

FORT LEE BOARD OF ADJUSTMENT

JUNE 13, 2017

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

Absent: D. Porrino, D. Starace

Present: J. Mariniello, Esq., M. Jovishoff, Phillips, Preiss, Grygiel, B. Intindola, Neglia Traffic Engineer, D. Juzmeski, Neglia Engineering

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/Spectrum 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 2017.

Approval of Minutes

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 4-0 by members Makroulakis, Liapes, Yoon, and Sugarman to approve the minutes of the meeting of May 23, 2017. Mr. Nitti, Mr. Silver and Mr. Joh abstained from the vote.

Memorializations

Docket #6-17 Oscar T Development, LLC, 419 Stillwell Avenue, Block 3051, Lot 13, Two-Family Dwelling

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 4-0 by members Makroulakis, Liapes, Yoon and Sugarman to grant the applicant approval to construct a new Two-Family dwelling. Mr. Nitti, Mr. Silver, and Mr. Joh abstained from the vote.

Acceptance/Completeness

Docket #24-17, V&R Developers, Inc., 1513 Twelfth Street, Block 3753, Lot 18, Preliminary & Final Major Site Plan – Three Family Dwelling

It was moved by Mr. Silver, seconded by Mr. Nitti and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. The applicant will call the Board office for a hearing date.

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Docket #25-17, Myungon Kim, 1617 Valley Street, Block 3553, Lot 5, Two-Family Dwelling

It was moved by Mr. Silver, seconded by Mr. Joh and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to deem the application complete. The applicant will call the Board office for a hearing date.

Public Hearings

Docket #8-17, Ivan & Maria Buva, 305 Tom Hunter Road, Block 3951, Lot 5, Two-Family Dwelling

(continued public hearing from May 23, 2017)

This application has been carried to the meeting of July 25, 2017, at the request of the applicant. No further notice is necessary on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #11-17, Beverwyck Property, LLC, 2048 Center Avenue, Block 4751, Lot 32, Preliminary/Final Major Site Plan – Two (2) Additional Levels of Professional Office Space Above Existing Building

This application has been carried to the meeting of July 25, 2017, at the request of the applicant. No further notice is necessary on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #13-17, FortLee Enterprise, LLC, 1550 Bergen Boulevard, Block 3454, Lot 10, Preliminary/Final Major Site Plan – Gas Station with Convenience Store

(continued public hearing from May 9, 2017)

This application has been carried to the meeting of June 27, 2017, at the request of the applicant. No further notice is necessary on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #17-17, Jeffrey M. Ahn, M.D., P.C., 1495 Palisade Avenue, Block 3151, Lot 21, Preliminary/Final Major Site Plan – Renovation and Addition on Existing Building for Surgical Center/Professional Office

This application has been carried to the meeting of July 11, 2017, at the request of the applicant. No further notice is necessary on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #12-17, Anthony Buda, 1070 Anderson Avenue, Block 358, Lot 7, Two-Family Dwelling

(continued public hearing from May 23, 2017)

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

Santo Alampi, Esq. is representing the applicant. Mr. Makroulakis asked if this is the same project? Mr. Alampi stated yes.

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Mr. Jovishoff stated there are two conditions if approved:

- #1.) The landscaping is to be increased and a fence is to be installed.
- #2) Revised plans are to be submitted to Mr. Jovishoff.

Mr. Makroulakis asked if this is a one-family zone.

Mr. Alampi responded yes.

Mr. Alampi gave his summation to the Board.

It was moved by Chairman Sugarman, seconded by Mr. Joh and passed on a vote of 6-0 by members Nitti, Silver, Makroulakis, Liapes, Yoon and Sugarman to deny the applicant approval to build a two-family dwelling. Mr. Joh voted to approve the application.

Docket #44-16, Young Israel of Fort Lee, Inc., 163 Old Palisade Road, Block 4354, Lot 11, Minor Subdivision & New Two-Family Dwelling (continued public hearing from February 28, 2017)

Chairman Sugarman stated he listened to the tapes so he is eligible to vote.

Marc Liebman, Esquire is representing the applicant. Mr. Liebman called his first witness:

Glenn A. Stubaus, Architect, 26-02 Broadway, Fair Lawn, NJ. Mr. Stubaus was sworn in and his credentials accepted by Chairman Sugarman.

Mr. Stubaus stated the lower level is the Rabbi's office, space for the secretary and bathrooms. This will not be connected to the residential area. The Building Department will review the plans and codes when they submit for permits. Chairman Sugarman stated he would like to see the complete plans including a sprinkler system, prior to voting.

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

Mr. Mariniello asked to the first floor apartment for the Rabbi.

Mr. Liebman stated the Board of Directors stated they will require the Rabbi to occupy this apartment.

Chairman Sugarman asked to the top level.

Mr. Liebman responded this apartment is to be sold to recover the costs of construction.

Mr. Stubaus stated the applicant is proposing a two-family, three-story, duplex dwelling configured with a four-bedroom unit over a three-bedroom unit. The basement can only be accessed by an exterior stair at the left rear corner of the dwelling. The first floor is proposed to include a Rabbi's office, a separate office for a secretary, a multi-purpose room, a kitchenette,

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two separate bathrooms, a utility room, laundry room, and stairs to the upper level, including a garage.

The living area of the lower unit upper level is an open living room, dining room and kitchen at the front of the unit, three bedrooms that will share two separate full bathrooms, a separate powder room (half-bath), and a stair access to the unit's lower level. The upper unit consists of a main level and a partial level over a main living floor. The main floor of the upper unit is proposed to consist of an open plan living room, dining room and kitchen at the front of the dwelling, three bedrooms, one full bath, a half bath, laundry/utility room and stair access to the unit's upper level and staircase down to the unit's entry porch. The upper level consists of one bedroom and a full bathroom, an open deck at the rear of the dwelling, and stair access to the lower living area of the upper unit.

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

Martin J. Epstein, President, Board of Directors, 1530 Palisade Avenue #60F, Fort Lee, NJ. Mr. Liebman stated that the first floor is for the Rabbi, as part of his compensation. He has a 3 year contract. The Rabbi occupying this unit is a condition of approval.

Chairman Sugarman asked what happens after the 3-year contract.

Mr. Epstein stated we will insist that the Rabbi lives there.

Chairman Sugarman stated that this unit cannot be sold or rented. This will be part of the Resolution.

Mr. Mariniello stated this has to be clear in their contract.

Mr. Liebman stated the Engineer is not present yet. He would like to carry the application.

Mr. Makroulakis stated he is concerned with the walkway that goes through to the rear. He asked if anything else can be done.

Mr. Liebman stated the applicant can remove the pavement and install trees to make it impossible to park in the rear. This will be part of the Resolution.

This application has been carried to the meeting of July 11, 2017, at the request of the applicant. No further notice is necessary on the part of the applicant. The applicant has waived the time for the Board to act.

Docket #14-17, V & R Developers Inc., 1605 William Street, Block 4052, Lot 8, Two-Family Dwelling

Marc Macri, Esquire is representing the applicant. He called his first witness:

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

Mr. Martins stated the plans on the easel are the same as what was submitted to the Board except for the colorized site plan shown.

Exhibit A1 – Sheet 1 ó Colorized Site Plan.

Mr. Martins stated the property is 50 X 100 feet.

The proposal is to remove all the structures on the property. The plan is to construct a new three story, two-family dwelling.

Grading to remain as is. Drainage will be in the front and the rear. Storage tanks to be installed under the driveway and in the rear. Roof leaders to be tied in. New sidewalks are proposed.

Sheet 2 ó Landscape and lighting plan ó The applicant proposes to remove the existing tree located in the side yard, existing bushes and hedges along the property frontages. Two dogwood trees are proposed to be located at the outside corners in the rear yard. In addition 14 arborvitae plantings along the side lot line and eight arborvitae plants are proposed along the rear lot line. Six azalea plants along the side of the entry stairs to be planted. A continuous row of yews extending from the porch to the rear lot line and a row of azaleas are proposed extending along the side of the porch to the front lot line. Twelve juniper plants to be planted at the front right corner of the property adjacent to the right driveway and a row of 11 boxwoods are proposed in the planting strip between the driveways.

Mr. Jovishoff asked to the chain link fence.

Mr. Martins stated the fence is to be removed.

Mr. Intindola asked to William Street.

Mr. Martins stated the intention is to align the curb line.
Chairman Sugarman stated this is a condition of approval.

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 plans on the easel are the same as what was submitted to the Board.

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A1 and A2 ó Architectural plans dated January 23, 2017

A two-family duplex is proposed. The basement in each unit will include a recreation room, powder room, utility room, and stairs to the upper level. The first floor living area in each unit is proposed to include an open plan living room and dining room, a kitchen with eating area and family area and a powder room. The second floor living area is proposed to have a master bedroom at the front of the dwelling with ensuite full master bathroom and two additional bedrooms which share a second full bathroom and a laundry area.

Residential type fixtures will be used for the exterior lighting.

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

Mr. Makroulakis asked if the planting strip could be widened from three feet to 40 inches.

Mr. Macri stated yes.

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

George Peters, 55 Iris Street, Tappan, NY

Mr. Peters asked how this is a 3 story home. The basement is the ground level, the first floor is the second level, the second floor is the third level. Mr. Peters stated the roof is a half story, per the zoning ordinance.

Mr. Cocoros stated this is a three story structure.

Mr. Peters asked to the bay windows.

Mr. Cocoros stated the bay windows project out.

Mr. Peters asked what is distinct about this property.

Mr. Cocoros stated the property is distinct because of the topography and that it's on a corner. The configuration is typical of what has been built in Fort Lee recently.

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

Exhibit A2-Photo Board of site and surrounding area

Top left-The subject property, William Street to the right

Top right-down the street from the property

Bottom left-A closer view of the property

Bottom right-to the east, William Street in center of photo

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Mr. Spatz stated the property is in the R2 zone. A use variance is required for this application. The building is consistent with the neighborhood. The applicant plans to replace the two-family home with a two-family home. Regarding the D variance, the property can accommodate the additional FAR. Nothing substantially negative is proposed on the property.

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

George Peters commented on Mr. Spatz statement as to the density. He asked what is the size of the old and the new.

Mr. Spatz stated this is larger but not significantly larger.

Mr. Peters asked how do you compare the height from the existing home to the proposed home.

Mr. Spatz stated this is a full, three-story structure.

Casey Knight, 433 Elizabeth Street, Fort Lee, NJ

Mr. Knight asked Mr. Spatz how he arrived at the point that the density has not changed.

Mr. Spatz stated two units, two units are proposed.

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

George Peters, 55 Iris Street, Tappan, NY. Mr. Peters stated he is here because his family has owned the home at 445 Elizabeth Street for over 50 years.

Exhibit P1-Report Mr. Peters prepared report dated June 13, 2017 regarding the ordinance.

Exhibit P2-Page 1 and 2, Photos Mr. Peters took of his house and a two-family across the street.

Mr. Macri asked Mr. Peters who the owner of the house is.

Mr. Peters responded they advised the Borough when their mother deceased.

Casey Knight, 433 Elizabeth Street, Fort Lee, NJ. Mr. Knight stated he is a fact expert. He has hours of video showing the traffic. The traffic situation is really bad. The applicant's property is so small that you can barely fit two people in each unit.

Mr. Macri asked Mr. Knight about parking on the street. Mr. Knight stated there is no parking on the street. Mr. Macri stated the applicant is providing parking.

Ms. M. Peters, 445 Elizabeth Street, Fort Lee, NJ. Ms. Peters stated she is not receiving senior tax deductions. This applicant is asking for a two-family in a one-family zone. The proposed building will block the sun from reaching her home for a good part of the day. This is a very dangerous intersection.

Exhibit P4-Photos taken by Ms. Peters

Mr. Macri stated there is a garage on my client's property that will be removed.

Ms. Peters stated the garage doesn't bother her.

Eddy Lee, 1609 William Street, Fort Lee, NJ. Mr. Lee stated it takes over 10 minutes to get out of his driveway because of all the traffic. If this house is built, it will block his view.

Ellie Seo Young Knight stated we own 433 Elizabeth Street, Fort Lee, NJ. We moved from New York 2 ½ years ago. This home will obstruct the view from our living room window. She is concerned with safety at the intersection of Elizabeth, William and West Street. There is not enough sidewalk space at this intersection.

Mr. Macri gave his summation to the Board.

Mr. Makroulakis stated a lot of the traffic is from the George Washington Bridge. This is a good project and will increase the value of the homes in the area.

It was moved by Mr. Makroulakis, seconded by Mr. Liapes and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon and Sugarman to grant the applicant approval to construct a two-family dwelling.

Docket #16-17, V. Luppino, LLC, 1117 Inwood Terrace, Block 1053, Lot 8, Two-Family Dwelling

Mr. Cereste, Esquire, representing the applicant, stated this is an abandoned property. The applicant will restore the property. D1 and FAR variances are required.

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

Mr. Martins stated currently there is a 1 ½ story dwelling with a pool on the property. The property is in the R2 zone. Seepage pits are proposed, one for each unit. The existing fences will be removed after discussions with the Parks Department. The applicant will comply with Mr. Mignone's report and Mr. Jovishoff's report.

Landscaping plan, page 2- the applicant has removed the tree in the front yard and the large shrubs in the side yard. They propose to plant two redbud trees, one dogwood tree, 21 arborvitae, 21 yew plants, six azaleas, and ten boxwoods.

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

Mr. Makroulakis asked where the fill for the pool will come from.

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Mr. Martins stated it will come from the current property or they will use clean fill.

Ms. Alexandra Fayvyshenko, 461 Brinkerhoff Avenue, Fort Lee asked how many families will live here.

Mr. Martins stated two families.

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

A2-side by side two-family dwelling is proposed. The basement is proposed to include a recreation room, half-bathroom and stairs to the dwellings upper levels. The first floor living area is proposed to consist of a living room, dining room, kitchen, family room and a powder room. The second floor living area in this unit is proposed to consist of a master bedroom at the rear of the dwelling with ensuite master bathroom and two additional bedrooms which share a second full bathroom and laundry area. Off street parking is not permitted.

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

Mr. Makroulakis stated the planting strip is 3 feet 4 inches.

Mr. Cocoros stated they can go to 3 feet 8 inches.

Ms. Fayvyshenko asked if the proposal is deeper than the existing structure.

Mr. Cocoros stated yes.

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

Exhibit A3 - Photo Board of Site and surrounding area

Top left-aerial view of subject property

Top right-existing structure

Bottom left-adjacent larger home

Bottom right-across the street to the east

Mr. Spatz stated two D variances for FAR and use are required. The applicant proposes to construct a two-family home. The property can support the additional FAR, drainage is proposed on the property. The front yard conforms, the deck projects two feet in the rear yard, drainage will be handled on site. Mr. Spatz feels there is nothing negative. The applicant is remodeling a boarded up home and replacing it with a two-family home.

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

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Ms. Fayvyshenko stated we purchased our home in a one family zone in 2008. This home will block her view to the park. She would like a one-family home constructed, not a two-family home.

Mr. Wu, 11-12 Inwood Terrace, Fort Lee, NJ. Mr. Wu stated a neighbor told him about this application. If a two-family home were to be built it would be very close to his home and he will lose his view.

Chi Fung Shu stated this proposal will be very close to the park. I will lose my view of the park.

Mr. Lau, 470 Brinkerhoff Avenue, Fort Lee. Mr. Lau stated this proposal is too close to the park causing danger to the children.

Mr. Cereste gave his summation to the Board.

It was moved by Mr. Liapes, seconded by Mr. Makroulakis, and passed on a vote of 7-0 by members Nitti, Silver, Joh, Makroulakis, Liapes, Yoon, and Sugarman to grant the applicant approval to construct a two-family home.

ADJOURNMENT

It was moved by Mr. Silver, seconded by Mr. Liapes to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Linda Garofalo
Recording Secretary