

FORT LEE BOARD OF ADJUSTMENT

December 13, 2016

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

Absent: D. Starace

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

Chairman Sugarman called the meeting to order at 7:30 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. Silver, seconded by Mr. Liapes and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Chairman Sugarman to approve the minutes of the meeting of November 29, 2016. Mr. Nitti abstained from the vote.

Memorializations

Docket #34-16 C Rebecca Zheng & Susan Lin, (Minor Subdivision only) 284 Bluff Road, Block 356, Lot 10

It was moved by Mr. Liapes, seconded by Mr. Joh and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to grant the applicant Minor Subdivision approval.

Docket #34-16 A Rebecca Zheng & Susan Lin, 284 Bluff Road, Block 356, Lot 10.01, Minor Subdivision and Two (2) Single-Family Dwellings

It was moved by Mr. Silver, seconded by Mr. Nitti and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to grant the applicant Minor Subdivision approval and approval to construct Two New Single-Family Dwellings.

Docket #34-16 B Rebecca Zheng & Susan Lin, 1039 Edgewood Lane, Block 356, Lot 10.02, Minor Subdivision and Two (2) Single-Family Dwellings

It was moved by Mr. Liapes, seconded by Mr. Silver and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to grant the applicant Minor Subdivision approval and approval to construct Two New Single-Family Dwellings.

Docket #36-16 LA Fort Lee, LLC (Lightbridge Academy) - Mr. Makroulakis stated there is a temporary sign on Rt. 4. He asked how long this will stay up. Mr. Porrino stated usually 30 days. The applicant is returning to the Board on December 27, 2016.

Chairman Sugarman stated this is up to the Building Inspector as to when the temporary sign needs to come down.

Docket #36-16 LA-Fort Lee, LLC, 2 Executive Drive, Block 6451, Lot 5.02, Signage for Lightbridge Academy (excluding Sign F)

It was moved by Mr. Liapes, seconded by Mr. Joh and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Chairman Sugarman to grant the applicant Signage approval (excluding Sign F). Mr. Nitti abstained from the vote.

Docket #38-16 CD Developers, LLC 2344 Short Street, Block 6753, Lot 7, Two-Family Dwelling

It was moved by Mr. Makroulakis, seconded by Mr. Silver and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Porrino, Liapes, Yoon and Chairman Sugarman to grant the applicant approval to Construct a new Two-Family Dwelling. Mr. Nitti abstained from the vote.

Acceptance/Completeness

Docket #42-16 520 Sylvan Avenue Inc., 340 Coolidge Avenue, Block 6056, Lot 14, Two-Family Dwelling

It was moved by Mr. Makroulakis, seconded by Mr. Nitti, and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to deem the application complete. A hearing date was assigned for December 27, 2016.

Docket #43-16 CD Developers, LLC 300 Slocum Way, Block 3055, Lot 3, Two-Family Dwelling

It was moved by Mr. Makroulakis, seconded by Mr. Liapes, and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to deem the application complete. A hearing date was assigned for December 27, 2016.

Docket #44-16 Young Israel of Fort Lee, Inc., 163 Old Palisade Road, Block 4354, Lot 11, Two-Family Dwelling

It was moved by Mr. Joh, seconded by Mr. Liapes, and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to deem the application complete. A hearing date was assigned for January 17, 2017.

Public Hearings

Docket #32-16 162 Cedar Street., LLC, 160-162 Cedar Street, Block 4353, Lots 2 & 3, Minor Reverse Subdivision/Preliminary & Final Major Site Plan – Lot Consolidation & Six (6) Units (reduced from originally proposed eight (8) Unit Residential Building) (continued Public Hearing from the meeting of September 27, 2016)

Chairman Sugarman stated Mr. Nitti has signed the certification that he has listened to the tapes and will be a voting member on this application.

Ms. Daniele Lamake, Esq., representing the applicant, stated the applicant has revised the plans.

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 stated he prepared the plans last revised December 2, 2016. This is the same plan as the Board has received.

Page 3 of 5 ó Mr. Frenzel stated there is no change in the lot area, the lot coverage has increased to 61.4%, the height remains the same as the prior application, the front yard setback has decreased to 14 feet, side yard setbacks increased and rear yard setback decreased. There are 13 parking spaces required, 14 proposed. Impervious coverage 85% permitted, 88.6 proposed.

Mr. Frenzel reviewed the comments in Mr. Jovishoff's report. He reviewed the Neglia Engineering report dated December 8, 2016 and has no issues with any items.

Mr. Silver asked to the lot coverage. Mr. Frenzel stated the lot coverage was 58.4% and is now 61.4%.

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

Mr. Porrino stated are these 3 bedroom units? I count 4, possibly 5 bedrooms. The 5th bedroom is optional. A variance is required for the lower level. I do not see it here.

Ms. Lamake stated these are completely revised plans.

Page 4-ZBA-December 13, 2016-Public Hearings Continued

Mr. Porrino stated this is 4 stories and not 3 above the parking. As far as I know, this requires a variance.

Mr. Jovishoff read the Ordinance and there are 3 stories above the parking.

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

Nadiya Konstantynova, 161 English Street, Fort Lee, NJ. Ms. Konstantynova stated at the rear side of the house, 8 feet to the property line, what is there?

Mr. Frenzel stated the Architect will answer this question.

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

Mr. Cocoros discussed the floor plan, Sheet A2. The applicant is proposing to demolish both dwellings and merge Lots 2 and 3 into a single lot and construct a four-story, six unit multi family residential building. There will be four units at each end of the building, surrounding two center units.

The plan was previously for garden type units, now townhouse type units are proposed. The end units have a bigger footprint.

Mr. Porrino asked on the end units on the ground floor, there is an optional accessible bedroom. How does a handicapped person get to the upper level? There is no elevator in these units, but there is in the other units.

Mr. Cocoros stated we've done this in the past. The two end units at the rear are handicap accessible.

Chairman Sugarman stated under ADA, what is the number of handicap units required?

Mr. Cocoros stated 1 unit is required.

Mr. Silver asked if Unit B has 4 bedrooms.

Mr. Cocoros stated the 4th bedroom is more of a home office.

Mr. Silver asked how is it possible to have a 1 car garage with 4 bedrooms? There is only room for 1-2 cars at most. These are luxury apartments.

Mr. Cocoros stated these are 2 car households. It is possible to fit 2 cars comfortably. We are meeting the parking requirements.

Page 5-ZBA-December 13, 2016-Public Hearings Continued

Chairman Sugarman stated this meets RSIS and Borough parking standards, correct?

Mr. Cocoros stated yes.

Mr. Makroulakis stated not even 1 visitor parking space is shown. This is a problem. This doesn't solve problems in this area. It is not fair to people living in the surrounding area.

Mr. Cocoros stated we went down to 6 units, it is more manageable now.

Mr. Porrino stated you came back with a larger footprint and no visitor parking. The end units need to be handicap accessible with a kitchen. This does not meet code.

Mr. Silver stated there still is no parking since we were here at last meeting.

Mr. Makroulakis stated he would like to see parking and visitor parking.

Mr. Jovishoff stated this does not meet RSIS standards. What is the total number of spaces proposed?

Mr. Cocoros stated there are 8 driveways and 6 garages. There is a total of 14 spaces.

Mr. Jovishoff stated a townhouse requires 15 spaces and garden apartment requires 12 spaces.

Ms. Lamake stated she would like to revise the plans and carry the hearing to the January 17, 2017 meeting.

Chairman Sugarman stated this application, **Docket #32-16, is carried to the meeting of January 17, 2017.** No further notice is required on the part of the applicant and the applicant has waived the time for the Board to act.

Ms. Konstantynova stated in addition to the parking issues, she would like to see the size of the building reduced.

Chairman Sugarman stated hopefully the applicant will reach out to the neighbors. The applicant has heard the Board's and public's concerns.

Docket #40-16 227 McElroy Ave, LLC, 227 McElroy Avenue, Block 1824, Lot 20, Two-Family Dwelling

Saverio Cereste, Esq., representing the applicant, stated the proposal is for a two-family dwelling. 1 ½ years ago approval was granted by this Board to build a two-family dwelling at 223 McElroy.

Page 6-ZBA-December 13, 2016-Public Hearings Continued

Exhibit A3 - Mr. Cereste handed to the Board a photo board showing 4 photos of site and surrounding area.

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

Exhibit A1 Site Plan dated October 12, 2016, revised November 15, 2016. Second sheet of plan shows the existing conditions. The applicant proposes to demolish the existing dwellings and construct a new three-story, two-family side-by-side duplex dwelling.

Exhibit 4 - Drainage

Exhibit A7 Page 5 - The applicant plans to remove the existing tree and replace with 2 callery pear trees, 15 and 16 juniper plants respectively, to be planted in the front yard between the stairs and the side lot lines. 6 arborvitae are proposed along each side lot line within the rear yard, 3 feet apart. 11 barberry plants are proposed within the planting strip between the driveways.

Mr. Frenzel reviewed Ed Mignone's report dated November 29, 2016. The applicant will comply, this is a condition of approval.

Mr. Jovishoff stated in terms of landscaping, I recommend landscaping along the side yard and Mr. Mignone also requested this. Mr. Frenzel stated the applicant will provide landscaping on both side yards. This is a condition of approval.

Mr. Nitti asked what is the maximum lot coverage? Mr. Frenzel stated 44.2%, this includes the building and stairs.

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

Vassilios Cocoros, Architect, 467 Sylvan Avenue, Englewood Cliffs, NJ
Mr. Cocoros was sworn in and his credentials accepted by Chairman Sugarman. Mr. Cocoros stated the applicant plans to demolish the existing dwelling and construct a new two-family side-by-side dwelling.

Mr. Porrino stated regarding the approved landscaping, who is responsible to maintain the landscaping because these units are sold individually.

Mr. Cereste responded these are considered common elements. Sometimes the owners hire a landscaper to provide uniformity.

Mr. Cocoros stated the basement is proposed on two levels with the right unit basement and garage floors 0.67 feet lower than the left unit floors. The basement in each unit is proposed to include a recreation room and powder room on the lower level at the rear and a utility room, stairs to the upper levels and the garage on the upper level. The first floor living area is proposed

Page 7-ZBA-December 13, 2016-Public Hearings Continued

to consist of a living room, a dining room, a separate pantry area, powder room and a kitchen with a family area and eating area. The second floor living area will consist of a master bedroom with ensuite master bathroom and two additional bedrooms which share a second bathroom and laundry. Residential type lighting to be used.

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

Mr. Jovishoff stated the handicap space in the front, is that for the owner?

Mr. Cereste stated the owner passed away. This space has to be removed by Ordinance.

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

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

Exhibit A3 ó photos of site and surrounding area dated December 13, 2016:

- 1.) Subject property
- 2.) Two-family (next door)
- 3.) Four-family townhouse ó west of subject property
- 4.) Two-family duplex (across the street)

Exhibit A5 ó Aerial view ó Google maps ó photo taken December 13, 2016.

Ms. Petrou stated the property is in the R2 zone.

Ms. Petrou stated there are a variety of lot sizes on this block. There are 22 single family homes, 3 of them are two-family homes.

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

Moses Merchant, 224 Warwick Avenue, Fort Lee, NJ

Mr. Merchant stated his house is diagonally behind 227 McElroy Avenue. This is impacting his quality of life. He sees walls when looking out to his backyard. He asked when does this stop? He was here before the Board two years ago for another application.

Mr. Cereste stated these complaints and photos from Mr. Merchant apply to 223 McElroy Avenue.

Chairman Sugarman stated unfortunately your photos are not specific enough.

Mr. Cereste stated these photos show another structure, this is a different application.

Mr. Porrino stated the extra landscaping has been agreed to.

Page 8-ZBA-December 13, 2016-Public Hearings Continued

Mr. Cereste gave his summation to the Board.

It was moved by Mr. Porrino, seconded by Mr. Makroulakis, and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to grant the applicant approval to construct a new Two-Family Dwelling.

Docket #39-16 1000 Anderson Avenue, LLC, 1000 Anderson Avenue, Block 356, Lot 1, Conversion of a Single-Family Dwelling to Office Use

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

Exhibit A1- sheet 2 Color

Sheet 1 ó Property located at the corner of Anderson and Columbia.

Sheet 2 ó Landscape plan

The applicant plans to remove the garage and pave the property between the rear lot line and the dwelling for use as a 12 space parking lot for the proposed office.

Mr. Collazuol reviewed Mr. Mignone and Mr. Jovishoffs reports.

Chairman Sugarman asked for questions from the Board the public.

Vassilios Cocoros, Architect, 467 Sylvan Avenue, Englewood Cliffs, NJ

Mr. Cocoros was sworn in and his credentials accepted by Chairman Sugarman. Mr. Cocoros stated the applicant proposes to expand the existing dwelling and convert it to office use.

Sheet 2 ó The basement is proposed to include a break room, 2 file rooms, a utility room, a half bathroom and 2 separate stairs to the upper floors. The first floor is proposed to consist of 4 offices, including one executive office and a small toilet room. The second floor has 4 offices, including an executive office, file room, and a toilet room.

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

Mr. Jovishoff asked Mr. Collazuol about the screening on the easterly side. Mr. Collazuol stated there is a 6 foot fence and hedge. On the north side a 6 foot stockade fence exists.

Mr. Jovishoff asked about the screening for the trash receptacle and the HVAC.

Mr. Collazuol stated it will be screened in the front.

Mr. Jovishoff asked how the trash will get to the street.

Page 9-ZBA-December 13, 2016-Public Hearings Continued

Mr. Cocoros stated it will be taken to the street.

Mr. Jovishoff stated the applicant is coming back to the Board for signage, this needs to be taken off the plans.

Mr. Macri stated we will revise the plans.

Mr. Makroulakis asked to the Fire letter dated November 29, 2016.

Mr. Macri stated they will comply.

Mr. Mariniello asked if this is set up for 1 or 2 tenants?

Mr. Cocoros stated 2 tenants.

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

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

Exhibit A2 ó Photos of site and surrounding area:

Top left ó subject property

Top right ó Structure across Anderson Avenue

Bottom left ó Looking from Columbia, back of property

Bottom right ó Across the street on Anderson Avenue (residential to office use)

Use variance ó the property is well suited for the proposal. The property is larger than the surrounding properties. The building will be improved while retaining the residential character. This will appear to be a residence. There are additional commercial uses to the east.

Bulk Variance ó Mr. Spatz stated there is no negative impact. He believes that 11 spaces are sufficient and there is adequate area for stacking.

The use is consistent with the neighborhood on 2 larger streets. There is little negative impact on the neighbors.

Mr. Porrino asked if the use is professional or medical.

Mr. Macri stated ó professional.

Mr. Macri stated he will get exemption from the County should this application be approved.

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

Page 10-ZBA-December 13, 2016-Public Hearings Continued

Mr. Macri gave his summation to the Board.

It was moved by Mr. Liapes, seconded by Mr. Porrino, and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Porrino, Liapes and Chairman Sugarman to grant the applicant approval to convert a Single-Family Dwelling to Office Use.

ADJOURNMENT

It was moved by Mr. Joh, seconded by Mr. Silver to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Linda Garofalo
Recording Secretary