



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES FEBRUARY 1, 2018

A meeting of the East Rutherford Zoning Board of Adjustment was held on **February 1, 2018** 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
<input checked="" type="checkbox"/> Carmen Polifronio, Vice-Chairman
<input checked="" type="checkbox"/> Al Levy
<input checked="" type="checkbox"/> John Martin
<input checked="" type="checkbox"/> Richard Krajunus
<input checked="" type="checkbox"/> Gary Viccaro
<input type="checkbox"/> Thomas Banca
<input checked="" type="checkbox"/> Derek Sands, Alternate Member | <input checked="" type="checkbox"/> John Giancaspro, Secretary
<input checked="" type="checkbox"/> Richard Cedzidlo, Attorney
<input checked="" type="checkbox"/> Glenn Beckmeyer, Engineer
<input type="checkbox"/> Ray Tripodi, Planner |
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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

A motion was made by Mr. Polifronio, seconded by Mr. Banca to approve the minutes of the January 10, 2018 meeting.

ROLL CALL						
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			

APPLICATIONS

Mr. Thomas Bruinooge came forward to reintroduce the application to the Board.

Mr. Brett Skapinetz, Engineer for the Applicant, provided an updated color rendering of the site plan and landscaping plan, marked as Exhibit RA-20. Mr. Skapinetz explained that the following changes were made to the plan following the last meeting:

1. All faux loading doors on the east and west side were removed and replaced with landscaping
2. The main drive aisle was shifted to the west of the property
3. The trash enclosure was moved to the northeast corner of the building with a six-foot fence for screening
4. The parking lot in the front of the building was updated to provide two (2) ADA parking spaces
5. The two-way circulation around the building was changed to one-way circulation in a clockwise direction. It was noted there would be ten feet of striping, and twenty feet of aisle width and this would increase the setback from Ramp G, and improve circulation of Fire Department vehicles
6. There was a slight decrease in impervious surface and the original drainage remains in place
7. Bi-fold doors were added to the south side and accessible from the striped area

Mr. John Lignos, Architect for the Applicant, came forward and introduced Exhibit RA-21 which was an updated color rendering of the building elevations. He noted that the following changes were made to the architecture of the building since the last meeting:

1. Removed the 22 overhead doors so there are no outdoor, overhead doors
2. Three pairs of bi-fold doors were added to the south side of the building, facing Route 17 and Ramp G, for customer access to units
3. The egress glass door was replaced with a typical door
4. The floor to floor height was reduced by two inches, with each floor now designed to be 10 feet 4 inches
5. The entire building elevation was reduced from 45 feet 6 inches to 43 feet 10 inches

Mr. John Szabo, Professional Planner for the Applicant, came forward and testified that the Applicant's revisions enhanced previous plans in response to the feedback provided at previous hearings. He noted that a height variance would no longer be needed and believes the benefits of the proposed project outweighs any detriment to the area. He further noted that the site is substantially compliant and is restricted only by the lack of the State Department of Transportation's approval to allow egress on to Route 17.

Mr. Glenn Beckmeyer, Engineer for the Board, asked about details related to the trash enclosure. Mr. Skapinetz explained that the enclosure will be a six-foot wall, not a fence.

Mr. Martin asked if there was any access to storage units from the exterior of the building, to which Mr. Lignos responded that access would be from the interior only via the new bi-fold doors.

Mr. Beckmeyer requested that the materials used in construction be non-glare/non-reflective, and a letter be submitted detailing the drainage changes. Mr. Skapinetz responded he could provide details, and noted that most of the changes were due to the shift in the drive aisle. Mr. Beckmeyer also asked about the electric utility connection, to which Mr. Skapinetz responded the utility would be placed underground from the street to the building.

Mr. Skapinetz provided testimony that the retaining wall from Paterson Avenue was provided to mitigate the slope and would not be visible from Paterson Avenue. He explained that a variance was needed due to the height of the wall from the front. Mr. Beckmeyer asked if a fence and landscaping would be provided along the wall, to which Mr. Skapinetz responded it would be.

Mr. Szabo noted that a variance was needed for wall height due to the topography of the site and that the wall was important to prevent slipping of Paterson Avenue. Mr. Krajunas asked about the height of the wall. Mr. Skapinetz explained the wall varied from 4 feet in height to 7 feet, based on the location on the site. He noted that only 4 feet is allowed, triggering a variance.

Mr. Polifronio asked about Fire Department circulation to which Mr. Skapinetz explained that circulation would not be an issue

Mr. Beckmeyer asked if the sewer detail had been reviewed by the Borough's Sewer Engineer, and Mr. Skapinetz noted it had not but the Applicant would comply.

Mr. Robert Inglima came forward to cross examine the Applicant's witnesses. Mr. Inglima asked if the building was moved towards the middle of the site, if the need for a C variance would remain. Mr. Szabo responded that the hardship is created by the site and its design, but is compliance with the ordinance and its setbacks.

Mr. Inglima questioned Mr. Szabo's position when he had not conducted a traffic study and was not familiar with the status of a DOT permit. Mr. Szabo responded that self-storage facilities are typically low volume trip generators.

Mr. Inglima asked Mr. Lignos had prepared a roof plan. Mr. Lignos provided RA-11 and noted that the space utilized on the roof would be less than or equal to 6,100 square feet and meet the code in terms of height. Mr. Inglima noted discrepancies between RA-11 and RA-21, and Mr. Lignos stipulated that the Applicant would meet the code requirements.

Mr. Inglima asked Mr. Lignos about the design and placement of the bi-fold doors. Mr. Lignos that the doors were designed and set apart at least 20 feet, as required, and were placed in that

particular area to meet design requirements, and close proximity to the storage unit. He explained that customers would access units from the interior and no unit access would be provided from the exterior. He also explained that the bi-folds were not designed to accommodate vehicles.

Mr. Inglima asked Mr. Skapinetz about the changes to the site design. Mr. Skapinetz explained that the changes were specific to grading, drainage, lighting, landscaping, trash enclosure, and soil permitting. He noted that he had highlighted the most significant changes in his testimony. Mr. Inglima asked about circulation for the trash hauler. In his response, Mr. Skapinetz noticed that the trash enclosure would not be feasible for collection, and noted that the enclosure would have to be adjusted by 45 degrees.

Mr. Inglima questioned site circulation, specifically highlighting the possibility of motorists exiting the wrong way on to Route 17, a wrong-way circulation of the Fire Department vehicle, and whether a Left Turn was being sought. Mr. Skapinetz responded that signage would be provided on site to guide motorists and only Right In, Right Out turns are being sought. It was noted that the Fire Department requested the wrong way exit be shown on the plans.

Mr. Robert Simon, representing the Segalini Family, came forward to cross examine the Applicant's witnesses. Mr. Simon asked if the building could be shifted more towards the center of the site, and away from the residential area. Mr. Skapinetz stated that it could not based on the design requirements.

Mr. Simon asked if there was any impact study used in determining the parking requirements on the site. Mr. Skapinetz noted that there was no study as the site design exceeds the code requirement.

Mr. Simon asked if the landscaping and lighting plan had remained the same, to which Mr. Skapinetz responded it had. Mr. Simon questioned the landscaping and suggested additional landscaping be provided to increase buffering. Mr. Skapinetz noted that it could be considered.

Mr. Simon concluded with Mr. Skapinetz asking if there were any conditions that would restrict from the site being "flipped." Mr. Skapinetz stated no.

Mr. Simon asked Mr. Lignos to explain the changes to the building based on Exhibit RA-7, to which Mr. Lignos explained that the buildings' materials were reduced by 1 foot, and the total height was reduced by 1 foot 8 inches. He also noted that the signage was changed by request of the Board Planner. Mr. Simon asked why a sign was needed on the west side, and Mr. Lignos responded it was there to be more visible from the north side.

Mr. Simon asked about the lighting to the building, to which Mr. Lignos responded there was no changes in the lighting plan and there would be no up-lighting of the building.

Mr. Simon asked about the building's height, specifically why it was reduced, and why it could not be reduced to 3 stories and 40 feet. Mr. Lignos responded that the client requested the height

be reduced after the last hearing. He also explained that the based on the size of the square footage and footprint, it could not be lowered in height.

Mr. Simon questioned Mr. Lignos calculation of the roof are and whether the equipment would cover more than 5% of the roof area. Mr. Lignos stated that 25% of the roof area could be utilized based on the Borough ordinance.

Mr. Simon asked Mr. Szabo if he felt the one foot reduction in height enhanced the project, to which Mr. Szabo stated he felt that the site was comprehensively enhanced by all the changes introduced at the hearing.

Mr. Simon asked Mr. Szabo about neighborhood information related to retaining wall heights , frequency of box truck visits to the site, and building height. Mr. Szabo responded that he had not conducted any of those analyses.

Mr. Simon asked Mr. Szabo if the site could be “flipped” in design. Mr. Szabo stated it could but the site currently presents no variances related to its current design.

Mr. Inglima introduced Mr. Hal Simoff to provide planning testimony. Mr. Simoff testified that there were issues, or conditions that could be improved, specifically:

1. Roof height, stating he felt the utilities could only be 5% of the roof space.
2. The retaining wall height variance could be removed if the building was moved from its proposed location
3. Roads could be designed to be safer for motorists and Fire Department circulation

Mr. Bruinooge cross examined Mr. Simoff and asked about the texts, regulations, etc that he had brought with him to the hearing, and how many similar facilities he had designed. Mr. Simoff responded he had no materials with him and he had not designed similar facilities.

Mr. Bruinooge asked if Mr. Simoff if he believed the Applicant would be in compliance with the ordinance if the area of the roof utilized was 5% or less. Mr. Simoff responded yes, and Mr. Bruinooge noted that the Applicant would stipulate to the condition.

Mr. Bruinooge asked Mr. Simoff why he believed a D6 variance was required, to which he responded that the Applicant does not meet the number of stories by 10%. Mr. Bruinooge stated that Mr. Szabo felt that the 10% requirement was related to height in feet, and not in stories, and also noted that the issue was not raised by the Board’s professionals. Mr. Beckmeyer confirmed that the height was looked at in terms of feet, not stories.

Mr. Inglima asked Mr. Szabo if there was anything in the Borough ordinance that defined building height as it relates to feet or stories, to which Mr. Szabo noted there was not, but reaffirmed his stance that height is typically defined in feet, not stories.

Mr. Levy moved to open the meeting to the public. Mr. Sands seconded the motion and all were in favor.

Mr. Sergio Segalini of 39 Jane Street came forward and presented photographs, marked RS-4 and RS-5, and testified they were two pictures taken from his residence at 39 Jane Street. He explained that allowing the application would hurt his quality of life, his property value, and view of the New York City skyline.

Mr. John Saluppo of Hasbrouck Heights and voiced his opinion that the application should be lowered to 3 stories in height to preserve the residential neighborhood's view of New York City, and to preserve quality of life and property values.

Mr. Chad Perry of 34 Jane Street came forward to oppose the application, noting that it would decrease home values. He felt the use was not harmonious with the neighborhood and out of place with the Borough's requirements. He further stated that the use would affect quality of life, present health and safety issues for Becton Regional High School, and was not aesthetically pleasing.

Mr. Antonio Segalini of 39 Jane Street came forward and stated that the neighborhood did not agree with the application and stated the building should be moved more towards Route 17. He explained that he felt the application would affect the quality of life of the neighborhood.

Mr. Larry Bongiovanni of 294 Rose Street expressed his opinion that the application's proposed driveway would cause a problem and a safety issue. He noted that he was a member of the Board of Education and as a member he would not recommend the application be approved.

Ms. Joanne Rinaldi of 20 Jane Street came forward and stated that the building should be moved more towards Route 17, with a similar footprint of the previous building, "The Landmark." She expressed her concerns with the traffic and safety issues, as well as the area marked for future development.

Mr. Levy moved to close the meeting to the public. Mr. Viccaro seconded the motion and all were in favor.

Mr. Simon came forward to provide his closing summation. Mr. Simon stated that he felt that the submission of revised plans was improper procedurally and failed to eliminate variances. In summary, Mr. Simon provided the following reasons why the application should be denied:

- The application was more expansive, the building footprint was increased by 25%, and the square footage was increased
- The application fails to meet a number of issues as it relates to Borough requirements, specifically related to the conditional use requirements and building height
- The proposed building does not match the rest of the neighborhood area
- The specifics of the future development should be provided on the plan to assist in granting relief related to ingress and egress
- The site is not suitable for the conditional use
- The design is not consistent with the design criteria of the ordinance
- The hours of operations were not intended for a building operating as close to Paterson Avenue, as the one proposed

Mr. Simon concluded his summation and requested the Board deny the application.

Mr. Inglima came forward to provide his closing summation, stating that the Applicant had returned with arbitrary development plans and utilized the Whispering Woods hearing as a second chance. He noted that there was no basis for approval based on the law and cited several design issues, traffic matters, and potential issues with future development. He continued, stating that the Applicant did not make an effort to comply, and changes were only made to improve the site to benefit the Applicant. He concluded by stating that there were other opportunities to make the design better, and the current design was not appropriate for the area.

Mr. Bruinooge came forward to provide his closing summation. He asked the Board to consider all the testimony that was provided over the course of the hearings and make a decision based on the facts, evidence, and law. He provided a summary of the application, the design features provided by the Applicant, as well as the efforts made to comply with Borough regulations, blend with the neighborhood, and satisfy the concerns of the community. He concluded by expressing that the site was suitable for the proposed development and would be an aesthetic improvement to the area.

Mr. Krajunus moved to grant the application with stipulations, identified during the current and previous hearings. Chairman Alberta seconded the motion.

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

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

Minutes prepared by:

John Giancaspro
Secretary