

# **FORT LEE BOARD OF ADJUSTMENT**

**July 11, 2023**

**Present:** H. Liapes, J. Nitti, D. Conway, H. Joh, J. Luppino, S. Tropea, L. Pacheco, D. Sugarman

**Absent:** E. Hong

**Present:** J. Mariniello, Jr., Esq., D. Juzmeski, Neglia Eng., B. Intindola, Traffic 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 2023.

## **Approval of Minutes**

It was moved by Mr. Pacheco, seconded by Mr. Liapes and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Tropea, Pacheco and Sugarman to approve the minutes of the meeting of June 27, 2023.

## **Memorialization**

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

It was moved by Mr. Conway, seconded by Mr. Nitti and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Tropea, Pacheco and Sugarman to grant the applicant Extension of Time approval.

**Docket #38-22, Y & K Realty Inc. & ZYST, LLC, 2205 & 2195 Route 4 East, Block 5552, Lots 7 & 8, Bifurcated Application – Use Variance**

Chairman Sugarman stated this memorialization is carried to the meeting of July 25, 2023.

**Docket #17-23, Marat Denenberg, 1090 Arcadian Way, Block 953, Lot 15, Window Well for Single Family – Side Yard Setback Variance**

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It was moved by Mr. Nitti, seconded by Mr. Liapes and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Tropea, Pacheco and Sugarman to grant the applicant approval to Construct a Window Well.

**Acceptance/Completeness**

**Docket #18-23, Phil Art Studios SCI TOEF, Inc., 1605 Palisade Avenue, Block 4252, Lot 13, Amended Preliminary & Final Major Site Plan – Art Studio – Two-Story Building Over Parking**

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

**Docket #19-23, 136 Myrtle Avenue, LLC, 136 Myrtle Avenue, Block 6855, Lot 1, Preliminary & Final Major Site Plan – Four Unit Dwelling**

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

**Docket #20-23, 1180 14<sup>th</sup> Street, LLC, 1180 Fourteenth Street, Block 1054, Lot 5, Two Unit Dwelling**

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

**Public Hearings**

**Docket #30-22, 2365 Hud Terr, LLC, 2365 Hudson Terrace, Block 7160, Lot 3, Preliminary & Final Major Site Plan – 78 Unit Residential Building**

Chairman Sugarman stated Mr. Luppino is a voting member on this application. Mr. Pacheco is recused from this application.

Mr. Macri stated we will be offering these units for sale to the prior tenants.

Perry Frenzel, Engineer, 30 Madison Avenue, Paramus was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Frenzel stated the plans on the easel are the same as submitted to the Board. The second sheet shows existing conditions and a survey of the property as is. The property is 32,000 square

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feet. There was a multi family structure on the property and it has been demolished. A garage and storage building remain. The third sheet is the lower level parking garage. It shows in red a proposed multi family structure with 78 units and two levels of parking. There will be a low retaining wall, about 18 inches. We have reviewed the Neglia letter. The last page is the landscaping plan. Outside the building there will be arborvitae and evergreens, boxwoods, perennials and street trees on the street frontages.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski asked if the landscaping will have irrigation?

Mr. Frenzel stated yes.

Mr. Luppino asked if tandem parking will go with the 2 bedroom unit?

Mr. Macri stated the parking will be assigned.

Chairman Sugarman asked for questions from the public.

Chris Pereira, Architect, 641 Park Avenue, West New York was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Pereira stated the plans on the easel are colorized with slight changes.

**Exhibit A1-plan**

**Exhibit A2-colorized rendering**

We had 99 units before and cut it back to 6 stories and 78 units. All vehicle access is now through 8<sup>th</sup> Street. The top floor units are a loft on the 6<sup>th</sup> floor. The building is 70 feet tall. There are 135 parking spaces proposed.

Sheet A100 – this shows both parking levels. There's a ramp to the upper level parking. Trash will be collected by a private hauler and there will be a compactor. There's a transformer vault. There will also be bicycle storage for 50 bicycles. There is a courtyard in the center and also a pool, lounge space and gym.

Sheet A103 – This is the 4<sup>th</sup> floor which is a typical floor. The penthouse floor has access to an upper space.

Sheet A108 & A109 – these are the residential units on the lower level.

Sheet A11 – elevations were shown.

Accent and flood lighting will be used. We will comply with the Borough signage ordinance.

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The garage is enclosed.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski asked if he received a copy of his report dated July 11, 2023?

Mr. Pereira stated yes and we will comply.

Mr. Juzmeski asked what type of HVAC are you proposing?

Mr. Pereira stated magic pack. They will sit behind a grill that's ducted. It is a split system.

Mr. Juzmeski asked if any generators are proposed?

Mr. Pereira stated we are not sure yet. Emergency lighting will be on a battery back-up. If we do install it, it will go on the roof.

Mr. Juzmeski stated a variance for one extra story is required.

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 we prepared a parking and traffic study dated June 28, 2023.

There is no access on Hudson Terrace, only on 8<sup>th</sup> Street. Trip generation is 23 AM trips, 31 PM trips and 31 Saturday trips. One parking level has 63 parking spaces and the other level has 72 spaces.

The aisles are 22 feet. 130 parking spaces will be provided, 10 are electric vehicle spaces. There are 34 one bedroom, 36 two bedroom and 8 three bedroom units. 150 parking spaces are required. There is a 15 space credit for providing for electric vehicles. The requirement is 135 parking spaces, we are providing 130 spaces. All spaces are 9 x 18. They will be assigned. One bedroom is one space. Two and three bedrooms are two spaces. 122 assigned spaces and 8 unassigned spaces. This all meets the industry standards.

Mr. Intindola, Borough Traffic Engineer 1.7 spaces are required per unit, this is not unreasonable. I don't see any issue.

Chairman Sugarman asked for questions from the Board.

Mr. Luppino asked how many extra trips will there be?

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Mr. Luglio stated there will be 18 extra trips in the AM, 16 in the PM and 16 on Saturday in the AM peak hour.

This is not significant.

Chairman Sugarman asked for questions from the public.

Mr. Simon, 8<sup>th</sup> Street stated there's a stop sign on 8<sup>th</sup> Street. Do you consider this?

Mr. Luglio stated we looked at all traffic regulations. 16 vehicles over 60 minutes is not a measurable amount of traffic.

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

**Exhibit A3**-Photo Board of Site & Surrounding Area

Top left-subject site

Top right-to the right, north

Bottom left-to the left, south

Bottom right-from 8<sup>th</sup> Street, garages

Mr. Spatz stated we are in the R6 zone, there is 1 D variance and several C variances. The dwelling is consistent with zoning. We meet all building codes. The other buildings in the area have similar size units. The site is undersized. We are slightly over the coverage that is provided. We are consistent in height with the surrounding properties. The parking is sufficient.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski stated there will possibly be a variance for driveway distance.

Mr. Spatz stated the distance is 15 feet.

Mr. Juzmeski stated there is a variance for 5 parking spaces. The plans show you are compliant at 135. You are compliant for parking.

Chairman Sugarman asked for questions from the public.

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

Mr. Joh asked if they received the letter from the Fire Department?

Mr. Macri stated yes, and we will comply.

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

A recess was taken at 8:42 PM and back in session at 8:50 PM.

**Docket #8-23, 1 Casper Lane LLC, 1 Casper Lane, Block 3561, Lot 4, Two Unit Dwelling (continued from the public hearing of June 13, 2023)**

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

The plans on the easel are the same plans that were submitted to the Board. The site improvements were shown. Two new driveways and a sidewalk are proposed. The entrances are on the left and right. A wall is proposed in the rear. The drainage calculations are on the left. The retaining wall will be 7.8 feet. There are some areas that will be stepped. We plan to remove two trees – one in the front and one in the rear. There will be hollies and arborvitae.

Chairman Sugarman asked for questions from the Board.

Mr. Conway asked if only two trees are being removed?

Mr. Collazuol stated yes.

Mr. Juzmeski asked if his letter dated May 2, 2023 was reviewed?

Mr. Collazuol stated yes and we will comply. Item #8 regarding the sidewalk, it will be adjusted at the western end.

Mr. Jusmeski stated we need to meet with the DPW Director if this is approved.

Mr. Collazuol stated we can adjust the sidewalk to 18 feet in the front as required.

Chairman Sugarman asked for questions from the public.

Mr. William Robertson, 2000 Hoefley's Lane asked if two trees are being cut down?

Mr. Collazuol stated one in the front and it's shown on the survey.

Mr. Robertson stated there is one tree here also. He showed it on the easel.

Mr. Collazuol stated he will look into this.

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

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testify on the application.

Mr. Robertson stated I have a short video presentation I'd like to show if allowed.

Mr. Macri stated he objects to the video.

The video was shown.

Mr. Mariniello stated the verbal description is Mr. Robertson's testimony. This was very creative but not reflective.

Mr. Robertson stated this proposal is twice the length than what is allowed.

Mr. Nitti stated I'd like the tree issue looked at as a condition of approval.

It was moved by Mr. Nitti, seconded by Mr. Tropea and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Tropea, Pacheco and Sugarman to grant the applicant approval to construct a Two Unit Dwelling.

**Docket #15-23, W&R Home Builders, LLC, 2049 Ellery Avenue, Block 4452, Lot 13, Two Unit Dwelling**

Mark Martins, Engineer, 55 Walnut Street, Norwood was sworn in and his credentials accepted by Chairman Sugarman.

**Exhibit A1**-colorized plans. The lot is 5,313 square feet. There will be two driveways. The height is 7 feet. The driveways will pitch to the street. Underground retention chambers are proposed. Utilities will be underground.

Landscaping plan - we are removing three trees and will make a contribution to the Borough Tree Fund. Arborvitae, meyers yews and junipers are proposed.

Mr. Macri asked if the July 5, 2023 memorandum from Neglia Engineering was reviewed?

Mr. Martins stated yes.

Chairman Sugarman asked for questions from the Board.

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

Mr. Cocoros stated this is a side by side duplex dwelling. This is a split design. The right side is stepped down two feet. There are three levels. This is an all brick structure with stucco.

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On the basement floor there will be a garage, 2 car driveway, separate staircases, 8-10 steps up. On the ground floor is a recreation room, home office and steps up. The first floor proposal is living space – a living room, entry area, closet, and steps up to the dining room, kitchen, family room and powder room. The bedroom levels has a master bedroom, two bedrooms, hall laundry closet, linen closet and a shared bathroom. The attic area is finished.

Mr. Juzmeski asked what are the widths of the driveways?

Mr. Cocoros stated 18 feet and I'd like to keep them this width.

Mr. Juzmeski stated this is a variance.

Chairman Sugarman asked for questions from the public.

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

**Exhibit A2-Photo Board of Site and Surrounding Area**

Top left-subject property

Top right-to the right, 2 family

Bottom left-to the left

Bottom right-across the street, 2 family

We are in the R3A zone which permits two family homes. We need a variance for height. There is a conforming amount of parking being provided. The building meets the front yard setbacks. The height exceeds by a half story. This is consistent with the neighborhood. We are 340 square feet over building coverage. Drainage improvements are being provided.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski stated there is a minimum lot area per dwelling variance.

Mr. Spatz stated I think the property can support the proposal.

Chairman Sugarman asked for questions from the public.

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

A recess was taken at 9:35 PM and back in session at 9:42 PM.

It was moved by Mr. Conway, seconded by Mr. Pacheco and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Tropea, Pacheco and Sugarman to grant the applicant approval to construct a Two Unit Dwelling.



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**Docket #16-23, Martha Tsarpalas, 1607 Anderson Avenue, Block 4053, Lot 8, Two Unit Dwelling**

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

The property is on the west side of Anderson Avenue. The lot is 79 feet deep x 59.8 feet wide. There is a non conforming structure on the property. We propose to demolish the existing dwelling and construct a new two unit dwelling.

There are four sheets C101.00 – site plan, C102.00 Landscaping plan, C103.00 Storm Water System and C104.00 Landscaping plan.

Mr. Macri stated the Neglia report dated July 5, 2023 was reviewed and the applicant will comply.

Mr. Cocoros stated sheet A1 and A2, dated December 28, 2020, last revised February 14, 2023, sheet 1 shows the elevations. This is an all brick structure with bay windows. The decks are in the rear. There is a 2 car driveway on each side.

Sheet A2 shows the floor plans – there is a 2 car garage, utility sink, central vacuums, closet and utility room on the ground floor. The first floor has a living room, dining room, kitchen, eating area and powder room. The second floor proposal is for a master bedroom, two additional bedrooms, hall bathroom and laundry area.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski asked if there are 2 13' curb cuts or a drop curb?

Mr. Cocoros stated there are two 18 foot curb cuts.

Mr. Juzmeski asked is this for an 18 foot driveway and an 18 foot curb cut?

Mr. Cocoros stated yes.

Chairman Sugarman asked for questions from the public.

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

**Exhibit A1-Photo Board of Site & Surrounding Area**

Top Left-subject property

Top right-to the right, north

Bottom left-to the left, south, 4 family dwelling and 3 family dwelling

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Bottom right-across the street, two family and single family homes

We are in the R2 zone, FAR, and building height variances are required. We are consistent with the purposes of zoning. We are increasing the density. Drainage improvements are being made. There is a conforming amount of parking on site. We are consistent with height in the area.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski asked is this a two family based on tax records?

Mr. Spatz stated yes.

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

It was moved by Mr. Tropea, seconded by Mr. Conway and passed on a vote of 7-0 by members Liapes, Nitti, Conway, Joh, Tropea, Pacheco and Sugarman to grant the applicant approval to construct a Two Unit Dwelling.

**ADJOURNMENT**

It was moved by Mr. Conway, seconded by Mr. Joh to adjourn the meeting at 9:52 p.m.

Respectfully submitted,

*Linda Garofalo*

Linda Garofalo  
Recording Secretary