

FORT LEE BOARD OF ADJUSTMENT

September 27, 2016

Present: J. Silver, H. Joh, G. Makroulakis, D. Porrino, H. Liapes, P. Yoon, D. Starace, D. Sugarman

Absent: J. Nitti

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

Chairman Sugarman called the meeting to order at 7:45 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. Silver and passed on a vote of 7-0 by members Silver, Joh, Porrino, Liapes, Yoon, Starace and Sugarman to approve the minutes of the meeting of September 13, 2016. Mr. Makroulakis abstained from the vote.

Memorializations

Docket #3-16B, Jared & Lawrence Geffner, 431 Brinkerhoff Avenue, Block 1156, Lot 13, Application B, Two-Family Dwelling and Subdivision

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

Docket #3-16A, Jared & Lawrence Geffner, 1135 Route 5 (Glen Road), Block 1156, Lot 12, Application A, Single-Family Dwelling

It was moved by Mr. Porrino, seconded by Mr. Joh and passed on a vote of 6-0 by members Joh, Porrino, Liapes, Yoon, Starace and Sugarman to grant the applicant approval to construct a new Single-Family Dwelling. Mr. Silver and Mr. Makroulakis abstained from the vote.

Acceptance/Completeness

Docket #34-16, Rebecca Zheng & Susan Lin, 284 Bluff Road, Block 356, Lot 10, Minor Subdivision & Two Single-Family Dwellings

Marc Macri, Esq. is representing the applicant. Mr. Jovishoff stated there are two acceptances, completeness reviews, the same are for both. This is a minor subdivision to construct on each of the subdivided lots. Votes will be done separately. Mr. Macri stated he reviewed Mr. Jovishoff's report dated September 20, 2016 and they will comply. Mr. Jovishoff asked for all items to be submitted 10 days in advance. The applicant will contact the Board Secretary for a hearing date.

Withdrawal

Docket 7-16, Linda Merxhushi, 2017 Jones Road, Block 3562, Lot 4, Two-Family Dwelling

Chairman Sugarman stated that the application has been withdrawn at the request of the applicant.

Public Hearings

Chairman Sugarman stated that the meeting previously scheduled for October 11, 2016 will be cancelled due to the Holiday. One application will be carried and notice will be provided.

Docket #30-15, 1550 Lemoine Avenue, LLC, 1550 Lemoine Avenue, Block 3957, Lot 4, Signage

Chairman Sugarman stated this application was previously scheduled for October 11, 2016 and will be carried to November 29, 2016. No further notice necessary on the part of the applicant. The applicant has waived the time for the Board to Act.

Docket #26-15, 55 Henry, LLC, 1475 Anderson Avenue, Block 3051, Lot 8, Amendment to Application for Development – Two-Family Dwelling

Marc Macri, Esq. is representing the applicant. Mr. Macri stated that a neighbor appealed the approval and they are here tonight with a revised plan reducing the height and the bulk of the proposed dwelling.

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

Mr. Cocoros stated that the plan has been revised. The prior front yard setback was approved at 23 feet, it is now 27 feet. The rear and side yard setbacks stayed the same. Each of the basements are proposed to include a recreation room, a powder room, a utility room and a garage. The first floor living area in each unit consists of a living room/dining room combination, a kitchen with eating area, and a powder room. The second floor living area is proposed to include a master bedroom with ensuite bathroom, and two additional bedrooms, which share a bathroom and a laundry room. The intensity has been reduced.

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Mr. Jovishoff stated that one D variance is required for FAR.

Mr. Porrino stated that the plan does not reflect the new numbers.

Mr. Cocoros stated that he is reading from Mr. Jovishoff's report.

Chairman Sugarman stated that the plan will be changed to reflect the revisions.

Mr. Macri stated he will rely upon the testimony of the Applicant's professionals, engineer and planner, that was provided at the previous hearing. A transcript from that hearing was provided.

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

Mr. Macri gave his summation to the Board.

It was moved by Mr. Porrino, seconded by Mr. Silver, and passed on a vote of 7-0 by members, Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Sugarman to approve the Amendment to the Application for Development of Two-Family Dwelling.

Docket #32-16, 162 Cedar St., LLC, 160-162 Cedar Street, Block 4353, Lots 2 & 3, Minor reverse Subdivision/Preliminary & Final Major Site Plan – Lot Consolidation & Eight (8) Unit Residential Building

Danielle Lamake, Esq. is representing the applicant. Chairman Sugarman stated that Mr. Yoon is recused from this application.

Ms. Lamake called her first witness:

Perry Frenzel, Civil Engineer, Azzolina & Feury Architects, 30 Madison Avenue, Paramus, NJ. Mr. Frenzel was sworn in and his credentials accepted by Chairman Sugarman. Mr. Frenzel marked into evidence:

A1 – Colorized Site Plan

Mr. Frenzel stated he prepared the site plan that is now colorized. The property is two lots, both lots are developed with two-family dwellings.

The first sheet is an aerial view.

The second sheet is a map showing the existing conditions

The third sheet is a plan showing the proposal

The last sheet shows the sidewalks, curbs, etc.

Mr. Frenzel stated the applicant plans to flatten the lot and install seepage pits in order to protect the adjoining properties.

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Ms. Lamake stated that in Mr. Jovishoff's report, Page 6, the applicant will comply with the requests for additional landscaping in the landscaped areas and narrow the driveways as a condition of approval. The planting strips will be four feet and also additional landscaping will be installed on either side of the stairway. The revised landscaping plan will be a condition of approval.

Mr. Juzmeski asked if there will be landscaping or a fence in the rear.

Mr. Frenzel stated there will be a low PVC fence in the rear with a row of arborvitae 5-6 feet tall to be planted along the rear property line.

Mr. Starace asked to the typical width of a garage.

Chairman Sugarman responded the Architect will answer this question.

Chairman Sugarman asked for questions from the Board, the public.

Nadia Komstantynova, 161 English Street, Fort Lee, NJ. Ms. Komstantynova stated that the applicant is doubling the size of the dwelling.

Chairman Sugarman stated that the Architect will discuss this. Multi-family homes are permitted however, the ordinance needs to be brought up to date.

Ms. Komstantynova asked to the average coverage on Abbott Street.

Mr. Cocoros responded 52-61%.

Mr. Porrino stated 30% is permitted in this zone. This proposal is for a four over four.

Ms. Komstantynova stated one of the existing houses is a one family, not a two family. 15 feet is required in the C2 zone, 16 feet is proposed, a variance is being requested. 40 feet is required in the R5A zone. In the C2 zone 30 feet is the maximum height, asking for 40 feet.

Mr. Porrino asked Mr. Jovishoff how does he interpret the space behind the garage?

Mr. Jovishoff responded this is three residential stories, not recreational space.

Ms. Komstantynova asked how much higher is the proposed building in relation to the surrounding homes.

Mr. Frenzel responded he didn't know.

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

Mr. Cocoros stated page 1 of the plan shows four levels, the ground level parking is accessed by Cedar Street. Sheet 2 is the floor plan ó four sections, shared staircase, front parking area, one parking space for each unit, the building is four levels, ground floor connected by a staircase. An eight unit building is proposed, four duplex units. The lower duplex unit is proposed to have two levels, with the lower level to include a recreation room, a second room õhome office/denö a full bath and a walk-in closet. The outside two units have exterior access from the recreation room through a door at the sides of the unit. The upper floor of the lower duplex includes an open plan living room and kitchen and two bedrooms, one has an ensuite full bathroom and a second full bathroom. The upper units are also duplexes. The lower level of each upper duplex includes an open plan living room, dining room and kitchen in the front one-half of the unit. There is one bedroom at the rear with an ensuite full bathroom, and a second full bathroom and powder room.

Mr. Starace asked what is the garage width?

Mr. Cocoros stated the average is 10 feet.

Mr. Porrino asked why are there four bedrooms?

Mr. Cocoros responded the den can be used as a bedroom, it is ADA compliant.

Chairman Sugarman asked to the parking level if a variance is required.

Mr. Mariniello stated he will look into this.

Mr. Starace asked to the number of full bathrooms.

Mr. Cocoros stated the lower unit has three full bathrooms to meet the ADA requirements. The upper two floors have 2 ½ full baths.

Mr. Silver asked Mr. Cocoros the definition of a low-rise residential unit.

Mr. Cocoros responded low rise is garden style. He considers this application a low rise.

Mr. Cocoros stated there is no dedicated visitor parking on site.

Mr. Silver asked to the amount of street parking spaces lost.

Mr. Cocoros stated two spaces.

Mr. Mariniello asked if this is one building.

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Mr. Cocoros responded yes, one building.

Mr. Starace asked how a handicapped person would get to the upstairs kitchen.

Mr. Cocoros stated a lift could be installed on the stairs.

Mr. Porrino asked if the three other units are handicap accessible.

Chairman Sugarman asked if the applicant would agree to changing the full bath to a powder room on the parking level in the other three units.

Mr. Cocoros responded yes. He stated that if there are over two units, one has to be handicap accessible.

Ms. Lamake stated that as a condition of approval all of the requests in the reports will be complied with.

Mr. Cocoros stated that residential type lighting will be installed at the front doors, sliding doors, side doors and garage doors.

Chairman Sugarman asked for questions from the Board, the public.

Maggie Wu, 163 English Street, Fort Lee, NJ. Ms. Wu stated that in the C2 zone, the applicant is requesting 40 feet where 30 feet is permitted. This is two lots and two separate zones. This is what happens when combining two lots.

Ms. Komstantynova asked when there is a combination of two zones, which one prevails.

Mr. Cocoros stated each is separate.

Ms. Komstantynova asked for the definition of a mid-rise.

Mr. Cocoros stated that a mid-rise has ground floor parking and three to four stories of apartments above that.

Mr. Chulwon Yum, 151 Cedar Street, Fort Lee, NJ. Mr. Yum stated there was a prior application and wanted to know what the distance was to the fence that was proposed.

Chairman Sugarman stated this time is for questions on this application only. He stated you can make statements later.

Ms. Mia Petrou, Planner, Kenneth Ochab Associates, LLC, 12-16 Fair Lawn Avenue, Fair Lawn, NJ. Ms. Petrou was sworn in and her credentials accepted by Chairman Sugarman.

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Ms. Petrou stated that she inspected the premises, reviewed all the correspondence and the master plan goals.

Exhibit A2 ó aerial photo dated September 21, 2016

The red circled area shows the subject property. This photo does not show what is currently on the property. Google maps needs to be updated.

D1 - Use variance in the C2 zone.

D4 - variance for FAR in the C2 zone.

D6 - height variance in the C2 zone.

Exhibit A3 ó two pages of photographs of site and surrounding area dated September 21, 2016

Exhibit A4 ó Photos of parking taken at 5:00 p.m. tonight. The applicant took the pictures.

Chairman Sugarman asked for questions from the Board, the public.

Michael Dennison, 161 English Street, Fort Lee, NJ. Mr. Dennison asked Ms. Petrou if she lives in Fort Lee. Ms. Petrou responded no.

Mr. Dennison stated that Ms. Petrou stated there's no negative impact on the adjacent properties however, the light is being blocked four times.

Ms. Petrou stated no because the setback is not negative.

Mr. Dennison stated the AC units are too close to the neighbors and this is a negative impact also.

Ms. Petrou responded the noise can be buffered.

Ms. Komstantynova asked what is the purpose of variances?

Ms. Petrou stated a variance can be considered to allow for adjustments. They result from a development in a zone where it is not permitted. Requirements are applied to each specific lot.

Chairman Sugarman asked for questions from the Board, the public.

Mr. Porrino asked where is the visitor parking.

Mr. Frenzel responded that no visitor spaces are required.

Chairman Sugarman asked if the applicant will agree to classify the space as den/recreation area for the three units below. He stated the amended plans are to be submitted in a timely fashion.

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Ms. Lamake gave her summation to the Board.

Mr. Makroulakis asked if there is parking on Federspiel Street.

Mr. Dennison stated there are 3-4 spaces there. On Cedar Street there are 3-4 spaces.

Mr. Porrino stated that this application meets the requirements for off street parking. The residents are not going to park on the street. The visitors should be able to park on site.

Mr. Dennison stated in the last three years construction has not stopped. He feels he deserves quality of life.

Ms. Komstantynova thanked the Board for their time tonight. She stated in the last three years she has lived here every single building has not complied with the zoning laws. These have an impact on quality of life. Four houses instead of one have a significant impact. The last three years she hasn't received any notices on the other applications in this area. She is sure she is within 200 feet.

Ms. Maggie Wu, 163 English Street, Fort Lee, NJ. Ms. Wu stated she agrees with progress in the neighborhood. There's a lot of construction in the neighborhood lately. The other buildings are to the property lines and are very tall. Four stories is pretty tall, at 16 feet they will be looking into the yards with all privacy lost. She asked the Board to please consider this when voting.

Ms. Lamake stated she would like to carry this application to the meeting of **October 25, 2016**. The applicant will amend the plans to reflect the changes that were discussed tonight.

Mr. Jovishoff stated he would appreciate receiving the amended plans by October 15, 2016.

Chairman Sugarman stated the application will be carried to October 25, 2016. No further notice necessary on the part of the applicant. The applicant has waived the time for the Board to Act.

ADJOURNMENT

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

Respectfully submitted,

Linda Garofalo
Recording Secretary

