

FORT LEE BOARD OF ADJUSTMENT
January 17, 2023

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

Absent: J. Nitti

Also Present: J. Mariniello, Jr., Esq., D. Juzmeski, Neglia Eng.

Chairman Sugarman called the meeting to order at 7:32 p.m.

NOTICE OF MEETING:

Chairman Sugarman stated: On November 29, 2022 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2023. 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 Web Site and 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 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 2023 to cover the cost of mailing.

Chairman Sugarman stated Mr. Luppino is a voting member tonight in Mr. Nitti's absence.

Approval of Minutes

It was moved by Mr. Pacheco, seconded by Mr. Liapes, and passed on a vote of 7-0 by members Liapes, Conway, Joh, Tropea, Pacheco, Hong and Sugarman to approve the minutes of the meeting of January 10, 2023.

Acceptance/Completeness

Docket #44-22, Kate Fazzini, 1655 Maple Street, Block 3558, Lot 6, Enclosed Deck for Single Family Dwelling

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

Docket #1-23, Brian Swatek & Alyssa Brignola, 1164 Fifteenth Street, Block 1055, Lot 6, Addition to Single Family Dwelling

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

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Docket #2-23, M&M Bergen Developers III, LLC, 1226 Sixteenth Street, Block 1553, Lot 5, Two-Unit Dwelling

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

Public Hearings

Docket #18-21, 2130 Center Avenue, LLC, 2130 Center Avenue, Block 5952, Lot 1, Preliminary & Final Major Site Plan – 24 Unit Residential Building Over Parking (continued from the public hearing of October 11, 2022).

Chairman Sugarman stated this application is carried to the meeting of February 28, 2023. No further notice is necessary, time is waived for the Board to act.

Docket #31-22, Herald & Jilian Calabrese, 262 Harmon Avenue, Block 2356, Lot 4, Pool and Rear Yard Landscape

Chairman Sugarman stated this application is carried to the meeting of April 11, 2023. No further notice is necessary, time is waived for the Board to act.

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

Martin Skolnick, representing Saphagin entered his appearance.

Mr. Sinisi, representing the applicant stated we've been working with Saphagin on an easement and have come up with an agreement.

Exhibit A1 – easement encroachment agreement.

Mr. Sinisi read into the record a letter from Mr. Kaufman. I object to carrying this application as we already have an agreement.

Mr. Mariniello stated I believe it's up to the Chairman and the Board to decide if we can proceed.

Chairman Sugarman asked for questions from the Board.

Mr. Pacheco stated it's unfair to the applicant to move this to another date.

Chairman Sugarman stated I am uncomfortable with the bifurcation of this application. It was presented as a Use application and then, if approved, we will have it come in as a permitted use. I believe it should come in as one application.

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Mr. Skolnick's client could have changed his mind.

Mr. Conway asked did both sides come to an agreement?

Mr. Sinisi stated I don't know, I think you should ask Mr. Skolnick.

Mr. Sinisi stated we thought to deal with this as a Use variance only, get a permitted use, and then present the site plan application with details.

Chairman Sugarman stated this troubles me to grant a Use variance because the applicant (the owners) are asking for a Use variance with the basic knowledge of what they want to put up.

The Attorneys attempted to come to an agreement, the Board took a 5 minute break and returned at 8:10 pm.

Mr. Mariniello stated I met with both council.

Mr. Sinisi stated if this needs to be moved, March 28th is preferable, as we would like to put together a conceptual plan. If moved to April 11th, I will not have to renote due to the February and March meetings being Zoom meetings.

Mr. Mariniello stated it's important that Mr. Skolnick's objection remain part of the record.

It was moved by Mr. Luppino, seconded by Mr. Liapes and passed on a vote of 7-0 by members Liapes, Conway, Joh, Tropea, Pacheco, Luppino and Sugarman to carry this application to the hearing of April 11, 2023. No further notice is necessary, time is waived for the Board to act.

Docket #43-22, 243 Slocum Way, LLC, 243 Slocum Way,Block 3956, Lot 35, Two Unit Dwelling

Mr. Macri stated the property is located in the R2 residential zone. The applicant plans to demolish the existing dwelling and construct a new two family dwelling.

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

Exhibit A1-colored plans

The proposal is to remove all structures on the property and construct a duplex dwelling. The driveways are pitched towards the street. A small one foot retaining wall is in the rear.

Underground detention systems to be installed under the driveways. Two zelkova trees to be planted on either side of the driveway along with Myers yews and arborvitae. We will be removing six trees and replacing with two. A contribution to the Borough Tree Fund will be made.

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The applicant will comply with the Neglia report.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski asked if the fences are being removed.

Mr. Martins yes, we will remove only our fence.

Mr. Juzmeski stated the landscaping needs to be shown on the plan.

Mr. Martins stated we will comply.

Chairman Sugarman asked for questions from the public.

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 two family dwelling.

There is a roof deck at the front, three level configuration, four levels where the deck is. Each side is the same. There will be exterior lighting at the garage soffit, entry doors, sliding glass doors in the basement, kitchen and rooftop deck. There will be no spillage to the adjacent neighbors.

A2-basement-one car oversized garage, recreation room, staircase, utility room, closet and door. First floor consists of a living room, dining room, kitchen, family room, powder room, wet bar and closet.

Second floor has a master bedroom with ensuite bathroom, two secondary bedrooms that share a bathroom, laundry closet, linen closet and staircase to a finished attic area. This has a powder room and wet bar.

Chairman Sugarman asked for questions from the Board.

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

Bottom left-adjacent, to the left

Bottom right-across the street

There are multiple two family homes in the area. Use, FAR and C variances are required. The property is large enough to accommodate the two family, we have sufficient parking on site. Landscaping and drainage improvements are being made. The FAR can be handled on the

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property. We exceed building coverage by 234 square feet. We are ½ story above what is permitted. We have a conforming amount of parking on site.

Chairman Sugarman asked if the photo on the right is a one or two family home?

Mr. Spatz stated a one family.

Chairman Sugarman asked for questions from the Board.

Mr. Juzmeski stated the attic space cannot be considered a ½ story, it is a full story.

Mr. Spatz stated agreed, this is a four story home.

Chairman Sugarman asked for questions from the public.

Mr. Jack Leung, 245 Slocum Way B, Fort Lee stated the window looks right into my bathroom. Can the Board limit the height of the building?

Mr. Mariniello stated the Board has to vote on this application.

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

Mr. Jack Leung, 245 Slocum Way B, Fort Lee stated I am concerned with the height of the building and the fourth floor balcony. They can see into my second floor. My light is being blocked.

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

ADJOURNMENT

It was moved by Mr. Joh, seconded by Mr. Luppino to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Linda Garofalo

Linda Garofalo
Recording Secretary