

FORT LEE BOARD OF ADJUSTMENT

November 12, 2019

Present: J. Silver, H. Joh, G. Makroulakis, D. Conway, H. Liapes, D. Starace, D. Sugarman.

Absent: J. Nitti, F. Yook.

Also Present: N. Nabbie, Esq., M. Jovishoff, Phillips Preiss Grygiel Leheny Hughes LLC, D. Juzmeski, Neglia Engineering Associates, B. Intindola, Neglia Engineering Associates.

NOTICE OF MEETING: The 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.

Approval of Minutes

It was moved by Mr. Makroulakis, seconded by Mr. Conway, and passed on a vote of 6-0 by members Silver, Joh, Makroulakis, Conway, Liapes and Starace to approve the minutes of the meeting of October 8, 2019. Chairman Sugarman abstained from the vote.

2020 Calendar of Regular Public Meetings

It was moved by Mr. Liapes, seconded by Mr. Joh, and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Conway, Liapes, Starace and Sugarman to approve the 2020 Calendar of Regular Public Meetings.

Memorializations

Docket #25-19, 2051 Fletcher LLC, 2051 Fletcher Avenue, Block 4458, Lot 3, Two-Unit Dwelling

Chairman Sugarman stated this memorialization is carried to the meeting of **November 26, 2019**.

Docket #50-14, Kaufer Main Realty LLC, 90-100 Main Street, Block 4355, Lots 14, 15 & 16, Extension of Time – Preliminary & Final Major Site Plan – 150-Unit Residential Building

Chairman Sugarman stated this memorialization is carried to the meeting of **November 26, 2019**.

Acceptance/Completeness

Docket #29-19, Will & Joseph Faris, 1058 Jassamine Way, Block 1253, Lot 7, Single-Family Dwelling

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

Docket #30-19, Mirage Construction Corporation, 1217 Abbott Boulevard, Block 1255, Lot 4, Single-Family Dwelling

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

Docket #31-19, M&M Bergen Developers LLC, 2466 Leighton Street, Block 6955, Lot 15, Two-Unit Dwelling

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

Docket #32-19, 6 Blvd LLC, 805 Fairview Lane, Block 351, Lot 15, Two-Unit Dwelling

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

Docket #33-19, Magnolia Adult Day Care LLC, 2300 Third Street a/k/a 2367 Lemoine Avenue, Block 6756, Lot 1, Preliminary & Final Major Site Plan – Adult Day Care Facility

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

Withdrawal

Docket #3-19, ARS Architectural; Design & Trade LLC, 1637 Maple Street, Block 3554, Lot 3, Two-Unit Dwelling

It was moved by Mr. Liapes, seconded by Mr. Conway, and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Conway, Liapes, Starace and Sugarman to Dismiss this Application Without Prejudice.

Public Hearings

Docket #24-19, Misha Lee, Esq., 1160 Palisade Avenue, Block 1352, Lot 9, Minor Site Plan Approval – Mixed Use – Professional Office/Residential & Signage

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Chairman Sugarman announced that the application was carried to the meeting of November 26, 2019 and the applicant will renotece.

Docket #26-19, 1355 15th Street FLNJ LLC, 1355 Fifteenth Street, Block 2251, Lot 3, Preliminary & Final Major Site Plan – 14-Story, 150-Unit Residential Building

Chairman Sugarman announced that the application was carried to the meeting of December 10, 2019. Notice is carried and time has been waived for the Board to act.

Docket #5-19, Smile Building LLC, 1440 Bergen Boulevard, Block 2752, Lot 8, Preliminary and Final Major Site Plan – Expansion of Auto Body Repair Shop

Chairman Sugarman asked if any attorneys would like to put their appearance on the record.

Mr. Michael Caulfield, Esq. of Schepisi & McLaughlin put his appearance in as Council for Westgate Condominium Association.

Saverio V. Cereste, Esq. on behalf of the applicant.

Mr. Cereste stated: This is an existing one-story building, auto repair shop and at some point, auto service center. This probably pre-dates Westgate. There were revisions made to appease Westgate. The size of the addition was reduced, eliminated windows on existing building, eliminated an overhead door. The cars right now are being stored and stacked outside on the property. This would move the cars from outside to in. This will reduce noise and make it more aesthetic. Most cars are stored inside. The paint building was moved away from Westgate and is a state-of-the-art facility. There is side yard, rear yard and use variances required. We feel this is an esthetic improvement to the site. There are design variances and waivers required as well. There is an exhibit list that I prepared. It contains nine exhibits. The property is 10,000 sq. feet and the project is 4,500 sq. feet below lot coverage.

Michael Hubschman, Hubschman Engineering, P.A., 263 South Washington Avenue, Bergenfield. Mr. Hubschman was sworn in and his credentials accepted as an engineer by Chairman Sugarman.

Mr. Hubschman stated: **This site plan is marked A-1.** It is colorized. The property is flat with a slight pitch. The entire site is paved and graveled. There is a wall in the rear. Westgate has parking against this wall with shade trees. There are five bays facing Bergen Boulevard. It is the PCR-1 Zone. It extends to the east. Across the street is the C5 Zone and the R-5 Zone is further to the east. We are requesting side yard, rear yard variances. There are no windows in the rear of the building. The building is only 15 ft. high. The ordinance requires 12 spaces. There are three spaces on the outside and 9-10 inside but inside spaces do not count. We are requesting a variance. We are requesting design waivers as well. We are increasing the impervious coverage by 45 sq. feet. There are four small building lights and an additional light at the side door all facing Bergen Boulevard. There will be repaving, recurbing, new apron. The refuse will be fenced in and there is a concrete pad. There is an existing wall facing Westgate. It is four feet on Westgate's property with a small fence on top.

Mr. Cereste questioned: Can we address the items in the Planners report and Neglia's report?

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Mr. Hubschman stated: Yes, we can address all conditions.

Mr. Makroulakis questioned: How many lifts inside.

Mr. Hubschman stated: I believe three, but the Architect will address that.

Mr. Starace questioned: What is the number of cars inside and outside?

Mr. Hubschman stated: All of the cars are outside now. There will be 8-10 inside.

Mr. Cereste stated: The variance only allows for outside parking. The inside doesn't count. We have 3 parking spaces outside, 8-10 inside. All are on Bergen Boulevard. The back will be all building.

Mr. Caulfield questioned: What is the setback on the right side.

Mr. Hubschman stated: 10 feet.

Mr. Caulfield asked if anyone lived in the building that is on Westgate's property and abuts this property.

Mr. Hubschman stated he did not know.

Mr. Caulfield stated: The rear setback is 7.25 feet. How many residents are on the other side of the wall?

Mr. Hubschman stated: There is parking directly behind the wall. I do not know it is a large complex.

Mr. Caulfield questioned if the parking spot closest to Bergen Boulevard would have vehicles going into the right of way.

Mr. Hubschman stated: No.

Mr. Caulfield questioned how large the building is and the proposed building size and height.

Mr. Hubschman stated: The existing building is 1,810 sq. feet. The proposed building is 4, 620 sq. feet. The height will remain the same.

Mr. Caulfield questioned if there was already a variance on the property.

Mr. Hubschman stated there is a C/O for body and auto repair. He is not sure.

Mr. Caulfield asked if there was a noise evaluation done.

Mr. Hubschman stated there was not.

Hojoon Chung, R.A., Joon Architecture and Design, LLC, 21 Grand Avenue, Palisades Park. Mr. Chung was sworn in and his credentials accepted as an architect by Chairman Sugarman.

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Mr. Chung stated: The existing building is 1,810 sq. feet. They are proposing a 2,750 sq. foot addition. There is a 2 car lift existing and four cars inside. Sheet A.1.00 shows the proposed. The rear is all open space. There will be 8 cars inside.

Mr. Cereste questioned: Can you park under the lift?

Mr. Chung stated: No.

Mr. Cereste questioned: Were the overhead doors on the south side eliminated?

Mr. Chung stated: Yes, and the two rear doors.

Mr. Chung stated: All of the fans will be facing Bergen Boulevard.

Mr. Cereste questioned: What is the elevation of the front of the building?

Mr. Chung stated: 15.55 ft. high.

Mr. Cereste questioned: Is there any lighting facing the residential area?

Mr. Chung stated: No.

Mr. Cereste questioned: What is the exterior façade?

Mr. Chung stated: Stucco finish.

Mr. Cereste asked as to the HVAC units.

Mr. Chung stated: There are two roof top units.

Mr. Cereste questioned: Can we adhere to the fire letter requests?

Mr. Chung stated: Yes.

Mr. Makroulakis questioned: There are three lifts?

Mr. Chung stated: Yes.

Mr. Makroulakis questioned: Eight cars can park inside not including the lifts?

Mr. Chung stated: Only six cars. The total spaces with lift and parking is ten cars and three outside on Bergen Boulevard.

Mr. Makroulakis asked about the doors to the spray booth.

Mr. Chung stated: There are all overhead doors but the spray booth door is separate.

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Mr. Starace questioned if one of the spots was considered the spray booth.

Mr. Chung stated: Yes.

Mr. Joh questioned: Will the HVAC units be screened?

Mr. Cereste stated: Yes, we can screen them.

Mr. Makroulakis questioned: Are the HVAC units for the spray booth or for fresh air?

Mr. Chung stated: Fresh air.

Mr. Caulfield had no questions for this witness.

John Chiafair, Centerline Spray Booth, 195 Sunrise Highway, Amityville, New York. Mr. Chiafair was sworn in.

Mr. Chiafair stated: I am the paint booth installer. Today's paint booths have a lot more filtration. You bring in the car, there is fiberglass underneath. The pocket filter grabs all of the particles. The pocket has carbon filters for that you won't see or smell anything. The EPA requires water base paints being used. The motor moves very fast. There is a vertical discharge that has air moving at 200 feet a minute.

Mr. Cereste questioned if this would affect the Westgate residents.

Mr. Chiafair stated: They are eighty feet away. I would find it hard for them to notice it is there.

Mr. Makroulakis questioned: There are no fumes going out of the exhaust?

Mr. Chiafair stated: I have done this for over 30 years. The charcoal eliminates odor. I have these next to schools, apartment buildings and no one complains. The exhaust goes out above the roof line and is a vertical discharge.

Mr. Makroulakis stated he would like addresses of paint booths that were installed in this area to visit.

Mr. Silver questioned: How are the filters and fiberglass maintained?

Mr. Chiafair stated: They are VFD controlled. When painting it maintains proper pressure. You cannot ignore when they need to be changed.

Mr. Makroulakis questioned: Does this make a lot of noise?

Mr. Chiafair stated: On the roof you will hear it. On the floor you would not notice.

Mr. Makroulakis questioned: There are apartments behind, this shoots up. They won't be hit?

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Mr. Chiafair stated: This shoots vertically and then travels off up and horizontally continuously moving. I do not believe they will be hit. It would be too high.

Mr. Starace questioned: Is there painting there now?

Mr. Cereste stated No.

Mr. Starace questioned: It is waterbase paint?

Mr. Chiafair stated: The waterbase paint has no odors going out. It is the clear coat we are trying to capture.

Mr. Conway stated: Is it self-contained?

Mr. Chiafair stated: Yes, the material is double wall steal with fiberglass in between.

Mr. Conway asked about the firerating.

Mr. Chiafair stated: It is fire rated for NR32 & NR72. There is a one-hour rating. They cost over \$100,000 and are made in Italy.

Mr. Caulfield questioned: Were you qualified as an expert?

Mr. Chiafair stated: No.

Mr. Caulfield questioned: Do you know all of the laws of the State of New Jersey?

Mr. Chiafair stated: Not all of them. My son covers New Jersey.

Mr. Caulfield stated: You cannot guarantee there will be no odor. The Board said the wind could carry this.

Mr. Chiafair stated: I have over 30 years of expertise. In my experience they will not be affected. At 20 feet people have been satisfied.

Mr. Caulfield questioned: Will there be noise?

Mr. Chiafair stated: A little.

The Board asked if the vertical discharge could go higher.

Mr. Chiafair stated: We can go from 15 feet to 30 feet. I can't ever see it coming down.

Mr. Liapes questioned: Would more than one filter help?

Mr. Chiafair stated: It is already a three-stage filtration system.

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Mr. Starace questioned: What is the maintenance system?

Mr. Chiafair stated: The control panel tells you. You can't use it properly. The doors blow open and gives a bad paint job.

Mr. Cereste questioned: How long have you been doing this? How many do you do a year?

Mr. Chiafair stated: I have been doing this for 30 years, and about 40 a year.

Mr. Cereste questioned: Do you consider yourself an expert?

Mr. Chiafair stated: Yes, I feel I am an expert in my field.

Anthony Rinaldi, Miller-Rinaldi & Co., 580 Sylvan Avenue, Englewood Cliffs. Mr. Rinaldi was sworn in and his credentials accepted as a real estate appraiser by Chairman Sugarman.

Mr. Rinaldi stated: I was retained for value impact in the area. My findings are that there will not be a negative impact. It is based on before and after affects and positive and negatives. On this project, before there is a small garage with cars parking outside and in the rear. After, it's an intelligent L-shaped addition. There is a privacy wall in the back to the residential neighbors. The setback on the side is 50 feet to drop off and turn around. The current modern standard is no outdoor storage. There is plenty of room for maneuvering. There is a privacy barrier shield for the residential behind. The setback is less than some of the existing buildings. The 7-11 parking deck is almost on the property line, Westgate's building is on the property line, the industrial building is close to the property line, and the B.P. Gas Station's fence is within a foot or two of the property line and not shielded from the rear to Westgate. From before to after the situation is improved. There is a solid wall in the rear, no windows and it is landscaped. From the front, there is no outdoor storage and improvement. There is no detriment and it is not going to reduce values. It could even increase values. There is no negative impact on the adjacent Westgate property.

Mr. Cereste questioned: Is it esthetically different?

Mr. Rinaldi stated: It is a more modern, more attractive. The old building is a garage building.

Mr. Caulfield questioned: On page three of your report is the impact that the proposed addition will have. Is that it?

Mr. Rinaldi stated: Collectively, with everything that I have said here.

Mr. Caulfield questioned the impact of the noise.

Mr. Rinaldi stated: There will be less noise since everything is inside.

Mr. Caulfield questioned: Aren't most auto bodies littering properties?

Mr. Rinaldi stated: I have seen different examples.

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Mr. Caulfield questioned: Are the three exterior spots for employees?

Mr. Rinaldi stated: The three marked are normally for employees. They could put them in the 50-foot setback area.

Sam Gronner, 2077 Center Avenue, Fort Lee. Resident of Fort Lee.

Mr. Gronner questioned: Could the vehicles be wrecks?

Chairman Sugarman stated: I would assume any owner could bring their car. It would need body work.

Mr. Starace stated: It seems that with body work, paint and not just auto there would be more waiting and the cars could sit there for a week or two. There are not many spots and how could he take more cars.

Chairman Sugarman stated: It is a matter of staging. Prestige Auto on Route 4 has practically no cars out in front. They are all inside.

Mr. Starace questioned: Are the hours of operation the same?

Mr. Cereste stated: Yes, Monday through Friday, 8am to 6pm. Saturday, 8 am to 2 pm.

Louis Luglio, P.E., Sam Schwartz, 30 Montgomery Street, Jersey City. Mr. Luglio was sworn in and his credentials accepted as a traffic engineer by Chairman Sugarman.

Mr. Luglio stated: I submitted a report dated October 16, 2019. It is an existing auto body shop. It is located on NJDOT Roadway NJ 63 aka Bergen Boulevard. It's in the northbound direction, mile post 2.95. It is 40 mph. The study was done April 9th – April 11th. There were 350 vph in the am hours and 425 vph in the pm hours. There were 5 vph in the am and pm hours and 12 vph on Saturdays visiting the site. The proposed expansion would generate 13-30 vph. The trip distribution is all northbound. No ability in the southbound. There is cross hatching to prohibit. As far as the site and circulation are concerned, there are 3 parking spaces outside, one being ADA. There is a large area behind the parking. It could be for parking, tuck to drop off to be serviced or staging before it goes into building itself. There are eight spaces for cars to be stationed without the 3 bays plus booth. There is an additional area next to the spray booth. There are 9 spaces plus 3 outside to maneuver around. 12 spaces are required and 3 are provided.

Mr. Starace questioned: How many illegal left turns are there.

Mr. Luglio stated: It was very rare they went into this site. Most went to 7-11 and other lots more often.

Mr. Caulfield questioned: I want to correct you. It is not an autobody. It is only repair.

Mr. Luglio stated: Okay, only auto repair shop.

Mr. Caulfield questioned: What about the garbage?

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Mr. Luglio stated: They will pull into the common area, pull in front load or move the container and lift.

Mr. Caulfield questioned: Will they have to back out?

Mr. Luglio stated: No, they could K-turn.

Mr. Caulfield questioned: That area could be used for other events?

Mr. Luglio stated: Yes.

Mr. Caulfield questioned: There are three exterior spots on the plan. The rest are all temporary not actual spots. Eight more spots are inside?

Mr. Luglio stated: There are eight or nine without the lifts, three outside.

Mr. Caulfield questioned: Is sixteen feet the size of the proposed curb cut?

Mr. Luglio stated: No, that is the existing size.

Mr. Caulfield questioned: As to the parking spots located outside, will they need to maneuver into the right of way?

Mr. Luglio stated: Is it possible yes, but it wouldn't happen often.

Mr. Caulfield questioned: So it is tight to maneuver?

Mr. Luglio stated: I did not say that.

Mr. Caulfield stated: So the larger section is open for tow trucks, maneuvering, staging and trash pick up.

Chung Na, Owner. Mr. Na was sworn in with his licensed court interpreter, Shin Kim.

Mr. Cereste questioned: When did you acquire the property?

Mr. Na stated: August of last year.

Mr. Cereste questioned: Did you repair cars at your prior business? Where was the business located? What was the business? Did it have a spray booth? Do you still have that business? How long have you been operating here?

Mr. Na stated: Yes I did repair cars. The business was located in Queens, Flushing. It was an auto repair and body shop. Yes, it did contain a spray booth. I sold that business when I came to Fort Lee. I have been in Fort Lee for seven months.

Mr. Cereste questioned: How many workers do you have? How many will you need if this is approved?

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Mr. Na stated: I have myself and one person. I will hire one more person that does body work if this is approved.

Mr. Cereste questioned: What are your hours now?

Mr. Na stated: Monday to Friday 8am to 6pm and Saturday 8am to 2pm.

Mr. Cereste questioned: Are the cars currently outside or inside?

Mr. Na stated: Inside the gate, not the building.

Mr. Caulfield questioned: When did you buy this property?

Mr. Na stated: Last August.

Mr. Caulfield questioned: When you bought this property did you know it wasn't for autobody?

Mr. Na stated: It was repair and body to my knowledge.

Mr. Caulfield questioned: You then came to learn it was not for autobody?

Mr. Na stated: Yes.

Mr. Caulfield questioned: You're making this application to increase the structure to increase the capacity to perform work?

Mr. Na stated: Yes.

Mr. Caulfield questioned: You're going to store cars outside like you do now, correct?

Mr. Na stated: Yes.

Mr. Cereste questioned: With the building getting bigger there is no place to store cars on the outside?

Mr. Na stated: Yes.

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

Exhibit A3 – Photo Board of Site and Surrounding Area

Top left- Ariel of Subject Property

Top right- Existing Building from Bergen Boulevard

Bottom left- Area Behind the Fence

Bottom right- Building to the South

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Mr. Spatz stated: This property is located in the PCR-1 Zone. Gas stations are permitted. Auto Repair is not. There is rear, side, parking and use variances required. The D variance required is and an expansion of a non-conforming use. It has been an auto repair for at least 25 years. It goes back to 1994. It has been an autobody, auto sales and body shop in the past. The Borough has recognized it as an autobody and auto repair service center. It went back and forth. The enlargement will provide for soundproofing and exhaust handling. The property to the north is vacant. The property to the south is cinderblock and frame. The entrance to Westgate is south of that and there is a wall and fence separating in the rear. There is parking, then Westgate Drive and then the buildings about 55 feet back. The exhaust is about 80 feet away from the Westgate building itself. The paint shop is moved as far away as possible. The exhaust be could made higher. The only access to the building for cars in through the front. This property is well suited for the proposal. The subject site is not suited for many of the other permitted uses as the property fronts on a major highway and is not large enough for others. Improving what is on the site makes sense. The Berges case is about an autobody shop that made an esthetic improvement and held that could go towards granting the use. The outdoor parking would be for employees. There is additional landscaping being proposed and there are public benefits. It is an appropriate use and is good for the general welfare. It meets all safety requirements, both state and local. There is sufficient space given, it is located on a highway and is a good use for the location. As far as the bulk variances, the benefits include the setback, eliminates cars being close to the adjacent properties and improvements are being made. There is nothing substantially negative. It is currently an auto repair use. There is air, light and open space provided. There is sufficient screening from adjacent properties and the cars will be inside. It meets the Master Plan and Examination Reports of the Borough. The positive outweigh the negative and the variances can be granted.

Mr. Caulfield questioned: Is there a current variance on the property?

Mr. Spatz stated: I am not sure.

Mr. Caulfield questioned: An auto repair is permitted, not an auto body correct?

Mr. Spatz stated: Correct.

Mr. Caulfield questioned: The property to the South is residential and you believe this is beneficial to them?

Mr. Spatz stated: Yes.

Mr. Caulfield questioned: Won't this create noises, fumes and smells?

Mr. Spatz stated: They have exhausts and safeguards.

Mr. Caulfield questioned: What is the primary benefit?

Mr. Spatz stated: Storage will be inside.

Mr. Caulfield questioned: This application satisfies the Medici test?

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Mr. Spatz stated: We are seeking different variances. We are taking a site that contains a use and are enhancing it. It is a positive impact.

Mr. Caulfield stated: You are expanding?

Mr. Spatz stated: Yes.

Chairman Sugarman asked if there was any comment from the public.

Mr. Anthony Severino, Neighbor, 1490 Bergen Boulevard, Fort Lee.

Mr. Severino stated: I would like to say that he is my neighbor, but this has not been an auto body for 25 years. That's a fact. I have an auto body up the block. I have an empty lot next door that I plan to develop. I believe this application is pushing the envelope. Where are you storing your cars and where the workers parking. I am not for or against the application.

Mr. Caulfield stated: We have an expert, but he could not be here tonight.

Chairman Sugarman stated: This has been the case with Westgate in the past. They have known about the date and the expert should be here. We are not carrying.

Mr. Caulfield stated: Understood, I will sum up. This is a case of trying to cram it in. They are increasing to do work. The plan doesn't work. There are three spots outside right against the right of way. It is too big for this 100 x100 lot. I don't know what the benefit is. There's no benefit to an autobody shop. There is no hardship; it is not irregular in shape. They are next door to residential and there will be a detriment to Westgate. The noise was not addressed and they are almost tripling the size of the building. I am all for development but sometimes it does not work and this is one of those times.

Mr. Cereste stated: A picture is worth a thousand word. The cars are outside and now will be inside. Not only is this plausible, but the highest court found that expansion was approvable because of esthetics. This paint booth system costs over \$100,000. It has carbon filtration services. The system will be functioning. They are taking cars outside and moving them in. This is beneficial. Logic tells you that if it is inside, how much more noise will there be? They are providing landscaping. This will benefit the Borough and Westgate. I believe this will be beneficial.

Chairman Sugarman questioned: Mr. Makroulakis, you wanted to see some of these paint booths in New Jersey? Can this be a condition of approval?

Mr. Makroulakis stated: Yes.

It was moved by Mr. Conway, seconded by Mr. Silver, and passed on a vote of 7-0 by members Silver, Joh, Makroulakis, Conway, Liapes, Starace and Sugarman to grant the applicant Preliminary & Final Major Site Plan approval for Expansion of an Auto Body Repair Shop.

Docket #27-19, CD Developers LLC, 286 Myrtle Avenue, Block 6751, Lot 3, Two-Unit Dwelling

Marc Macri, Esq., representing the applicant, stated the applicant is going to knock down the old single-family house that is currently on the property in the R-3A Zone and replace it with a brand new two – unit duplex. There will be three witnesses this evening.

Steve Collazuol, Collazuol Engineering & Surveying Associates, LLC, 1610 Center Avenue, Fort Lee, was sworn in as an engineer. Mr. Collazuol was sworn in and his credentials accepted as an engineer by Chairman Sugarman.

Mr. Collazuol stated: There is currently a single-family dwelling upon the lot. The lot is 50 feet wide by 100 feet deep. The site rises gently to the rear. The property is pitched to Myrtle Avenue There are patios in the front and rear. They are proposing a three-story, two-unit dwelling. It will have two driveways, side entrances and decks coming off the back. There is currently no drainage on the sight. There will be back rear lawn inlets. There will be seepage pits under the driveways and connect to Myrtle Avenue. We are saving the tree in the right rear corner. There will be boxwoods along the left and right and arborvitae in the rear. We can comply with Neglia Engineering's review letter. We will also consolidate the connectors into Myrtle Avenue only if we could have a waiver to comment 3.6.

Mr. Juzmeski stated: That is acceptable.

Mr. Jovishoff questioned: Can you add additional plantings?

Mr. Collazuol stated: Yes, two arborvitae in the right and left rear. The boxwoods can be pushed out to the property line.

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, three-level configuration. The entry ways are on the sides and setback. It will consist of brick and precast. There will be lighting at the front above the garages and doors, there will be lights above all of the doors and garages. 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, closets, a powder room, a family area, 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. The fence on the left side will be replaced.

Chairman Sugarman questioned: Is there a planting strip?

Mr. Cocoros stated: Yes, it is 3'4" wide.

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

Exhibit A1 – 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 property is an R-3A Zone. There are two “D” variances needed which is for FAR and height. There are several “C” variances needed. This is well suited for this property. It is in a permitted zone. The whole area on this side of the street is two families except for this house and the house to the left. It creates a nice visual environment along with the other two families in the area. The FAR can be handled. There is no drainage now and we will be providing drainage. There is a conforming amount of parking. The height is consistent with the neighborhood. The use is conforming. The stairs are causing the side yard setbacks but they are to the side to make the widest driveway possible. They are providing additional landscaping. The building coverage will have an impact on the drainage but there is a drainage improvement proposed where there is currently none. There is no substantially negative reasons why not to grant the variances being sought. This is a two family in a two family zone. The variances are negligible. The positive outweighs the negative and adequate light, air and open space are provided. It meets the requirements of the Master Plan. Thus, the variances can be granted.

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

Docket #28-19, 218 Knox Avenue LLC, 2410 Leighton Street, Block 6956, Lot 13, Two-Unit Dwelling

Mr. Makroulakis recused himself from the application.

Marc Macri, Esq., representing the applicant, stated the applicant is going to knock down the old two-family house that is currently on the property in the R-3A Zone and replace it with a brand new two – unit duplex. There will be three witnesses this evening.

Perry Frenzel, Azzolina & Feury Engineering Inc., 30 Madison Avenue, Paramus, was sworn in as an engineer. Mr. Frenzel was sworn in and his credentials accepted as an engineer by Chairman Sugarman.

Mr.Frenzel stated: **The Site Plan is marked A-1 since it has been colorized for this evening.** This is on the easterly side of Leighton Street and 100 feet north of Myrtle Avenue. There is currently a two-family dwelling upon the lot with trees, a freestanding garage and shed. The site has improvements of over 72%. All of the improvements with the exception of the retaining wall are to be removed. The lot is 50 feet wide by 100 feet deep. It slopes upward north to south slightly. They are proposing a three-story, two-unit duplex. There will be drainage form the rear to front with two seepage pits. The access to the dwellings is on both sides. The front of the property will have the utilities. We would ask if we can consolidate the utilities so we can avoid having to mill and pave the streets as well.

Mr. Juzmeski stated: This is acceptable as long as it is not a newly paved road.

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Mr. Frenzel stated: Okay. There will be a landscaping strip between the two garages. We will have sky rocket junipers down the side. They grow high but on wider than two to three feet. The rest of the site is grassed. We will comply with the Neglia report except for number five.

Mr. Jovishoff questioned: Can you do the junipers extended into the rear as well?

Mr. Frenzel stated: We can add arborvitae in the rear. There is sufficient room.

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, three-level configuration. The entry ways are on the sides and setback. It will consist of brick and precast. There will be incandescent lighting at the front above the garages and doors, there will be lights above all of the doors and garages. 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, closets, a powder room, a family area, 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.

Mr. Jovishoff questioned: Can you widen the planting strip?

Mr. Cocoros stated: We would like to keep it as is since this street is narrow.

Mr. Jovishoff stated: This is acceptable.

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

Exhibit A2 – 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 property is an R-3A Zone. There are two “D” variances needed which is for FAR and height. There are several “C” variances needed. This is well suited for this property. It is already developed with a two-family so we are not increasing density. It is in a permitted zone. It is consistent with the development pattern in the area. It creates a nice visual environment along with the other two families in the area. The front will have a similar setback as the adjoining properties. The building coverage exceeds but there is landscaping to buffer it. The FAR can be handled. There is no drainage now and we will be providing drainage. There is a conforming amount of parking. The height is consistent with the neighborhood. The use is conforming. The stairs are causing the side yard setbacks but they are to the side to make the widest driveway possible. There is no substantially negative reasons why not to grant the variances being sought. This is a two family in a two family zone. The variances are negligible. The positive outweighs the negative and adequate light, air and open space are provided. It meets the requirements of the Master Plan. Thus, the variances can be granted.

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It was moved by Mr. Conway, seconded by Mr. Starace, and passed on a vote of 6-0 by members Silver, Joh, Conway, Liapes, Starace and Sugarman to grant the applicant approval to construct a new Two-Unit Dwelling.

ADJOURNMENT

It was moved by Mr. Joh, seconded by Mr. Silver, to adjourn the meeting at 10:43 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti
Recording Secretary