



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES JULY 19, 2018

A meeting of the East Rutherford Zoning Board of Adjustment was held on **July 19, 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
<input checked="" type="checkbox"/> Al Levy
<input checked="" type="checkbox"/> John Martin
<input checked="" type="checkbox"/> Richard Krajunus, Vice-Chairman
<input checked="" type="checkbox"/> Gary Viccaro
<input checked="" type="checkbox"/> Thomas Banca
<input type="checkbox"/> Derek Sands, Alternate Member | <input checked="" type="checkbox"/> John Giancaspro, Secretary
<input checked="" type="checkbox"/> Richard Cedzidlo, Attorney
<input type="checkbox"/> Glenn Beckmeyer, Engineer
<input checked="" 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.

A motion was made by Mr. Polifronio, seconded by Mr. Viccaro to approve the minutes of the June 7th meeting, with a correction to add a statement that explains the outcome of the application.

APPROVAL OF THE JUNE 7, 2018 MEETING MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			X			
Polifronio	X		X			
Levy			X			
Martin			X			
Krajunus			X			
Viccaro		X	X			
Banca			X			
Sands						X

A motion was made by Mr. Polifronio, seconded by Mr. Martin to approve the minutes of the May 30th meeting, with a correction to the address of 480-484 Paterson Avenue, and the addition of a statement that explains the outcome of the application.

APPROVAL OF THE MAY 30, 2018 MEETING MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			X			
Polifronio	X		X			
Levy			X			
Martin			X			
Krajunus			X			
Viccaro		X	X			
Banca			X			
Sands						X

RESOLUTION #18-03

Application for Preliminary and Final Site Plan Review with Variances and Waivers

East Rutherford Builders LLC

480-484 Paterson Avenue

Block 28 Lot 1

Resolution memorializing the Board’s action to grant variances and waivers to allow the Applicant to build a multi-family apartment building.

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

The resolution was approved.

DOCKET #18-004

Completeness Review

Public Service Electric & Gas

233 Summer Street

Block 74, Lot 2 & 3

Resolution memorializing the Board's action to allow the Applicant seeks to upgrade and expand the existing Van Winkle Substation to further advance the public utility system, with associated variances and waivers.

Mr. Polifronio moved to approve the resolution with one correction, that paragraph 2.5 be corrected to read "her" where the draft currently reads "him."

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

The resolution was approved.

APPLICATIONS

DOCKET #18-003

Completeness Review

Yunny Feroz

367 Central Avenue

Block 42, Lot 18

Applicant seeks to convert a two-family home to a three family home.

The following Exhibits were introduced in connection with this application:

- Exhibit A-1. Proof of Publication
- Exhibit A-2. Certified Mailing Receipts

Mr. Kenneth Porro, Attorney for the Applicant, came forward and introduced the application and stated that the Applicant was seeking to convert a two-family home to a three-family home. He stated that the Applicant sought to bifurcate the application and be heard only for the use variance, and then later return for site plan review. He stated that the Applicant did not want to waste time and resources if the Board denies the use variance.

Mr. Levy and Mr. Krajunus stated that they a full application should be submitted for this application in order for the Board to fully understand the impact of the use variance. After some

discussion, Mr. Porro consulted with the Applicant and decided to withdraw the application at this time and would return with a complete application for the Board's consideration.

DOCKET #18-006

Preliminary & Final Site Plan Review

190 Van Winkle Realty LLC

190 Van Winkle Street

Block 92, Lot 16

Applicant seeks to demolish the existing structure and construct a five (5) story multi-family residential building consisting of 82 residential parking units with 116 parking spaces.

The following Exhibits were introduced in connection with this application:

- Exhibit A-1. Submitted Application
- Exhibit A-2. Proof of Notice
- Exhibit A-3. 190 Van Winkle Street Aerial Photograph with multi-family residential and bus and transit lines identified
- Exhibit A-4. East Rutherford Crossing Colored Site Plan, dated 7/19/18 (including all associated sheets)

Mr. Adam Faiella of Sills Cummis and Gross, came forward as the Attorney for the Applicant. Mr. Faiella explained that the Applicant sought to construct a 5-story, 82 unit apartment building in the R-3 zone. He explained that the building would be 5 stories at a height of 65 feet, where 2 stories and 35 feet is permitted.

Mr. Faiella explained the application would require a height variance, bulk variances, and design waivers, including the number and size of parking spaces and the requirement of a loading space.

Mr. Cedzidlo explained that member Thomas Banca was recently appointed to the Council of the Borough, and recommended that he recuse himself from the application in order to prevent any perceived conflict of interest between the Council and the Board.

Mr. Cedzidlo also asked if a report had been received from the Special Monitor Robert Regan related to the affordable housing aspect of the application. Mr. Faiella stated that the Applicant had not, but had a number of conversations with Mr. Regan.

The Board felt it would be best to receive the Special Monitor's report before beginning testimony on the application. After some discussion, the Board agreed that the Applicant could proceed with testimony related to traffic, as it would not be impacted by the Special Monitor's report. A motion was made by Mr. Martin and seconded by Mr. Levy to allow the Applicant to proceed with traffic testimony only. All were in favor.

Mr. Matthew Seckler of Stonefield Engineering & Design came forward to provide testimony related to the impact of traffic from the site. Mr. Seckler explained that the application was a non-

conforming industrial site located on Van Winkle Street between Orchard Street and Main Street. He noted that portion of the street has a resident-only parking restriction.

Mr. Seckler introduced Exhibit A-3 depicting the site's proximity to other multi-residential sites and bus and transit lines. He noted the site is ¼ mile from the train station. He further explained that based on census data, it is believed 25% of the population of East Rutherford utilize mass transit. He stated that the number of cars to be owned by residents of the 82 units would be less than typical as 25 of the units would be studio apartments, and another 51 would be one-bedroom. He also noted that 5 would be two-bedrooms, and 2 units would be communal five-bedroom units. He believed that based on the unit sizes, there would be less vehicles owned and a heavier reliance on mass transit.

Mr. Seckler continued by introducing Exhibit A-4, the site plan to show the two access points to the site, the ground level and basement parking levels, and 116 parking spaces. He explained that the Borough's code does not identify a parking requirement for studio apartments, therefore, the Applicant made an estimate of one space for each of those units, as well as 5 spaces for each of the five-bedroom units. He stated that he had concluded that 120 spaces would be required, and 116 are being proposed. He also stated that under the RSIS calculations, 150 spaces would be required based on the number of units. Mr. Seckler stated again that he believed a variance could be granted, based on the site's close proximity to the train station and bus stops.

Mr. Seckler testified that his firm conducted a traffic count of the Rutherford Station building (located at Orchard Street and Park Avenue) and found that there was less parking demand than the number of units in the building.

Mr. Seckler explained that based on estimated trip generation, the application would create 30 to 36 cars per hour, entering or exiting the site. He believed this would not be a significant impact as he had visited the site and the surrounding area, and noted he travels through the area into Rutherford for work. Chairman Alberta disagreed with the statement and felt that the site could create an adverse affect on an already congested area. Mr. Seckler responded that he felt the residential use would be less intense than the potential impact an industrial use would bring. He noted that the traffic would distribute in different directions.

Mr. Seckler continued to state that the site's garage would be used solely for residents and there would be no charge for parking. He explained that there would be only 2 access points from Van Winkle Street and there was adequate sight distance.

Using Exhibit A-4, Sheet C100, Mr. Seckler responded to a question by Chairman Alberta that the right-of-way was approximately 45-46 feet in width.

Mr. Tripodi, the Board's Planner, asked how visitor parking would be accommodated. Mr. Seckler responded that he expected there would be enough spaces available to provide for visitor parking, and residents would provide access to the visitor through the gate system.

Mr. Krajunus asked for additional details related to the Rutherford Station study performed by Mr. Seckler's firm. Mr. Seckler responded that employees walked through the site's garage at approximately 11pm and counted the number of vehicles present in correlation to spaces available. He stated he would provide the date and day of the week the study was performed.

Mr. Levy asked how many ADA compliant parking spaces would be provided on the site. Mr. Seckler answered that 116 spaces were being provided on site and 4 would be ADA compliant. He noted that a fifth space could be added if necessary.

Mr. Viccaro asked how many spaces were being provided for the studio and five-bedroom units. Mr. Seckler responded that he had assumed 1 space for each studio, and 5 spaces for each of the five-bedroom units.

Mr. Faiella stated that the Applicant had no further testimony for this meeting and requested the application be carried to August 2nd with no further notice requirements.

Members of the public in attendance voiced concerns from the audience that they would not be at the August 2nd meeting and wished to ask questions related to the application. Mr. Cedzidlo explained that the Board typically waited for the Applicant to conclude all testimony of all witnesses and then allowed the public to ask questions. The Board agreed to make an exception and permitted the public to ask questions related to traffic.

Ms. Nancy Frank Murray came forward representing her mother, the owner of 145 Orchard Street and asked if Mr. Seckler's study had considered the day care operating on Hackensack Street. Mr. Seckler stated it had as the study was conducted while the day care was open. She asked if it included impacts when Route 17 was experiencing closures. Mr. Seckler stated it had not and was conducted under normal traffic conditions.

Mr. Jeffrey Dekoyer of 14 Swan Court came forward and expressed concerns about public questioning and the overall impact to the community by the development. Chairman Alberta explained that testimony was not concluded by the Applicant and the public would have an opportunity to ask additional questions, and the Board would consider all aspects of impacts.

Mr. Theodore Konstatinopoulos of 178 Van Winkle Street came forward and expressed concerns that the application would have a negative impact on traffic and parking conditions in the area. He asked if the number of parking permits issued for the area was considered by the Applicant, and the number of spaces available. Mr. Seckler stated that he had not considered that information, and was unsure if it was available for the Applicant.

Mr. Richard DeKoyer of 180 Park Avenue came forward and expressed concerns over community impacts and asked how he would be made aware of future meetings. Chairman Alberta explained that there would be no further notice and the public should attend the next meeting on August 2nd to hear additional testimony. Mr. Giancaspro stated the public could visit the Borough website and find the meeting schedule under the Zoning Board, or by calling the Borough Hall and leaving a message.

Mr. Marcus Claudius of 185 Van Winkle Street asked for clarification related to the location of the driveway entrances. Mr. Seckler utilized Sheet T100 to show the location of the proposed driveways and stated they were in close proximity to the existing entrances. Mr. Claudius asked how many street parking spaces would be lost by the creation of the new driveways, to which Mr. Seckler stated he believed a spot may be gained based on the driveway design.

With no other member of the public wishing to be heard, Mr. Faiella requested an adjournment until August 2nd and stated that he would correspond with the Special Monitor to receive a report by then. Chairman Alberta announced to the public that the application would be carried until August 2nd and no further notice would be provided.

With no further business before the Board, Mr. Martin moved to adjourn the meeting. Mr. Levy seconded the motion and all were in favor.

Minutes prepared by:

John Giancaspro
Secretary