

FORT LEE BOARD OF ADJUSTMENT
August 10, 2021

Present: H. Liapes, J. Nitti, H. Joh, D. Conway, L. Pacheco, E. Hong, D. Sugarman.

Absent: S. Tropea.

Also Present: J. Bonica, Esq., P. Grygiel, Phillips Preiss Grygiel Leheny Hughes LLC, D. Juzmeski, Neglia Engineering Associates.

NOTICE OF MEETING:

Chairman Sugarman stated: Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: On December 8, 2020 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2021. 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 2021 to cover the cost of mailing.

Approval of Minutes

It was moved by Mr. Liapes, seconded by Mr. Conway, and passed on a vote of 7-0 by members Liapes, Nitti, Joh, Conway, Pacheco, Hong and Sugarman to approve the minutes of the meeting of July 27, 2021.

Acceptance/Completeness

Docket #25-21, 452 North Ave, LLC, 452 North Avenue, Block 3753, Lot 8, Two-Unit Dwelling

It was moved by Mr. Liapes, seconded by Mr. Conway, and passed on a vote of 7-0 by members Liapes, Nitti, Joh, Conway, Pacheco, Hong and Sugarman to deem the application complete. Outstanding items to be submitted prior to public hearing. Will call for a hearing date.

Public Hearings

Docket #17-21, Ayed Awad, 543 Main Street, Block 4454, Lot 28, Preliminary & Final Major Site Plan – Mixed-Use Retail and Residential Building

Chairman Sugarman stated: This application will be carried to the meeting of September 14, 2021. No further notice is necessary, and time is waived for the Board to act.

Page 2 - ZBA Minutes - August 10, 2021

Docket #21-21, W&R Home Builders, LLC, 1543 Thirteenth Street, Block 3852, Lot 2, Two Unit Dwelling

Chairman Sugarman stated: This application will be carried to the meeting of September 14, 2021. No further notice is necessary, and time is waived for the Board to act.

Docket #11-21, 2450 Lemoine Realty, LLC, 187 Washington Avenue, Block 7151, Lot 1, Preliminary & Final Major Site Plan – Conversion of Second Floor to Two (2) Residential Units (continued from the Public Hearing of July 27, 2021)

Nicholas Sekas, Esq., representing the applicant.

Mr. Sekas stated: At the last meeting the architect spoke about bulk variances. Mr. Spatz is here to talk about the parking and the D1 variance.

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

Exhibit S1 – Mr. Spatz’s Report dated March 31, 2021.

Exhibit S2 – Photo Board of Site and Surrounding Area

Top left- Subject Property

Top right- Looking to the right

Bottom left- Looking to the left

Bottom right- Directly across the street

Mr. Spatz stated: The property is in a C-2 Zone. The commercial use on the first floor is permitted but the two apartments we are requesting with this application are not and that is the Use variance we are seeking. There are a number of non-conformities that are existing, but we only need one “c” variance for parking. The apartment use is well suited for the area. Adding the two units will not require modification to the building. They are two small apartments and will fit in nicely with the neighborhood. They will probably be for people that work in the area and if not, there are bus lines right there. We meet Purpose A because we are providing housing. We meet Purpose E and we are providing a desirable visual building and it fits in with the neighborhood and we are providing something needed. It can be supported. The bulk variance required for parking shows we have a shortfall. There is no parking for Pete’s Lock and Key or the two apartments but the office space that was there prior required five spaces and our proposal requires four spaces, so we are actually reducing the required parking needed. The small units will not attract people with cars. There is nothing substantially negative. There is commercial and residential in the neighborhood. On balance the positive outweighs the negative and thus, the variances can be granted.

Mr. Sekas questioned: Did you survey the area? Are there any mixed uses in the area?

Mr. Spatz stated: Yes, there are other mixed uses.

Chairman Sugarman questioned: Can you comment on the adjacent building and parking?

Page 3 - ZBA Minutes - August 10, 2021

Mr. Spatz stated: We are not promoting that as part of this application but there could be availability if needed.

Chairman Sugarman questioned: Could there be an agreement between the tenants because they are the same ownership?

Mr. Spatz stated: Yes.

Mr. Sekas stated: We accept all recommendations of the professionals.

Chairman Sugarman asked for questions and comments from the public.

It was moved by Mr. Pacheco, seconded by Mr. Liapes, and passed on a vote of 7-0 by members Liapes, Nitti, Joh, Conway, Pacheco, Hong and Sugarman to grant the applicant approval for Preliminary & Final Major Site Plan - Conversion of Second Floor to Two (2) Residential Units.

Docket #20-21, Aniello Lotito, 211 Slocum Way, Block 3956, Lot 27, Two-Unit Dwelling

Marc Macri, Esq. representing the applicant.

Mr. Macri stated: We are here for a two-unit, duplex style dwelling.

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

Exhibit A-1 – Photo Board of Site and Surrounding Area

Top left- Subject Property

Top right- Looking to the east

Bottom left- Looking to the west

Bottom right- Directly across the street

Mr. Spatz stated: The property is in an R-2, Single Family Zone. We are seeking a Use variance and a FAR variance. We then need “c” variances for lot area, rear yard, side yards and coverage. This is well suited for what we are proposing. There are a number of newer and older two-units in the area. We are providing housing in the area. We are removing a smaller older building with a newer one. The Use is not permitted but consistent with the buildings in the area. The new structure has been designed to fit in with the topography of the property. The FAR can be supported. There is no drainage on the property now but will be provided. The coverage only exceeds fifty square feet. This is a minor excess and will fit in well with the neighborhood. We meet the front yard setback and is consistent with those in the area. The property and building are slightly narrower, but the bulk of the building is father away. We are fully conforming in terms of height. We do not impede on the light, air and open space. The photos demonstrate the size of the newer homes in the area. We have a conforming amount of parking. The positive criteria are met for the “d” and “c” variances. There are no substantially negative reasons why not to grant the variances being sought. It is in character with the surrounding land usage. On balance the positive outweighs the negative and thus, the variances can be granted.

Page 4 - ZBA Minutes - August 10, 2021

Mr. Grygiel questioned: The impacts and your accounting for are based on what the engineer will testify to?

Mr. Spatz stated: Correct, this is at the conclusion of the application.

Chairman Sugarman asked for questions from the public.

Thomas Stearns, 144 Jewell Street, Garfield. Mr. Stearns was sworn in and his credentials accepted as an engineer by Chairman Sugarman.

Mr. Macri stated: Please explain what is currently on the property and what we are proposing.

Mr. Stearns stated: The property is on the northeasterly side of Slocum. It is 45' x 100'. It is 6 feet off of the side and 20 feet off of the front. The site slopes from south to north. There is about a 4-foot grade change. The existing site has no drainage and no major landscaping. The proposal is for 1,788 sq. feet with a 20-foot setback. It is a duplex, and each has its own driveway. The stairs are down the middle. There are trench drains at the front of the garage, and we are taking the entire building footprint and running it into seepage pits with accounting for the driveways. We also have pits for sub pumps just in case. We are proposing walls on the left- and right-hand sides to keep grades consistent and the neighbors happy. We don't think we need it, but we will make an agreement with the neighbors just in case for construction of them. There are two wood decks in the rear and the a/c units are in between. There will be a fence around the property. There is a rock wall in the rear to the left and a portion is on our property, so we are proposing a retaining wall to keep the grades the same. There will be landscaping, including boxwoods down the sides of the driveways and front and azaleas to shield the a/c's. We can comply with Neglia's letter.

Mr. Macri stated: We would like to amend our application to include a variance for the height of the walls.

Mr. Nitti questioned: Is the back left retaining wall being knocked down or are you rebuilding it?

Mr. Stearns stated: It will be a new wall.

Mr. Nitti questioned: When the sub pump fills up, where does that drain to?

Mr. Stearns stated: Into our landscaping beds.

Mr. Juzmeski stated: One the revised plans, please show the location of the sub pump overflow to the rear where there is more room and to not bother the adjacent property owners.

Mr. Grygiel asked about the tree being removed.

Mr. Macri stated: We cannot replace it so we will contribute to the Borough's tree fund.

Chairman Sugarman asked for questions from the public.

Page 5 - ZBA Minutes - August 10, 2021

Vassilios Cocoros, VCA Group, 467 Sylvan Avenue, Englewood Cliffs. Mr. Cocoros was sworn in and his credentials accepted as an architect by Chairman Sugarman.

Mr. Cocoros stated: This is a side-by-side duplex. It is 35 feet by 50 feet deep with a 26-foot setback in the rear and 17 feet to the decks. There is no intrusion into the side yards except for a small chimney. There are clear 5 foot side yards and the stairs are down the center. There is a garage and driveway for each unit. You can fit one car in the garage and two in the driveway or one with room for snow. There are two 17-foot drop curbs and there will be a loss of one parking space on the street. There are bay windows in the front and a small one in the rear. The coverage is met for the zone with the building, but we trigger a variance because of the steps. The basement level contains the garage, a powder room, a utility room, closets and a recreation room. The first floor contains a living room, a dining room, closet, a powder room, a kitchen and eating area with a deck in the rear. The second floor contains a master bedroom and master bathroom, a laundry area, closets, two additional bedrooms and full bathroom. There is building lighting proposed.

Chairman Sugarman asked for questions and comments from the public.

Mi Cha, 1509 Palisade Avenue, stated: I have a dental office on the first floor of my building in the area. Due to all of the construction, on street parking spaces were eliminated. There are now only four spaces available. If this 211 Slocum building gets built, we will lose one more space and only have three spaces. People visit residents' home and they have no where to park so they park in my parking lot. This is a one family district and there are too many duplexes on this street. It has a 45-foot frontage, and they have 4,500 square feet. The town ordinance's say they need a 50-foot frontage and 5,000 square feet. I think they should build a one family.

Mr. Maci stated: I think Mr. Spatz's gave sufficient reasons why this house can be built here. The positive outweighs the negative. We are replacing a dilapidated home with a new one that fits in with the neighborhood.

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

Docket #24-21, George Khorozian & Raffi Khorozian, 330 Wilson Avenue, Block 6055, Lot 1, Modification to Prior Two-Unit Dwelling Approval

Mr. Liapes recused himself.

Marc Macri, Esq., representing the applicant.

Mr. Macri stated: This application was originally approved in 2015. At the time of submission, the plans were for a half baths in the basements. The house was built with full baths in the basements because that is what the clients wanted. Since Covid-19, people don't want to go upstairs to shower. There are no variances required but it was not in the original approval.

Page 6 - ZBA Minutes - August 10, 2021

Vassilios Cocoros, VCA Group, 467 Sylvan Avenue, Englewood Cliffs. Mr. Cocoros was sworn in and his credentials accepted as an architect by Chairman Sugarman.

Mr. Cocoros stated: The sketch submitted shows the basement layout of both units. The developer added a shower to each bathroom. They are 3 feet by 5 feet. There is no bathtub. It was a powder room before and they added a shower. There are no bedrooms or closets downstairs. There is only a home office. People use this for decontamination before they go upstairs.

Mr. Joh questioned: Is the plan for the shower on one side or both?

Mr. Cocoros stated: For both units.

Chairman Sugarman asked for questions and comments from the public.

Mr. Macri stated: There are no variances required with this application and there is no impact. It was just not in the original approval.

It was moved by Mr. Joh, seconded by Mr. Nitti, and passed on a vote of 6-0 by members Nitti, Joh, Conway, Pacheco, Hong and Sugarman to grant the applicant approval for a Modification to a Prior Two-Unit Dwelling for the Addition of Shower Stalls to each Basement Bathroom.

ADJOURNMENT

It was moved by Mr. Conway, seconded by Mr. Joh, to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti
Recording Secretary