

# **FORT LEE BOARD OF ADJUSTMENT**

**March 12, 2019**

**Present:** H. Joh, D. Conway, H. Liapes, D. Starace, G. Makroulakis

**Absent:** J. Nitti, J. Silver, F. Yook, D. Sugarman

**Present:** J. Mariniello, Jr., Esq., M. Jovishoff, Phillips Preiss Grygiel Leheny Hughes LLC, D. Juzmeski, Neglia Engineering Associates

Vice Chairman Makroulakis called the meeting to order at 7:38 p.m.

**NOTICE OF MEETING:** The Vice Chairman states: Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: On November 27, 2018 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2019. 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's Website and was 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's Website and was filed with the Borough Clerk. Copies have been mailed to all persons who have prepaid the \$35.00 fee fixed for the year 2019 to cover the cost of mailing.

Mr. Starace was sworn in by Mr. Mariniello, Esq.

## **Approval of Minutes**

It was moved by Mr. Liapes, seconded by Mr. Conway and passed on a vote of 4-0 by members Joh, Conway, Liapes and Makroulakis to approve the minutes of the meeting of February 26, 2019. Mr. Starace abstained from the vote.

## **Memorializations**

### **Docket #40-18, Jai Viththal, LLC, 2300 Route 4 West, Block 6451, Lot 1, Preliminary & Final Major Site Plan – Addition to Expand Existing Breakfast Bar**

It was moved by Mr. Liapes, seconded by Mr. Conway and passed on a vote of 4-0 by members Joh, Conway, Liapes and Makroulakis to grant the applicant approval to construct an addition to expand an existing breakfast bar.

### **Docket #43-18, Strategic Group, LLC, 1610 Gerome Avenue, Block 4253, Lot 3, Two-Unit Dwelling**

It was moved by Mr. Conway, seconded by Mr. Liapes and passed on a vote of 4-0 by members Joh, Conway, Liapes and Makroulakis to grant the applicant approval to construct a Two-Unit Dwelling.

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**Docket #37-18, 1408 Fourteenth, LLC, 1408 Fourteenth Street, Block 2251, Lot 4, Preliminary & Final Major Site Plan – Three-Unit Dwelling**

Vice Chairman Makroulakis stated this memorialization is carried to the meeting of **March 26, 2019.**

**Docket #44-18, 2470 Seventh, LLC, 2470 Seventh Street, Block 7157, Lot 16, Two-Unit Dwelling**

It was moved by Mr. Conway, seconded by Mr. Liapes and passed on a vote of 4-0 by members Joh, Conway, Liapes and Makroulakis to grant the applicant approval to construct a Two-Unit Dwelling.

**Docket #1-19, Ballente Realty, 2073 Fletcher Avenue & 2050 Edwin Avenue, Blocks 4455 & 4456, Lots 2 & 2, Amended Preliminary & Final Major Site Plan – 4 Unit Dwelling & Auxiliary Parking Lot**

Vice Chairman Makroulakis stated this memorialization is carried to the meeting of **March 26, 2019.**

**Docket #4-19, Virgilio Tati, 350 McLoud Drive, Block 3053, Lot 3, Addition to Single Family Dwelling**

Vice Chairman Makroulakis stated this memorialization is carried to the meeting of **March 26, 2019.**

**Acceptance/Completeness**

**Docket #9-19, GPC Homes, LLC, 1138 Fourteenth Street, Block 1051, Lot 9, Amendment to Two-Unit Dwelling Approval**

**&**

**Docket #10-19, GPC Homes, LLC, 1144 Fourteenth Street, Block 1051, Lot 10, Amendment to Two-Unit Dwelling Approval**

It was moved by Mr. Liapes, seconded by Mr. Starace and passed on a vote of 5-0 by members Joh, Conway, Liapes, Starace and Makroulakis to deem the application complete. Outstanding items to be submitted prior to public hearing. Mr. Macri will call the Board office for a hearing date.

**Public Hearings**

**Docket #6-19, JEM Associates, 175 Bridge Plaza North, Block 6151, Lot 11, Minor Site Plan – LED Billboard Sign**

Mr. Carmine Alampi, Esq., representing the applicant, stated the owner of the billboard is also the owner of the building located at 175 Bridge Plaza North. They proposed to convert the existing static billboard, on the rooftop of the existing two-story building, to an LED billboard that will change every eight seconds. It was also mentioned that there had been a previous application before the same Board about 4 years ago. That application was withdrawn. The new proposed LED billboard will be approximately 75% of the size of the existing static billboard but will be in the same position and angle. They spoke with various property owners in the area, Care1 and the Modern. None of them had any significant concerns and none were there the evening to object.

Mr. Alampi stated that billboards are permitted in the C5 zone, but they are in the C3 zone. There are six other billboards in the area that are grandfather in. They requested a modification of a non-conforming use. The LED billboard will not have a large impact on Bridge Plaza North, as it sits along highways and the George Washington Bridge, which carries thousands of cars and bright lights daily.

Hal Simoff, 2 Shunpike Road, Madison, New Jersey. Mr. Simoff was sworn in and his credentials accepted as an engineer and planner by Vice Chairman Makroulakis.

Mr. Simoff stated that this is a two-story commercial building. It covers basically the entire lot. The current billboard is 960 square feet and measures 16'x60' and 54 feet high. The static billboard has to be changed by a team and has four lights that aim at it to cause a glow. The proposed LED billboard will be 672 square feet and is 14'x48' with the same height. It is 40' up from the top of the roof. There is a 6-foot setback on the roof now and the proposed is 9 feet.

Mr. Alampi asked Mr. Simoff to describe the area and the zone.

Mr. Simoff opened to Sheet 3 of their engineering submission, with a last revision date of February 14, 2019. It showed the location of the existing billboard and the adjacent billboards in the area, as well as the light levels that would project from the proposed LED billboard. The circles depict the light levels from the billboard. It was shown in foot candles, which is a light level measured one foot away from a candle. This uses the Lewin formula, developed by a lighting engineer, and is the best way to project light levels without overpowering.

Mr. Alampi asked if the current billboard has light that is hitting and reflecting off and the light hits back.

Mr. Simoff stated that was correct. It is beneficial to have the new lights because it focuses the light forward and not sideways. The NJDOT requires the sign be changed instantaneously. There is no scrolling or motion and keeps visible for 8 seconds.

Mr. Starace asked if the DOT has any requirement for how much copy is allowed.

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Mr. Simoff stated no it would be an invasion of free speech.

Mr. Alampi asked if there were different agencies involved with the signage on the highway and if there have been any distraction studies.

Mr. Simoff stated the billboards are regulated by the highway beautification act. The federal government set minimal standards and each state can give more critical standards or equal. The state of New Jersey has more critical standards. Digital billboards are more common now. There was a 2012 study done to see if static billboards are less distracting than LED billboards. The study did not create any more distraction. The state allows the federal government allows the billboards to be 300 feet apart the state of New Jersey requires 3,000 feet between them. There was no evidence of the LED causing a decrease of safety and they found they do not look at the digital any more than they look at the static.

Mr. Starace stated your eyes are more drawn to the LED billboards.

Mr. Simoff stated they find it is the same as being drawn to a static billboard.

Mr. Starace stated that the static billboards you look at once but the LED change every 8 seconds so you would look over 3 times in 24 seconds.

Mr. Simoff stated yes you will look at it more than once but drives eyes take in the entire environment at all times. They also found that there was no change in the accident frequency or the potential for accidents.

Mr. Alampi asked Mr. Simoff as a Planner if he is familiar with the cases before the courts.

Mr. Simoff stated yes. There is the Lamar vs. Union case that was exactly what is being proposed here. The appellate court upheld the conversion of the billboard. The board denied the billboard because of the traffic/accident idea and the court overturned their decision. There was no evidence presented that the LED billboard was unsafe. They are not dangerous and not a hazard. There are advantages to the conversion as well. There can be amber alerts on them, they can be changed from a remote location and they can display emergency messages.

Mr. Starace asked if Mr. Simoff stated the last study was done in 2012.

Mr. Simoff stated yes it took a couple of years to come out because it was peer reviewed.

Vice Chairman Makroulakis asked if New Jersey allows 1,000 feet between each LED sign.

Mr. Simoff stated no it requires 3,000 feet between each LED sign.

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Mr. Alampi asked if this is approved then the other billboards in the area could not convert to LED.

Mr. Simoff stated that the 3,000 feet applies to billboards on the same side of the road that are within 660 feet of the highway.

Mr. Alampi questioned so the Bank of New Jersey sign that is on Lemoine Avenue is within that footage.

Mr. Simoff stated yes.

Mr. Alampi questioned if granting this would negate and prohibit them from becoming LED.

Mr. Simoff stated yes.

Vice Chairman Makroulakis asked if the Port Authority was noticed and if they responded.

Mr. Alampi stated they were on the list and they were notified but they did not respond.

Mr. Mariniello questioned if the DOT requires a permit or do you just come to the Borough.

Mr. Alampi stated we have a DOT permit, we have had it and we did not renew so we can't go back until we have your approval.

Mr. Simoff stated the DOT review safety of the billboard as well.

Mr. Alampi asked about the negative criteria and if the LED billboard will have any substantial negative impact.

Mr. Simoff stated clearly not. The amber alerts and emergency messages are inherently beneficial.

Mr. Starace questioned who is in charge of getting this information.

Mr. Simoff stated Clear Channel gets amber alerts and FBI.

Mr. Starace questioned if they find it distracting.

Mr. Alampi stated we know people will look but there is no issue with driver safety.

Mr. Simoff stated that the first standard is sight suitability and we already meet that since there already is a billboard. The sight is suitable to attract and more the billboard successful. There are

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many cars and highways here. It is just a modernization of the existing billboard. The special reasons are: A. promotes public safety because of the amber alerts and emergency messages. G. variety of land uses geared towards this. I. aesthetics because it is a more focused billboard and the changing of it is more efficient. N. public and private enterprises because of amber alerts, promotes economic development because more people can advertise. There is no negative because all studies show that the distraction does not change.

Mr. Starace asked if there were any failures on these boards.

Mr. Simoff stated that there are cameras focused on them and if they malfunction, they are shut down. They are monitored 24 hours a day by Clear Channel and it could be part of the resolution.

Mr. Conway asked if the angle was based on getting the attention of the West bound traffic.

Mr. Simoff stated that was correct.

Vassilios Cocoros, Architect, 467 Sylvan Avenue, Englewood Cliffs. Mr. Cocoros was sworn in and his credentials accepted as an architect by Vice Chairman Makroulakis.

Mr. Alampi asked Mr. Cocoros to describe the billboard.

Mr. Cocoros stated that the billboard sits on top of a two-story building with a flat roof. There is a cigar room on the first floor and the second floor is currently vacant. The current billboard is presently mounted. The overall height is 53 feet to the left and 54 feet on the right. It is 26 feet 8 inches above the top of the building. Instead of being 68 feet the new LED billboard will be 48 feet which is a 20 percent reduction.

Mr. Jovishoff asked if the lattice will be replaced or if they will utilize the existing supports.

Mr. Cocoros stated they must verify the structure to determine.

Mr. Jovishoff questioned if the structure was moving or the same location.

Mr. Cocoros stated it will be centered in the same location.

Mr. Alampi asked to carry the vote to another meeting when there is a full complement of members. He requested a transcript ordered.

Mr. Mariniello stated the vote will be carried to the meeting of April 9, 2019. No further notice is necessary.

**Docket #7-19, Ramon & Maria Rosendo, 214 Forest Road, Block 1955, Lot 1, Single Family Dwelling**

Mr. Saverio Cereste, Esq., representing the applicant, stated the applicant had knocked down the old building and are looking to build a new 2 1/2 story colonial single-family home upon the property. There is a D4 variance required for the FAR. The area is predominantly single-family dwellings. There are four bedrooms and three full baths on the second floor, there is a three-car garage and an open floor plan on the first floor.

Mr. Cereste stated the following exhibits are being shown this evening:

**Exhibit A-1 – Site Plan by Collazuol Engineering & Surveying Associates, LLC**

**Exhibit A-2 – Architectural Plans by Marios Lachanaris**

**Exhibit A-3 – Photo Board by David Spatz**

**Exhibit A-4 – Drainage Calculations on Page 5 of the Site Plan of Steven Collazuol**

**Exhibit A-5 – Colorized Landscape Plan**

Perry Frenzel on behalf of Steve Collazuol, 1610 Center Avenue, Fort Lee. Mr. Frenzel was sworn in and his credentials accepted as an engineer by Vice Chairman Makroulakis.

Mr. Frenzel stated that Sheet 7 of the engineering plans is a topo and survey. Forest Road is on the north side and Selden Place is to the bottom. The old home was in the center of the site with a number of block walls due to grading. One of the old block walls went into the right of way. These walls will be configured for the new home. The grade is different by four feet from the south to the north. The entrance to the garages will be on Forest and the front door will be on Selden. It is located in the R2 zone. The south side will be a patio area and stairs with retaining walls along the south side to compensate for the grade. There is a three-car garage area that has a 20 ft. setback.

Mr. Cereste asked to review the zoning table.

Mr. Frenzel stated that the property is in the R-2 Zone. The variances requested are as follows: rear yard – 25% of lot depth, 22.4 feet is proposed where 25 feet is required; minimum side yard, 5 feet is proposed where 6.5 feet is required; minimum side yard (Selden Place), 9.16 feet is proposed where 612 feet is required; minimum side yard (both), 14.16 feet is proposed where 18.5 feet is required; maximum height first floor to grade plane, 5.16 feet is proposed where 3 feet is required; maximum horizontal eave height, 24.3 feet is being proposed where 21 feet is required; maximum building height, 29.84 feet/2 ½ stories is proposed where 28 feet/2 ½ stories is required; maximum FAR, .81 is being proposed, where .75 is required; and minimum garage setback, 20 feet is being proposed where 37 feet is required. There is an additional variance for the width of the driveway.

Mr. Frenzel then stated that the **colorized landscape plan, Exhibit A-5**, shows 6 trees to be removed and we are replacing them with 4 shade trees.

Mr. Cereste asked about the sight triangle that Neglia brought up in their report.

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Mr. Frenzel stated that they will be dropping the wall down and removing the plantings to give the approximate line of sight and there will also be some regrading.

Mr. Jovishoff asked how much fill the rear there would be.

Mr. Frenzel stated no more than a couple of feet.

Mr. Jovishoff asked about the height of the wall by the patio.

Mr. Frenzel stated it was around 3 feet.

Mr. Jovishoff stated they would need an additional variance for 3 feet of fill.

Mr. Jovishoff asked Mr. Frenzel if they could add additional plantings on the west side of the property. A line of arborvitae.

Mr. Frenzel stated yes.

Vice Chairman Makroulakis asked if that would fill the whole side.

Mr. Frenzel stated yes.

Mr. Jovishoff stated they were removing 6 trees but only replacing with 4. He asked if they would be paying into the fund or if they would be able to add two more trees.

Mr. Frenzel stated they would add another tree in front and one in the southwesterly corner.

Marios Lachanaris, 1610 Center Avenue, Fort Lee. Mr. Frenzel was sworn in and his credentials accepted as an architect by Vice Chairman Makroulakis.

Mr. Cereste asked Mr. Lachanaris to describe the home.

Mr. Lachanaris stated that the house will be facing Selden. The three-car garage will be facing Forest. There is a basement and two stories above. It is a typical colonial home. It will be brick veneer on the four sides and precast stone surrounding the windows. There will be ac's on either side of the fireplace box, and they will be buffered. The basement contains the three-car garage, a full bathroom, a utility room, a play area, a wine cellar and a recreation room. The first floor contains a living room, a dining room, a powder room, a pantry, a kitchen/breakfast area and a family room. The second floor contains a master bedroom and master bathroom, a laundry area, three additional bedrooms and two additional full bathrooms. There are two residential type lighting fixtures on either side of both the front door and sliding door.

Mr. Juzmeski asked how they would access the most westernmost space when the driveway is 29 ½ feet but the curb cut is 24 feet.

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Mr. Lachanaris stated they would be extending the area by six feet as shown on the colorized landscape plan.

Mr. Mariniello stated that the colorized landscape shows a lot of changes other than just colorizing the plan, which is what it usually is. It is understood that these changes were made based on the comments of the Board's Planner and Engineer.

Mr. Jovishoff questioned if all of these changes would be acceptable as conditions of approval.

Mr. Cereste stated yes.

David Spatz, 60 Friend Terrace, Harrington Park. Mr. Spatz was sworn in and his credentials accepted as a planner by Vice Chairman Makroulakis.

**Exhibit A3 – Photo Board of Site and Surrounding Area**

**Top left- Subject Property**

**Top right- Looking to the right**

**Bottom left- Property to the left**

**Bottom right- Directly across the street**

Mr. Spatz stated the area consists of primarily single-family homes in the area. It is an R-2 Zone. There is only one "D" variance needed which is for FAR. There are several "C" variances and design waivers needed. The property can support the increase in the FAR. There is full drainage on the property. There is a conforming amount of property and it exceeds parking. The home fits within the property and is a single-family home by single-family homes which is appealing visually. The height is less than 2 feet above the requirement and is similar in height to the other homes. The special reasons for granting the "D" variance are that a single-family home is proposed, there is no increase in density and the new home is consistent with the neighborhood. The Bulk variances can be supported because the front and rear setbacks are similar to the existing and the building is not totally exceeding the setback limitations. The driveway was shifted to Forest Avenue which is a larger street and can handle the extra traffic. There is landscaping being provided. There is no substantially negative reasons why not to grant the variances being sought. The variances are negligible. The positive outweighs the negative and adequate light, air and open space are provided. Thus, the variances can be granted.

Vice Chairman Makroulakis asked if there were any questions from the public. He asked if the public wished to make any comments on the application.

Vice Chairman Makroulakis stated there were only five voting members and asked Mr. Cereste if he wanted to proceed with the vote to which he answered yes.

It was moved by Mr. Joh, seconded by Mr. Liapes, and passed on a vote of 5-0 by members Joh, Conway, Liapes, Starace and Makroulakis to grant the applicant approval to construct a Single-Family Dwelling.

**ADJOURNMENT**

It was moved by Mr. Joh, seconded by Mr. Liapes to adjourn the meeting at 9:37 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti  
Recording Secretary