Chairman Sugarman asked for questions from the public.

Marios Hatzikyriakou, 500 Jane Street asked what was the reference for the survey.

Mr. Collazuol stated a boundary topographical survey and we conducted our own survey in early 2020, late 2019.

Mr. Hatzikyriakou stated we have a discrepancy with the property line. I have a survey that shows the existing fence is on my property.

Mr. Cereste advised Mr. Hatzikyriakou to provide a copy of his survey to him.

Mr. Cereste stated once the property line is determined we will install the fence on our property.

Mr. Jovishoff suggested the walkways be removed and replaced with grass.

Vassilios Cocoros, Architect, 467 Sylvan Avenue, Englewood Cliffs was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Cocoros stated on the screen is 490 Jane Street, site plan. The building is a three-level configuration, all brick structure, modern windows with varied materials.

Residential type lighting fixtures will be used. The applicant is proposing six light fixtures, including three fixtures above each garage door and one recessed in the ceiling of each covered porch. In addition, six wall mounted light fixtures, including one above each garage door, one above each ground level sliding door and one above each sliding door to the deck in the rear yard.

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Sheet A2 shows the floor plans – the basement is proposed to consist of a recreation room, a utility room, a powder room, three closets and stairs to the upper levels.

The first floor will consist of a living room with bay windows at the front of the dwelling, and a dining room, powder room, two closets, and stairs to the other levels at the center of the dwelling. A family room and an open plan eating area/kitchen are proposed at the rear of each unit.

The second floor is proposed to consist of a total of three bedrooms, including a master bedroom, an ensuite master bathroom, and a laundry room at the front of the dwelling. An additional two bedrooms, a shared full bathroom, a hallway, a closet, and stairs to the lower levels are proposed at the rear of the dwelling.

These two houses are sister houses.

The parking can accommodate three cars with plenty of room for snow.

Mr. Nitti asked are you removing any trees?

Mr. Collazuol stated at 494 Jane Street there are no trees.

Mr. Jovishoff asked are the left and right elevations similar?

Mr. Cocoros stated yes, they are similar. I can add the elevations, this will be a condition of approval.

Mr. Jovishoff stated the details of the lighting fixtures need to be submitted.

Mr. Cocoros stated I will submit these.

Chairman Sugarman asked for questions from the public.

Mr. Hatzikyriakou stated the height is shown at 35 feet.

Mr. Cocoros stated your house is 31.7 feet tall.

Mr. Hatzikyriakou asked what is the height of the retaining wall?

Mr. Cocoros stated there will be landscaping there and a two-foot wall behind it.

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

Exhibit A3-Photo Board of Site and Surrounding Area

Top two photos-shows the two properties and the two existing dwellings with the garages in the rear

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Bottom left-looking up Jane Street to the West  
Bottom right-towards the East, John Street, two-family homes

Mr. Spatz stated we are in the R5 zone which permits two-family dwellings. We have C variances. Both homes have identical variances. We conform to building height. Both are three stories, 2 ½ stories are permitted. The lot area is not met. The setbacks require variances. The conditions are improved. Coverage variances are required for both lots. Landscaping is being provided. We are providing curbs and sidewalks. There will be sufficient parking on site.

Chairman Sugarman asked for questions from the Board.  
Chairman Sugarman asked for questions from the public.  
Chairman Sugarman asked if any member of the public would like to be sworn and testify on the application.

Mr. Hatzikyriakou stated thank you for the time to listen and agree on the property line.

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

**Docket #9-21, HLC Development, LLC, 494 Jane Street, Block 3653, Lot 2, Two Unit Dwelling**

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

**Docket #10-21, Electrify America, 154 Main Street, Block 4351, Lots 3 & 12, Minor Site Plan – Electric Vehicle Charging Station**

Mr. Lavigne, representing the applicant, stated this property is an existing Bank of America, in the C1 zone. We propose to convert 10 parking spaces to 4 electric charging stations. We need minor site plan approval. We require a D1 variance.

Chairman Sugarman stated Mr. Conway is not on the call. Mr. Pacheco and Ms. Hong are both voting members.

Mr. Jovishoff stated there was an error in my report regarding parking requirements. No parking variance is required.

Devon Vlasin, Engineer, 2003 Edmund Hally Drive, Reston, VA was sworn in.  
Mr. Vlasin stated he is the Project Development Manager for Electrify America.

Mr. Vlasin stated we are an electric charging station vehicle installation company. We have 600

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sites. There are 11 in NJ, 3-10 chargers at each station. There are 3 in construction in NJ, 8 in permitting and 3 in design. The closest to Fort Lee are in Clifton, Secaucus and Kearny. Others in NJ are in Bridgewater, Cherry Hill, Pompton Plains, East Brunswick, Somerville, Fairfield, Elizabeth, Lawrence, Newark, Pompton Lakes and Tinton Falls. These are all on Commercial properties in parking lots at Target, Walmart, Malls and smaller shopping centers. These are level three fast chargers. It would take a user approximately 20-30 minutes to charge if arriving with a 15-20% charge left. There is no advertising on the units. The dispensing units are 8 feet tall and they are white. The equipment cabinets are a little over 7 feet tall and they are grey. The cabinets are all locked. There are no ADA requirements in NJ for vehicle charging stations. Maintenance is not high need. We have a contract with a third party vendor and a 24 hour call station, in line for repairs.

Chairman Sugarman asked for questions from the Board.

Mr. Jovishoff asked is there a limit on how long someone can stay in the charging station?

Mr. Vlasin stated after they are charged 100%, they are charged idling fees and charged accordingly. In NJ we charge by kilowatt hours, 41 cents per kilowatt hour and the same charge for the idling fee.

Mr. Vlasin stated we allow for expansion and would return to the Board if we plan to add more stations.

Mr. Jovishoff asked is there any screening around the equipment and cabinets?

Mr. Vlasin stated there is visual screening around the equipment.

Mr. Lavigne stated the plans do not show screening. Screening will be provided around the equipment. This would be a condition of approval.

Chairman Sugarman asked for questions from the Board.

Chairman Sugarman asked if any survey was done to determine the need for this in Fort Lee?

Mr. Vlasin stated we analyze the market capacity and major thoroughfares.

Chairman Sugarman stated so there is no data on the need for this in Fort Lee?

Mr. Vlasin stated I don't have this on me.

Chairman Sugarman stated I did some research and found the hours for Tesla vehicles. It states it takes 10-12 hours to charge. Does Bank of America allow to charge a car for up to 10-12 hours?

Mr. Vlasin stated most vehicles are 35 minutes if arriving at 15% charged. This is a fast charger.

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Mr. Nitti stated a BMW takes 35 minutes to charge until full.

Chairman Sugarman asked why is there self-service for an electric charger?

Mr. Vlasin stated this would be like using an ATM – no leakage, not flammable. The connector has to be locked in place for charge to begin. It cannot shock you. You pay for it with a card, on an app., or plug in charge. It would cost \$25-\$27 for a full charge, if arriving with a 15-20% charge.

Chairman Sugarman stated most homeowners have a charger at home.

Mr. Vlasin stated I live in an apartment, I cannot have a charger.

Mr. Pacheco asked could someone hook up and charge their car and leave it there? Would you be notified if someone left the vehicle there?

Mr. Vlasin stated you cannot get text notification, the customers receive notification on their app.

Mr. Lavigne stated we have Bank of America's consent to submit this application.

Mr. Pacheco asked will a customer be charged if they leave their vehicle?

Mr. Vlasin stated only if it's in charging or idle mode.

Mr. Pacheco how do you control the lines for people waiting to charge their cars?

Mr. Vlasin stated we haven't run into this problem.

Mr. Jovishoff asked if this is available 24/7? Do you have any idea of the number of cars per day and the does the application provide locations?

Mr. Vlasin stated the application provides locations. Yes, they are open 24/7. Projections are about 300-400 kilowatt hours per month – 2-3 vehicles per day for the first 6 months.

Mr. Liapes asked this is open 24 hours, are there others that are not?

Mr. Vlasin stated all the locations are open 24 hours in NJ, one site is not 24 hours in the US, this is in Southern CA.

Mr. Vlasin stated we have EPA standards we have to follow.

Mr. Nitti stated NJ has 500 electric charging stations. How many are level three?

Mr. Vlasin stated ours are all level three.

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Mr. Pacheco asked when the vehicle is idling, what time determines the 31 cents per kilowatt hours.

Mr. Vlasin stated it depends on how much the vehicle is using. This is for Electrify America members only.

Mr. Pacheco asked if I am out, what will it cost me to have my car idling for two hours?

Mr. Vlasin stated 41 cents per minute. Approximately \$24.60 per hour for idling.

Mr. Juzmeski asked have you done any post installation surveys to determine the increase in traffic?

Mr. Vlasin stated no, only the time and power used per session.

Mr. Juzmeski stated can the charging station charge any electric car?

Mr. Vlasin stated we are brand neutral. Tesla requires an adapter. Tesla will still be charged at level three and will take an extra 20 minutes approximately.

Chairman Sugarman asked for questions from the public.

Ms. Hong asked if the owner leaves the car without plugging it in, will Bank of America check the car?

Mr. Vlasin stated I'm not sure. We are leasing the space from Bank of America.

Ms. Hong stated I suggest a study be done for the area and the need for this service.

Mr. Vlasin stated there will be a sign stating for vehicle charging only.

Ms. Hong stated behind the Post Office there is a charging station and the electric cars just park there without charging. You need a monthly pass there.

Chairman Sugarman stated the Parking Authority of Fort Lee is proposing to install vehicle charging stations. Is anyone aware of this? Nobody responded.

Chairman Sugarman asked for questions from the public.

Ben Mitsmenn, Engineer, 902 Carnegie Center Boulevard, Suite 140, Princeton was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Mitsmenn stated this is located at 154 Main Street in the Bank of America parking lot. Sheet C5-Site Plan – There are 62 parking spaces and three driveways. This will be located in the middle of the parking lot.

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C3 shows the proposed condition. The property is currently improved with a two-story bank, three drive-thru ATM stalls with a canopy, and a 62 space parking lot including 49 accessory bank parking spaces, including three ADA compliant parking spaces but excluding 13 additional parking spaces reserved for the adjacent fire station property. The reach height is at 54 inches which is compliant with ADA code. There are three No Parking signs. One site light pole is proposed. There will be no impact to the existing landscaping. The 21.1 foot parking aisle width will not be reduced. The height of the fixture is proposed to be 20 feet, style to match existing.

Chairman Sugarman asked for questions from the Board.

Chairman Sugarman asked for questions from the public.

Chairman Sugarman stated this application is carried to the meeting of May 25, 2021. Time is waived for the Board to act, no further notice is necessary.

**ADJOURNMENT**

It was moved by Mr. Liapes, seconded by Mr. Joh to adjourn the meeting at 10:18 p.m.

Respectfully submitted,

*Linda Garofalo*

Linda Garofalo  
Recording Secretary