



# BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES OCTOBER 5, 2017

A meeting of the East Rutherford Zoning Board of Adjustment was held on **October 5, 2017** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford. This meeting was held in compliance with the Open Public Meeting Act, N.J.S.A. 10:4-6.

## ROLL CALL

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| <input checked="" type="checkbox"/> Philip Alberta, Chairman<br><input checked="" type="checkbox"/> Carmen Polifronio, Vice-Chairman<br><input checked="" type="checkbox"/> Al Levy<br><input checked="" type="checkbox"/> John Martin<br><input checked="" type="checkbox"/> Richard Krajunus<br><input checked="" type="checkbox"/> Gary Viccaro<br><input type="checkbox"/> Thomas Banca<br><input checked="" type="checkbox"/> Derek Sands, Alternate Member | <input checked="" type="checkbox"/> John Giancaspro, Secretary<br><input checked="" type="checkbox"/> Richard Cedzidlo, Attorney<br><input checked="" type="checkbox"/> Mark Everett, Planner<br><input checked="" type="checkbox"/> Robert Nash, Engineer |
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*Denotes in Attendance*

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

## APPROVAL OF MINUTES

The minutes of the meeting were approved with one correction, that Vice-Chairman Polifronio called the meeting to order.

<b>APPROVAL OF MINUTES OF SEPTEMBER 7, 2017</b>						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			X			
Polifronio	X		X			
Levy			X			
Martin					X	
Krajunus		X	X			

Viccaro			X			
Banca						X
Sands			X			

**RESOLUTIONS**

**APPLICATIONS**

**DOCKET #17-004**

**Application for Use and Bulk Variances**

**405 Railroad LLC**

405 Railroad Avenue

Block 47, Lot 6.01

Mr. David Crook, Attorney for the Applicant, came forward and reintroduced the application. Mr. Crook noted that following last month’s meeting, the Applicant had revised the application to include eight residential units, rather than the original ten units sought.

Mr. Crook introduced the following exhibits in connection with the application:

- A-15. Revised notes of the Applicant’s planner
- A-16. Review letter of Remington, Vernick, and Arango
- A-17. Letter from the Special Monitor
- A-18. Revised Site Plan, dated September 17, 2017
- A-19. Revised Architectural Plan, dated September 20, 2017
- A-20. Renderings of Elevations

Mr. Matthew Clark of MCB Engineering appeared before the Board to give testimony about the revised site plan. Mr. Clark explained that the plans were revised to include a smaller building footprint with increased setback and additional parking. He noted that a curb cut on Mozart Street was no longer sought, and access and egress to the site would be through a single driveway on Railroad Avenue.

Mr. Clark explained that the application was improved, reducing or eliminating the conditions where variances were previously sought. He noted that setbacks were increased to 14 feet to the south, and 16 feet to the north. He explained that sight distance was improved through the reduction of the corner and sight distance was improved from the Railroad Avenue driveway. He also explained that landscaping and increased buffering were added to the plans.

Mr. Clark testified that the application now consisted of six (6) two-bedroom units and two (2) on-bedroom units, with appropriate parking on site and two additional spots for visitors. He also noted that there appeared to be appropriate spaces on street to accommodate visitors, if necessary.

Mr. Clark continued noting that the concerns of the Board Engineer, related to landscaping and utilities, could be met and complied with.

Mr. Krajunas asked for an explanation regarding setback distance. Mr. Clark provided details that there was a 19-foot setback from the property line to the building. He noted that there was only a 1-foot front yard setback, 19-foot rear yard setback, and 4.5-foot side yard setback. He noted that the staircase from the building reduced the side yard setback from 19 to 4.5 feet.

Mr. Krajunas asked for additional information related to the sidewalk waiver related to width. Mr. Clark explained that the Applicant was providing a 4-foot sidewalk, but the Borough code requires a three-foot offset between the building and the sidewalk, where the Applicant was providing no offset.

Mr. Nash, Engineer for the Board, raised concern over the sight distance and noted the structural columns as potentially obstructing sight distance. Mr. Clark noted that the Architect could provide more detail regarding the columns, but he did not feel the one-foot by one-foot column would present a challenge.

Mr. Nash raised concerns regarding trash collection and the maneuverability of the vehicle on site. Mr. Clark felt circulation could be accomplished and stipulated to provide a template of the collection vehicle on the plans.

Mr. Martin asked about the total square footage of the building's footprint, to which Mr. Clark responded it was originally over 8,000 square feet, but was now being presented at 5,919 square feet on a 9,600 square foot lot.

Mr. Anthony Guzzo, Architect for the Applicant, came forward to provide additional testimony regarding the revised application.

Mr. Guzzo explained that the building had been redesigned to include eight units, rather than ten, and had been reduced by approximately 2,000 square feet in size, allowing it to be pulled away from the property line. He also noted that the building had been redesigned to cut it back from the corner.

Mr. Guzzo reviewed the floor plans, noting that the first floor would consist of stair access, a lobby, elevator, and utility room. He explained the second and third floor would have similar layouts, with three (3) two-bedroom units and one (1) two-bedroom unit on each floor. He explained that the units are similar in design.

Chairman Alberta asked about entry to the building. Mr. Guzzo explained that the entryway was underneath the building, accessible from the parking area. He noted there was no entryway from the street. Mr. Nash noted that car stops would be necessary in the parking area.

Mr. Polifronio asked about the size of the units. Mr. Guzzo responded that the units were approximately 1,200 square feet.

Mr. Guzzo continued by explaining the architecture of the building, and noted that the building would consist of natural brick and cement board inserts, along with wood-look clad panels. He explained that there would be a few inches of offset in materials and banding of darker colors to increase aesthetics.

Mr. Nash suggested the Applicant consider adding a second entrance from the street, and also asked about how deliveries would be made. Mr. Guzzo explained that deliveries would be expected to be made from the curb line and did not anticipate a need for delivery vehicles to enter the site.

Mr. Nash and Mr. Everett raised concerns over trash collection. Mr. Guzzo explained that cans would be used and stored in a room at grade level. The cans would be brought to the curblin and dumped into the collection vehicle. Mr. Clark stipulated to providing a circulation plan to show the collection vehicle on site.

Mr. Krajunus asked about the landscaping on site. Mr. Guzzo explained that landscaped areas would be provided at the corner of Mozart Street and Railroad Avenue, as well as around the property. Mr. Clark noted that a plan would be submitted.

Chairman Alberta expressed concern over the lack of depth in the architecture. Mr. Guzzo explained that the different materials, colors, and dimensions would provide an aesthetically pleasing design. He distributed a sample material board to illustrate the materials proposed.

Mr. William Stimmel, Planner for the Applicant, came forward to provide testimony regarding the project. He reviewed the planning notes submitted as Exhibit A-15. He explained that a D variance was being sought because the project is in a light industrial zone, however, it primarily surrounded by residential properties.

Mr. Stimmel testified that he felt the application was a suitable use for the site and would remove truck traffic in the area, and provide a less intense use than the current use. He stated that the application would provide a project appropriate to the area, provide additional housing stock – including affordable housing, and would be fully compliant with all building codes.

Mr. Stimmel continued his testimony by explaining that there did not appear to be any substantial detriment to the community and peak traffic trips would be reduced from 5 to 6 trips under the current use, to 4 to 5 under the proposed application. He also noted that the application would remove an industrial site from a primarily residential neighborhood.

Mr. Krajunus raised concern over the 36 units per acre density of the proposed building. Mr. Stimmel noted that apartment building located at Railroad Avenue and Clinton Place had 30 units, and a density of 40 units per acre.

After a short recess, Mr. Levy moved to open the meeting to the public. Mr. Martin seconded the motion and all were in favor.

Mr. Charles Flenner, representing the East Rutherford Fire Department came forward and commented that he felt the revised application was substantially better than the previous submission. He noted that the Fire Department would have improved access and suggested that a second entrance/exit be added. He asked about the type of construction and sprinkler protection, to which Mr. Guzzo stated it had not been finalized. Mr. Flenner concluding his comments noting that the landscaping at the corner be monitored and enforced to ensure that there is no obstruction to view.

With no other citizen wishing to be heard, Mr. Polifronio moved to close the hearing to the public. Mr. Levy seconded the motion and all were in favor.

Mr. Krajunus moved to deny the application.

<b>ROLL CALL</b>
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MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta				X		
Polifronio			X			
Levy			X			
Martin		X	X			
Krajunus	X		X			
Viccaro			X			
Banca						X
Sands			X			

The application was denied.

**DOCKET #16-009**

**“WHISPERING WOODS HEARING”**

**HPVIII 33 Route 17, LLC v. East Rutherford Zoning Board of Adjustment**

33 Route 17 South

Block 88, Lot 1 and 1.01

Mr. Thomas Bruinooge, Attorney for the Applicant, came forward and reintroduced the application to the Board and explained that following the Board’s previous decision to deny the application, the Applicant appealed the decision in Court. The Court referred the Applicant back to the Board to seek a settlement and the Applicant was before the Board at this meeting with a revised application. Mr. Bruinooge noted that notice was published for the September meeting and the application was carried until this meeting.

Mr. Brett Skapinetz of Dynamic Engineering came forward to provide testimony regarding changes to the site plan. Prior to introduction of Mr. Skapinetz’s exhibits Mr. Robert Inglima, representing Ksertbas, Inc and Mr. Rob Simon representing the Segalini Family came forward and identified their clients as objectors to the application. After discussion of Court proceedings and proper identification of exhibits, Mr. Cedzidlo advised that the exhibits would be label as Exhibit RA - .

Mr. Skapinetz introduced Exhibit RA-1, an aerial map dated June 21, 2017, revised on August 23, 2017. He explained the map depicted the site, showing its size and prior use as multiple commercial spaces. He noted that the site is in the Regional Commercial Zone and is located along Route 17 South, but the State has not granted the site access to Route 17 for the site’s use.

Mr. Skapinetz introduced Exhibit RA-2, a site rendering dated October 5, 2017 and explained that the rendering was Sheet 5 of the submitted Site Plan with some modifications. He further explained that the driveway access was widened and all aisleways are no less than 26 feet in width. He noted the Fire Department’s concern over an island in the parking lote and explained that the island would be redesigned using grass pavers and a depressed curb to allow for access.

Mr. Skapinetz testified that signage had been removed the Paterson Avenue side of the site.

Mr. Skapinetz explained that the number of parking spaces had been increased from nine to seventeen and were now provided with a 20 foot setback. He also noted an additional handicap parking space was provided.

Mr. Skapinetz continued to explain the modifications to the site plan and provided information related to a fenced in trash enclosure with concrete mat for a collection area. He further detailed that the enclosure was 10 feet by 13 feet and the top of the enclosure was set below the Paterson Avenue roadway grade and would be further screened with landscaping.

Mr. Skapinetz explained that the Fire Department had requested a fire hydrant on site and stipulated that the Applicant would provide one at the most advantageous area determined by the Fire Department, along with the building's Fire Department Connection (FDC).

Mr. Skapinetz testified that the proposed building footprint has expanded from 19,500 square feet to 25,600 square, but has been reduced from five stories to four stories and would be 45.5 feet in height, reduced from the original application's proposed 60 feet. He also noted that the proposed fencing would be decorative, rather than PVC as originally proposed.

Mr. Nash inquired if a DOT access permit was obtained, to which Mr. Skapinetz responded that applications were submitted for access and stormwater connection. Mr. Everett asked if DEP and County approvals were obtained, to which Mr. Skapinetz responded that approvals had not yet been granted.

Mr. Skapinetz continued by introducing Exhibit RA-3 dated October 5, 2017 and explained the proposed building height in comparison of seven buildings in the area. He detailed that the Applicant's building would have a total elevation of 58 feet, and noted that the lowest of the seven buildings surveyed was 43.4 feet, the highest was 61.9 feet, and the rest ranged between 53 feet and 56 feet. He also explained that the Applicant's previous application was at an elevation of 67.33 feet and was reduced to 58 feet, meeting the Borough requirement of below 60 feet.

Mr. John Lignos of S&S Architects of Montvale came forward to provide testimony regarding the revised application. Mr. Lignos introduced the following exhibits during his testimony:

- Exhibit RA-4, Proposed Schematic Elevations, dated July 25, 2017
- Exhibit RA-5, Typical Commercial Buildings, dated July 25, 2017
- Exhibit RA-6, Building Materials, dated July 25, 2017
- Exhibit RA-7, Photographic Simulations from Paterson Avenue,
- Exhibit RA-8, Photographic Simulations from Paterson Avenue and Enoch Street

Mr. Lignos provided an overview of the ordinance's requirements related to the building's architectural design. He continued to explain that the building would be four stories, with approximate floor heights of 10.5 feet. He provided a detailed review of the finishes that would be used on the exterior of the building, including different types of glass and metal panels. He utilized RA-5 to compare the building's architectural design to contemporary office buildings and

RA-6 to illustrate the types of materials being sought for construction. He also noted the use of faux windows that have been used on self-storage buildings, specifically in Westwood, NJ.

Mr. Lignos continued to explain that the Paterson Avenue side of the structure had an average height of 42 feet. He provided further explanation, noting that the building had been redesigned to have varying roof lines, and varying types of building materials for the exterior. The exterior finishes would include metal paneling, various types of glass, and fabrics, and designed in a manner that created massing.

Mr. Lignos utilized RA-7 and RA-8 to provide three-dimensional renderings of the building and highlighted that the elevation would from Paterson Avenue would be between 33 feet 1 inch and 34 feet 7 inches. He noted that the building was designed in a way to meet the neighborhood character without negative.

Mr. Lignos introduced Exhibit RA-10 depicting the Floor Plan of the building, but noted that the storage unit plan had not yet been created and is determined based on market needs.

Mr. Lignos further testified that 25% of the roof space would be used for mechanicals, which would be screened by a 6 foot metal paneling.

Mr. Lignos introduced Exhibit RA-12 showing the varying heights of the corners of the proposed structure.

Due to the time, Chairman Alberta concluded the Applicant's testimony and announced that the application would continue to be heard at the regular meeting of November 2, 2017. He advised the public in attendance that there would be no further notice provided.

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

Minutes prepared by:

John Giancaspro  
Secretary