



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES AUGUST 2, 2018

A meeting of the East Rutherford Zoning Board of Adjustment was held on **August 2, 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 type="checkbox"/> Philip Alberta, Chairman | <input checked="" type="checkbox"/> John Giancaspro, Secretary |
| <input checked="" type="checkbox"/> Carmen Polifronio | <input checked="" type="checkbox"/> Richard Cedzidlo, Attorney |
| <input checked="" type="checkbox"/> Al Levy | <input checked="" type="checkbox"/> Glenn Beckmeyer, Engineer |
| <input checked="" type="checkbox"/> John Martin | <input checked="" type="checkbox"/> Ray Tripodi, Planner |
| <input checked="" type="checkbox"/> Richard Krajunus, Vice-Chairman | |
| <input checked="" type="checkbox"/> Gary Viccaro | |
| <input checked="" type="checkbox"/> Derek Sands | |

Denotes in Attendance

The meeting was called to order by Vice-Chairman Krajunus, followed by the Pledge of Allegiance.

A motion was made by Mr. Martin, seconded by Mr. Polifronio to approve the minutes of the July 9th 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		X			
Krajunus			X			
Viccaro			X			
Sands			X			

Mr. Sands stated that he had read the transcript from the prior month's meeting.

Mr. Cedzidlo explained that with Mr. Banca being appointed to the Council there was a vacancy for a regular member of the Board and it would be appropriate to appoint the alternate to the seat. Mr. Polifronio moved to make Mr. Sands a regular member. Mr. Viccaro seconded the motion and all were in favor.

DOCKET #18-003

Use Variance

Yunny Feroz
367 Central Avenue
Block 42, Lot 18

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

The Board received a letter from Yunny Feroz stating the Applicant did not wish to continue with the application at this time.

DOCKET #18-007

Change of Use

310 Hoboken Road LLC

310 Hoboken Road
Block 37, Lot 9

Applicant seeks to eliminate an existing commercial space and convert it to a one-bedroom apartment for a total of four (4) one-bedroom apartments.

Due to a scheduling error, the application could not proceed. Mr. Levy moved to carry the application to the September 6th meeting with no further noticing requirement. Mr. Martin seconded the motion and all were in favor. Mr. Cedzidlo announced to the public that the application would be carried to September 6th and no further notice would be provided to the public.

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)
- Exhibit A-5. Site Plan Sheet A-11 revised 7/20/18 showing the parking plan
- Exhibit A-6. 3-D Conceptual Rendering

Mr. Adam Faiella, Attorney for the Applicant, reintroduced the application to the Board and advised the Board that since last meeting, the Special Monitor had reviewed the application and a report had been provided.

Mr. Cedzidlo explained to Mr. Faiella that only 5 voting members were present, where the Applicant has a right to a full Board to proceed with a decision. Mr. Faiella acknowledged the attendance and stated that the Applicant would like to proceed.

Mr. John Inglese of Inglese Architecture and Engineering came forward to provide testimony related to the site plan. Mr. Inglese used Exhibit A-1 to describe the current conditions of the site, explaining that the building is comprised of 8 sections, 3 stories in height, surrounded by a chain link fence. He further stated that the surrounding area includes residential uses, a sign company, day care center, and church.

Mr. Inglese testified that the Applicant was seeking to construct an 82-unit multi-family residential building. Using Sheet C-120 of the Site Plan, Mr. Inglese stated that the building would include 25 studio units, 51 one-bedroom units, 5 two-bedroom units, and 2 five-bedroom units. He noted the five-bedroom units would be for communal living of veterans.

Mr. Inglese introduced Exhibit A-5, Sheet A-110 of the site plan to show that the parking plan had been modified to include 6 ADA parking spaces, an increase from 4 which were originally proposed. He summarized that there would be 9 ADA spaces in total, with 6 on the first floor and 3 in the basement area. He noted that the State requirement for the site is only 5 spaces.

Mr. Inglese reviewed the proposed basement level and stated that there would be 61 9'x18' parking spaces, along with utilities, elevator room, and tenant storage bins.

Mr. Inglese explained the stacked parking spaced on the first floor, identified as spaces #52 and #53, and #48 and #49. He stated that these two sets of spaces would be allocated to 2 of the two-bedroom units.

Mr. Inglese continued to explain that the Applicant was seeking a design waiver on the north driveway, as it relates to grading, in order to assist with proper drainage. He explained that the site would have a north and south driveway to assist with circulation, and an individual entrance would be provided for the veteran units. He stated that the elevator would be accessible from the main entrance.

Mr. Inglese discussed Sheet A-200 and 210 which depicted the elevations showing the garage section and open wall areas. He noted that the sides of the building could be closed and ventilation

added if the Board felt that appropriate. Mr. Beckmeyer stated he felt it appropriate to screen the sides in to prevent light spillover from the headlights of parking cars.

Mr. Inglese used Sheet A-120 to describe the second floor. He explained that the floor was an E-shape and included 22 units, comprised of 6 studio units, 14 one bedroom units, and 2 two-bedroom units. He explained that 10 units had 7 foot wide patios, and the floor also included a green roof area. He noted that the third floor had the same layout without patios and the fourth floor would also be similar but the number of units would include 8 studio units, 14 one-bedroom units, and 1 two-bedroom units.

Mr. Inglese continued to explain that the fifth floor of the building would include a gym/fitness room and a green roof area. He noted that the fifth floor was stepped back and the rooftop utilities were placed in the center of the roof, approximately 15-20' from the roof edges.

Mr. Inglese explained that a trash room and shoot would be in place in the building, as well as a recycling container. He noted that it would be located on the south end of the garage area and all trash would be disposed of via the Borough's Department of Public Works in a 2-yard rolling dumpster/compactor. He also stated there would be a building superintendent on site at all times.

Mr. Inglese introduced Exhibit A-6, a 3-D conceptual rendering of the building looking southeast. Mr. Inglese used the exhibit to describe the composition of the building, including a cast stone base, brick, metal railings and cornices, decorative metal panels, and projecting bays. He explained that the fifth floor fitness room is setback with lighter colors to minimize the mass of the building.

Mr. Inglese stated that signage would be reduced to comply with the ordinance and would only be present at the main entrance, a 12 square foot sign.

Mr. Inglese reviewed Sheet C-160 to describe the lighting on the site. He noted that the garage would have ceiling mounted fixtures producing 5-15 foot candles. He noted the rear of the site would have low bollard lighting and side alleys would have wall mounted lights. He explained the entire site would include a 6 foot solid vinyl fence to shield lighting in alleys, and decorative lighting would be used along the frontage.

Using Sheet C-120, Mr. Inglese explained that the site would have a 5 foot sidewalk where a maximum of 4 feet is allowed. Mr. Beckmeyer asked if about the size of the proposed landscaping strip, to which Mr. Inglese responded the strip would also be 5 feet in width. He explained 7 shade trees were proposed in the lawn area, along with shrubs between the building and the sidewalk. He also explained that there was a 15 foot lawn area on the sides and the rear provided a triangle type setback ranging from 5 feet at the smallest setback, and 30 feet at the largest. He noted that space would also include lawn area. He noted additional trees could be added if required.

Mr. Martin asked if the size of the building would create shadowing, to which Mr. Inglese stated there would be some shadowing created.

Mr. Krajunus asked for details related to the setbacks. Mr. Inglese provided the following breakdown of setbacks:

- 22 feet from sidewalk to the front of the building
- In the rear from the garage level (north side), 5.76 feet to the property line
- In the rear from the second floor (north side), 23 feet to the property line
- In the rear (south side) from the garage level, 30 feet to the property line
- In the rear (south side) from the second floor, 53 feet to the property line

Mr. Inglese also reviewed the site coverage, stating that the building coverage would be 25% of the site, and the overall coverage was being reduced from the current site of 96% to 70.73%.

Mr. Martin noted a discrepancy between testimony and the PIA related to the number of acres. Mr. Inglese stated that the PIA needed to be updated from 1.08 to reflect an additional area that the Applicant was not aware of at time of PIA submission. The total acreage is 1.12.

Mr. Levy stated that there were only 3 properties in the area that had 4 stories, and this site would be the only five-story building in the area. Mr. Inglese responded that 147 Hackensack Street was 8 stories.

Mr. Polifronio asked for the size of the units. Mr. Inglese responded with the following breakdown:

- Five Bedroom Units: 1,700 square feet
- Two Bedroom Units: 1,150 square feet
- One Bedroom Units: 693-778 square feet
- Studio Units: 519-617 square feet

Mr. Polifronio asked if there was a Borough requirement. Mr. Tripodi responded that the recommended size is 650 square feet, but there is no ordinance requirement.

Mr. Krajunus asked what the height of the garage roof was at the south corner. Mr. Inglese responded the height was 20 feet. Mr. Krajunus followed up in asking at what point along the rear yard the site becomes non-compliant. Mr. Inglese stated at approximately 230 feet, just beyond the midpoint in the building.

Mr. Viccaro asked about the extent of the fencing on the site. Mr. Inglese explained that a 6 foot vinyl privacy fence would be installed and a driveway on Orchard Street would be removed and replaced with 30 feet of curbing.

Mr. Polifronio asked how far the garbage which needed to be transported from the building to the area for collection. Mr. Inglese estimated approximately 60 feet.

Mr. Beckmeyer asked that a note be added to the plans noting that a road opening permit would need to be obtained and the extent of disturbance be determined. Mr. Inglese acknowledged the request.

Mr. Beckmeyer asked if any borings were done on the site, to which Mr. Inglese stated no borings had been done. Mr. Beckmeyer continued to state that there may be underground springs present, and the Applicant would not be permitted to pump infiltration into the sanitary sewer, nor the street. Mr. Inglese agreed.

Mr. Polifronio asked if there were any issues of the sight triangles on the site. Mr. Inglese stated that the building would not obstruct sight, nor would the trees which would be set back. Mr. Inglese added that sight triangles would be added to the plans.

Mr. Krajunus asked how power would be brought to the site. Mr. Inglese stated that overhead lines would be brought down a pole, then underground to a pad-mounted transformer which would then transfer power into the building via an underground line. Mr. Inglese noted that the transformer would be protected by bollards. Mr. Krajunus asked if there would be noise produced from the transformer, to which Mr. Inglese explained there would be some humming and a decibal rating could be provided. He also noted that the transformer would be enclosed.

Mr. Polifronio asked about Fire Department access to the rear of the building. Mr. Giancaspro, a member of the Fire Department, stated that an access road to the rear of the building would be beneficial during times of emergency. The Board agreed that the Fire Department should determine if the road was beneficial and Mr. Faiella agreed the plans could be updated to incorporate a roadway from Orchard Street, and the existing driveway on Orchard Street would then need to remain in place.

Mr. Polifronio asked about the visual impact to the neighbors across from the proposed site. Mr. Inglese stated that the visual impact would not be severe as the site would be 82 feet from the proposed building to the properties across the street.

After a short recess, Mr. Matthew Seckler came forward to provide follow up testimony related to parking and traffic, based on the questions and comments of the Board at the last meeting. Mr. Seckler stated that parking counts were conducted on November 3rd and 4th of 2014 at Rutherford Station. He also stated there were 41 parking spaces on Van Winkle Street, 25 of which were on the side of the proposed site. He explained a count was taken on a weeknight, July 26, 2018 at 11:15pm and 16 spaces were occupied. He also noted that the width of VanWinkle Street is 36 feet from curb to curb, which was the same as Orchard Street, and two feet smaller than Park Avenue.

Mr. Levy moved to open the hearing to the public. Mr. Martin seconded the motion and all were in favor.

Mr. Keith Karowski, residing at the corner of Orchard Street and Van Winkle, adjacent to the proposed site, came forward with concerns over the noise produced by the transformer.

Ms. Maureen Van Dyke of 169 Orchard Street came forward and asked if the transformer could be relocated away from the proposed area. Mr. Inglese stated that it may be feasible to move the

transformer to the other side of the entrance. He also stated that he would provide the decibel level of the proposed equipment.

Ms. Van Dyke asked why the building had to be developed to 5 stories, noting that the remainder of the area was only 3 stories. Mr. Faiella explained that the Applicant's planner would provide testimony at the next meeting.

Ms. Van Dyke asked about the number of parking spaces required and how many were being proposed. Mr. Seckler explained that because there is no studio apartment parking requirement, conservative assumptions were made and the requirement was calculated to 120 spaces. He noted that 116 spaces were proposed and he felt there was sufficient parking for the site.

Mr. Marcos Claudius of 185 Van Winkle Street came forward and asked questions related to the number of responses the site would create for the Fire Department, and how the Fire Department would operate at the site. Mr. Inglese explained that common area detectors would sound the alarm in the building, but alarms in individual units would not. He explained that the building would be fully sprinkled and access to the site would be reconsidered based on the earlier discussion of an access road.

Mr. Claudius asked if there would be any speed limit change on the street. Mr. Inglese stated there was no proposed change and garage doors would have a flashing light to warn traffic of exiting vehicles.

Mr. Karowski asked about the fifth floor color. Mr. Inglese stated that the fifth floor would be lighter and set back to not be as prominent as the rest of the building.

With no other member of the public wishing to be heard, Mr. Levy moved to close the hearing to the public. Mr. Martin seconded the motion. All were in favor.

Mr. Beckmeyer asked that the application also be sent to Neglia Engineering for review.

A motion was made by Mr. Sands, seconded by Mr. Martin to carry the application to the September 6th meeting, with no further notice required. All were in favor.

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

Minutes prepared by:

John Giancaspro
Secretary