



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES FEBRUARY 2, 2017

A meeting of the East Rutherford Zoning Board of Adjustment was held on **February 2, 2017** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford.

ROLL CALL

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| <input checked="" type="checkbox"/> Philip Alberta, Chairman | <input checked="" type="checkbox"/> John Giancaspro, Secretary |
| <input checked="" type="checkbox"/> Carmen Polifronio, Vice-Chairman | <input checked="" type="checkbox"/> Richard Cedzidlo, Attorney |
| <input checked="" type="checkbox"/> Al Levy | <input checked="" type="checkbox"/> Mark Everett, Planner |
| <input checked="" type="checkbox"/> John Martin | <input checked="" type="checkbox"/> Arthur Senior, Engineer |
| <input checked="" type="checkbox"/> Richard Krajunus | |
| <input checked="" type="checkbox"/> Gary Viccaro | |
| <input checked="" type="checkbox"/> Thomas Banca | |

Denotes in Attendance

The meeting was called to order by Chairman Alberta, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

A motion was made by Mr. Polifronio, seconded by Mr. Martin to approve the minutes of the January 5, 2016 meeting. Mr. Banca abstained from voting. All other members were in favor.

A motion was made by Mr. Polifronio, seconded by Mr. Martin to approve the minutes of the January 10, 2016 meeting. Mr. Banca abstained from voting. All other members were in favor.

HEARING OF APPLICANTS

DOCKET #16-009

Application for Conditional Use Approval & Preliminary and Final Site Plan Approval HPVIII 33 Route 17, LLC

33 Route 17 South
Block 88, Lot 1 and 1.01



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Mr. Thomas Bruinooge, Attorney for the Applicant, reintroduced the application to the Board, stating that the Applicant had concluded its testimony in December and would be proceeding with cross examination from the objector, represented by Mr. Robert Inglima.

Mr. Bruinooge stated that since last meeting, the Applicant had instructed its architect to revise elevations and would present the four elevations at this meeting. He also explained that the Applicant had addressed the Board's concern over the possible impact on flight paths into Teterboro Airport, and would present a letter of response from the Federal Aviation Administration regarding the matter.

Mr. Bruinooge submitted Exhibit A-30, providing proof of notice of property owners within 200' of the Applicant's property, and publication in the designated newspapers.

Mr. Inglima requested that a copy of the plans be provided for review, to which Mr. Bruinooge agreed he would provide.

Mr. Bruinooge introduced the Applicant's Architect, Mr. William Quintanilla to provide testimony regarding the changes made to the elevations.

Mr. Quintanilla explained that Exhibit A-32 depicted the north elevation, which was revised to show the removal of a bulkhead along the top of the structure, replaced with a code compliant railing. He further explained the aesthetics of the elevation.

Mr. Quintanilla presented Exhibit A-33, explaining that it also reflected the removal of the bulkhead, as well as removal of the "Wasabi Green" color originally proposed by the Applicant as part of its brand. He explained the color was replaced with a neutral gray, and the green would only be visible from the southeast elevation, along Route 17.

Mr. Quintanilla presented Exhibit A-34 noting that there were no further changes to the south elevation beyond the removal of the bulkhead.

Mr. Quintanilla provided explanation of Exhibit A-5 as the western elevation, revised to remove the bulkhead and adding code compliant railings. He also noted that the green color was removed and replaced with a neutral gray. Mr. Quintanilla stated that no green would be visible from Paterson Avenue and provided testimony that there would be limited visibility of the proposed building from Paterson Avenue due to the site's lower elevation and proposed screening.

Mr. Quintanilla testified that the building was designed to be in accordance with the Borough's design standards and in resemblance of a modern type office building.



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Mr. Bruinooge asked Mr. Quintanilla to speak about the property to the west of the Applicant's property. Mr. Quintanilla submitted Exhibits A-36.1 through A-36.5 for the Board's review and provided the following explanations related to each:

- A-36.1 and A-36.2 were described by Mr. Quintanilla as the results from an internet search for a modern office building, with materials similar to that being proposed by the Applicant
- A-36.3, A-36.4, and A-36.5 were described by Mr. Quintanilla as pictures of the adjacent property, Becton Regional High School. Mr. Quintanilla further explained that the Applicant's proposed building was similar to the high school as it proposed a similar panel system to screen utilities on the roof. He added that he spoke with the high school's architect related to the height of the school from grade to the top of the panel, and testified he received a response that the height was 38.3'.

Mr. Quintanilla explained that the aesthetics of the Applicant's proposed building were similar to that of the high school. He noted that while the metals being used were different in type, they were similar in style. He further noted that the high school had a brick veneer and the Applicant proposed a stone veneer. He concluded the description by stating he felt the two buildings were aesthetically compatible.

Mr. Brett Skapinetz, a licensed engineer employed by Dynamic Engineering came before the Board to present testimony related to the site plan. Mr. Skapinetz utilized Exhibit A-7 to answer a question from Mr. Levy regarding the elevation of the building from Route 17. He explained that the grade elevation of Route 17 was 7.33' and under the Borough's requirements, the structure could not exceed 60' above the average grade. He stated that the Applicant's proposed building met this requirement.

Mr. Skapinetz testified that his firm made application to the FAA regarding construction of the building and provided Exhibit A-31, a letter of determination from the FAA ruling that the proposed site was of no hazard to aviation. He read Exhibit A-31 and further noted that during construction the FAA would be advised of construction processes (i.e. use of cranes) to ensure no hazard to aviation operations. Mr. Viccaro asked if any special lighting was required by the FAA, to which Mr. Skapinetz responded it was not.

The Board opened the meeting to Mr. Inglima to cross examine the Applicant's Architect Mr. Quintanilla. Mr. Inglima asked Mr. Quintanilla about his involvement in the project and whether a licensed architect in New Jersey was involved in the design of the site. Mr. Quintanilla explained he was part of a project team and was directly involved in designing the site.



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Mr. Inglima asked which Borough ordinances were consulted during the design phase of the application. Mr. Quintanilla responded he was unsure of the specific ordinances but had reviewed and was aware of the criteria required by the Borough, and provide for the Applicant's branding requirements.

Mr. Inglima asked if the revisions of the plans including changes in the proposed materials to be used. Mr. Quintanilla explained that the proposed materials were changed from a corrugated metal to an Exterior Insulation and Finish System (EIFS).

Mr. Inglima asked questions of Mr. Quintanilla requesting information related to the updated elevations, and what changes were made in regards to the following items:

1. Revisions made to the signage on the eastern elevation
 - a. Mr. Quintanilla explained the signage had been revised to accommodate for the removal of the original bulkhead and an element was added to remove the flatness of the signage
2. Continued use of the wasabi green color on the southeastern elevation
 - a. Mr. Quintanilla explained that the green was left in the main office area and a requirement of the Applicant due to company branding
3. Increased use of the wasabi green color
 - a. Mr. Quintanilla responded that there was no change in how much area included the green, but the area had to be redesigned due to the removal of the parapet
4. Which direction the facility's office space faced
 - a. Mr. Quintanilla answered the office would face Route 17 and Ramp G
5. Locations of office buildings similar to that of the design of the proposed building
 - a. Mr. Quintanilla responded that similar buildings were commonly present, but did not give specific locations.

Mr. Inglima presented Exhibit O-2 and described the document as the results of a visit to the website of Extra Space Self Storage. Using Exhibit O-2, Mr. Inglima asked Mr. Quintanilla if the picture shown was of the Extra Space facility in Bloomfield, New Jersey, to which Mr. Quintanilla responded it was. He continued to ask Mr. Quintanilla why the Bloomfield facility was blue in color rather than green. Mr. Quintanilla responded that the branding colors of the operator have changed since Bloomfield's facility was opened.



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Mr. Inglima presented Exhibit O-3 and described the document as a picture of the Extra Space Self Storage facility in Elmont, New York taken from the internet. He asked Mr. Quintanilla if the site depicted in O-3 had more window space, based on percentage of the façade, than that of the building proposed in the application. Mr. Quintanilla responded he did not think the Elmont facility had more window space.

Mr. Inglima asked about the doors depicted in the Exhibit O-3 and if they were similar to those of the proposed building. Mr. Quintanilla explained the O-3 building had bay doors for interior loading, which was not being proposed in the application, and therefore the application's doors were smaller size doors for unit access.

Mr. Inglima asked Mr. Quintanilla if he felt the buildings in O-2 and O-3 emulated an office building. Mr. Quintanilla responded he did feel the materials and look were similar to that of an office building. Mr. Inglima read from the Miriam Webster dictionary the definition of emulate. He followed up by asking Mr. Quintanilla if the design of the building was in alignment with the definition of emulate as it relates to emulating an office building. Mr. Quintanilla responded he felt it did.

Mr. Inglima asked Mr. Quintanilla if he took the pictures presented in Exhibits A-36.1 and A-36.2. Mr. Quintanilla stated they were the results of an internet search. Mr. Inglima asked if Mr. Quintanilla could verify the use as an office use, and Mr. Quintanilla responded no but stated he felt the pictures looked like an office building.

Mr. Inglima asked if Mr. Quintanilla consulted the Site Plan Ordinance in designing the building, to which Mr. Quintanilla responded that he had looked at the ordinance, but it was the responsibility of the Applicant's Engineer to address the items in the ordinance. Mr. Inglima continued by reading from the ordinance, Section 327-68.1. He asked Mr. Quintanilla a series of questions based on the ordinance and asked if the site design was consistent with the screening requirements which he had read from the ordinance. Mr. Quintanilla responded that he felt the building was consistent with the ordinance, but not necessarily meeting each individual criteria.

Mr. Inglima asked if Mr. Quintanilla had completed a visual study of the area, which was requested by one of the Board's professionals. Mr. Quintanilla responded that no effort was done beyond showing the adjacent high school. Mr. Bruinooge noted that he felt the Applicant had provided three photo simulations of the site, and a fourth would be made available at this meeting, depicting the view from Paterson Avenue. He further explained the simulations addressed the visual appearance in comparison to the surrounding neighborhood.



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Mr. Inglima asked if any document or plan was prepared to show the relationship of the height of the proposed building in comparison to the elevations of buildings in the area. Mr. Quintanilla responded the comparison was not conducted and noted that the building met the height requirement.

Mr. Inglima inquired if the architect had consulted with the Applicant about designing the building to a lower height, to which Mr. Quintanilla responded that he was provided requirements by the Applicant and designed the building to those requirements.

Mr. Inglima asked if Mr. Quintanilla was aware of what would be stored beyond the roll up doors on the east and west sides of the building, and specifically if vehicles could be stored within those units. Mr. Quintanilla responded that the regulations by the operator of the facility would not allow storage of the facility. Chairman Alberta noted that previous testimony was received from the Applicant that vehicles would not be stored within the building. Mr. Inglima followed up asking if the storage space could accommodate a vehicle. Mr. Quintanilla responded that anything that could physically fit in 10' x 25' space and under 8' in height could be stored, if allowed by the regulations of the facility. Mr. Inglima asked how many doors were provided along the width of the building, to which Mr. Quintanilla responded 18.

Mr. Inglima asked if any area on the site would be provided for truck parking, specifically to accommodate rental trucks or storage pods. Mr. Quintanilla responded that he was not familiar with any plan to store trucks or pods on site.

Mr. Inglima asked Mr. Quintanilla if he was familiar with any regulation imposed by Extra Space on the size of vehicles that could bring goods to the facility. Mr. Quintanilla was unaware of any type of regulation of moving vehicles.

Mr. Bruinooge asked Mr. Quintanilla if he designed a building that would be compliant with building codes to allow the storage of hazardous materials and/or automobiles. Mr. Quintanilla responded that the building was designed to be a S-1 use which is considered moderate hazard.

Chairman Alberta called for a brief recess.

Following a short recess, Chairman Alberta called the meeting to order.

Mr. Banca asked Mr. Quintanilla for additional information related to moderate hazards. Mr. Quintanilla explained that moderate hazards included a list of a few dozen types of materials. He noted that although those materials may be restricted by the operator, the building is still designed to the more stringent S-1 use. Mr. Krajunus asked Mr. Quintanilla if the building was designed to



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protect against the hazards considered a S-1 use, although they may not necessarily be allowed by the operator of the facility. Mr. Quintanilla responded that was correct.

A motion was made by Mr. Levy, seconded by Mr. Martin to open the meeting to the Public. All were in favor.

Mr. Antonio Segalini of 39 Jane Street came forward to ask questions of the Applicant's architect. He was also sworn in to provide testimony. Mr. A. Segalini disputed Mr. Quintanilla's previous testimony by stating that he had conducted a similar web search as it related to Exhibits A-36.1 and A-36.2 and found that those buildings do not actually exist. Mr. Cedzidlo explained that the issue was previously addressed and testimony was provided by Mr. Quintanilla that he did not have direct knowledge regarding the existence of the buildings he provided in the Exhibits.

Mr. Myrone Miland of 67 Paterson Avenue asked how the operator prevents or regulates customers from bringing hazardous materials on to the site. Mr. Quintanilla stated he could not speak to how that would be accomplished. Chairman Alberta explained that the question would be better answered by the operator, and could be addressed in a later proceeding. Mr. Miland acknowledged the Chairman and thanked the Board.

Mr. Sergio Segalini of 39 Jane Street asked Mr. Quintanilla how many office buildings he had designed to which Mr. Quintanilla responded a "half dozen." Mr. Segalini asked if self-storage facilities were Mr. Quintanilla specialty, to which he responded that it was a specialty of his firm. Mr. Segalini asked if any considerations were made in designing the building, as it relates to the neighborhood, and more specifically the high school and how it would affect the school and its campus. He followed up by stating the new building would block the eastern sun from the school. Mr. Quintanilla responded that the distance between the locations would likely not allow for shadowing of the high school by the proposed building. Mr. Quintanilla presented Exhibit A-28 which provided a photo simulation of the proposed building from the point of view of parking lot of the high school. He noted that based on the photo, the trees were higher than the proposed building. Mr. Segalini asked if Mr. Quintanilla felt the building would have a negative impact on the high school, to which Mr. Quintanilla responded he did not think it would. Mr. Segalini asked if making the building LEED certified was ever a consideration, and why it had not. Mr. Quintanilla responded it had not been and was not a requirement of the operator. Mr. Segalini asked about the size of the signage and if they were flush with the side of the building. Mr. Quintanilla provided the measurements from the plans and noted they are compliant with the zoning requirements of the Borough.

Mr. Bill Lampmann of 17 Jane Street came forward and asked what the starting elevation of the building would be. Chairman Alberta noted that the question would be better suited for the Applicant's engineer. Mr. Lampmann asked how traffic would be impacted, and Mr. Quintanilla



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noted that he was not able to testify to traffic or the proposed traffic light Mr. Lampmann spoke of in his question. Chairman Alberta noted that there the consideration for a traffic light was previously addressed and removed at a prior meeting. Mr. Lampmann asked why the building could not have a larger footprint and lower in height. Mr. Quintanilla responded that the building was designed to the operator's requirements. Mr. Lampmann followed up if there was anything additional proposed for the future. Mr. Quintanilla noted he had no knowledge of future plans.

A motion was made by Mr. Levy, seconded by Mr. Viccaro to close the meeting to the Public. All were in favor.

An unidentified resident spoke from the audience and asked that the Board take comments from the Public rather than the continued need for concerned residents to appear. Chairman Alberta explained that once all testimony and cross examination was completed, the Public would be given an opportunity to provide comments related to the application.

Mr. Bruinooge requested that the hearing of this application be continued at a special meeting. The Board agreed and Mr. Viccaro moved to schedule a special meeting for February 16, 2017 beginning at 7:00pm. All were in favor.

Chairman Alberta announced that a Special Meeting would be held on February 16, 2017 at 7:00pm to continue hearing the application of 33 Route 17, and the Applicant was not required to provide any further notice.

With no further business before the Board, a motion was made by Mr. Martin, seconded by Mr. Krajunus to adjourn the meeting. All were in favor.

Minutes By:
John Giancaspro
Secretary

A transcript of the hearing for 33 Route 17 was prepared by Certified Court Reporters and will be kept on file with the Zoning Board of Adjustment's application file.